



THE LABOUR COURT
An Chúirt Oibreachais

Strategic Plan 2019-2021

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1. Introduction

This strategic plan aims to set goals and objectives for the Labour Court for the three-year period 2019 – 2021. This will enable the Court to pursue certain courses of action and to allocate resources to contribute to its mission *“To provide high quality, fair and impartial arrangements for the resolution of industrial disputes and the determination of appeals in disputes based on employment law.”*

The broad context in which this strategic plan has been developed includes:

- a growing economy where pressures are building in terms of pay, restructuring and pension issues in the private and public sectors;
- a regulatory environment that has undergone significant reform and which is entering a period of expansion as members of An Garda Síochána, the Defence Forces, civil servants and vulnerable workers across the economy are given access to the Labour Court;
- the potential of Brexit to influence industrial relations agendas at enterprise level;
- the importance of independence, openness, transparency and accountability.

Implementation of the plan will involve:

- delegation of specific objectives to the most appropriate people and groups to take the lead on delivering;
- creation of annual business plans setting out yearly-goals, targets, and lead responsibilities;
- on-going monitoring and reporting of progress against the performance indicators set out in the plan;
- incorporating a rolling element to ensure that it remains flexible whereby the approaches within it will be reviewed on a regular basis.

Delivery of this strategic plan will require:

- Strong leadership;
- Strong change management;
- Excellence and effort of all staff and members;
- Good governance;
- Sustainable funding.

2. About the Labour Court

The Labour Court, as an organisation with two ‘faces’, is an almost unique institution globally in the context of State funded arrangements for the resolution of disputes between employers and workers. On the one hand the Court has, since 1946, provided an industrial relations service whereby disputes which parties have been unable to resolve themselves or with the assistance of the Workplace Relations Commission can be referred to the Court for an ‘opinion’ in the form of a Recommendation of the Court which is not binding on the parties. Separately, since October 2015, the Court is the single appellate body for all complaints made under the body of employment law. That role gives the Court binding decision making functions in law. Such decisions of the Court can be appealed on a point of law to the High Court but otherwise are final and enforceable.

2.1. The Labour Court in numbers (2018)



1169 appeals



945 hearings
scheduled



679 cases
completed



€2.9m spend



13 members



17 wte staff



11 court locations

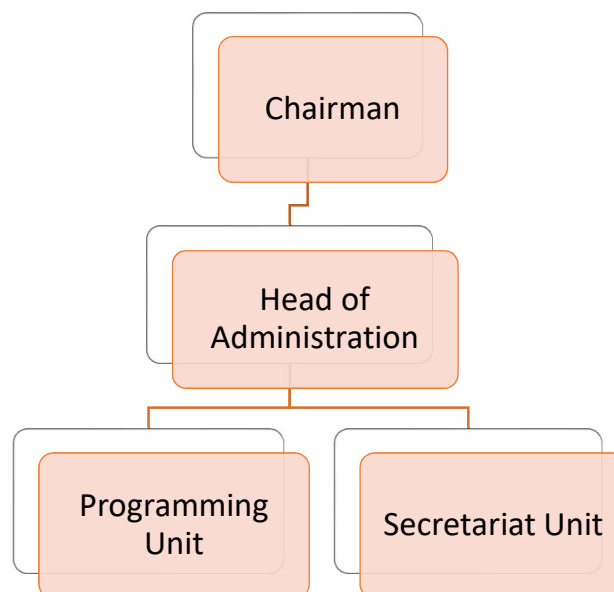
2.2. Structure

The Labour Court

The Labour Court consists of 13 full-time members: A Chairman, 4 Deputy Chairmen, and 8 Ordinary Members, 4 of whom are Employer Members and 4 of whom are Worker Members.

Labour Court Administration

The Labour Court is supported in its function by an administration service which is staffed by permanent employees who are civil servants and part of the staffing establishment of the Department of Business, Enterprise and Innovation.



3. Internal and external environment

It is a mark of the value and success of the Court that the vast majority of its industrial relations recommendations are accepted voluntarily by the parties notwithstanding that their path to the Court has been an experience of disagreement. Similarly, the work of the Court in employment rights disputes has produced a very small level of appeal to the High Court on points of law or judicial review arising from its decisions. Against those measures it can fairly be recorded that the Court continues to deliver a high-quality impartial service which meets the real needs of workers and employers and their representatives including Trade Unions and employer organisations. It is a core commitment of the Labour Court that it will, through commitment to excellence in decision making and the delivery of impartial service, continue to remain relevant and appropriate to the needs of employers, workers and the economy generally.

To the degree that an ambition of the Workplace Relations Act, 2015 was to provide a ‘world class’ service, it can be acknowledged that the institutional industrial relations dispute framework of conciliation by the WRC and onward referral to the Court where necessary remains a bulwark of our ‘world class’ industrial relations dispute resolution system. It is however in the area of disputes arising under the body of employment law that the dispute resolution infrastructure saw the most change arising from the 2015 Act. The fact that timeframes for users to achieve finality in their employment rights-based disputes is now a fraction of that required previously is a strong indicator that the ambition of providing a ‘world class’ service to employers and workers is being achieved. Low rates of appeal to the Court and onward appeal to the High Court on points of law or of applications for Judicial Review give further support to the contention that the reformed infrastructure has achieved a step change in the quality of service delivered to the public.

The Labour Court experienced an increase in appeals to it of decisions made by Adjudication Officers made under employment law after the passing of the 2015 Act. Such appeals increased from 399 in 2015 to 770 in 2018. The Court considers it reasonable to suggest this increase in appeal numbers reflected the bringing together of all appeal avenues to the single appeal route to the Labour Court rather than any emerging trend of increased disputation between employers and workers deriving from employment rights under the law.

Similarly, the Court is the place to where decisions made by the adjudication service of the WRC can be appealed under law. It is a critical matter of law that there is effectively no relationship between the Court and the adjudication service of the WRC. The law underpins that separation of the two bodies.

4. Strengths, Opportunities and Challenges

4.1. Strengths

The Workplace Relations Act 2015, which designated the Labour Court as the sole appellate tribunal in all employment rights cases dealt with at first instance by WRC Adjudication Officers, profoundly changed the Court’s case profile and workload. During a period of significant change, the dedication, professionalism and commitment to public service demonstrated by the members and staff contributed to the success of the Court in discharging its statutory mandate.

4.2. Opportunities

The Labour Court places a high priority on the development of its people to ensure that they are provided with the necessary skills and knowledge to contribute to the work of the Court. Increased resources provide more opportunities for investment in learning, upskilling and professional development.

The potential also exists for the Labour Court to improve access for users to the Court through delivery of more online services and streamlined case management processes.

4.3. Challenges

While the Court has a positive reputation in delivering a high-quality impartial service, it faces several challenges to sustaining it. Key amongst them are:

- Remaining relevant and appropriate to the industrial relations needs of employers, workers and the economy generally;
- Promoting awareness that the Labour Court and the WRC are separate statutory bodies with separate roles in the determination/resolution of employment disputes;
- Maintaining expertise so as to ensure sound decisions are made in employment law matters;
- Guaranteeing the Court is adequately resourced to deliver a high quality and efficient service, particularly when policy decisions, once enacted, can impact on the volume and nature of the work;
- Progressing ICT projects while also maintaining existing systems.

5. The Labour Court's mission, values, vision and strategic priorities



Strategic Priority 1: Provide an efficient and high quality service to court users

The Court is involved in providing services to a wide range of court users, including workers and employers, the legal profession, employer groups, trade unions, other public bodies, non-governmental agencies, and members of the public. Court users attend the Labour Court for a variety of reasons which can at times be stressful and adversarial. We strive to provide a consistent, impartial, and high level of customer service appropriate to the circumstances.

<i>Objectives</i>	<i>Key Performance Indicators</i>
Deliver improved processing, listing and management of cases.	<ul style="list-style-type: none">• Technology-led solutions with minimal use of paper files• Appropriate and relevant management information reports are developed• Efficient and effective processes and resources• Delivering value for money• Court is operating to optimum capacity
Ensure that all scheduled Court sittings are supported	<ul style="list-style-type: none">• High standards of accessibility for people with disabilities or language needs is achieved.• Court is operating to optimum capacity.
Underpin the concept of the Labour Court as the court of last resort in the case of industrial relations disputes and as the single appellate body for all complaints made under the body of employment law with a strong brand identity and enhance communications with the public	<ul style="list-style-type: none">• A strong brand identity for the Labour Court is developed• Public awareness of the Court's distinct functions and activities
Develop appropriate customer service standards	<ul style="list-style-type: none">• Customer service standards appropriate to the Labour Court are developed

Strategic Priority 2: Develop and support Court members and administrative staff

The Court must demonstrate familiarity with and understanding of the industrial relations life of the country and real understanding of collective relationships in Irish employments. In addition, the Court must exhibit and deliver a high level of competence and expertise in the area of employment law.

Court members are committed to learning and ongoing professional development including in terms of the law as it evolves and the conduct of industrial and employment relations as it develops.

We must ensure that the administrative staff have the necessary skills and knowledge to perform at a high level in order to discharge their responsibilities effectively and to achieve their potential.

Objectives	Key Performance Indicators
Support administrative staff development by identifying and addressing current and future training needs and ensuring that all staff are provided with the skills, knowledge and experience to perform and develop within their roles	<ul style="list-style-type: none">• Staff have clarity in relation to their roles, duties and responsibilities.• All staff are confident and competent to perform effectively in their roles.• Staff are appropriately qualified and trained to carry out their duties.• Opportunities for internal and external mobility are identified.• Staff underperformance is addressed.
Provide for knowledge transfer to ensure continuity of service when administrative staff move due to promotion, mobility, or retirement.	<ul style="list-style-type: none">• Continuity of service provided.
Enhance internal communications	<ul style="list-style-type: none">• Staff and members are informed through regular communications and updates.
Continue the professional development programme for Court members	<ul style="list-style-type: none">• Court members demonstrate a high level of competence and expertise in industrial relations and employment law.• Low rates of appeal to the High Court and low rates of application for Judicial Review.

Strategic Priority 3: Optimise technology and improve case management process

We will optimise the potential of technology to improve service delivery for all stakeholders.

Objectives	Key Performance Indicators
Generate efficiencies from greater use of online service delivery	<ul style="list-style-type: none">• Online models are progressed.
Identify and implement more efficient processes and workflows	<ul style="list-style-type: none">• An efficient and effective process is in place.
Enhance www.labourcourt.ie to provide improved and user-friendly access to information and online services for court users.	<ul style="list-style-type: none">• Increased traffic on website.• Most appeals are submitted electronically

Strategic Priority 4: Ensure effective governance

Securing the funding necessary for the effective operation of the Labour Court and transparency and accountability in the use of those funds is a prerequisite for having a well-managed, well-run organisation.

Objectives	Key Performance Indicators
Continue to adhere to DBEI requirements in respect of business planning, risk management, records management, public procurement, financial procedures, GDPR, FOI.	<ul style="list-style-type: none">• Corporate governance standards adhered to
Engage effectively with DBEI to secure the necessary annual budget allocation for the Labour Court.	<ul style="list-style-type: none">• Necessary funding is allocated.