

The Labour Court Annual Report 2022



Presented to the Minister for Enterprise, Trade and Employment
under Section 23(1) of the Industrial Relations Act 1946

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The Labour Court in Numbers (2022)



1138

Appeals/Referrals



1485

Hearings Scheduled



996

Cases Completed



13 Members



22 (20.4wte) Admin Staff



€3.3m spend



288 Hearings in the Virtual
Courtroom

Chairman's Foreword



The Labour Court's mission remains:

“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 Court continued throughout 2022 to implement its Strategic Plan for 2022-2024 in support of this mission. The detail of the plan can be viewed at www.labourcourt.ie.

The Plan places significant focus and priority on maximising efficiency and effectiveness in the Court's operational arrangements to support the effective delivery of its statutory functions. The key foundation stone for all the Court's work in 2022 remained the expertise, knowledge, and experience of Court Members together with the commitment, skill and dedication of its staff. These fundamentals comprise the Court's core strengths and create the basis for the trust placed in the institution by the employers and workers the Court serves.

The Court's administrative operation, consistent with the Strategic Plan, has continued throughout 2022 with the work of processing appeals and referrals, scheduling hearings of the Court and publishing the ensuing decisions and recommendations. The 2022 to 2024 Plan sets out our objective to improve efficacy through the development of our administrative processes and infrastructure and significant projects are underway in the Court to deliver on this. The detail of that work is set out in this report.

The Court's central objective remains the execution of the statutory functions laid out in an extensive range of legislation. That body of legislation creates an institution which remains focussed on supporting good employment relations in the economy through effective trade dispute resolution in the industrial relations context, alongside the provision of effective binding statutory decision making in employment rights based disputes.

The Court's statutory functions are delivered by the Members of the Court who are statutory office holders appointed by the Minister for Enterprise, Trade and Employment. The demonstrated commitment of the Members of the Court is to continuous professional development through learning and education so as to underpin the Court's acceptability and value in the resolution of industrial relations disputes, and its capacity to administer justice to the standard demanded by the law.

The Court's activities in 2022

Closing out the pandemic delayed efforts of the Court to mark its 75th year of operation, I spoke at the IRN Conference in November 2022 about the mission of the Labour Court, which is founded on a voluntarist principle in industrial relations dispute resolution where the responsibility for resolving their trade disputes remains with the parties. At that conference I emphasised that since 1946 the

Court's mandate has expanded to include binding decision making across the range of employment rights legislation. It is a credit to generations of Court members and staff that the third-party infrastructure designed in 1946 to support the functioning of workplace relations has adapted and evolved so significantly while maintaining a relevance and competence in the modern economy as a trusted institution.

By its 50th anniversary in 1996, the Court had made 19,000 recommendations or decisions. Around 16,000 further determinations/recommendations issued between then and 2021. Appeals and referrals received by the Court slowed during 2020 and 2021, but in 2022 returned to the levels seen prior to 2020, with 1,138 appeals and referrals received during the year.

Since early 2020, we've experienced the same challenge that all organisations faced during the pandemic. Our focus throughout was and remains on continuing to deliver on our mandate in a relevant and effective way. Meeting this challenge has resulted in an acceleration of the evolution of the Court's administrative, referral and hearing room processes through the expanded use of technology.

Technology in the Courtroom

Reflective of developments in terms of the effect of the pandemic, a reducing number of cases were heard in the Virtual Courtroom. In the year, 61% of cases were heard in physical hearings at the Court's premises in Lansdowne House or at one of the Court's hired regional venues. While this return to a reliance on physical courtrooms is expected to increase further, the Court's commitment to providing an accessible service to its users will see a continuing use of technology to allow attendance at hearings from remote locations. The benefits of flexible delivery mechanisms to the conduct of the Court's operations in a manner which serves the needs of the parties are fully recognised by the Court itself and by those who avail of the services of the Court. In 2022 the Court laid significant groundwork for infrastructural change to embed both fully virtual and blended digital/physical options in our courtroom scheduling. These projects will be finalised in 2023 and will be supported by protocols designed to ensure fairness of process in all of the Court's work.

Changes in Court Membership during 2022

Paul O'Brien was appointed by the Minister as an employer's member of the Labour Court on 28th February 2022 to replace Katie Connolly who had been appointed as Deputy Chairman by the Minister in August 2021.

Acknowledgement

I would like to acknowledge the continued dedication of the Members and staff of the Labour Court during 2022. The priority for members and staff has continued to be the delivery of excellent public service.

I wish to acknowledge the support provided to me and to the Court by the Head of Administration, Ms Bernie Byrne, throughout the year. Her leadership of the Court's excellent administrative team has continued to underpin the smooth operation of the Court during 2022.

The support provided to the Court by the Department of Enterprise, Trade and Employment is fundamental to the delivery of the statutory functions of the Court. The Court's relations with the

Department have remained unfailingly constructive. I would like to thank Dr Orlaigh Quinn, Secretary General of the Department for that support and also to thank Dermot Mulligan, Assistant Secretary General in the Workplace Regulation and Economic Migration (WREM) division for his support throughout the year. Finally, I would like particularly to acknowledge the essential and always effective support provided by Tara Coogan, Principal Officer and her team in the WREM division of the Department.

Kevin Foley
Chairman

Chapter 1 Functions of the Labour Court

1.1 General introduction

The Labour Court was established by the Industrial Relations Act 1946 with functions designed to assist in the resolution of industrial relations issues. The responsibilities and role of the Court have been considerably enhanced over the years as a consequence of the increase in national and European employment legislation, including the enactment of the Workplace Relations Act 2015, which provides that the Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights' enactments.

The role of the Court can be broadly divided between its industrial relations work (those issues coming to the Court under the provisions of the Industrial Relations Acts), and its employment rights work (those cases referred to it under any of the Employment Rights statutes).

Mission Statement of the Labour Court

To provide high quality, fair and impartial arrangements for the resolution of industrial relations disputes and the determination of appeals in disputes based on employment law.

1.2 Industrial Relations

The involvement of the Labour Court in the industrial relations area is provided for by the Industrial Relations Acts, 1946 to 2015 and includes:

Investigation of Industrial Relations Disputes

A large proportion of the industrial relations disputes coming to the Court for investigation will already have been the subject of efforts to achieve an agreed resolution by way of conciliation by the Workplace Relations Commission (WRC). A dispute is 'referred' to the Court when both parties request the Court to investigate the dispute. When that request is made the Court will hold a hearing, following which it may, and usually does, issue a 'Recommendation' setting out the Court's opinion, based on the merits of the dispute, as to how the dispute should be resolved. The recommendation is not binding on the parties, but parties are expected to give serious and proper consideration to the recommendation which they had earlier sought, of the Labour Court as the '*industrial relations Court of last resort*'.

As an alternative to proceeding through conciliation with the WRC, disputes may, in accordance with section 20 of the industrial Relations Act 1969, be referred directly to the Court by one or both parties with an undertaking given to the Court in advance by the referring party to accept the Court's recommendation in the matter.

There are special provisions under the Industrial Relations (Amendment) Act 2001 to 2015 relating to disputes where negotiating arrangements are not in place within the employment. In such a matter,

the Court is empowered to issue a recommendation following its investigation, and, if the terms of the recommendation are not complied with, to issue an enforceable 'Determination' on request.

Appeals of Adjudication Officer's Recommendations

An industrial relations dispute involving one worker, or a small number of workers may be referred first to an Adjudication Officer of the Workplace Relations Commission for a Recommendation in accordance with section 13 of the Industrial Relations Act 1969. The Adjudication Officer's Recommendation may be appealed by either party to the Labour Court and having heard the parties, the Court will issue a 'Decision' that is binding on the parties.

Registration of Employment Agreements

The work of the Court in this area is described later in this Annual Report. Generally, it will involve the registration by the Court of an agreement on pay and conditions of employment of workers of any class, type or group, made between a trade union, or trade unions of workers and one or more than one employer, or trade union of employers that is binding only on the parties to the agreement in respect of the workers of that class, type, or group.

Registration of Collective Agreements

The Court also approves collective agreements in accordance with Section 24 of the Organisation of Working Time Act, 1997 and in accordance with the Schedule to the Protection of Employees (Part-Time Work) Act 2001. There were no agreements approved under section 24 of the 1997 Act or in accordance with the Schedule to the 2001 Act in 2022.

Sectoral Employment Orders

Upon receipt of a request, the Labour Court may undertake an examination of the pay, pension and sick pay entitlements of workers in a particular sector and, if it deems it to be appropriate, make a recommendation to the Minister on the matter. A request to the Labour Court may be made by:

- A trade union of workers;
- A trade union or an organisation of employers; or
- A trade union of workers jointly with a trade union, or an organisation of employers

The trade union of workers and the organisation of employers must be substantially representative of the workers and employers in the sector to which the request relates.

If, following receipt of a recommendation from the Court, the Minister is satisfied that the process provided for in the **Industrial Relations (Amendment) Act, 2015** has been complied with by the Labour Court, he/she shall make the Order. Where such an order is made it will be binding across the sector to which it relates.

Joint Labour Committees/Employment Regulation Orders

A Joint Labour Committee (JLC) is comprised of representatives of employers and workers in the relevant industry sector under an independent chairperson. A Joint Labour Committee is entirely independent of the Labour Court in the discharge of its statutory functions. When it reaches agreement on terms and conditions that should be enshrined in an Employment Regulation Order, the JLC publishes details and invites submissions from the public. Following consideration of any

submissions, the Committee may make proposals to the Court for the making an Employment Regulation Order (ERO).

Following receipt of such a proposal the Labour Court may make a Recommendation to the Minister.

An ERO is a statutory instrument setting out wages and conditions of employment applying to specified grades, or categories of workers in a particular sector. On foot of proposals received from the JLC for that sector which have been adopted by the Labour Court, the Minister for Enterprise, Trade and Employment may make an order confirming the terms of the ERO, where satisfied that the statutory conditions have been complied with. Every order made by the Minister must be laid before both Houses of the Oireachtas and can be annulled by resolution of either House.

Codes of Practice

The Industrial Relations Act 1990 makes provision for the preparation by the WRC of draft 'Codes of Practice' for submission to the Minister concerning industrial relations. Where such a code is in place, application may be made to the Labour Court for an interpretation of its terms. Also, a complaint of a breach of a code may be made to the Court.

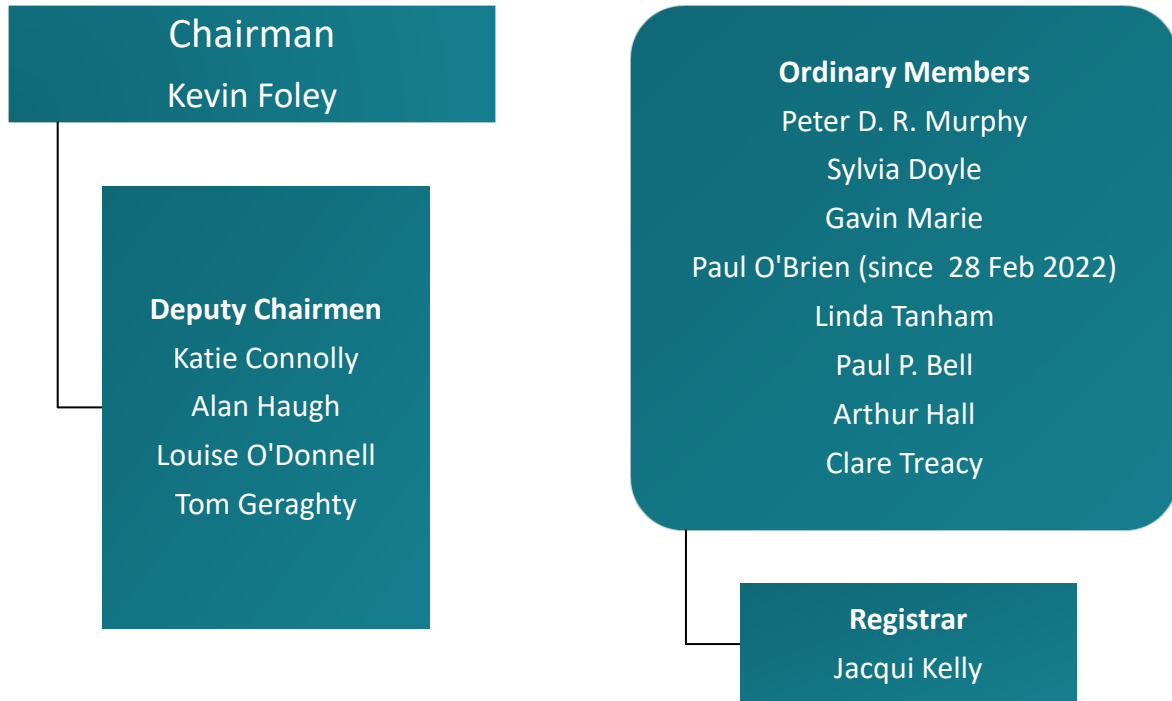
1.3 Employment rights

The main work for the Court in the area of employment rights involves acting as the single appellate body for appeal of decisions of Adjudication Officers of the WRC made under employment rights enactments.

1.4 Structure of the Labour Court

The Labour Court

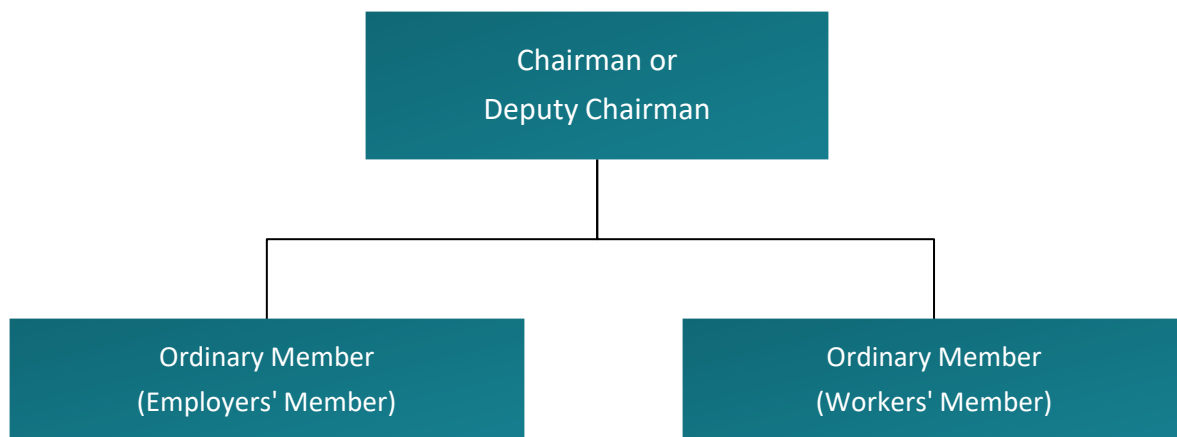
The Labour Court consists of 13 full-time Members: A Chairman, four Deputy Chairmen and eight Ordinary Members, four of whom are Employer Members and four of whom are Worker Members.



Note: Appointment of the Chairman, Deputy Chairman and Registrar follows a public competition coordinated by the Public Appointments Service. Ordinary Members are appointed by the Minister for Enterprise, Trade and Employment following nomination by IBEC of Employers' Members and the ICTU of Workers' Members.

Hearing

Each hearing of the Court is convened by a Division of the Court appointed by the Chairman for that purpose. A Division of the Court consists of the Chairman (or a Deputy Chairman) of the Court, a Worker Member and an Employer Member.

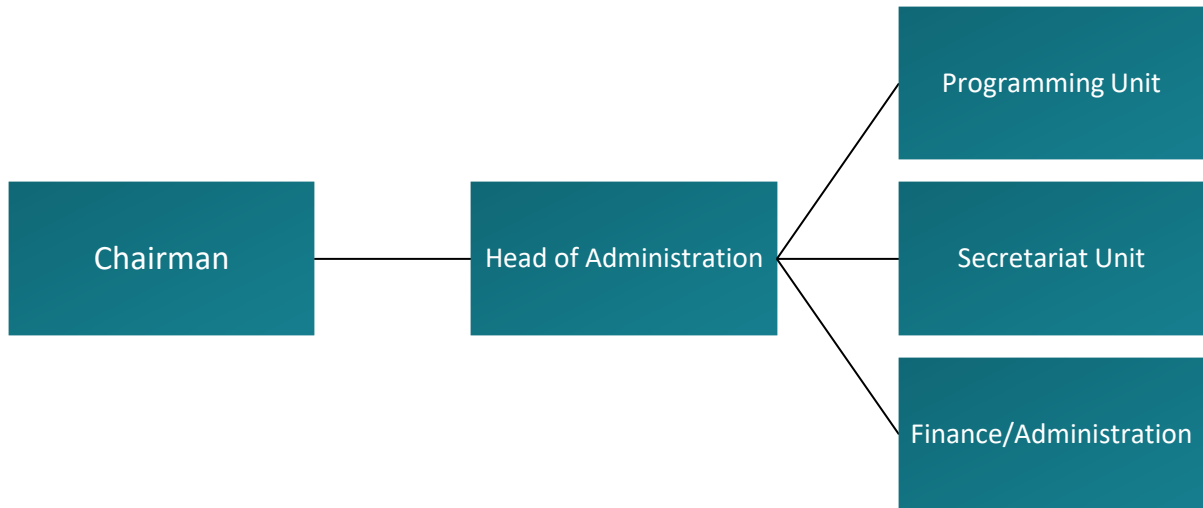


Registrar

The Registrar to the Labour Court, who is a Statutory Office Holder, is the Court's legal adviser and provides legal services and advice to the Labour Court in carrying out its statutory functions.

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 Enterprise, Trade and Employment, assigned for the time being to the Labour Court.



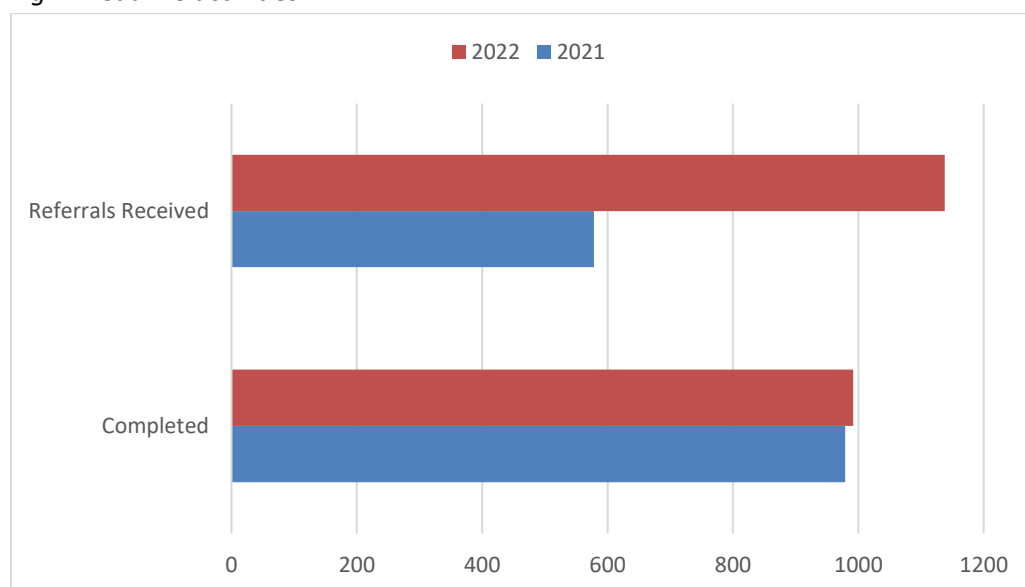
Chapter 2 The Year in Review

2.1 Headlines

During 2022, the Labour Court:

- Received 1138 appeals/referrals;
- 1485 hearings were scheduled;
- 447 postponements, arising from requests by the parties or as a result of COVID-19 restrictions, were granted;
- 996 Cases were completed (cases decided, settled or withdrawn); and
- 241 appeals / referrals were ready to be programmed at the end of 2022.

Fig 1: Headline activities



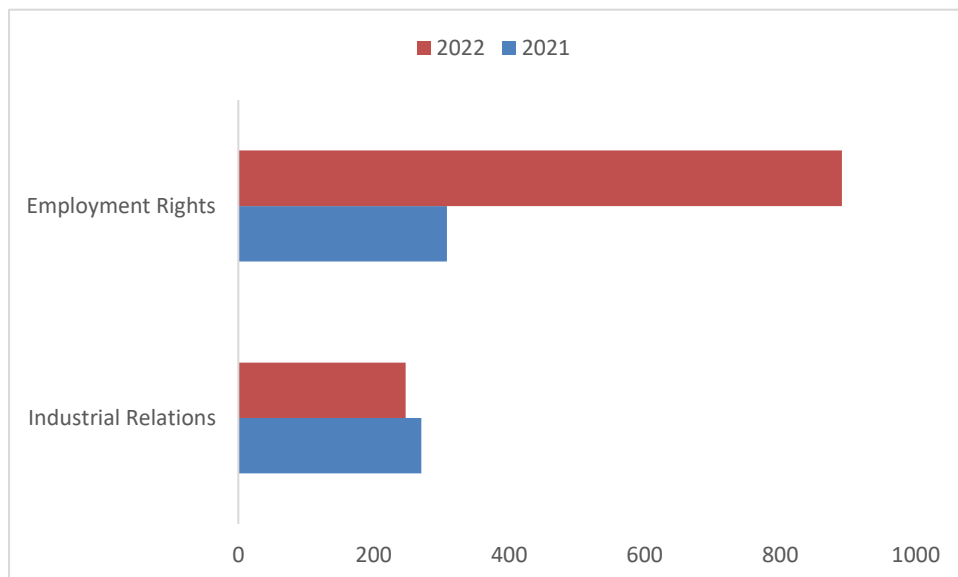
2.2 Appeals to the Court

Overall, there was 97% increase in appeals to the Labour Court in 2022 compared to the previous year (from 578 to 1138).

Referrals and Appeals under the Industrial Relations Acts 1946 to 2015 accounted for 21.7% of total referrals / appeals. This class of referral / appeal showed an overall decrease of 8.5% compared to the numbers of such appeals received in 2021 (from 270 to 247).

Appeals under employment rights legislation accounted for 78.3% of cases coming to the Court, almost three times the 2021 figure (from 308 to 891).

Fig 2: Industrial relations and employment rights appeals to the Court



See Appendices [1](#) and [2](#) for a detailed breakdown of these headline appeal figures.

2.3 Hearings scheduled

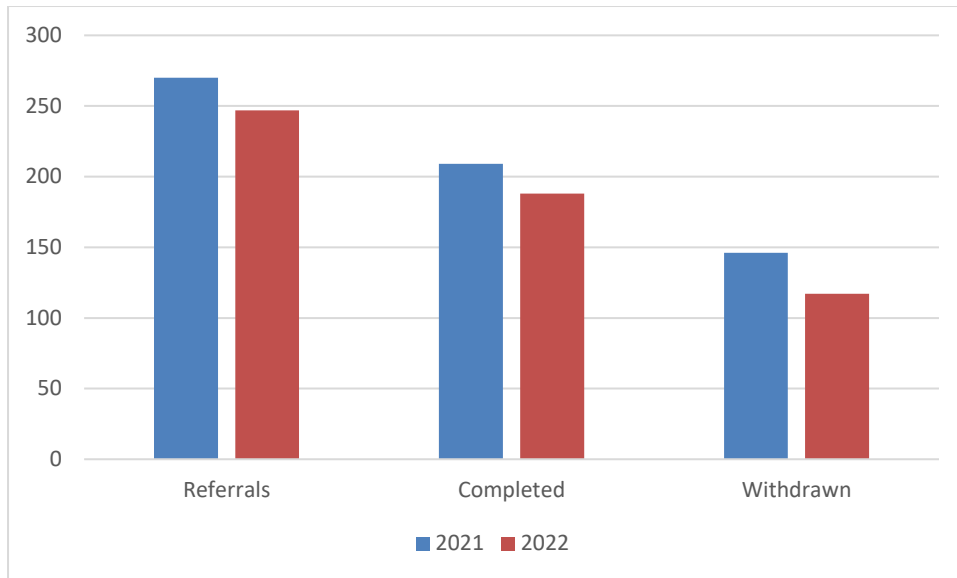
The Court scheduled a total of 1,485 hearings in 2022 of which 30% were scheduled in a Virtual Courtroom. A total of 447 postponements, arising from requests by the parties, or as a result of COVID-19 restrictions, were granted during 2022. A total of 457 cases were withdrawn with 294 of those withdrawals relating to cases scheduled for hearing. The number of hearings held in the Virtual Courtroom decreased during 2022, as the impact of the pandemic receded.

2.4 Industrial Relations Cases

The number of cases received under the Industrial Relations Acts 1946-2015 received was 247. The number of cases completed (i.e. in respect of which a recommendation, determination, or decision issued, or the matter was settled by the referral party,) in 2022 was 188, or 305 when withdrawn cases are included.

The text of each of the industrial relations cases in which the Court issued a recommendation can be viewed on the Court's website www.labourcourt.ie.

Fig 3: Industrial relations cases activity



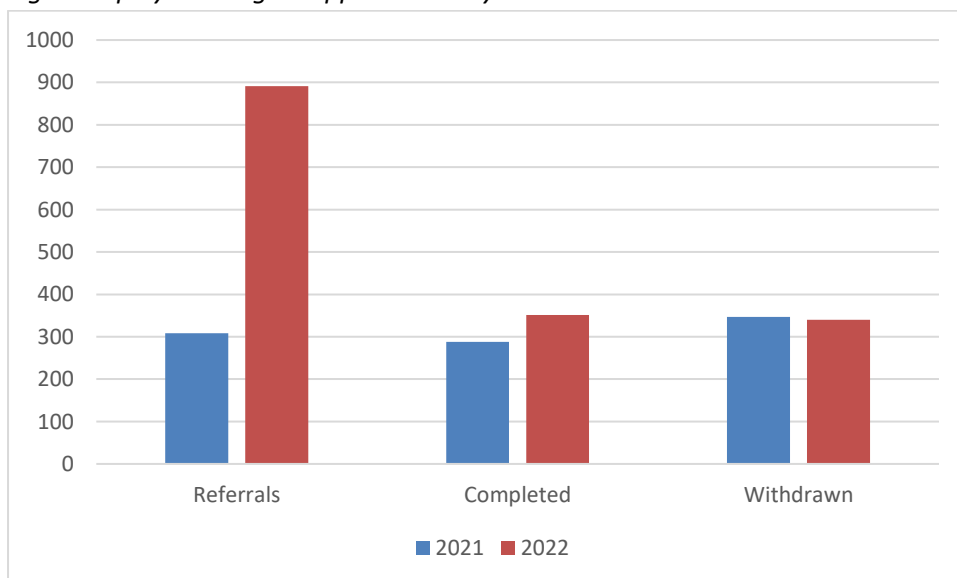
Information on the profile of industrial relations cases received and completed in 2022 are at [Appendix 1](#).

2.5 Employment Rights Cases

The number of employment rights appeals received by the Court in 2022 was 891. The number of cases completed (i.e. in respect of which a recommendation, determination, or decision issued or the matter was settled before or at a hearing or the case was withdrawn at or prior to hearing or scheduling) in 2022 was 691.

The text of each of the appeals in which the Court issued a Decision can be viewed on the Court's website www.labourcourt.ie.

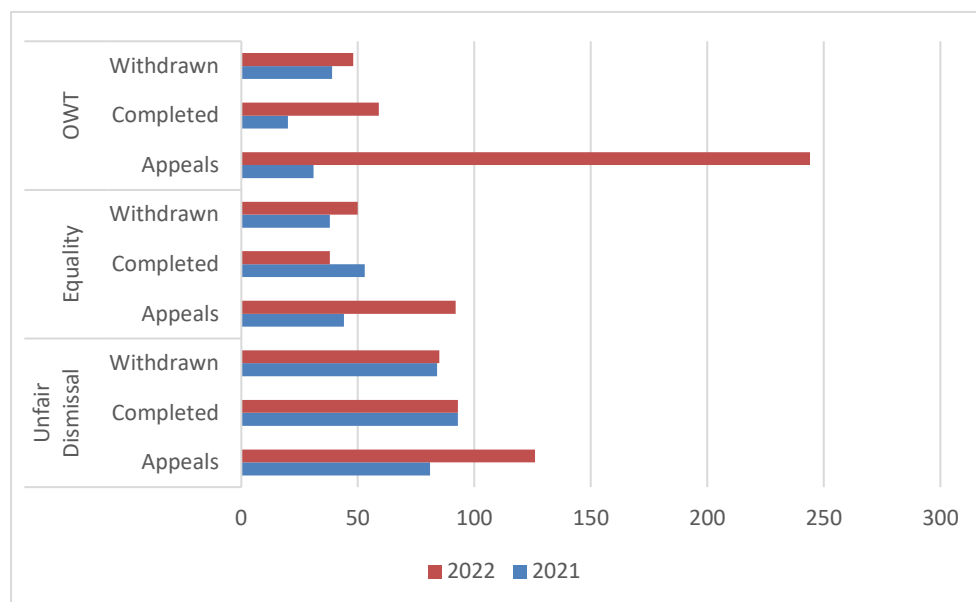
Fig 4: Employment rights appeals activity



Information on the profile of employment rights appeals received, completed and withdrawn in 2022 is at [Appendix 2](#).

Of the 891 employment rights appeals received by the Court during 2022, 52% were in respect of appeals under the Unfair Dismissals Acts, 1977 - 2015, Employment Equality Acts, 1998 - 2021 and the Organisation of Working Time Act, 1997.

Figure 5: Unfair Dismissal, Equality and Organisation of Working Time appeals activity



It is also the function of the Labour Court to determine appeals of Adjudication Officer decisions under the full range of employment protection legislation currently in being.

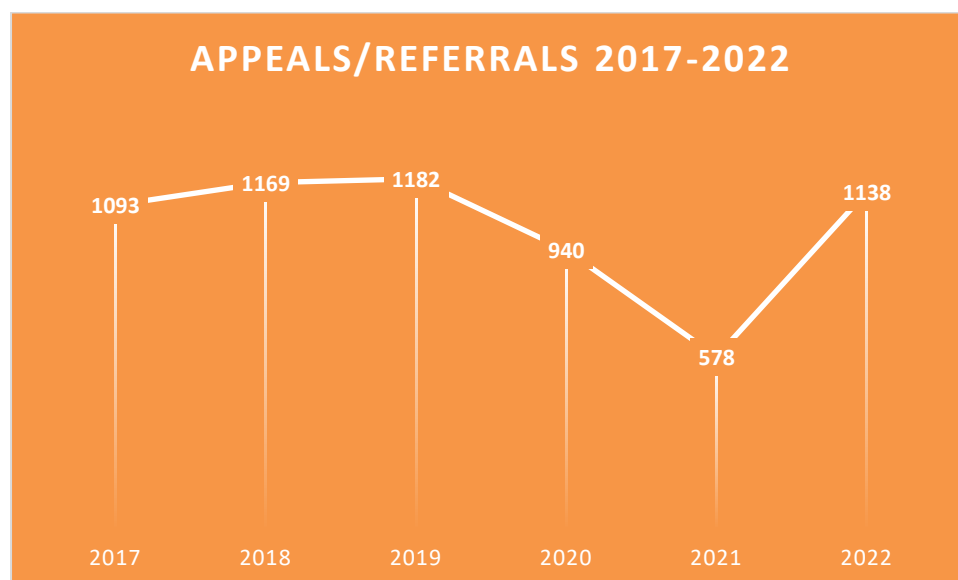
See [Appendix 2](#) for detailed case activity statistics.

Chapter 3 Dispute referrals

3.1 Five-year trend 2017 – 2022

The Court saw a return to comparable overall figures of referrals and appeals with the years preceding the pandemic in 2022.

Fig 7: Number of referrals of employment and industrial disputes 2017 – 2022



3.2 Industrial Relations Climate in 2022

There were, according to the CSO, seven industrial disputes in progress in 2022 involving 4,078 workers, whereas 543 workers were involved in two industrial disputes in 2021.

Table 1: Industrial disputes 2018 -2022

Category	2022	2021	2020	2019	2018
No. of Disputes	7	2	8	9	10
No. of Firms	50	2	8	9	10
No. of Workers	4,078	543	22,076	42,656	1,814
No. of Days Lost	5,256	1,515	21,704	**n/a	4,050

**The CSO were unable to establish the no. of days lost in Q4 2019 and therefore were unable to provide a total no. of days lost in 2019.

Source: Central Statistics Office

Chapter 4 Other Activities during 2022

4.1 Virtual Courtroom

The Virtual Courtroom has been in operation at the Labour Court since June 2020, in addition to in-person hearings, to safely deliver Court services. A survey of the Court's stakeholders indicated that the development of the Virtual Courtroom has been well received by users. The use of technology to support the delivery of our mandate is now firmly embedded in the Court's practices, and plans to develop a blended delivery model, where remote access to support physical hearings will be available, are in train.

Other activities during 2022

4.2 Joint Labour Committees

The Industrial Relations Acts 1946 - 2015 make provision for a system of Joint Labour Committees (JLCs), which is a mechanism to allow for the setting of statutory minimum rates of pay and conditions of employment in particular industry sectors through Employment Regulation Orders (ERO's).

A JLC is comprised of representatives of employers and workers in the relevant sector under an independent chairman. When it formulates proposals for an ERO, the JLC publishes details and invites submissions from the public. Following consideration of any submissions, the Committee may submit proposals to the Court for the making of an Employment Regulation Order (see 4.3 below).

The following JLCs were in existence in 2022.

1. Agricultural Workers
2. Catering
3. Contract Cleaning
4. Hairdressing
5. Hotels
6. Retail, Grocery and Allied Trades
7. Security Industry
8. English Language Schools Sector
9. Early Years' Service

Activities in this Area in 2022

English Language Schools JLC

On the 5th of October 2022 under the fifth schedule of the Industrial Relations Act 1990, the Labour Court appointed members to the English Language Schools Joint Labour Committee.

4.3 Employment Regulation Orders

An Employment Regulation Order (ERO) is a statutory instrument setting out wages and conditions of employment applying to specified grades or categories of workers in a particular sector. On foot of proposals received from the JLC for that sector and which have been adopted by the Labour Court, the Minister for Enterprise, Trade and Employment makes a statutory instrument confirming the terms of the ERO if he is satisfied that the statutory conditions provided for in the Industrial Relations (Amendment) Act 2012 have been complied with.

Activities in this area in 2022

Security Industry

On the 3rd of August 2020 Minister English accepted a proposal for an ERO for the Security Industry effective from the 29th of August 2022.

In August 2022 the High Court granted an injunction prohibiting the Minister from commencing the proposed Statutory Instrument giving effect to the new ERO for the Security Industry. The increases announced by the Minister will not have statutory effect pending the lifting of the injunction.

Early Years Service

Two new Employment Regulations Orders for the Early Years' Service were signed into law effective from the **15th of September 2022**.

They provide for hourly rates of pay as follows:

- Early Years Educators & School Age Childcare Practitioners - **€13** per hour
- Lead Educators (Room Leaders) & School Age Childcare (SAC) Co-ordinators - **€14** per hour
- Graduate Lead Educators (Room Leaders) & School Age Childcare (SAC) Co-ordinators - **€15.50** per hour
- Deputy/Assistant Manager - **€15.70** per hour
- Centre Manager - **€16.50** per hour
- Graduate Centre Manager - **€17.25** per hour

The new Employment Regulation Orders can be found at the links below:

[S.I. No. 457 of 2022, Employment Regulation Order \(Early Years' Service Joint Labour Committee\) Order No. 1 2022](#)

[S.I. No. 458 of 2022, Employment Regulation Order \(Early Years' Service Joint Labour Committee\) Order No. 2 2022](#)

Contract Cleaning Industry

A new ERO for the Contract Cleaning Industry was signed into law on the 07 March 2022. The new ERO ([S.I. 110 of 2022](#)) replaces the ERO signed in 2020 (S.I. 608 of 2020) and provides a new statutory minimum rate hourly rate of €11.50. This new rate applies from the 01 of April 2022. It

provides for a further increase to €11.90 per hour from the 01 of April 2023 and €12.30 per hour from the 01 of April 2024.

4.4 Joint Industrial Councils

A “qualified Joint Industrial Council” (JIC) is a voluntary negotiating body for an industry or part of an industry and is representative of employers and workers. If it fulfils conditions set out in the industrial relations legislation, it may apply to the Labour Court for registration and the Court, if satisfied, will place it on the Register of Joint Industrial Councils.

The Labour Court facilitates the JICs by making available an officer of the Court to act as secretary at their meetings. Details of those JICs registered with the Court as of 31 December 2022 are included in [Appendix 3](#).

Apart from the five bodies on the Register of JICs, there are a number of other bodies which are engaged in similar activities, but which have not applied for registration e.g. the Electrical Contracting Industry JIC and the State Industrial Employees JIC. The Labour Court makes available an officer of the Court to act as secretary at meetings of such bodies and officers of the Court attended eight meetings of the Electrical Contracting JIC and five meetings of the State Industrial Employees JIC during the year.

4.5 Registered Employment Agreements

The Industrial Relations (Amendment) Act 2015 provided a mechanism for the registration of employment agreements between an employer or employers and trade unions governing terms and conditions in individual enterprises.

The Industrial Relations (Amendment) Act, 2015 defines an employment agreement as:

“an agreement relating to the remuneration or the conditions of employment of workers of any class, type or group made between a trade union or trade unions of workers and one or more than one employer or a trade union of employers, that is binding only on the parties to the agreement in respect of the workers of that class, type or group.”

Where the Labour Court is satisfied that an agreement presented satisfies the relevant statutory requirements it will register the agreement. The effect of this is to make the provisions of the agreement legally enforceable in respect of every worker of the class type or group to which it is expressed to apply.

Activities in this Area in 2022

An application to register an Employment Agreement between Transdev Dublin Light Rail Limited and Connect Trade Union which was received during 2021 was registered by the Court on 04 July 2022.

An application to register an Employment Agreement between Connect Trade Union and employers comprising the Overhead Powerline Contractors Group (OPCG) was received in October 2022 and was under consideration by the Court at the end of 2022.

4.6 Sectoral Employment Orders

Sectoral Employment Orders (SEO's) made under the Workplace Relations Act 2015 provide a legislative framework which allows the making of Statutory Orders providing for minimum rates of pay, sick leave and pension to apply to workers of a class, type or group (including apprentices) in a specified economic sector. An SEO must also contain a dispute resolution procedure and so acts to promote industrial harmony and minimise industrial unrest.

Upon receipt of a request, the Labour Court can initiate an examination of the pay, pension and sick pay entitlements of workers in a particular sector and, if it deems it appropriate, make a recommendation to the Minister on the matter. Such a request may be made by:

- A trade union of workers;
- A trade union or an organisation of employers; or
- A trade union of workers jointly with a trade union or an organisation of employers

The trade union of workers and / or the organisation of employers must be substantially representative of the workers and employers in the sector to which the application relates.

If the Minister is satisfied that the Court has complied with the provisions of the Industrial Relations (Amendment) Act, 2015, he/she shall make the Order. Where such an Order is made it will be binding across the sector to which it relates.

Activities in this Area in 2022

Construction Sector SEO

An SEO for the Construction Sector, (S.I. 234/2019 as amended by S.I. 598/2021) was signed by the Minister in November 2021 and its terms took effect from the 1st February 2022.

On 10 December 2022, the Labour Court received a joint request pursuant to Section 14 of the Industrial Relations (Amendment) Act, 2015, to conduct an examination into terms and conditions in the construction Sector from BATU, Connect Trade Union, OPATSI, SIPTU, and Unite the Union.

The Court gave notice of its intention to conduct an examination of the terms and conditions relating to the remuneration and any sick pay scheme or pension scheme in respect of the Construction Sector.

Electrical Contracting Sector SEO

The Order (S.I. 703/2021) which was signed into law in November 2021 and came into effect in February 2022 was subsequently set aside by the High Court in October 2022, after a challenge by the National Electrical Contractors Ireland (NECI).

Mechanical Engineering Sector SEO

The subsisting SEO for the Mechanical Engineering Sector is S.I. No 59 of 2018. A request to conduct a further examination into terms and conditions in the sector was received by the Court on 14th April 2022. A hearing was convened by the Court on 19th December 2022. The Court determined that the request was not in the form prescribed by it and did not proceed further to an examination of this request.

5.0 Internal Services

Financial Management

The Labour Court is funded by the Exchequer, through the Department of Enterprise, Trade and Employment. Expenditure totalling €3,311,901 was incurred by the Court during 2022. This comprised €2,837,675 in respect of pay and €474,226 in respect of non-pay. All Labour Court finances are administered through the Department's budget and form part of the Department's accounts. As well as arranging its own tenders for the provision of goods and services, the Court also avails of drawdown of services from the Department in areas such as learning and development. Expenditure is monitored constantly and is reviewed on a monthly basis.

For details see [Appendix 5: Financial Report for 2022](#).

Customer Service

The Labour Court operates under a Customer Service Charter and Action Plan 2022-2024. The Charter sets out the level of service users can expect to receive if they have occasion to avail of the Court's services. The Customer Action Plan describes how the commitments and standards set out in the Customer Charter will be delivered in accordance with the guiding principles of QCS that have been adopted across the public service. The Charter can be viewed at www.labourcourt.ie

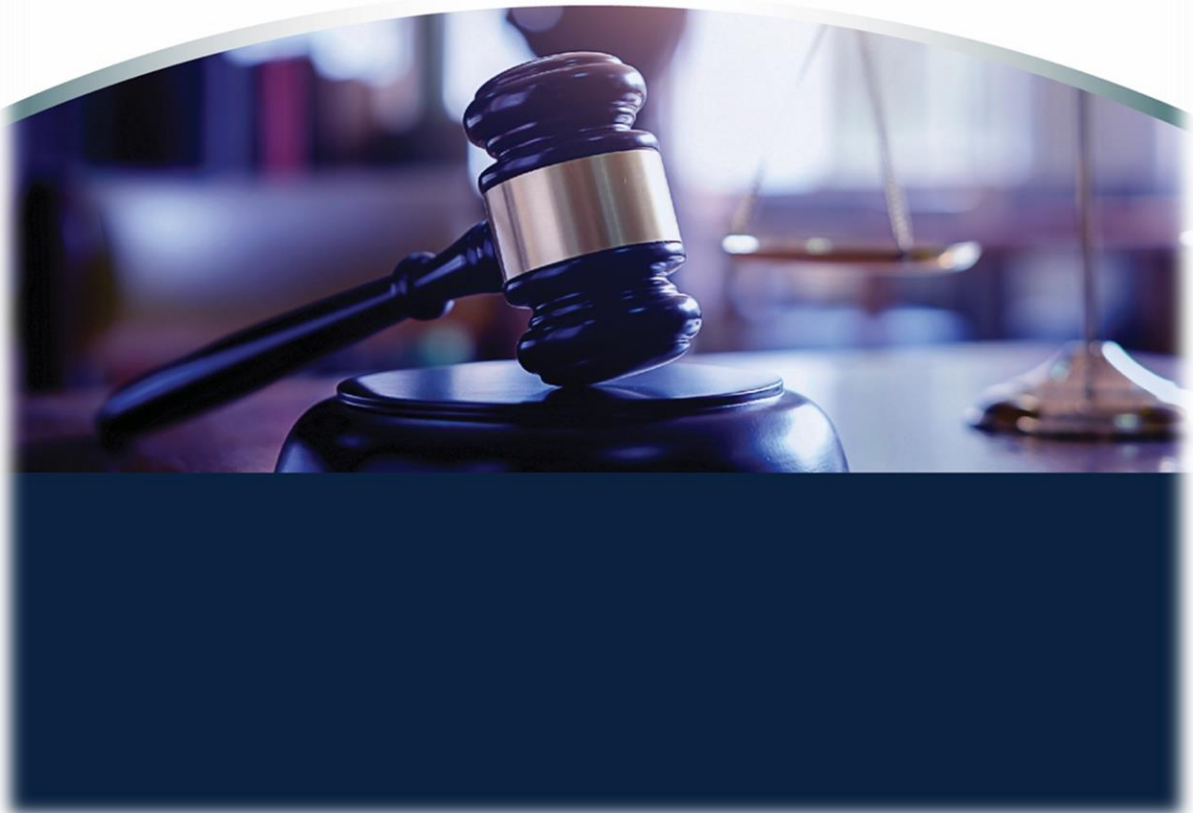
Memorandum of Understanding

In 2022 the Labour Court prepared a Memorandum of Understanding (MoU) with its parent Department, the Department of Enterprise, Trade and Employment, in fulfilment of the requirement under the Government decision of 15 November 2011 and under the Public Service Reform Programme published on 17 November 2011 for each Department to, *inter alia*, put in place robust Service Level Agreements with its State Bodies by June 2012.

The Court undertook to provide an agreed level of service in accordance with the deliverables and performance criteria specified in its submitted annual work programme as set out in [Appendix 6](#) and in accordance with all relevant legislation.



THE LABOUR COURT
An Chúirt Oibreachais



Appendix 1: Industrial relations statistics

Table 1.1 Profile of industrial relations cases received

		2022	2021
Appeal of Adjudication Officer Decision	Section 13(9), Industrial Relations Act, 1969	106	74
	Section 10, Industrial Relations (Misc Prov) Act, 2004	0	0
	Section 45(B), Industrial Relations Act, 1946	3	1
Direct Referral	Section 20(1), Industrial Relations Act, 1969	52	93
	Section 20(2), Industrial Relations Act, 1969	1	0
	Section 2(1), Industrial Relations (Amendment) Act, 2001	0	0
	Section 26(5) Industrial Relations Act, 1990	0	0
	Section 12(1), Industrial Relations (Amendment) Act 2015	0	0
	Section 23(3), Industrial Relations (Amendment) Act 2015	4	2
	Section 42B(4), of the Industrial Relations Act, 1946	2	0
Conciliation Service	Section 26(1), Industrial Relations Act, 1990	79	100
Total		247	270

Table 1.2: Industrial relations cases activity 2022 by category

	Worker	Company	Withdrawn	Settled	Decisions	Upheld	Overturned	Varied	Outside Time Limit	Direct Referral
Industrial Relations Acts 1946-2015	0	0	0	1	0	0	0	0	0	0
S7, Industrial Relations Act, 1969	0	0	0	0	0	0	0	0	0	0
S10, IR (Misc Prov) Act 2004	0	0	2	0	0	0	0	0	0	0
Section 23(3), Industrial Relations (Amendment) Act, 2015	4	0	0	0	1	0	0	0	0	1
S32 Industrial Relations Act, 1946	0	0	2	0	0	0	0	0	0	0
S33(1) Industrial Relations Act, 1946	0	0	0	0	0	0	0	0	0	0
Section 2(1), Industrial Relations (Amendment) Act, 2001	0	0	0	0	0	0	0	0	0	0
Section 13(9), Industrial Relations Act, 1969	106	0	34	4	63	19	5	22	0	17
Section 20(1), Industrial Relations Act, 1969	52	0	67	6	30	0	0	0	0	30
Section 20(2), Industrial Relations Act, 1969	1	0	0	0	1	0	0	0	0	1
Section 26(1), Industrial Relations Act, 1990	79	0	12	3	74	6	2	15	0	51
Section 26(5), Industrial Relations Act, 1990	0	0	0	0	0	0	0	0	0	0
Section 45(B) Industrial Relations Act, 1946	3	0	0	1	2	1	0	0	1	0
Section 42B(4), Industrial Relations Act, 1946	2	0	0	0	2	0	0	0	0	2
Grand Total	247	0	117	15	173	26	7	37	1	102
	Total received 247		Total completed 305			Total decisions 173				

Appendix 2: Employment rights statistics

Table 2.2: Profile of employment rights appeals received

Section /Act /Application	2021	2022	%
Unfair Dismissal	81	125	154%
Section 8A Unfair Dismissals Acts, 1977	81	125	
Equality	42	97	230%
Section 83, Employment Equality Act, 1998	25	87	
Section 77(12), Employment Equality Act, 1998	17	10	
Payment of Wages	59	204	346%
Section 7, Payment of Wages Act, 1991	59	204	
Organisation of Working Time	31	248	800%
Section 28, Organisation of Working Time Act, 1997	31	248	
Terms of Employment	28	65	232%
Section 8, Terms of Employment (Information) Act, 1994-2018	28	65	
Minimum Notice & Terms of Employment	16	30	187%
Section 12A Minimum Notice & Terms of Employment Acts, 1973	16	30	
Redundancy Payments	25	27	108%
Section 39A Redundancy Payments Act 1967	25	27	
Protection of Employees on Transfer of Undertakings	3	7	233%
Section 11(1) EC (Protection of Employees on Transfer of Undertakings) Regulations, 2003	3	7	
Protected Disclosures	1	6	600%
Paragraph 2 of Schedule 2, Protected Disclosures Act, 2014	1	6	
Safety, Health & Welfare at Work	6	17	283%
Section 29, Safety, Health and Welfare at Work Act, 2005	6	17	
Protection of Employees (Fixed Term Work)	4	29	725%
Section 15, Protection of Employees (Fixed-Term Work) Act, 2003	4	29	
National Minimum Wage	1	8	800%
Section 29, National Minimum Wage Act, 2000	1	0	
Section 27(1), National Minimum Wage Act, 2000 and 2015	0	8	

Protection of Employees (Part-Time Work)	1	6	600%
Section 17-Protection of Employees (Part-time Work) Act, 2001	1	6	
Parental Leave	1	0	-100%
Section 21(1), Parental Leave Acts, 1998 and 2006	1	0	
All other appeals received by the Court	9	22	244%
Section 21(2) of the Transnational Information & Consultation of Employees Act 1996	0	1	
Section 32(2), Maternity Protection Act, 1994	2	0	
Section 33(1), Maternity Protection Act, 1994	0	3	
Section 87(4) Schedule 6, of Consumer Protection Acts 2007	0	1	
Section 20 (2), Criminal Justice Act 2011	0	1	
Section 25 (2,) Protection of Employees (Temporary Agency Work) Act, 2012	0	3	
Section 4(6), Protections for Persons Reporting Child Abuse Act 1998	0	0	
Regulation 19, European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012	5	4	
Section 20 (1), Carer's Leave Act, 2001	0	2	
Section 42, European Communities (Protection of Employment) Regulations, 2000	1	1	
Schedule 4(1) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007	0	1	
Regulation 6 European Communities (Protection of Employment) Regulations 2000	0	1	
Section 16, European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations, 2006	0	1	
Section 28 (7), Appeal of Compliance Notice	0	1	
Section 8A(5), Prevention of Corruption (Amendment) Act 2001	1	2	
Totals	308	891	289%

Appendix 3: Registered Joint Industrial Councils

The following particulars of associations on the Register of Joint Industrial Councils during the period covered by this Report are given in accordance with the requirements of section 23(3) Industrial Relations Act, 1946.

1. Joint Board of Conciliation and Arbitration for the Boot and Shoe Industry of Ireland

Date of Registration: 10 July 1948

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

2. Joint Industrial Council for the Dublin Wholesale Fruit and Vegetable Trade

Date of Registration: 27 January 1964

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

3. Joint Industrial Council for the Construction Industry

Date of Registration: 26 July 1965

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

4. Joint Industrial Council for the Security Industry

Date of Registration: 12 December 2011

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

5. Joint Industrial Council for the Contract Cleaning Industry

Date of Registration: 19 December 2011

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

Appendix 4: Further information

Further information about anything contained in this Annual Report is available from:

The Labour Court
Lansdowne House
Lansdowne Road
Dublin 4
D04 A3A8

Phone: (01) 613 6666 -

Or 0818 613666

Email: info@labourcourt.ie

Website: www.labourcourt.ie

Query	Relevant section of the Labour Court	Contact
About a particular case <u>before</u> the hearing	Programming Section	01 613 6666 or 0818 613666 Email info@labourcourt.ie
About a particular case <u>after</u> the hearing	Relevant Court Secretary	As indicated at the hearing
Joint Labour Committees Registered Employment Agreements/Sectoral Employment Orders Employment Regulation Orders	Relevant Court Secretary	As indicated at the hearing
General information about industrial relations and employment rights matters.	Workplace Relations Customer Services	01 6136700 or 0818 80 80 90

Appendix 5: Financial report for 2022

Table 5.1 Labour Court outturn 2022

Outturn	€
Pay	2,837, 675
Non-pay	474,226
Total	3,311,901

Table 5.2 Main areas of non-pay expenditure

	€
IT Development	€113,140
Post/Telephones	€83,472
Office Equipment & Supplies	€68,033
Regional Hearings	€65,820

Prompt Payments

During 2022 the Court continued to comply with the Prompt Payment of Accounts Act, 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations, 2002.

Appendix 6: Labour Court Work Programme for 2022

Strategic Objective	Objective
Strategic Priority 1: Provide an efficient and high quality service to court users	Deliver improved processing, listing and management of cases.
	Ensure that all scheduled Court sittings are supported to meet the needs of all users.
	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
	Develop appropriate customer service standards
Strategic Priority 2: Develop and support Court Members and administrative staff	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
	Provide for knowledge transfer to ensure continuity of service when administrative staff move due to promotion, mobility or retirement.
	Enhance internal communications
	Continue the professional development programme for Court Members
Strategic Priority 3: Optimise technology and improve case management process	Generate efficiencies from greater use of online service delivery
	Identify and implement more efficient processes and workflows
	Enhance www.labourcourt.ie to provide improved and user-friendly access to information and online services for court users.
Strategic Priority 4: Ensure effective governance	Continue to adhere to DETE requirements in respect of business planning, risk management, records management, public procurement, financial procedures, GDPR and FOI.

THE LABOUR COURT

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Website: www.labourcourt.ie



THE LABOUR COURT
An Chúirt Oibreachais

