



THE LABOUR COURT
An Chúirt Oibreachais

Strategic Plan 2022-2024

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1. Introduction

The mission of the Labour Court is *“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.”*

Following on from the previous Strategic Plan (2019-2021), this strategic plan aims to set goals and objectives for the Labour Court to support and continue to deliver on this mission for the three-year period 2022 – 2024.

The plan has been developed in the context of the significant disruption resulting from the Covid-19 pandemic and reflects the changed environment in which we all now operate. That context includes:

- Significant adaptations in service delivery in the Court following on from the changes made to accommodate movement restrictions and public health concerns through COVID;
- a changing workplace across certain sectors of the economy with attendant issues of an industrial relations and application of employment law nature
- Potential pressures in certain sectors (e.g. aviation, construction) leading to risk of disputation in relation to pay and restructuring issues, combined with uncertainty in certain sectors in relation to impacts of climate change, the pandemic, supply chain issues etc also leading to potential disputation;
- Continuing uncertainty as regards the future of sectoral bargaining and potential developments in relation to the framework of collective bargaining.

The plan has been designed with adaptability as a key element, concentrating on excellent service delivery by leveraging skillsets developed both within the Court and externally in response to the last two years of public health restrictions, and incorporating these into Court practices for the longer term. These changes will increase the accessibility of the Court while delivering efficiencies both for the Court and for its users.

Implementation of the plan will involve:

- delegation of specific objectives to the most appropriate people and groups to take the lead on delivering them;
- 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 this strategic plan;
- incorporating a rolling element to ensure its continuing relevance in a changing environment.

Delivery of this strategic plan will require:

- Strong leadership;
- Strong change management;
- Flexibility and commitment of staff and members;
- Appropriate supports for staff and members negotiating process changes;
- 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 (2020)



940 Appeals/Referrals



1065 Hearings Scheduled



794 Cases Completed



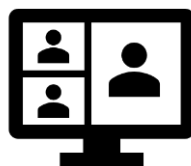
13 Members



22 (20.4wte) Admin Staff



€2.8m spend



*274 hearings in a Virtual
Courtroom*

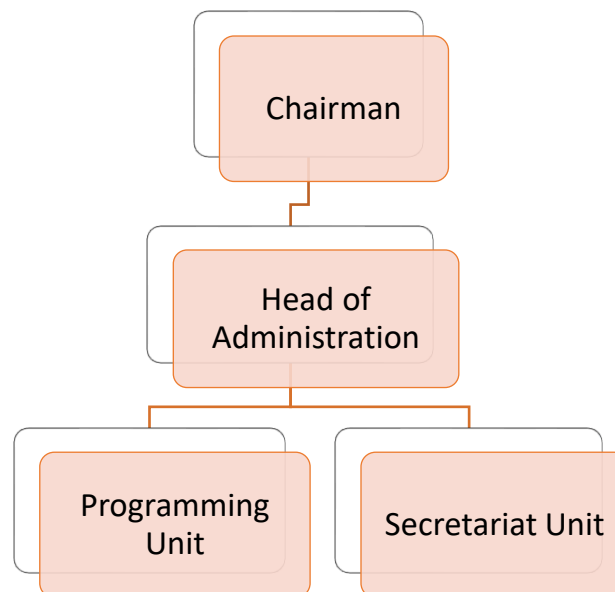
2.2. Structure

The Labour Court

The Labour Court consists of 13 full-time members: the 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 Enterprise, Trade and Employment.



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. These high rates of acceptance of the Court's decisions and recommendations indicate 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.

The Labour Court has now successfully bedded in the expansion in its mandate occasioned by the commencement of the Workplace Relations Act 2015. The 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 703 in 2019. There has been a fall in numbers across 2020 and 2021, likely caused by the impact of the pandemic on the progression of disputes prior to appeal to the Court. There may be a corresponding increase in appeals as the constraints occasioned by public health restrictions are removed.

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 Labour Court's capacity to deliver its statutory mandate rests on the expertise, impartiality and professionalism of its Members, and an efficient and enabling administration. As has been demonstrated in the difficult operating environment of the pandemic, both Members and administrative staff approach their roles with the commitment and flexibility necessary to provide a consistent service regardless of external pressures. These strengths are buttressed by the Court's positive reputation among its stakeholders, which delivers not only a general acceptance of the Court's decisions and recommendations whether or not legally binding, but has also supported the development of new processes to deliver on the Court's mandate with the support of, and participation and acceptance by, those stakeholders.

4.2. Opportunities

The trajectory towards increasingly digitised infrastructure in support of the Labour Court's mission, already envisaged in the Strategy Statement 2019-2021, accelerated of necessity during the public health crisis of 2020 and 2021. Both within and outside of the Court, the need for virtual alternatives to physical interactions prompted adaptation to new working arrangements for much of the team of staff and members. We now have the opportunity to build on the skills developed during the pandemic and to incorporate these new capacities into our processes.

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. The flexibility and openness to change of staff and members, demonstrated during the pandemic, will be met with training and development supports with the goal of continuous improvement both of service delivery and as a work environment.

These changing practices, based on embedding the use of technology into our practices, will create opportunities to improve access, to optimise resource use, and to maximise efficiency for the Court and for its users.

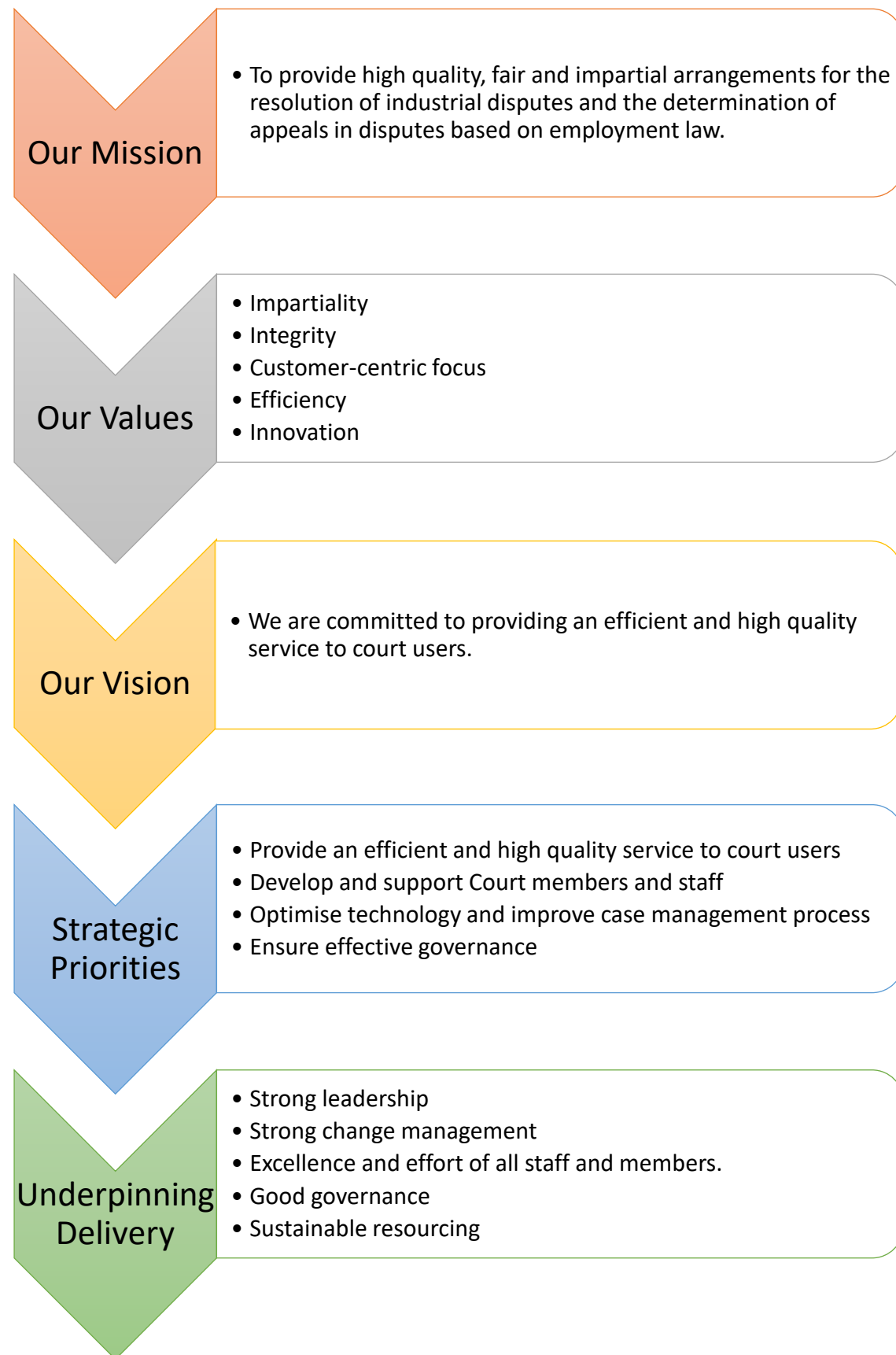
4.3. Challenges

In order to maintain its positive reputation in delivering a high-quality impartial service, the Court must manage a range of challenges on an ongoing basis. These are:

- Providing relevant and impartial mechanisms for the resolution of industrial relations and employment rights disputes that meet the needs of employers, workers and the economy more generally;
- Promoting awareness of the Labour Court and the WRC as distinct bodies and of the Labour Court's statutory role in the determination/resolution of employment disputes;
- Maintaining expertise across the Court to ensure the delivery of sound decisions in employment law matters;
- Ensuring that the Court is adequately resourced to deliver a high quality and efficient service, capable of operating through policy changes and external pressures;

- Progressing ICT projects while also maintaining existing systems;
- Managing access challenges and integrating processes or systems to ensure continued delivery of its mandate in a changing environment.

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.

Objectives	Key Performance Indicators
<p>Deliver improved processing, listing and management of cases.</p>	<ul style="list-style-type: none"> • Technology-led solutions with minimal use of paper files put in place • Appropriate and relevant management information reports developed • Implementation of efficient and effective processes and resources • Engagement with stakeholders to centre Court users in the design of Court processes and technology • Value for money delivered • Court operating to optimum capacity
<p>Ensure that all scheduled Court sittings are supported</p>	<ul style="list-style-type: none"> • Continuous achievement of high standards of accessibility for people with disabilities and/or language needs • Court is operating to optimum capacity • Blended hearings and hearings fully in virtual courtrooms continue via online platforms
<p>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</p>	<ul style="list-style-type: none"> • Development of strong brand identity for the Labour Court including in Lansdowne House • Implementation of internal Communication Strategy • Public awareness of the Court’s distinct functions and activities increased, using available media platforms, public speaking etc
<p>Develop appropriate Customer Service standards</p>	<ul style="list-style-type: none"> • Development of Customer Service standards appropriate to the Labour Court • Implementation of Customer Service Action Plan and Charter • Engagement with key service users

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.

As the sole appellate body for rights enactments, the Court is engaged in the administration of justice and the Court must exhibit a high level of expertise in employment law, as well as expertise in judicial skills and practice and procedures of the Court.

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
<ul style="list-style-type: none"> • Court members demonstrate a high level of competence and expertise in industrial relations • Court members demonstrate a high level of competence and expertise in employment law • Court members demonstrate a high level of competence and expertise in Judicial Skills • Identify current and future professional development needs • Implement measures to address and support member development 	<ul style="list-style-type: none"> • Court members demonstrate active engagement with CPD and participation in CPD events organised by the Court • High rate of acceptance by external parties of industrial relations recommendations • Low rate of appeals of decisions of the Court on points of law • Low rate of Judicial Review • Consistent quality of legal decision writing
<p>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</p>	<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 training needs identified and addressed, and training courses/programmes implemented where required • Staff are appropriately qualified and trained to carry out their duties • Opportunities for internal and external mobility identified • Continuous assessment and feedback on staff performance in place
<p>Provide for knowledge transfer to ensure continuity of service when administrative staff move due to promotion, mobility, or retirement</p>	<ul style="list-style-type: none"> • Continuity of service provided • Training/educational programmes provided

Enhance internal communications

- Staff and members kept informed through regular communications and updates
- Internal Communication Strategy implemented

Strategic Priority 3: Optimise technology and improve case management process

The Court is optimising the potential of technology to improve service delivery for all stakeholders. Process changes introduced to facilitate continued operation through the pandemic will be further refined and developed to support a more flexible and accessible service for Court users, increasing efficiency and sustainability in the Court's practices.

Objectives	Key Performance Indicators
Generate efficiencies from greater use of online service delivery	<ul style="list-style-type: none"> • Improvement of the digitised infrastructure of the Labour Court to support: <ul style="list-style-type: none"> ○ Provision of digitised and virtual access to Court users ○ Facilitation of remote hearings through virtual platforms ○ Facilitation of blended physical and remote hearings ○ Use of shared drive access to maximise efficiency and resources
Identify and implement more efficient processes and workflows	<ul style="list-style-type: none"> • Staff training needs to support digitised infrastructure identified • Processes reviewed and adapted according to court users' needs
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"> • Website traffic increased using social media platforms • Ongoing review of website content and publications • Facilitation of online appeals and submissions

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 DETE 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 • Regular engagement with DETE through the Liaison Unit to demonstrate ongoing transparency and accountability in the Court's operations
Engage effectively with DETE to secure the necessary annual budget allocation for the Labour Court.	<ul style="list-style-type: none"> • Necessary funding is allocated.