



THE LABOUR COURT
An Chúirt Oibreachais



USER'S GUIDE TO LABOUR COURT HEARINGS IN VIRTUAL COURT ROOMS USING CISCO WEBEX

1. INTRODUCTION

- 1.1. In Response to COVID-19, to the extent possible, proceedings identified as being suitable will be listed for hearing using remote access technology known as Cisco Webex (Webex).
- 1.2. Proceedings conducted in this manner will be referred to as **Labour Court Hearings in a Virtual Court Room**.
- 1.3. This Guide is intended to provide guidance for practitioners and appellants-in-person appearing in Virtual Court Hearings.
- 1.4. **Appendix A** contains illustrative instructions on how to use Webex.

2. INITIAL STEPS

- 2.1. The success of a Labour Court Hearing in a Virtual Court Room will depend on the facilities available to parties and their willingness to co-operate with the Court and adapt quickly.
- 2.2. Parties in cases selected as suitable for hearings using this technology will be contacted by the Court and invited to participate in a hearing of their case in a Virtual Court Room. Parties will be asked to confirm that they have access to connectivity and equipment necessary to connect with the internet. Such access refers to individual access. This requires that a participant in a virtual hearing must have dedicated individual access to a device and is not sharing a device with another participant. Access to a hearing by way of sharing of devices is **NOT** permitted for technical reasons [note: hearings can be accessed using a smart phone / a tablet / a desktop / a laptop or other device with internet capability].
- 2.3. Where parties to a selected case have confirmed that they have access to necessary technology the Court will seek submissions and schedule a hearing in the normal manner. All communications in these respects will be by e-mail.

3. ESTABLISHING A HEARING in a Virtual Court Room - INVITATIONS

- 3.1. Upon request, parties must provide the Court with the individual email addresses for each of the Hearing participants.
- 3.2. Email notifications will then issue to the parties with instructions on how to join the Court Hearing in a Virtual Court Room.
- 3.3. This notification email can be passed on by the representative to other necessary/required attendees of the party involved.

4. THE HEARING in a Virtual Court Room - WHAT PARTICIPANTS CAN EXPECT

- 4.1. When you join the Hearing in a Virtual Court Room, participants will see their name displayed, along with those of other participants. Participants will also be able to see the live images of the other participants in the hearing. The Chairman will indicate when the hearing actually commences (see **Appendix A** for instructions on how to use Webex).
- 4.2. Participants should join the Hearing **at least 15 minutes prior to the listing time** to allow sufficient time to address any technical issues. The Court Secretary will engage with the parties in order to ensure that all is in order. Please note that following the commencement of the hearing, it will not be possible to join the hearing without the express permission of the Chairman.
- 4.3. The use of recording facilities or recording devices for the purpose of recording or making a transcript or otherwise is prohibited.

- 4.4. In the event of unforeseen and unavoidable technological issues, the Court will temporarily adjourn to allow those issues to be addressed by the party experiencing the issues. If the technical issues cannot be resolved such that all parties can participate effectively the hearing will be abandoned without prejudice to any party. Abandoned hearings will be re-scheduled in due course.

5. WHAT IS EXPECTED OF PARTICIPANTS

- 5.1. Participants must join a Hearing from a quiet, secure location commensurate with a formal Labour Court hearing. It is expected that parties will present themselves to the Hearing in a business-like and respectful manner.
- 5.2. Participants must ensure that there is sufficient internet coverage in their location whether by direct connection, WIFI or mobile/smart phone hotspot.
- 5.3. When in the hearing, if you are not the spokesperson and have not been called upon by the Chairman to speak, you must keep your microphone muted. All participants other than principal spokespersons and members of the Court should (for technical bandwidth reasons) keep their video link turned off throughout the hearing [a person whose video link is turned off will be able to observe the full proceedings on video]. The Chairman will manage the hearing and will call speakers during the hearing, at which time you may then unmute your microphone. Microphones and cameras should be tested by relevant participants and be working prior to joining a Virtual Court Hearing.
- 5.4. In general, protocols of a physical Labour Court hearing will be followed in the Virtual Court Room, subject to any direction of the Chairman.
- 5.5. The Chairman of the Court Division will control the oral contributions of the participants at the hearing, such that any and all oral contributions and interjections are subject to the invitation of the Chairman at all times. Participants must refrain from speaking uninvited and avoid speaking over each order so as to ensure the efficient and smooth running of the Hearing.
- 5.6. During a hearing, private communications on a discreet basis is permitted between a participant and their representative or attending/accompanying party. This is permitted via the Webex individual chat facility or other text messaging facility of the party's choice. All such communications during a hearing are subject to the Chairman's directions as regards the smooth and efficient running of a hearing.
- 5.7. The Chairman will, subject to the smooth operation of the hearing, permit a reasonable request for a short adjournment to facilitate a participant in consulting with their representative or attending/accompanying party via an off-line communications method of their choosing including by telephone.

Please see **Appendix B: Rules & Protocols for a Hearing in a Virtual Court room.**

6. DOCUMENT MANAGEMENT

- 6.1. Written submissions, appendices are to be provided in accordance with the Rules of the Court and in accordance with the timetables set out therein in the normal way.
- 6.2. Having provided their written submissions to the Court, the worker side and the employer side must themselves make arrangements to exchange their submissions with each other at least two days prior to the date of the hearing. Confirmation of this exchange must be provided by each side to the Court as soon as the exchange has completed.
- 6.3. During this period the Court will accept submissions by e-mail.