



CLIENT UPDATE

Reform of the State's Employment Rights and Industrial Relations Structures and Procedures

A major reform of the State's employment rights and industrial relations structures and procedures has recently been announced by Richard Bruton, Minister for Jobs, Enterprise, and Innovation. This overhaul is intended to streamline the current system in order to improve efficiency and reduce complexity, forum shopping and unnecessary overlap.

The current employment regime involves over 30 different employment statutes or regulations, with five redress/enforcement bodies and a upwards of six websites and thirty five different forms in use. Claimants are also faced with long delays of up to eighty weeks depending upon which forum is selected. This has led to the system becoming too complex and onerous for many employees and employers, and involves excessive delays and costs.

It is proposed that a new first instance body is to be established as a single entry portal for all employment rights cases, taking over the first instance functions currently performed by the Rights Commissioner Service, Equality Tribunal, Employment Appeals Tribunal National Employment Rights Agency, and Labour Relations Commission. This would also involve the use of a common format to submit claims and a single website to provide all necessary information.

It is also intended that all appeals would be heard by a single appeals body by integrating some of the functions of the Employment Appeals Tribunal into the Labour Court. This body would act as a court of final appeal against the recommendations from the lower tier, and would assume responsibility for all legal and appellate functions currently exercised by the Employment Appeals Tribunal and the Labour Court.

The Minister has also signalled his intention to establish a new compliance model whereby grievances and disputes should be resolved as close to the workplace as possible and as early as possible after they have arisen. Another stated objective is to minimise the number of cases presenting for resolution at formal hearing through active case progression and an increased range of interventions including mediation, conciliation and arbitration.

Although the precise format for these changes has yet to be decided upon, the Minister's initiative is to be welcomed and a new streamlined system should have the effect of simplifying the currently overly-complex regime, as well as making it more accessible and cost effective.

The Minister has taken the first steps in changing the current employment rights system by appointing Ger Deering, Director of the National Employment Rights Agency to coordinate the streamlining process and Kieran Mulvey, Chief Executive of the Labour Relations Commission to take over the leadership of the National Employment Rights Agency, both of 1st September 2011. It is also hoped that the

single point of entry and the single website for the five redress/enforcement bodies will be in place by the end of the year. In addition, as of the 1st August 2011 a new online application form for the Employment Appeals Tribunal has been piloted.

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