



Labour Court (Registered Employment Agreements) Rules 2015

Interpretation

In these rules: -

“act” means the Industrial Relations (Amendment) Act 2015

“agreement” means an employment agreement within the meaning of section 6 of the Act

“applicant” means a party to an employment agreement who, whether singularly or jointly with another such party, applies to have an employment agreement registered in the Register of Employment Agreements

“Court” means the Labour Court

“parties” has the meaning assigned to that term by section 6 of the Act

A word or expression used in these Rules which is also used in the Act has the same meaning in these Rules as it has in the Act unless a contrary intention appears

The Interpretation Act 2005 applies to these Rules

These Rules may be cited as “Labour Court (Registered Employment Agreements) Rules 2015

Application to Register an Employment Agreement

1. The application to register an agreement shall be made on a form provided for that purpose and shall state: -

- (a) The name and address of the applicant;
 - (b) The name and address of the other parties to the agreement;
 - (c) Confirmation that all parties consent to the registration of the agreement;
 - (d) The title or description of the agreement;
 - (e) The date on which the agreement was concluded.
2. The application shall be accompanied by a copy of the agreement
3. An applicant that is a trade union of workers, and where the application is made jointly by more than one trade union of workers, each such trade union, shall furnish the Court with a Statutory Declaration within the meaning of the Statutory Declarations Act 1938, made by a person authorised in that behalf by the trade union, containing the following particulars:-
- (a) The name of the applicant trade union
 - (b) The position held by the declarant;
 - (c) The registered address of the applicant trade union within the State
 - (d) The number of workers of the class, type or group to which the agreement relates who are members of the trade union of workers on whose behalf the application is made
 - (e) The number of workers of the class, type or group to which the employment agreement relates who are normally employed by the employers to which the agreement relates
 - (f) The declarant's means of knowledge of the matters referred to at paragraphs (d) and (e)
4. Before proceeding to consider the application the Court may request an applicant or any other party to the agreement to furnish:-
- (a) Such additional information as it may require;

- (b) Such further evidence as it may require in support of the statements contained in the application form or in the Statutory Declaration provided in support of the application;
 - (c) Such evidence of the publication required by section 8(4) of the Act as the Court may specify;
5. Where the Court receives notice of an objection to the registration of an agreement in accordance with section 8(5)(a) of the Act it shall, unless it considers the objection frivolous, convene a hearing to consider such objections and shall inform every party interested and desiring to be heard of the date, time and place of the hearing;
- (a) Every party interested and desiring to be heard shall furnish the Court with a statement of their position on the application within such time as the Court may specify;
 - (b) As soon as may be after the hearing referred to at paragraph (a) the Court shall give its decision on the application in writing and the reasons thereof.

Variation of Registered Employment Agreements

6. An application to vary a Registered Employment Agreement in accordance with section 9 of the Act shall be made in writing to the Court and shall state: -
- (a) The name and address of the applicant;
 - (b) Full details of the variation sought
7. An application to vary an agreement shall be accompanied by confirmation in writing that all parties to the agreement have consented to the variation sought
8. Where all parties to the agreement have not consented to the variation sought the procedures prescribed by section 9 of the Act shall apply

Revocation of Previous Rules

9. The Labour Court Provisional (Part III) Rules 1946 are hereby revoked

Labour Court (Sectoral Employment Orders) Rules 2016

Interpretation

In these Rules: -

“the Act” means the Industrial Relations (Amendment) Act 2015.

“applicant” means a trade union of workers and a trade union or organisation of employers that requests an examination of terms and conditions of employment in accordance with section 14 of the Act;

“Court” means the Labour Court.

“sector” means an economic sector within the meaning of section 13 of the Act.

A word or expression used in these Rules which is also used in the Act has the same meaning in these Rules as it has in the Act unless a contrary intention appears

The Interpretation Act 2005 applies to these Rules

These Rules may be cited as “Labour Court (Sectoral Employment Orders) Rules 2015-2016.

Application to Examine Terms and Conditions of Employment

1. A request to the Court to examine the terms and conditions of employment in a sector pursuant to section 14 of the Act shall be made on an application form provided for that purpose and shall state: -

- (a) The name and address of the applicant;
- (b) The sector to which the request relates;
- (c) The class, type or group of workers to which the request relates;
- (d) Details of the arrangements (if any) by which terms and conditions relating to remuneration and any sick pay scheme or pension scheme, of

the workers in the sector to which the request relates are determined;

- (e) Where the applicant is a trade union of workers, the name and address of any other trade union of workers that is representative of workers in the sector to which the request relates;
- (f) Where the applicant is a trade union of workers, the name and address of any trade union of employers or organisation of employers that is representative of employers in the sector to which the request relates;
- (g) Where the applicant is a trade union of employers or an organisation of employers, the name and address of any trade union of workers that is representative of workers in the sector to which the request relates;

2. Where a request is made to the Court jointly by more than one applicant each applicant shall complete a separate form.

3. Every applicant that is a trade union of workers shall furnish the Court with a Statutory Declaration within the meaning of the Statutory Declarations Act 1938, made by a person authorised in that behalf by the trade union, containing the following particulars: -

- (a) The name of the applicant trade union
- (b) The position held by the declarant;
- (c) The registered address of the applicant trade union within the State
- (d) The number of workers of the class type or group to which the agreement relates who are members of the trade union of workers on whose behalf the request is made
- (e) The number of workers of the class type or group to which the request relates who are normally employed in the sector to which the request relates

(f) The declarant's means of knowledge of the matters referred to at paragraphs (d) and (e)

4. Every applicant that is a trade union of employers or an organisation of employers shall furnish the Court with a Statutory Declaration within the meaning of the Statutory Declarations Act 1938, made by a person authorised in that behalf by the trade union, or the organisation, containing the following particulars:-

(a) The name of the applicant

(b) The position held by the declarant;

(c) The registered address of the applicant within the State;

(d) The number of workers of the class type or group to which the request relates who are normally employed by the employers who are members of the trade union of employers or the organisation of employers on whose behalf the Declaration is made;

(e) The number of workers of the class type or group to which the request relates who are normally employed in the sector to which the request relates;

(f) The declarant's means of knowledge of the matters referred to at paragraphs (d) and (e).

Provision of Further Information and Evidence

5. Before proceeding to consider the request the Court may require an applicant, or any other person, to furnish:-

(a) Such additional information as it may require;

(b) Such further evidence as it may require in support of the statements contained in the application form or in the Statutory Declaration provided in support of the request;

Publication of Notice

6. For the purpose of compliance with section 15(2) of the Act the Court shall, as soon as may be after it receives a request to conduct an examination under that section, publish a notice in at least one newspaper in general circulation within the State, of its intention to conduct an examination and inviting representations under Section 15 (3) of the Act from all interested parties.

Making Representations

7. Representations made in accordance with section 15(3) of the Act shall be made in writing within 28 days of the publication of the notice referred to at Rule 6.

Information

8. All documentation received by the Court under Rules 1 to 5 and 7 shall, unless specifically requested otherwise, be published by the Court on its website
https://www.workplacerelations.ie/en/WR_Bodies/Labour_Court/Labour_Court.html
9. All parties furnishing documents to the Court must ensure that they not include any sensitive personal data within the meaning of the Data Protection Acts 1988 and 2003.

Labour Court (Sectoral Employment Orders) Rules 2015 are hereby revoked

25 July 2016

Labour Court (Exemption from Obligation to Pay Remuneration Prescribed by a Sectoral Employment Order) Rules 2015

Interpretation

In these Rules: -

“Act” means the Industrial Relations (Amendment) Act 2015

“applicant” means a person who makes an application pursuant to section 21(4) of the Act

“Court” means the Labour Court

“tax clearance certificate” has the meaning assigned to it by section 21(5)(a) of the Act

A word or expression used in these Rules which is also used in the Act has the same meaning in these Rules as it has in the Act unless a contrary intention appears

The Interpretation Act 2005 applies to these Rules

These Rules may be cited as “Labour Court (Exemption from Obligation to Pay Remuneration Prescribed by a Sectoral Employment Order) Rules 2015

Application for an Exemption

1. An application for an exemption in accordance with section 21(1) of the Act shall be made on a form provided for that purpose
2. The application shall be accompanied by
 - (a) A tax clearance certificate
 - (b) A statement in writing made by the applicant setting out : -
 - (i)The basis upon which the application is grounded;
 - (ii)The period in respect of which the exemption is sought;

(iii)The nature of the severe financial difficulties relied upon in making the application;

3. The applicant shall state in writing whether the application is supported by:

(a) The majority of the workers concerned,

(b) The representatives of the majority of the workers concerned, or

- (c) A trade union representing the majority of the workers concerned;
4. Where consent has not been received in a manner referred to in Rule 3, the applicant shall provide details of;
- (a) Any consultation engaged in by the applicant with the workers to whom the application relates;
 - (b) The person or persons consulted;
 - (c) The outcome of the consultation.
5. The Court may request further information from the applicant and may give any directions that it considers appropriate in relation to the application:
6. Without prejudice to the generality of Rule 5 the Court may give directions in relation to: -
- (a) The provision of further or better particulars of the severe financial difficulties relied upon in making the application;
 - (b) The provision of further or better particulars of the severe financial difficulties relied upon to the workers concerned;
 - (c) The notification to workers of the making of the application;
 - (d) The notification to workers of the date of the hearing to consider the application and of their right to appear and be represented at the hearing.

Representation of Parties

7. At a hearing held in accordance with section 21(6) of the Act a party may appear in person or be represented by a person of their choosing.