

Appendix I

Summary Information on the Employment Appeals Tribunal

The Employment Appeals Tribunal membership comprises the Chairman, Ms Kate T. O'Mahony, B.L., 35 Vice-Chairmen; 40 Ordinary Members nominated by the Irish Congress of Trade Unions; and 40 Ordinary Members nominated by IBEC and other bodies representative of employers.

Legislative Jurisdiction of the Employment Appeals Tribunal

1. Redundancy Payments Acts, 1967 to 2007
2. Minimum Notice and Terms of Employment Acts, 1973 to 2001;
3. Unfair Dismissals Acts, 1977 to 2007;
4. Maternity Protection Acts, 1994 and 2004;
5. Protection of Employees (Employers' Insolvency) Acts, 1984 to 2004;
6. Payment of Wages Act, 1991;
7. Terms of Employment (Information) Acts, 1994 and 2001;
8. Adoptive Leave Acts, 1995 and 2005;
9. Protection of Young Persons (Employment) Act, 1996;
10. Organisation of Working Time Act, 1997;
11. Parental Leave Acts, 1998 and 2006;
12. Protections for Persons Reporting Child Abuse Act, 1998;
13. European Communities (Protection of Employment) Regulations, 2000;
14. European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003;
15. Carer's Leave Act, 2001;
16. Competition Acts, 2002 and 2006.

Statistical Information from 2006 EAT Annual Report

In 2006, the total number of cases referred to the Tribunal was 3,480 and the number disposed of was 3,169.

The number of appeals from the Recommendations of the Rights Commissioners rose to a high of 367 in 2006 [an increase of 24% from 2005].

Unfair Dismissals:

1066 direct claims were disposed of in 2006.

There were 72 appeals against recommendations of the Rights Commissioners under UD Act in 2006.

Total UD cases = 1138.

[Appeals from Rights Commissioners make up 6% of all UD cases]

Adjudicating on unfair dismissal cases accounts for approximately 95% of the workload of the Tribunal in terms of time spent at hearings.

In 2006, the Tribunal disposed of a total of 3169 cases. In this respect, UD cases make up 36% of the total number of cases.

Of the 1066 direct UD claims disposed of, 170 were allowed, 206 were dismissed, 379 were withdrawn during hearing and 311 were withdrawn prior to hearing.

Forms of Redress:

The Tribunal awarded compensation amounting to €2,627,003.56 in 221 cases in 2006. The average compensation awarded by the Tribunal was €11,886.89.

Re-instatement was ordered in 2 cases and re-engagement in 5 cases.

Waiting periods:

The average waiting period for a case to come for hearing before the Tribunal in 2006 was 27 weeks in Dublin and 44 weeks in provincial areas.

Number of Tribunal Sittings:

During 2006, divisions of the Tribunal sat on 229 days at 36 different venues throughout the country. On 228 of these days, 2 or more divisions of the Tribunal sat. The total number of sittings was 1,062 (517 in Dublin and 545 in the Provinces).

Appendix II

S.I. No. 24 of 1968.

REDUNDANCY (REDUNDANCY APPEALS TRIBUNAL) REGULATIONS, 1968.

I, P. S. Ó h-IRIGHILE, Minister for Labour, in exercise of the powers conferred on me by [section 39](#) (19) of the [Redundancy Payments Act, 1967](#) (No. 21 of 1967), hereby make the following Regulations:

General.

1. These Regulations may be cited as the Redundancy (Redundancy Appeals Tribunal) Regulations, 1968.

2. In these Regulations—

"the Act" means the [Redundancy Payments Act, 1967](#) (No. 21 of 1967);

"the Minister" means the Minister for Labour;

"notice of appeal" means the notice of appeal required by paragraph 3;

"the Tribunal" means the Redundancy Appeals Tribunal.

Originating Application.

3. Where a person (in these Regulations referred to as the appellant) desires to have a question referred under section 39 (15) of the Act to the Tribunal for decision, he shall give written notice of appeal to the Minister.

4. The notice of appeal shall be given on the form provided by the Minister for the purpose and shall be accompanied by a statement of the facts and contentions on which the appellant intends to rely.

Time Limit for and Withdrawal of Appeals.

5. No appeal shall be entertained by the Tribunal unless the appropriate notice of appeal has been submitted to the Minister within 21 days after the receipt by the appellant of the decision which constitutes the subject of the appeal; provided that notice of appeal given after that period may, with the consent of the Minister, be accepted.

6. An appellant may withdraw an appeal to the Tribunal by sending notice of withdrawal to the Minister.

Forwarding of Appeals.

7. (1) In the case of an appeal against a decision of a deciding officer and in the case of an employer who is appealing against a decision given by the Minister in relation to a rebate, the Minister shall, as soon as may be after receipt of the notice of appeal, cause to be furnished to the Secretary of the Tribunal the notice of appeal together with a counter-statement given by or on behalf of the deciding officer or the Minister (as the case may be) showing to what extent the facts and contentions advanced by the appellant are admitted or disputed.

(2) On receipt of the notice of appeal and the counter-statement, the Secretary of the Tribunal shall forward a copy of the counter-statement to the appellant.

8. (1) In the case of an employee who is appealing against a decision given by an employer under the Act, the Minister shall cause the notice of appeal to be forwarded to

the Secretary of the Tribunal.

(2) On receipt of the notice of appeal the Secretary of the Tribunal shall forward to the employer concerned (in these Regulations referred to as the respondent) a copy of the statement by the appellant required under paragraph 4.

Appearance by Respondent.

9. (1) A respondent shall within 14 days of receiving a copy of the appropriate notice of appeal enter an appearance to the proceedings by sending to the Secretary of the Tribunal a statement (on the form provided by the Minister for the purpose) indicating whether he intends to contest the appeal and, if so, to what extent the facts and contentions advanced by the appellant are admitted or disputed.

(2) Subject to subparagraph (3), a respondent who has not submitted a notice of appearance as required by subparagraph (1) shall not be entitled to take any part in the appeal proceedings or to be represented thereat.

(3) A respondent may apply within the 14-day-period mentioned in subparagraph (1) for an extension of the time in which to enter an appearance.

(4) When the Secretary of the Tribunal receives a notice of appearance from the respondent, he shall forthwith send a copy thereof to the appellant.

Hearings by the Tribunal.

10. The chairman of the Tribunal shall from time to time fix dates, times and places for the hearing of appeals by the Tribunal and notice thereof shall be given by the Secretary to the Tribunal to all persons appearing to the chairman to be concerned.

11. The hearing of an appeal by the Tribunal shall take place in public unless the Tribunal decides at the request of either party to the appeal to hear the appeal in private.

12. Parties summoned to attend a hearing of the Tribunal may appear and be heard in person or may be represented by counsel or solicitor or by a representative of a trade union or of an employers' association or, with the leave of the Tribunal, by any other person.

Procedure at Hearings.

13. A party to an appeal heard by the Tribunal may—

- (a) make an opening statement,
- (b) call witnesses,
- (c) cross-examine any witnesses called by any other party,
- (d) give evidence on his own behalf, and
- (e) address the Tribunal at the close of the evidence.

14. The Tribunal may postpone or adjourn the hearing of an appeal from time to time.

15. The Tribunal may admit any duly authenticated written statement as prima facie evidence of any fact whenever it thinks it just and proper so to do.

16. If, after notice of a hearing has been duly given, any of the parties fails to appear at the hearing, the Tribunal may determine the question under appeal or may adjourn the

hearing to a later date: provided that before determining the question under appeal the Tribunal shall consider all the evidence before it at the time of the hearing.

17. (1) A decision of the Tribunal may be taken by a majority of the members thereof.

(2) A decision of the Tribunal shall be recorded in a document signed by the chairman and sealed with the seal of the Tribunal.

(3) A decision of the Tribunal shall be entered in a Register of Appeals and a copy of the decision shall be sent to the appellant and to any other person concerned.

(4) The Register of Appeals shall be open to inspection by any person without charge during normal business hours.

(5) The chairman of the Tribunal may by certificate under his hand correct any clerical mistake, error or omission in a decision of the Tribunal, and the correction shall be duly entered in the Register of Appeals and a copy of the corrected decision shall be sent to the appellant and to any other person concerned.

Notices.

18. (1) Any notice required by these Regulations shall be in writing, and all notices and documents required or authorised by these Regulations to be sent or given to any person may be deemed to be duly sent if sent by registered post and directed—

(i) in the case of the Minister, to the head office of the Department of Labour,

(ii) in the case of the Secretary of the Appeals Tribunal, to the office of the Secretary,

(iii) in the case of an appellant, to the address given by him in the notice of appeal,

(iv) in the case of any other person, to his usual or last-known address or his place of business,

(v) in the case of a body corporate, to its registered office.

(2) A notice or document if sent or given to the authorised representative of a person shall be deemed to have been sent or given to that person.

(3) A party to an appeal may at any time by notice to the Tribunal and to any other party or parties concerned in the appeal change his address for service under these Regulations.

Costs and Expenses.

19. (1) Subject to subparagraph (2), the Tribunal shall not award costs against any party to an appeal.

(2) Where in the opinion of the Tribunal a party to the proceedings (and, if he is a respondent, whether or not he has entered an appearance) has acted frivolously or vexatiously, the Tribunal may make an order that that party shall pay to another party a specified amount in respect of travelling expenses and any other costs or expenses reasonably incurred by that other party in connection with the hearing.

(3) Notwithstanding subparagraph (2), costs shall not be awarded in respect of the costs or expenses in respect of the attendance of counsel, solicitors, officials of a trade union or of an employers' association appearing before the Tribunal in a representative capacity.

(4) Where the Tribunal has made an order under subparagraph (2), the amount referred to in the order shall be recoverable as a simple contract debt.

20. (1) The Tribunal may award to a person appearing before it a sum in respect of travelling expenses and subsistence allowances in accordance with such scale as the Minister, with the consent of the Minister for Finance, may from time to time determine.

(2) A sum awarded under subparagraph (1) shall be paid out of the Redundancy Fund.

Miscellaneous.

21. (1) The Tribunal shall have an official seal which shall be judicially noticed.

(2) When affixed to any document the official seal of the Tribunal shall be authenticated by the signature of the chairman or vice-chairman of the Tribunal or by the secretary or such officer of the Tribunal as is authorised for that purpose by the chairman.

(3) Every document issued by the Tribunal and sealed with the official seal of the Tribunal shall be received in evidence without further proof.

22. (1) Where the Minister would not otherwise be a party to any proceedings before the Tribunal, he may request the Tribunal to treat him as a party to the proceedings and, where the Minister makes such a request, he shall be treated as such a party and be entitled to appear and be heard accordingly.

(2) Where under subparagraph (1) the Minister is treated as a party to proceedings, he may for the purposes of appearing or being heard before the Tribunal be represented by a person appointed by him.

23. The Tribunal may consider and decide any question duly referred to it for consideration and determination, notwithstanding the failure or neglect of any person to comply with any requirement of these Regulations.

24. The Tribunal may require any party to an appeal to furnish in writing further particulars with regard to the facts and contentions contained in either the notice of appeal or the notice of appearance and when the required particulars have been received by the Secretary of the Tribunal he shall furnish the other party to the appeal with a copy of the particulars provided.

25. A reference by a deciding officer to the Tribunal under section 39 (16) of the Act shall be made on the form provided by the Minister for that purpose.

GIVEN under my Official Seal, this 29th day of January, 1968.

P. S. Ó h-IRIGHILE,

Minister for Labour.

EXPLANATORY NOTE.

These Regulations prescribe the procedure to be followed in relation to the submission and hearing of appeals against decisions given under the [Redundancy Payments Act, 1967](#). They also provide for matters incidental to the hearing of appeals, including notifications of decisions, the keeping of a Register of Appeals, the use of an official seal and the awarding of costs and expenses.

S.I. No. 286 of 1977.

UNFAIR DISMISSALS (CLAIMS AND APPEALS) REGULATIONS, 1977.

I, GENE FITZGERALD, Minister for Labour, in exercise of the powers conferred on me by [section 17](#) of the [Unfair Dismissals Act, 1977](#) (No. 10 of 1977), hereby make the following regulations :

1. (1) These Regulations may be cited as the Unfair Dismissals (Claims and Appeals) Regulations, 1977.

(2) These Regulations shall come into operation on the 14th day of September, 1977.

2. In these Regulations—

"the Act" means the [Unfair Dismissals Act, 1977](#) (No. 10 of 1977);

"appeal" means an appeal under section 9 of the Act;

"claim" means a claim under section 8 (1) or section 8 (4) (a) of the Act;

"the Minister" means the Minister for Labour;

"the Tribunal" means the Employment Appeals Tribunal established by the [Redundancy Payments Act, 1967](#).

3. A notice under subsection (2) of section 8 of the Act to the Tribunal or under subsection (4) of the said section 8 or section 9 (2) of the Act shall specify—

(a) the name and address of the person bringing the claim or appeal,

(b) the name and address of the employer or the employee, as the case may be, concerned,

(c) the date of the commencement of the employment to which the notice relates,

(d) the date of the dismissal to which the notice relates, and

(e) the amount claimed by the said person to be the weekly remuneration of the said person in respect of the said employment calculated in accordance with regulations under section 17 of the Act.

4. A claim or appeal may be withdrawn by sending a notification in writing signifying such withdrawal to the tribunal.

5. (1) A party to a claim or appeal who receives notice thereof under section 8 or 9, as the case may be, of the Act and who intends to oppose the claim or appeal shall enter an appearance to the claim or appeal by giving to the Tribunal, within 14 days of the receipt by him of the said notice, a notice in writing stating that he intends to oppose the claim or appeal, as the case may be, and containing the facts and contentions on which he will ground such opposition.

(2) A party to a claim or appeal who does not enter an appearance to the claim or appeal in pursuance of this Regulation shall not be entitled to take part in or be present or represented at any proceedings before the Tribunal in relation to the claim or appeal.

(3) A party to a claim or appeal may, before the expiration of the period referred to in paragraph (1) of this Regulation, apply, by giving to the Tribunal a notice in writing containing the facts and contentions on which he grounds the application, for an

extension of the said period and the Tribunal may make such order in relation to the application as it thinks just.

6. On receipt by the Tribunal of a notice referred to in Regulation 3 or 5 of these Regulations or a notification under Regulation 4 of these Regulations, the Tribunal shall cause a copy of the notice or notification, as the case may be, to be given to the other party concerned.

7. The chairman of the Tribunal may, by certificate under his hand, correct any mistake (including an omission) of a verbal or formal nature in a determination of the Tribunal.

8. (1) The Tribunal shall maintain a register, to be known as the Register of Unfair Dismissals Determinations (referred to subsequently in this Regulation as "the Register"), and shall cause to be entered in the Register particulars of every determination by the Tribunal under Section 8 or 9 of the Act.

(2) The Register may be inspected free of charge by any person during normal office hours.

(3) Where the chairman of the Tribunal makes a correction, pursuant to Regulation 7 of these Regulations, particulars thereof shall be entered in the Register.

(4) A copy of an entry in the Register shall be sent to the parties concerned.

9. (1) A notice required by subsection (2) or (4) of section 8 or section 9 (2) of the Act or by these Regulations to be given to the Tribunal may be sent by registered post addressed to the Secretary, Employment Appeals Tribunal, Dublin 4, and a document required by these Regulations to be given to a party to proceedings before the Tribunal may be sent by registered post addressed to the party—

(a) in case his address is specified in a notice referred to in Regulation 3 of these Regulations, at that address, and

(b) in the case of a body corporate (being a case to which paragraph (a) of this Regulation does not apply) at its registered office, and

(c) in any other case, at his known place of residence or at a place where he works or carries on business.

(2) Any such notice or notification as aforesaid that is sent or given to a person authorised to receive it by the person to whom it is required by these Regulations to be given shall be deemed to have been sent to the latter person.

10. Regulations 10 to 17 (2), 19, 20, 20A (inserted by the Redundancy (Redundancy Appeals Tribunal) (Amendment) Regulations, 1969 ([S.I. No. 26 of 1969](#))), 23 and 24 of the Redundancy (Redundancy Appeals Tribunal) Regulations, 1968 ([S.I. No. 24 of 1968](#)), shall, with any necessary modifications, and in the case of the said Regulations 20 and 20A, with the modification that a sum awarded by the Tribunal under either such Regulation shall, in lieu of being paid out of the fund referred to therein, be paid by the Minister for Labour with the consent of the Minister for Finance, apply in relation to a claim under Section 8 of the Act, an appeal under section 9 of the Act and proceedings in relation to such a claim or appeal as they apply in relation to appeals provided for by [section 39](#) of the [Redundancy Payments Act, 1967](#) (No. 21 of 1967).

GIVEN under my Official Seal, this 7th day of September, 1977.

GENE FITZGERALD,

Minister for Labour.

EXPLANATORY NOTE.

These regulations prescribe the procedure to be followed in relation to the submission and hearing of claims and appeals before the Employment Appeals Tribunal under the [Unfair Dismissals Act, 1977](#).

S.I. No. 114 of 1979.

REDUNDANCY (EMPLOYMENT APPEALS TRIBUNAL) REGULATIONS, 1979.

I, GENE FITZGERALD, Minister for Labour, in exercise of the powers conferred on me by [section 39](#) (19) of the [Redundancy Payments Act 1967](#) (No. 21 of 1967), hereby make the following Regulations:

1. These Regulations may be cited as the Redundancy (Employment Appeals Tribunal) Regulations, 1979.

2. The Redundancy (Redundancy Appeals Tribunal) Regulations, 1968 ([S.I. No. 24 of 1968](#)), are hereby amended—

(a) by the substitution of the following paragraph for paragraph 3:

"Where a person (in these Regulations referred to as the appellant) desires to appeal under section 39 (15) of the Act to the Tribunal he shall give written notice of appeal to the Secretary of the Tribunal."

(b) by the substitution of the following paragraphs for paragraphs 5 and 6:—

"5. No appeal shall be entertained by the Tribunal unless the appropriate notice of appeal has been submitted to the Tribunal within 21 days after the receipt by the appellant of the decision which constitutes the subject of the appeal; provided that notice of appeal given after that period may, with the consent of the Tribunal, be accepted.

6. An appellant may withdraw an appeal to the Tribunal by sending notice of withdrawal to the Tribunal."

(c) by the substitution of the following paragraph for paragraph 7 (1):—

"7 (1) In the case of an appeal against a decision of a deciding officer and in the case of an employer who is appealing against a decision given by the Minister in relation to a rebate, the Secretary of the Tribunal shall forward to the Minister the notice of appeal together with a copy of the statement by the appellant required under paragraph 4, and the Minister shall, as soon as may be after receipt by him of such copy appeal and statement, cause to be furnished to the Secretary of the Tribunal a counter-statement given by or on behalf of the deciding officer or the Minister (as the case may be) showing to what extent the facts and contentions advanced by the appellant are admitted or disputed."

(d) by the substitution of the following paragraph for paragraph 8:

"8. In the case of an employee who is appealing against a decision given by an employer under the Redundancy Payments Acts, 1967 to 1979, the Secretary of the Tribunal shall on receipt of the notice of appeal forward to the employer concerned (in these Regulations referred to as "the respondent") a copy of the notice of appeal and of the statement by the appellant required under paragraph 4."

(e) by the insertion of the following paragraph after paragraph 20:

"20A. (1) Subject to subparagraph (2), the Tribunal may, at its discretion, award to a person appearing before it and whose attendance is deemed essential by the Tribunal such sum in respect of expenses for loss of remunerative time as it considers reasonable.

(2) The Tribunal shall not make an award under subparagraph (1) in respect of the attendance before the Tribunal of—

(a) appellant or respondents,

(b) any of the following persons appearing in a representative capacity—
counsel, solicitors, officials of a trade union, officials of an employer's association.

(3) A sum awarded under subparagraph (1) shall be paid out of the Redundancy Fund."

(f) by the insertion of the following paragraph after paragraph 23:

"23A. The Tribunal may consider and decide any appeal duly made to it notwithstanding the failure or neglect of any person to comply with any requirement of these Regulations."

3. The Redundancy (Redundancy Appeals Tribunal) (Amendment) Regulations 1969 ([S.I. No. 26 of 1969](#)) are hereby revoked.

GIVEN under my Official Seal, this 5 day of April, 1979.

GENE FITZGERALD.

Minister for Labour.

EXPLANATORY NOTE.

These regulations amend the procedure to be followed in relation to the submission and hearing of appeals against decisions under the Redundancy Payments Acts 1967 to 1979. They also provide for the award by the Employment Appeals Tribunal of expenses in respect of loss of remunerative time to essential witnesses (other than appellants, respondents or their representatives) appearing before it.

Employment Appeals Tribunal The Processing of a claim

Claims can be submitted either directly, or on appeal from recommendations and decisions of the Rights Commissioner, to the Employment Appeals Tribunal.

The following process applies equally to claims submitted directly to the Tribunal, or on appeal from the Rights Commissioner.

Stage 1: J Bloggs, claimant, submits a claim for constructive dismissal against her former employer, A.N. Other. The onus rests with the claimant to prove the case.

1. **J Bloggs (the claimant)** submits a claim against his former employer **A N Other (the respondent)**, to the Employment Appeals Tribunal on the relevant form, (e.g. on **Form T1a** if claiming Unfair Dismissal, Minimum Notice, Redundancy, and/or Organisation of Working Time).
2. **Form T1a** is dated on day of receipt by the EAT Secretariat. The claim is audited to ensure it's a valid claim i.e. not statute barred for any reason. If so, is then logged into the EAT Oracle system and given a case reference number.
3. The claim is re-audited to ensure that the information keyed into the Oracle system is the same as the information contained on the Form T1a.
4. Once all checks have been completed, the claim is acknowledged to the claimant, and a copy of the claim is forwarded to the named employer (the respondent), requesting if they wish to enter a **Notice of Appearance on Form T2**, which is their defence of the claim.

Stage 2: Respondent's defence of the claim.

5. If/when **Form T2** is returned to the Tribunal it is dated on day of receipt, it is acknowledged to the respondent, and a copy sent to the claimant.
6. Papers received from either party is/are automatically copied to the other party, if received by the Tribunal. The case then waits a hearing date.

Stage 3: The Hearing.

7. Once the case has been listed for hearing, the Tribunal checks the availability of a venue (if a country based hearing) or for Dublin (normally take place at the Tribunal's HQ).
8. Once a venue or Hearing Room has been assigned to a case, the Tribunal issues a **Notice of Hearing** to both parties, and to their representatives, if any. The Notice sets out the date, time and place of the hearing.
9. The Tribunal issues the Notice of Hearing at least three to four weeks in advance of the hearing.

10. A party can apply for a postponement of the scheduled hearing within five working days of receipt of the Notice of Hearing. Applications can, of course, be made outside of this timeframe. If a Division grants a postponement, the case goes back on the list and waits a new hearing date.
11. The Listing Officer checks the availability of Members, to constitute a Division of three Members, i.e. Vice Chairman, and two ordinary members representing the Social Partners.
12. The Secretariat forwards the papers e.g. **A Bloggs vs A. N. Other** to the Division at least two weeks in advance of the hearing.
13. The parties attend on the scheduled hearing date, and the case opens before a Division. Cases are initially allocated a half-day hearing, and if additional day/s are required, the parties may agree them at that stage, or if not possible, the case returns to the list and waits for the next available date to resume the hearing.
14. At the hearing, the Secretary to the Division meets the parties, introduces his/herself to them, and answers any questions. When the hearing begins, the Chairman introduces the Division members, as well as the Secretary, to the parties. The Secretary's duty is to take the minutes of evidence. S/he applies the oath to the parties and in this instance as the onus rests with the claimant **J Bloggs** to prove his/her case for constructive dismissal the claimant presents his/her case first.
15. **J Bloggs** may call witnesses to appear on his/her behalf; and their evidence is again taken under oath.
16. The respondent **A.N. Other** has the right to cross-examine the claimant and his/her witnesses.
17. Equally, the claimant has a right to cross-examine the respondent and any witnesses called on behalf of the respondent.
18. The Division may ask questions of either party at the end of their examination in chief, and following their cross-examination.

Stage 4. The Determination.

19. Once a case concludes the Secretary to the Division that had *sessin* of the case prepares the draft determination, which outlines the evidence taken on the day/s of hearing, and includes the decision of the Tribunal.
20. The draft determination is forwarded to the Chairman, for approval and signature.
21. Subject to that approval and signature, the Determination is returned to the Tribunal for issue to the parties and to their representatives, if any.
22. **Case of J Bloggs vs A. N. Other is then finished.**

Appendix III

STATUTORY INSTRUMENTS

2004 No. 1861

EMPLOYMENT TRIBUNALS

The Employment Tribunals (Constitution and Rules of Procedure) Regulations
2004

| | |
|-------------------------------|-------------------------|
| <i>Made</i> | <i>19th July 2004</i> |
| <i>Laid before Parliament</i> | <i>20th July 2004</i> |
| <i>Coming into force</i> | <i>1st October 2004</i> |

Arrangement of regulations

- [1. Citation, commencement and revocation](#)
- [2. Interpretation](#)
- [3. Overriding objective](#)
- [4. President of Employment Tribunals](#)
- [5. Establishment of employment tribunals](#)
- [6. Regional Chairmen](#)
- [7. Vice President](#)
- [8. Panels of members of tribunals - general](#)
- [9. Composition of tribunals - general](#)
- [10. Panels of members of tribunals - national security proceedings](#)
- [11. Composition of tribunals - national security proceedings](#)
- [12. Modification of section 4 of the Employment Tribunals Act \(national security proceedings\)](#)
- [13. Practice directions](#)
- [14. Power to prescribe](#)
- [15. Calculation of time limits](#)
- [16. Application of Schedules 1-5 to proceedings](#)
- [17. Register](#)
- [18. Proof of decisions of tribunals](#)
- [19. Jurisdiction of tribunals in Scotland and in England & Wales](#)
- [20. Transitional provisions](#)

[SCHEDULE 1](#) [THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE](#)
HOW TO BRING A CLAIM

[1. Starting a claim](#)

ACCEPTANCE OF CLAIM PROCEDURE

[2. What the tribunal does after receiving the claim](#)

[3. When the claim will not be accepted by the Secretary](#)

RESPONSE

[4. Responding to the claim](#)

ACCEPTANCE OF RESPONSE PROCEDURE

[5. What the tribunal does after receiving the response](#)

[6. When the response will not be accepted by the Secretary](#)

[7. Counterclaims](#)

CONSEQUENCES OF A RESPONSE NOT BEING PRESENTED OR ACCEPTED

[8. Default judgments](#)

[9. Taking no further part in the proceedings](#)

CASE MANAGEMENT

[10. General power to manage proceedings](#)

[11. Applications in proceedings](#)

[12. Chairman acting on his own initiative](#)

[13. Compliance with orders and practice directions](#)

DIFFERENT TYPES OF HEARING

[14. Hearings - general](#)

[15. Use of electronic communications](#)

[16. Hearings which may be held in private](#)

CASE MANAGEMENT DISCUSSIONS

[17. Conduct of case management discussions](#)

PRE-HEARING REVIEWS

[18. Conduct of pre-hearing reviews](#)

[19. Notice requirements](#)

PAYMENT OF A DEPOSIT

[20. Requirement to pay a deposit in order to continue with proceedings](#)

CONCILIATION

[21. Documents to be sent to conciliators](#)

[22. Fixed period for conciliation](#)

[23. Early termination of conciliation period](#)

[24. Effect of staying or sisting proceedings on the conciliation period](#)

WITHDRAWAL OF PROCEEDINGS

[25. Right to withdraw proceedings](#)

THE HEARING

[26. Hearings](#)

[27. What happens at the Hearing](#)

ORDERS, JUDGMENTS AND REASONS

[28. Orders and judgments](#)

[29. Form and content of judgments](#)

[30. Reasons](#)

[31. Absence of chairman](#)

[32. The Register](#)

POWER TO REVIEW JUDGMENTS AND DECISIONS

[33. Review of default judgments](#)

[34. Review of other judgments and decisions](#)

[35. Preliminary consideration of application for review](#)

[36. The review](#)

[37. Correction of judgments, decisions or reasons](#)

COSTS ORDERS AND ORDERS FOR EXPENSES

[38. General power to make costs and expenses orders](#)

[39. When a costs or expenses order must be made](#)

[40. When a costs or expenses order may be made](#)

[41. The amount of a costs or expenses order](#)

PREPARATION TIME ORDERS

[42. General power to make preparation time orders](#)

[43. When a preparation time order must be made](#)

[44. When a preparation time order may be made](#)

[45. Calculation of a preparation time order](#)

[46. Restriction on making costs or expenses orders and preparation time orders](#)

[47. Costs, expenses or preparation time orders when a deposit has been taken](#)

WASTED COSTS ORDERS AGAINST REPRESENTATIVES

[48. Personal liability of representatives for costs](#)

POWERS IN RELATION TO SPECIFIC TYPES OF PROCEEDINGS

[49. Sexual offences and the Register](#)

[50. Restricted reporting orders](#)

[51. Proceedings involving the National Insurance Fund](#)

- [52. Collective agreements](#)
- [53. Employment Agencies Act 1973](#)
- [54. National security proceedings](#)
- [55. Dismissals in connection with industrial action](#)
- [56. Devolution issues](#)
- [57. Transfer of proceedings between Scotland and England & Wales](#)
- [58. References to the European Court of Justice](#)

[59. Transfer of proceedings from a court](#)

GENERAL PROVISIONS

- [60. Powers](#)
- [61. Notices, etc](#)

SCHEDULE 2 THE EMPLOYMENT TRIBUNALS (NATIONAL SECURITY) RULES OF PROCEDURE

- [1. Application of Schedule 2](#)
- [2. Notification of national security proceedings](#)
- [3. Responding to a claim](#)
- [4. Serving of documents by the Secretary](#)
- [5. Default judgment](#)
- [6. Witness orders and disclosure of documents](#)
- [7. Case management discussions and pre-hearing reviews](#)
- [8. Special advocate](#)
- [9. Hearings](#)
- [10. Reasons in national security proceedings](#)
- [11. Correction of written reasons](#)
- [12. Review of judgments or decisions](#)

SCHEDULE 3 THE EMPLOYMENT TRIBUNALS (LEVY APPEALS) RULES OF PROCEDURE

For use only in proceedings on levy appeals

- [1. Application of Schedule 1](#)
- [2. Definitions](#)
- [3. Notice of Appeal](#)
- [4. Action on receipt of appeal](#)
- [5. Requests for further information](#)
- [6. Withdrawal of appeal or assessment](#)
- [7. Entry of appeal](#)
- [8. Order for further information](#)
- [9. Provisions of Schedule 1 which do not apply to levy appeals](#)

10. Modification of Schedule 1

SCHEDULE 4 THE EMPLOYMENT TRIBUNALS (HEALTH AND SAFETY - APPEALS AGAINST IMPROVEMENT AND PROHIBITION NOTICES) RULES OF PROCEDURE

1. Application of Schedule 1
2. Definitions
3. Notice of appeal
4. Time limit for bringing appeal
5. Action on receipt of appeal
6. Application for a direction suspending the operation of a prohibition notice
7. General power to manage proceedings
8. Appointment of an assessor
9. Right to withdraw proceedings
10. Costs and expenses
11. Provisions of Schedule 1 which do not apply to appeals against improvement notices or prohibition notices
12. Modification of Schedule 1

SCHEDULE 5 THE EMPLOYMENT TRIBUNALS (NON-DISCRIMINATION NOTICES APPEALS) RULES OF PROCEDURE

1. Application of Schedule 1
2. Definitions
3. Notice of Appeal
4. Action on receipt of appeal
5. Provisions of Schedule 1 which do not apply to appeals against non-discrimination notices
6. Modification of Schedule 1

The Secretary of State, in exercise of the powers conferred on her by section 24(2) of the Health and Safety at Work etc. Act 1974^[1], sections 1(1), 4(6), and (6A), 7(1), (3), (3ZA), (3A), and (5), 7A(1) and (2), 9(1), (2) and (4), 10(2), (5), (6) and (7), 10A(1), 11(1), 12(2), 13, 13A(1) and (2), 19 and 41(4) of the Employment Tribunals Act 1996^[2] and paragraph 36 of Schedule 8 to the Government of Wales Act 1998^[3], and paragraph 37 of Schedule 6 to the Scotland Act 1998^[4], and after consultation with the Council of Tribunals, in accordance with section 8(1) of the Tribunals and Inquiries Act 1992^[5], hereby makes the following Regulations: -

Citation, commencement and revocation

1. - (1) These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 and the Rules of Procedure contained in Schedules 1, 2, 3, 4 and 5 to these Regulations may be referred to, respectively, as -

- (a) the Employment Tribunals Rules of Procedure;
- (b) the Employment Tribunals (National Security) Rules of Procedure;
- (c) the Employment Tribunals (Levy Appeals) Rules of Procedure;
- (d) the Employment Tribunals (Health and Safety - Appeals against Improvement and Prohibition Notices) Rules of Procedure; and
- (e) the Employment Tribunals (Non-Discrimination Notices Appeals) Rules of Procedure.

(2) These Regulations shall come into force on 1 October 2004.

(3) Subject to the savings in regulation 20, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001[6] and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001[7] are revoked.

Interpretation

2. In these Regulations and in Schedules 1, 2, 3, 4 and 5: -

"ACAS" means the Advisory, Conciliation and Arbitration Service referred to in section 247 of TULR(C)A;

"appointing office holder" means, in England and Wales, the Lord Chancellor, and in Scotland, the Lord President;

"chairman" means the President or a member of the panel of chairmen appointed in accordance with regulation 8(3)(a), or, for the purposes of national security proceedings, a member of the panel referred to in regulation 10 selected in accordance with regulation 11(a), and in relation to particular proceedings it means the chairman to whom the proceedings have been referred by the President, Vice President or a Regional Chairman;

"compromise agreement" means an agreement to refrain from continuing proceedings where the agreement meets the conditions in section 203(3) of the Employment Rights Act;

"constructive dismissal" has the meaning set out in section 95(1)(c) of the Employment Rights Act;

"Disability Discrimination Act" means the Disability Discrimination Act 1995[8];

"electronic communication" has the meaning given to it by section 15(1) of the Electronic Communications Act 2000[9];

"Employment Act" means the Employment Act 2002[10];

"Employment Rights Act" means the Employment Rights Act 1996[11];

"Employment Tribunals Act" means the Employment Tribunals Act 1996[12];

"Employment Tribunal Office" means any office which has been established for any area in either England & Wales or Scotland specified by the President and which carries out administrative functions in support of functions being carried out by a tribunal or chairman, and in relation to particular proceedings it is the office notified to the parties in accordance with rule 61(3) of Schedule 1;

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

"Equal Pay Act" means the Equal Pay Act 1970[13];

"excluded person" means, in relation to any proceedings, a person who has been excluded from all or part of the proceedings by virtue of:-

(a) a direction of a Minister of the Crown under rule 54(1)(b) or (c) of Schedule 1, or

(b) an order of the tribunal under rule 54(2)(a) read with 54(1)(b) or (c) of Schedule 1;

"hearing" means a case management discussion, pre-hearing review, review hearing or Hearing (as those terms are defined in Schedule 1) or a sitting of a chairman or a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawful to enable the chairman or tribunal to reach a decision on any question;

"legally represented" has the meaning set out in rule 38(5) of Schedule 1;

"Lord President" means the Lord President of the Court of Session;

"misconceived" includes having no reasonable prospect of success;

"national security proceedings" means proceedings in relation to which a direction is given under rule 54(1) of Schedule 1, or an order is made under rule 54(2) of that Schedule;

"old (England & Wales) regulations" means the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001;

"old (Scotland) regulations" means the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001;

"panel of chairmen" means a panel referred to in regulation 8(3)(a);

"President" means, in England and Wales, the person appointed or nominated by the Lord Chancellor to discharge for the time being the functions of the President of Employment Tribunals (England and Wales), and, in Scotland, the person appointed or nominated by the Lord President to discharge for the time being the functions of the President of Employment Tribunals (Scotland);

"Race Relations Act" means the Race Relations Act 1976[[14](#)];

"Regional Chairman" means a member of the panel of chairmen who has been appointed to the position of Regional Chairman in accordance with regulation 6 or who has been nominated to discharge the functions of a Regional Chairman in accordance with regulation 6;

"Register" means the Register of judgments and written reasons kept in accordance with regulation 17;

"Secretary" means a person for the time being appointed to act as the Secretary of employment tribunals either in England and Wales or in Scotland;

"Sex Discrimination Act" means the Sex Discrimination Act 1975[[15](#)];

"special advocate" means a person appointed in accordance with rule 8 of Schedule 2;

"tribunal" means an employment tribunal established in accordance with regulation 5, and in relation to any proceedings means the tribunal to which the proceedings have been referred by the President, Vice President or a Regional Chairman;

"TULR(C)A" means the Trade Union and Labour Relations (Consolidation) Act 1992[[16](#)];

"Vice President" means a person who has been appointed to the position of Vice President in accordance with regulation 7 or who has been nominated to discharge the functions of the Vice President in accordance with that regulation;

"writing" includes writing delivered by means of electronic communication.

Overriding objective

3. - (1) The overriding objective of these regulations and the rules in Schedules 1, 2, 3, 4 and 5 is to enable tribunals and chairmen to deal with cases justly.

(2) Dealing with a case justly includes, so far as practicable: -

(a) ensuring that the parties are on an equal footing;

(b) dealing with the case in ways which are proportionate to the complexity or importance of the issues;

(c) ensuring that it is dealt with expeditiously and fairly; and

(d) saving expense.

(3) A tribunal or chairman shall seek to give effect to the overriding objective when it or he: -

(a) exercises any power given to it or him by these regulations or the rules in Schedules 1, 2, 3, 4 and 5; or

(b) interprets these regulations or any rule in Schedules 1, 2, 3, 4 and 5.

(4) The parties shall assist the tribunal or the chairman to further the overriding objective.

Appendix IV

Parties which made submissions to the Employment Rights Group

1. Irish Congress of Trade Unions
2. Irish Business and Employers Confederation
3. Irish Small and Medium Sized Enterprises Association
4. Labour Court
5. Employment Appeals Tribunal
6. Labour Relations Commission
7. Office of the Director of Equality Investigations [Equality Tribunal]
8. Equality Authority
9. Employment and Equality Law Committee of the Incorporated Law Society
10. Pensions Board/Pensions Ombudsman
11. Free Legal Advice Centres

Appendix V

FORM T1-A

EMPLOYMENT APPEALS TRIBUNAL

Please read the notes supplied then complete this form in **BLOCK CAPITALS**.

Please sign and date

| |
|------------------------------|
| FOR OFFICIAL USE ONLY |
| Case No/s: |

1. NOTICE OF CLAIM TO EMPLOYMENT APPEALS TRIBUNAL (If you are in any doubt about the nature of your claim, you should tick all boxes. Please see note II.1)

| | |
|--|--------------------------|
| (i) Redundancy Payments Acts, 1967 to 2003 | <input type="checkbox"/> |
| (ii) Minimum Notice and Terms of Employment Acts, 1973 to 2001 | <input type="checkbox"/> |
| (iii) Unfair Dismissals Acts, 1977 to 2001 | <input type="checkbox"/> |
| (iv) Organisation of Working Time Act, 1997 | <input type="checkbox"/> |

2. NAME AND ADDRESS OF PERSON MAKING CLAIM
(Please see note II.2)

5. PLEASE ENTER THE FOLLOWING DATES
(Please see note II.5)

First Name:

Surname:

Address:

.....

.....

Email address (optional):

Phone No:

Occupation:

P.P.S. No:

Are you over 16? Yes No

| | Day | Month | Year |
|----------------------------------|-----|-------|------|
| Employment began | | | |
| Dismissal notice received | | | |
| Employment ended | | | |

3. EMPLOYER'S FULL LEGAL NAME AND ADDRESS (Please see Note II.3)

Name:

Address:

.....

.....

Phone No:

Registered (PAYE) No:

6. NORMAL WEEKLY PAY €
(Please see Note II.6)

| | |
|--|--|
| Basic Weekly Pay | |
| Regular Bonus or Allowances | |
| Average Weekly Overtime | |
| Any other payments including payments in kind (for example pension, healthcare. See note 6) | |
| Weekly Total Gross | |
| Net | |

4. WILL YOU HAVE A REPRESENTATIVE AT HEARING? (Trade Union Official, Solicitor, etc.)
(Please see Note II.4)

Yes No

If yes, please complete

Name:

Address:

.....

.....

Phone No:

7. CLAIM UNDER REDUNDANCY PAYMENT ACTS
(please see note II.7)

Has your employer issued you with a Redundancy form (RP50)? Yes No

8. TOWN OF EMPLOYMENT OR NEAREST TOWN
(please see note II.8)

(Please enter below the nearest town to your employment)

9. CLAIM UNDER UNFAIR DISMISSALS ACTS [If you are claiming that you have been unfairly dismissed, you will have to tick at least one of the boxes below]

IMPORTANT

THE TRIBUNAL CANNOT HEAR YOUR CLAIM UNDER THE UNFAIR DISMISSALS ACTS UNLESS THERE IS AN OBJECTION TO A RIGHTS COMMISSIONER HEARING IT. (See Notes)

Please Insert "Yes" or "No" in each box below

Do you object?

Has your employer objected?

10. If you were dismissed by your employer, you should explain why you think your dismissal was unfair: (you can attach additional sheets of information if necessary, please see note II.10)

11. Have you taken up new employment since your dismissal?

Yes

No

If yes, when:

□□ □□ □□ (dd/mm/yy)

SIGNED:

DATE:

Please note that where the Tribunal processes a claim for hearing, all correspondence (*forms, letters, etc.*) received in this office will be copied to, and exchanged between, the parties to the claim.

NOTICE OF CLAIM TO EMPLOYMENT APPEALS TRIBUNAL UNDER:

- (i) **REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 AND/OR**
- (ii) **MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 AND/OR**
- (iii) **UNFAIR DISMISSALS ACTS, 1977 TO 2001 AND**
- (v) **ORGANISATION OF WORKING TIME ACT, 1997**

Notes for Persons Making Application

THIS FORM IS TO BE USED BY PERSONS WHO WISH TO MAKE A CLAIM TO THE EMPLOYMENT APPEALS TRIBUNAL UNDER ONE OR MORE OF THE ABOVE ACTS

I. TIME LIMITS FOR PERSONS BRINGING A CLAIM TO THE TRIBUNAL

A. REDUNDANCY PAYMENTS ACTS:

(i) A claim for a redundancy lump sum payment must be

(a) made to the employer
or

(b) referred to the Employment Appeals Tribunal

within 52 weeks from

(i) date of dismissal or

(ii) date of ending of contract of employment.

(Section 24 of the 1967 Act, as amended by Section 12 of the 1971 Act)

(ii) In certain cases and for good cause the Tribunal may allow claims made within 104 weeks. (Section 24 of the 1967 Act as amended by Section 12 of the 1971 Act and Section 13 of the 1979 Act).

B. UNFAIR DISMISSALS ACTS:

(i) **Claims** must be lodged to the Tribunal **within 6 months** of date of dismissal. This time-limit may be extended to 12 months in cases where exceptional circumstances have prevented the lodgement of the claim within the normal time-limit of 6 months.

(Section 8 of the Unfair Dismissals Act, 1977 as amended by Section 7(2)(b) of the 1993 Act).

(ii) **Appeals** against a recommendation of a Rights Commissioner must be brought **within 6 weeks** of the date the recommendation is communicated to you. (Section 9(2) of the 1977 Act). For this purpose, use Form T1B to make your application to the Tribunal.

II. NOTES ON COMPLETING FORM T1A (ATTACHED)

If you wish to have a claim under the Unfair Dismissals Acts heard by the Employment Appeals Tribunal, **either party must first object to the claim being heard by a Rights Commissioner and must so state on the form.**

(1) Box 1 - TICK APPROPRIATE BOX OR BOXES:

- Tick box or boxes representing the act or acts under which you are claiming protection. If you are in any doubt about the nature of your claim, you should tick all boxes.
- If you are bringing a claim under any of the acts mentioned at boxes (i) - (iii) you may also bring a claim under the **Organisation of Working Time Act, 1997 for holiday entitlements due**. In this case, please tick box (iv) and the relevant Act or Acts under which you wish to make a claim.

(2) Box 2 - NAME AND ADDRESS OF PERSON MAKING CLAIM:

If you change your address after lodging this form, be sure to notify the Secretary, Employment Appeals Tribunal, Davitt House, 65A Adelaide Road, Dublin 2.

(3) Box 3 - EMPLOYER'S FULL LEGAL NAME AND ADDRESS:

It is important that the person making the claim states the correct name of the employer so that any Order made by the Tribunal will be enforceable. For assistance, please consult your P45 or where appropriate, the Companies Registration Office (01-804 5200). The employer's Registered (PAYE) No. may be obtained from your P45, P60 and Tax Certificate P.6CL.

(4) Box 4 – NAME AND ADDRESS OF REPRESENTATIVE OF PERSON MAKING THIS CLAIM:

It is not necessary to have representation before the Tribunal. However, if you have arranged for a representative, such as a Trade Union Official, Solicitor etc. to attend on your behalf at the Tribunal, notification of the hearing of your claim will be sent to that person as well as to yourself.

(5) Box 5 - DATES:

Complete all dates

(6) Box 6 - NORMAL WEEKLY PAY:

Basic Weekly Pay:

This means the basic pay before any deductions are made.

Average Weekly Overtime.

In redundancy cases this is normally pay for the average weekly overtime worked during the six months preceding the last three months of employment. In notice and unfair dismissal cases, overtime may be disregarded unless it is a normal feature of work. If it is a normal feature of work inasmuch as you are normally expected to work it, overtime pay is included in your normal weekly pay and overtime is included in normal weekly working hours.

Payments in Kind.

Benefits In Kind include company car/van provided for private use, preferential rate loans, life assurance, medical insurance, club membership, accommodation, education fees/hospital expenses, privileged travel, assets transferred to employee at less than the market value, pensions, company shares. Full details of benefit in kind are available from www.revenue.ie.

(7) **Box 7 – Appeals under Redundancy Payments Acts.** If you are submitting a claim under the Redundancy Payments Acts, 1967 to 2001, please indicate if your employer has issued you with a Redundancy form (RP50).

(8) **Box 8** – In this box please give the name of the town where you worked or the nearest town to this.

(9) **Box 9** – The Tribunal cannot hear your claim under the Unfair Dismissals Acts unless there is an objection by either party to the claim being heard by a Rights Commissioner.

(10) REASON FOR APPLICATION:

If you were dismissed by your employer, use this space to give the reasons you think your dismissal was unfair. If you resigned because of something your employer did or failed to do which made you feel you could no longer work for them (constructive dismissal), you should explain what happened. If you wish to provide further details, please attach any separate sheets to the form.

(12) ACKNOWLEDGEMENT OF APPLICATION:

If you do not get an acknowledgement of your application within fourteen days of sending it to the Tribunal you should contact the Secretary to the Tribunal by letter or telephone.

(13) HEARING OF CLAIM:

Once you have received an acknowledgement, your case will be listed for hearing as soon as possible at the nearest town to your place of employment. You will get at least 2 weeks notice of a date for hearing.

(14) ADJOURNMENTS:

Adjournments may be granted only in **exceptional circumstances**. Otherwise, a case is expected to proceed at the time and place notified to the parties. When applications for adjournments are made, they may be made to any sitting Division of the Tribunal at any venue.

The following conditions should at least be met when applying for an adjournment. However, the existence of any one or all of these conditions should not be considered a guarantee for obtaining an adjournment.

- Good cause should be shown as adjournments are only granted for very grave reasons.
- The application should be made at the earliest opportunity after receipt of the notice of hearing, save where the Tribunal for just cause dispenses with this requirement.
- The application should be made by a party or his representative appearing in person.
- No application will be entertained by the Tribunal unless evidence in writing of notice to the other party is produced.

(15) WITHDRAWAL OF APPLICATIONS:

If you are seeking to withdraw your application, the Secretary to the Tribunal should be notified in writing as soon as possible.

(16) COSTS:

Frivolous or vexatious applications may lead to an award of costs against the applicant.

(17) BOOKLET:

An explanatory booklet on the Employment Appeals Tribunal is available from the Department of Enterprise, Trade and Employment. A copy of this leaflet is automatically sent to each person making an application to the Tribunal and to the respondent as well.

LABOUR LEGISLATION—Explanatory leaflets on the various items of legislation mentioned in these notes are available from the Department of Enterprise, Trade and Employment, Davitt House, 65A Adelaide Road, Dublin 2. (Phone: 631 3131, Information Unit).

NOTE

DETACH THE FOLLOWING PAGE—ACTUAL FORM T1A—FROM NOTES AND SEND IT TO:

Secretary,
Employment Appeals Tribunal,
Davitt House,
65A Adelaide Road,
Dublin 2.

Telephone: (01) 631 2121

1890 220 222 Lo-Call service from outside (01) area

EMPLOYMENT APPEALS TRIBUNAL

- (i) **Redundancy Payments Acts, 1967 to 2003**
- (ii) **Minimum Notice and Terms of Employment Acts, 1973 to 2001**
- (iii) **Unfair Dismissals Acts, 1977 to 2005**
- (iv) **Protection of Employees (Employers' Insolvency) Acts, 1984 to 2001**
- (v) **Organisation of Working Time Act, 1997**

NOTICE OF APPEARANCE

by a party against whom a claim has been lodged under the legislation ticked above

by _____ «Appellant»

against _____ «Respondent»

N.B. If employer's name is different from above, please give employer's correct legal name.

If you have indicated that the employer's legal name differs from that stated by the Claimant on Form T1-A, do you consent to the T1-A being amended to include the employer's correct legal name as given by you?

Yes _____ No _____

Is the employer a company, registered under the Companies Acts 1963-2005?

Yes _____ No _____

If yes, please state the company's registered number:

Do you have a representative acting for you? Yes_____ No_____

If Yes, please give representative's name and address:

Do you dispute the claim/s being made? Yes_____ No_____

If Yes, please state the claim/s at no.'s (i) to (v) above being disputed:

P.T.O.

Please refer to the information supplied by the Claimant on Form T1-A in response to questions 5, 6 and 7. With regard to each of those questions, please indicate (a) whether you agree or disagree with the Claimant's statement.; (b) where you disagree, please state what you believe to be the correct information.

| Q5 | Agree | Disagree | Your Understanding |
|---------------------------|--------------------------|--------------------------|--------------------|
| Employment began | <input type="checkbox"/> | <input type="checkbox"/> | |
| Dismissal notice received | <input type="checkbox"/> | <input type="checkbox"/> | |
| Employment ended | <input type="checkbox"/> | <input type="checkbox"/> | |

| Q6 Normal Weekly Pay | | Agree | Disagree |
|----------------------|-------|--------------------------|--------------------------|
| Weekly Total | Gross | <input type="checkbox"/> | <input type="checkbox"/> |
| | Net | <input type="checkbox"/> | <input type="checkbox"/> |

If you disagree with either/both of the amounts stated by the Claimant, please specify what you believe to be the correct weekly earnings of the Claimant on the date his/her employment with you terminated:

Gross: €

Net: €

Q7 Did you supply the Claimant with a Redundancy Form (RP50)?

Yes No

Please set out the reasons in the space provided below:

(Note: While you should try to set out your case as fully as possible, you will not be necessarily confined to what is given on this form at the hearing.)

Signed: _____

Date: _____

Appendix VI

Additional Changes to Existing Statutory Instruments

The new Regulations would need to include provisions covering:

- application by a party to the Tribunal;
- information that an application should contain;
- time limit provided for the notification of a party to the application and to any other matter before the Tribunal [note: see elaboration of this point under “collateral issues” of the Report]
- action a party should take on receipt of a notification, or where an appeal is anticipated;
- appearance by a respondent and the time limited for same;
- powers of the Chairman to fix hearing dates, etc.;
- rights of parties in a case at a Hearing;
- procedure at a hearing;
- relaxation of the strict rules of evidence by the Tribunal;
- power of the Tribunal to postpone or adjourn a case, give liberty to a party to withdraw a case and strike out a matter, this to include the ruling of settlements;
- other issues concerning the Hearing;
- granting of notices for the production of documents and the summoning of witnesses;
- enforcement of notices;
- powers of the Tribunal to summons persons and documents;
- costs and expenses in respect of parties and other persons notified to attend Hearings;
- necessary provision to enable a one-stop-shop, if agreed to fulfill its function; and
- a review mechanism.

Appendix VII

Time Limits

1. Making a direct claim to the Tribunal

| The Act | Time limit for lodging the claim | The form |
|---|--|----------|
| Redundancy Payments Acts | 52 weeks from date of employment ended (extendable up to 2 years) | T1-A |
| Minimum Notice and Terms of Employment Acts | No specified time limit | T1-A |
| Unfair Dismissals Acts | 6 months from date of dismissal (can be extended up to 12 months if “exceptional circumstances” exist) | T1-A |
| Organisation of Working Time Act | <i>6 months from date of contravention (can be extended up to 12 months).</i> | T1-A |

2. Appealing a Recommendation or Decision of a Rights Commissioner

| | | |
|---|--|------|
| Unfair Dismissals Acts | 6 weeks from recommendation of Rights Commissioner | T1-B |
| Payment of Wages Act | 6 weeks from recommendation of Rights Commissioner | T1-B |
| Terms of Employment (Information) Act | 6 weeks from recommendation of Rights Commissioner | T1-B |
| Maternity Protection Act | 4 weeks from recommendation of Rights Commissioner | T1-B |
| Adoptive Leave Act | 4 weeks from recommendation of Rights Commissioner | T1-B |
| Protection of Young Persons (Employment) Act | 6 weeks from recommendation of Rights Commissioner | T1-B |
| Parental Leave Act | 4 weeks from recommendation of Rights Commissioner | T1-B |
| Protections for Persons Reporting Child Abuse Act | 6 weeks from recommendation of Rights Commissioner | T1-B |
| European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 | 6 weeks from recommendation of Rights Commissioner | T1-B |
| European Communities (Protection of Employment) Regulations | 6 weeks from recommendation of Rights Commissioner | T1-B |
| Carer's Leave Act | 4 weeks from recommendation of Rights Commissioner | T1-B |
| Competition Act | 6 weeks from recommendation of Rights Commissioner | T1-B |

3. Making a complaint against the Decision of the Minister

| The Act | Time limit for lodging the claim | The form |
|--|---|-----------------|
| Protection of Employees (Employers' Insolvency) Acts | 6 weeks from Minister's decision | T1-C |

4. Seeking to enforce/implement a recommendation or decision of a Rights Commissioner

| | | |
|---|---|------|
| Unfair Dismissals Acts | After the 6 week time limit for an appeal has expired | T1D |
| Terms of Employment (Information) Act | After the 6 week time limit for an appeal has expired | T1-D |
| Protection of Young Persons (Employment) Act | After the 6 week time limit for an appeal has expired | T1-D |
| Protections for Persons Reporting Child Abuse Act | After the 6 week time limit for an appeal has expired | T1-D |
| Competition Act, 2002 | After the 6 week time limit for an appeal has expired | T1-D |
| European Communities (Protection of Employment) Regulations | After the 6 week time limit for an appeal has expired | T1-D |

5. Appealing from the Decision of the Minister or a Deciding Officer

| | | |
|-------------------------|----------------------------------|------|
| Redundancy Payments Act | 21 days from receipt of decision | T1-E |
|-------------------------|----------------------------------|------|