

Response to the Ministerial Consultation paper on reform of Employment Rights Bodies by Frank Barry, Trade Union Member, 5th September 2011.

First let me say that I am in agreement with the Ministers view to have an excellent service to workers and employers where and when disputes arise as to the rights and wrongs of claims under current employment law.

The issue that arises is the issue of rationalisation of the EAT with other bodies. This is to be carried out in a relatively short period. This is failing to provide the social partners with the opportunity to consult with their members and a consultation period with members of the Tribunal with their long experiences of working with the Tribunal.

However, in the short time allowed let me make the following point for consideration:

The Minister has set a number of key objectives:

1) The resolution of grievances and disputes as close as possible to the workplace as possible and as early as possible after they arise.

This is a laudable objective, however, it fails to address why are the conciliation services of the Labour Court and the Labour Court itself are in existence. In the first instance, It is the very failure of Employers and Unions to agree at company level or to work together to find a resolution to a claim that a dispute arises.

The question must be asked why do we (probably a couple of hundred employers and trade Union representatives including a whole section in IBEC) spend so much time at the conciliation services, right Commissioners and at full hearings of the Court week in week out, why has the services and the Court such a backlog of cases and growing if disputes can be resolved at local level.

If that be the intention of the Government for the future then why are we continuing to appoint officers to the Court with salaries in the region of 100000 Euros plus travel and subsistence's per year, if we (Employers and Trade Unions) can resolve claims and disputes at local level or at industry level. This demonstrates the complete

lack of understanding by the Minister of Industrial Relations and how the workplace operates.

I have spent too many hours in the conciliation services, often late into the night to get an agreement.

2) Provide greater value for taxpayer's money, in light of current fiscal constraints.

Over the past twenty years or more we have had industrial peace, what price do we put on that? Think of the time when workers walked off the job when a colleague was sacked and thousands of working days were lost to the economy, why were the unfair dismissals act brought in, purely to stop workers walking off the job

What are the costs of a Tribunal member? with a minimum experience of about twenty years of industrial relations experience, including presentation of cases at the labour Court, the Conciliation Services, Right Commissioners and many holding qualification from Diploma to Masters in Industrial Relation, plus qualifications in relation to the real world of work, such as Engineering, the Sciences and work life sciences all of which bring integrity and competence to the appointment of a member of the tribunal.

Remember a non legal member of the Tribunal receives 100.485 Euros net per sitting with a zero hour's contract.

There are 80 members in this category, where in God's name would you get workers to sign up to such a contract, if that is not value for taxpayers money I don't know what is.

3. Rationalise Institutions in light of the Governments public Service reform agenda.

First I would like to state that the EAT is not an Institution, It is a tribunal set up under an Act of the Oireachtas to examine under statue if a dismissal is fair or unfair and to ensure that proper procedures have been carried out by the employer in his dealing with the employee.

4. The issue of efficiency and to cut the backlog of cases is the lack of administrative resources. Over the years the Tribunal has been hamstrung and strangled by Government in failing to provide adequate resources to allow the tribunal to function to its full capacity.

Rationalisation of the employment rights bodies cannot be justified just on the basis of cutting civil servants or amalgamating bodies without a complete understanding of their roles and the legislative changes that will be necessary, particularly in the case of the Tribunal where most of its work is covered by statute.

**Frank Barry member of the EAT
5 September 2011-09-05**

CC Kate O'Mahony Chairperson EAT