

Questions on Streamlining Employment Rights Bodies

Questions

Integrated structure

- 1.1 Employers and employees can be best supported by the provision of up to date information on the particular issues raised with appropriate decisions and recommendations from the various employment rights bodies.
- 1.2 With the availability of this information, clarity, with a greater understanding of the issues would assist greatly in the resolutions of problems.
- 1.3 Where claimants are made aware of appropriate information etc on the issue, the services of conciliation/mediation should be deployed prior to any case being referred to rights body.
- 1.4 Access to an adjudication body that would be available following the above process should be informal with appropriate assistance on the presentation of the facts of the case for individuals. However, institutions of the state should not be used as advocates in any circumstances.
- 2.1. The two-tier model should be adopted as a guiding principle with the Rights Commission Service, with expert sections, used as the first instances body and the Labour Court, with separate expert divisions, as the upper tier appellate body for employment rights issues. Industrial relations issues should continue as heretofore.
- 2.2/3 Processing should be a single first instance point both for information and referrals and subsequent appeals.
- 2.4 Employment rights cases should go to the second instance body on appeal.
- 2.5 The inspectorate, conciliation/mediation, advisory and investigation functions could work together. However, while the first instance section could carry out the administration, the formal adjudication functions should remain separate.
- 2.6 The main advantage would be that this department would have experienced officials in redundancy claims and outcomes.

Appointments

2.7 It is important that experienced professionals are appointed from within the system and fully understand particularly industrial relations and employment law.

Information & advice

2.8 Yes, one website would suffice with all the relevant information available.

2.9 A coherent co-ordinated approach would be invaluable in resolving a lot of the cases referred to the rights bodies.

2.10 Different channels should be used in providing information and advice e.g. website, documentation, sample cases, decisions and access to a conciliation/mediation officer.

2.11 Yes, all advice that may help in resolving cases should be made available

Single Point Entry/Individual IR employment Claims

2.12 A single entry point with the availability of information and other relevant services would meet this demand.

2.13 The current system must be simplified to a single application form.

2.14 The single application form or e form should contain very specific information

2.15 Six months should be the time limit for initiating all complaints.

2.16 The current system that allows claimants to nominate representatives should continue.

2.17 The complainant should be the only person to refer a complaint.

Enforcement

2.18 Yes, there should be a consistent method. However, further discussion with the parties is required to determine the method.

Early Intervention and Alternative dispute Resolution

3.1 Telephone contact with an informal hearing should be held with conciliation/mediation before any formal hearing is held.

3.2 Informal contact to identify possible solutions should be made in all cases

3.3. The above should happen when contact is made on an issue or complaint

3.4 For factual issues the expertise and capacity of the personnel within the bodies should be used.



5.5 Forging positive connections between public and private dispute resolution in preventive ADR methods is recommended

3.6 Where representatives are involved summary written submission should be made.

3.7 All complaints should be examined for potential interventions. A time limit for such support of 2/3 months would be helpful.

3.8 Mediation/conciliation should be considered for all issues.

3.9 A written summary with the main points & arguments should be submitted where the claimant is represented.

3.10 Yes, at the discretion of the chairman/RC following an overview.

3.11 The formal hearing should record that attempts were made to resolve dispute

Conduct of Proceedings

3.12 Yes, there should be a uniform set of procedures regarding conduct of hearings

3.13 Yes, frivolous etc claims should be dismissed without formal hearings

3.14 Employment rights/appeals should be held in private

3.15 Yes, appeals should be made within 6 weeks

