

CONSTRUCTION INDUSTRY FEDERATION

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Streamlining of Employment Rights Bodies

Introduction

We welcome the announcement by Minister for Jobs, Enterprise and Innovation, of his plans to streamline the employment rights bodies.

Employment Rights Bodies have evolved and developed haphazardly over time with the result that the process and procedures have become very unwieldy. It is acknowledged that the current system is very confusing and cumbersome for all parties.

The concept of a single body to deal with information on employment rights as well as a first instance contact for claims of interests and rights will simplify the process. The development of E-Forms and the rationalisation of the application process should add greatly to this objective. One umbrella body to deal with appeals is also desirable with different specialist divisions.

A system, which allows and encourages grievances to be resolved in the workplace or as close as possible would not only reduce the number of cases being handled by third parties but also improve overall employer worker relationships.

Timely intervention with conciliation/mediation services would be essential to improving the employment rights system.

Cognisance of the economic reality facing employers, employees and indeed the whole economy must also be taken on board when reviewing institutions of the state including employment rights bodies.



Self-certification as a concept should also be given serious consideration with appropriate penalties where false information is given.

The Labour Court with separate expert divisions as an upper tier appellate body would also add greatly to streamlining the employments Rights institutions.

Such a streamline speedy cost effective rights system would be beneficial for all.

Provision of Information

The provision of up to date information on both claims of interest and rights with information on relevant legislation and decisions from third parties, would greatly assist in the resolution of claims and grievances.

There should be a single point of contact for information in relation to employment rights and interest. Also, the same point of contact should be used in the first instance for referral and redress and enforcement both for employment rights, interests and industrial relations issues.

The Labour Relations Commission Service and the National Employment Rights Authority would provide complementary services of investigation and mediation/ conciliation. This would help to sustain a culture of compliance with employment and industrial relations law; both of these services, working together, would assist initially in the early resolution of compliance issues and in most instances would encourage problem solving and negate the need for the actual hearings.

Resolution of Grievances and Disputes Close to Workplace

Inspection of employment records should continue to be carried out by NERA on the same basis as heretofore.

In the event of NERA in the first instance uncovering an infringement and following attempts at resolution the intervention of a conciliation/mediation officer would be made before the case is referred to the Rights Commission Service. The availability of a conciliation/mediation officer would be of great assistance in helping parties to understand the issues and assist in their resolution prior to cases being referred to the appropriate body

In such cases and where individuals represent themselves, NERA would present the facts of the case only before the relevant body. However, NERA should not be an advocate for either side in such instances.



Disputes

The integrated two-tier model of single first instance and single appeals entities should be adopted.

An enhanced Rights Commission Service, with separate sections of expertise, for example on equality, employment law and industrial relations issues, would investigate and decide on all disputes, grievances and claims both of rights and interests referred to it. This would be cost and time efficient.

The right of appeal would be to the Labour Court as the upper tier appellate body consisting of separate divisions for equality, employment law and industrial relations issues. The personnel on the various panels of the Labour Court would receive specific training for the new roles

Hearings before the various tribunals should be less legalistic and less formal. While the rules of evidence etc. should be adhered to and given under oath, the format should also be less rigid.

