

# IMPACT

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General Secretary: Seamus Oddy

Item: r.f./sub:sept 11

16<sup>th</sup> September, 2011.

Ms Ashley Long  
Department of Jobs, Enterprise & Innovation  
Davitt House  
Dublin 2

Dear Ms Long

I am writing in response to the consultation paper on reform of the states employment rights and industrial relations structures and procedures.

IMPACT has made an input into the ICTU response and we are pleased to endorse that submission.

We envisage that legislation will emerge following the completion of the consultation period. In that context we wish to raise four items that should be considered for incorporation into any legislation.

- There is a commitment from Dept of Education since 2006 that the Industrial Relations Act would be amended to allow statutory access to the LRC/Labour Court for VEC Admin Staff.
- Additionally, there was agreement in the Civil Service to move the Civil Service into the orbit of the LRC/Labour Court which also requires similar legislation.
- There is a need to consider a role for the Employment Rights Bodies in dealing with disputes over individual contracts of employment. In the voluntary system of industrial relations it is open to an employer to refuse to use the industrial relations machinery leaving an employee with the option of taking an expensive court case or acquiescing in an imposed breach of their legal contract by a financially stronger employer. We understand that the UK Employment Rights Bodies can adjudicate on individual contract disputes.

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- Finally, there is a problem regarding the wording of Section 78 of the 1998 Employment Equality Act. It allows the Director of Equality Investigations or the Labour Court to refer a matter for mediation by an equality mediation officer. Mediation cannot proceed without the agreement of the parties. In the event of mediation failing, a notice is prepared and the parties must make an application for the resumption of the hearing/investigation. The application is made, as appropriate to the Director of Equality Investigations or the Labour Court. The first of these is problematic. The parties actually deal with the equality mediation officer. Advising that officer of the application for resumption fails to comply with the Act. In contrast, an application can be made to the Labour Court as an institution. We are aware of cases where cases fell out of time due to incorrectly addressing the request for resumption. This is a classic example of a piece of law being unnecessarily confusing.

I hope that favourable consideration can be given to these issues.

Yours sincerely



Seamus Cody  
General Secretary.

cc: Fergus Whelan  
David Beggs