

Submission

Based on the premises that prevention is better than cure the Minister is advised to run a meaningful media campaign aimed at employers and employees. The purpose of that campaign is to remind and indeed inform those concerned of their rights and obligations under current labour laws. That campaign combined with a culture of compliance and strong enforcement practices is likely to result in fewer cases needing any formal form of dispute mechanism.

In recognising that this method will not fully address all individual employees issues the minister then needs to instruct the relevant departmental staff to ensure that waiting periods for their cases to be kept to a minimum. Currently the waiting period for a case before the Eat can be up to ninety weeks from receipt of application. This situation is not acceptable as it does a disservice to all parties and reflects very badly on that institution. An obvious way to reduce that list to allow undisputed redundancy cases to be taken elsewhere as those cases clog up the system. Other ways to reduce that waiting period is to list more cases in more venues at earlier times. Also the appointment of salaried vice chairs on a permanent contractual basis to exclusively hear cases would better ensure consistency of decisions and speedier despatch of Orders.

Contrary to popular belief the EAT is not overly legalistic. The fact that it is legalistic is that surprise, surprise it deals with legal issues. Ideally cases only involving statutory entitlements should not require legal representation but since we do not inhabit such a world legal representative may be required for some of those cases. By their very nature UD cases can be complex and tiring for a lay person and having a skilled and knowledgeable legal team can give a party an advantage in such cases. It is worth noting that the EAT neither insists on nor discourages legal representative. That is a decision for the concerned parties.

I digress too much so back to the submission.

What have become of the Employment Compliance Bill- tidy well-structured Act on many employment issues together with an appeal of the many current Acts could bring some neatness and clarity to that employment area. Enacting that bill may be an alternative to retaining the current crop of legislation which is a big turn off for many in the work force.

In my experience many Rights' commissioners are not completely competent to properly deal with cases that come before them at present. Having such single individuals dealing with cases opens up the accusation of bias and ill-considered findings. That in itself would lead to many appeals to the second tier system. Choose well in appointing such persons and be objective in selection.

In denying parties an appeal from the second –tier system apart from a point of law may be a breach of their constitutional rights and could lead to challenges in the courts.

In acknowledging this submission please confirm it has been passed on to the minister.