

***Major Reform of existing employment rights dispute resolution institutions is underway***

The Minister for Jobs, Enterprise and Innovation has published a blue print to deliver a world class work place relations service. Richard Bruton hopes to create a user friendly and efficient service that will ultimately lead to a reduction in costs.

He has successfully created a new single contact portal called the “Workplace Relations Service”, a single complaint form and one single workplace relations website. The new procedure allows claims to be addressed in a more efficient manner and it has certainly cut out some of the delay that was evident in the past.

The Minister further proposes to create two statutorily independent bodies known as the Workplace Relations Service and the Labour Court. This will lead to the winding down of the Labour Relations Commission, NERA, The Employment Appeals Tribunal and the Equality Tribunal. He also proposes to create an advisory and information service which will mean that information will be more readily available to the public. This will assist in ensuring future compliance along with a proposed compliance and enforcement service. This service will allow regular inspections to be carried out. There will also be an early resolution service which will seek to induce individuals to settle their dispute at an early stage. This provision will certainly have huge potential benefits.

While the proposals will streamline the current system there are still some issues that need to be addressed:

* Registration Service-individuals involved here can decide to dismiss a case without submitting it for hearing. Parties can object to this by making written submissions but ultimately it is for the Registrar to decide. What will the ambit be for this and what will approval be measured against?
* Adjudication Service- All first instance complaints requiring adjudication will be heard by the WRC adjudicators. A hearing here will be held by a single person in private. Have a right of appeal to the Labour Court within 42 days but must be able to establish grounds which will allow the Labour Court to examine whether a claim is sufficiently meritorious to proceed to an appeal hearing. This may pose constitutional concerns. Article 47 of the EU Charter of Fundamental Rights states that every individual has a ‘right to an effective remedy and a fair trial’.
* The Minister further suggests placing members of the civil service within the new system. Will the training they will be provided with adequately equip them to deal with matters? Surely individuals have a right to be heard by an appropriately qualified tribunal? 6,064 cases were disposed of by the Tribunal in 2012 none of which were judicially reviewed. Will this provision lead to more judicial reviews which will cost more time and more money?
* There may be a fee of €50 for making a complaint. Could this be problematic for individuals who could be experiencing financial pressure after losing their job?

Is the Minister really fulfilling his aim of creating ‘simple, independent, effective, impartial, cost effective and workable means of redress and enforcement within a reasonable period of time’?

He has undoubtedly created some change in the right direction but some issues need to be addressed before he can successfully overhaul the employment rights institutions