

From: Patrick Pierce <pwpiercel@gmail.com>

To: employmentreform@djei.ie

CC:

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Subject: EAT

For info - original sent to EAT Chairman. Patrick Pierce

Having only received both email and letters this morning regarding the proposals concerning reform of employment rights, I can only add brief comments (I was away from end July until this morning).

A. 1. It is inconceivable that the addition of a case progressor will do other than add to bureaucracy. It would, however, be beneficial if agreed targets were set, and results recorded for each stage of cases – time to hearing, time to recorded decision, and time to signing off – with individuals having to account for reasons for further delays. Any delays in signing off after a case is written up are particularly unacceptable and, short of unavoidable circumstances, suggest a failure to take the work seriously on the part of the chair involved.

B. 2. In the same vein I believe that there should be a full-time chair, and possibly one or two vice-chairs, with a view to ensuring that their essential input to the efficient working of the Tribunals is taken seriously by those in a position to make any necessary changes. An ongoing example of this is the failure to adjust the back-up staffing to the enormous increase in cases coming to the Tribunal over the last two years. It is totally unacceptable that individuals who have lost their jobs should have to wait more than three months at most (up to two years in practice) for redundancy or other entitlements simply because the State fails to transfer staff from underworked sectors to make up for the glaring deficiency in Tribunal staffing. The Chair and Member numbers are well able to cope with the increased workload that would result from more and speedier hearings.

C. 3. I believe that the numerous cases coming before the Tribunal where the employing company is bankrupt, in receivership or liquidation should go directly to the Dept. of Social Welfare. There is little point in any individual having to wait months for a rubber stamp from a Tribunal hearing, given that the case will then have to go through processing in the Dept. of Social Welfare.

D. 4. I myself find it confusing at times to suggest to an individual

which body he should take his/her appeal to. Separation of appeal bodies for those cases where employment has ceased, as against those in continuing employment, would help here, as would a single reference point in the first instance to advise those wishing to bring cases. The overlap in types of cases brought to the various appeal bodies needs to be removed before this situation can be dealt with.

E. 5. I believe it would simplify hearings if the parties involved were required to submit their positions and the reasons for them, at least in summary, before the hearing. At the least this should allow more accurate time allocation to each case and reduce the need for adjournments.

I regret that I do not have the time now to answer in formal detail the questions posed in the consultation document introduced by the Minister, and must confine myself to the specific comments above.

Patrick Pierce

Member, Employment Appeals Tribunal

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