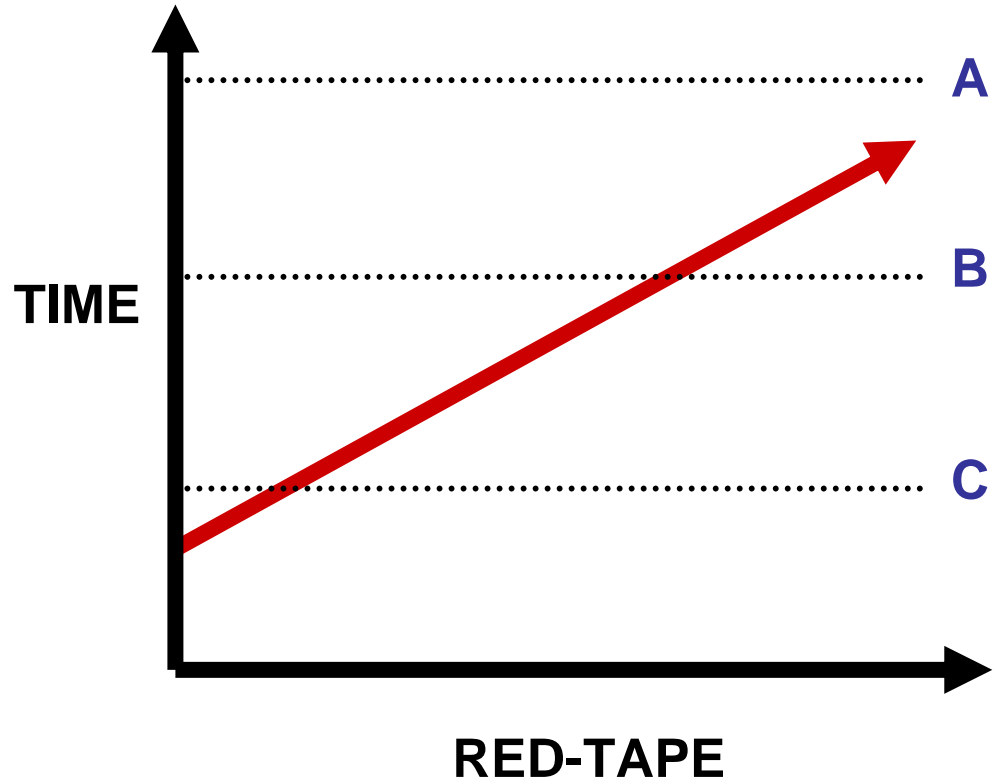
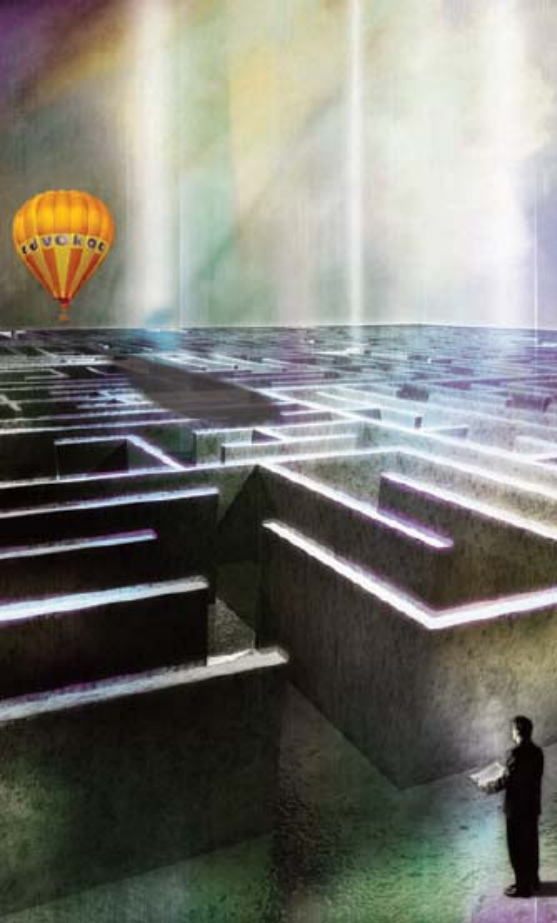


**SOMETHING'S GOT TO GIVE:
BOOM-TIME EMPLOYMENT LAW MEETS
RECESSION ECONOMICS**

ADRIAN TWOMEY
advokat

Regulation of Employment



Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

Over-Regulation



- 21 EU Directives
- 30 Statutes
- 71 Statutory Instruments
- CoPs from LRC, EA, HSA
- 5+ decision-making bodies
- Up to 5 layers of appeals

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

Over-Regulation



Including:

- 14 different Acts/SIs dealing with maternity
- More than 30 dealing with different forms of leave
- 5+ different ways of suing after dismissal

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

The Case for Rationalisation



Body	Cost (2008)	Cases per annum	Cost per Case	Budget '09
Labour Court	€3,193,000*	924 +	€3,456	-2%*
EAT	€2,279,000\$	3,173 cases referred +	€718	
LRC	€6,600,000*	9,077 cases referred to RC +	€727 ...	-4%*
Equality Tribunal	€2,213,000*	998 cases referred x	€2,217	+15%*
Equality Authority	€5,897,000*	223 open +		-43%*
NERA	€10,817,000*			-10%*

* Book of Estimates + 2007 Annual Report x End of Year Press Release, 2008 \$ PQ, 2006 figure

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

But This Year ...



- **NERA and the Employment Law Compliance Bill 2008**
- **Minimum Wage and REAs**
- **Still no codification and simplification of employment legislation (Employment Law Consolidation Bill 2009)**
- **Still no rationalisation of decision-making structures**
- **Still no recognition of the cost of representation at Tribunals**

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

But This Year ...

- **The Equality Authority, the Equality Tribunal and the PC agenda**
- **Still no legislation on stress**
- **Approximately 15,000 cases per annum**



Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

While in the Real World ...



- **Family-friendly working**
- **Redundancies pile up**
- **Unpaid lay-offs**
- **Pay-cuts**
- **Non-payment of bonuses**
- **Short-time working**
- **Pension schemes under-funded**
- **What can you do?**

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

This Year, Santa, I'd like ...



- **One (short) Employment Rights Act to replace all the others**
- **One decision-making body for claims regarding statutory rights**
- **One route of appeal**
- **The power to award costs**
- **No fault dismissals with a statutory scale of compensation payments**
- **Legislation clarifying the law on stress**
- **Equality, yes, but realism too!**

Adrian Twomey, "Something's Got To Give", CIPD, 11 May 2009

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