

workplace relations



**CHAMBERS
IRELAND**
IN BUSINESS FOR BUSINESS

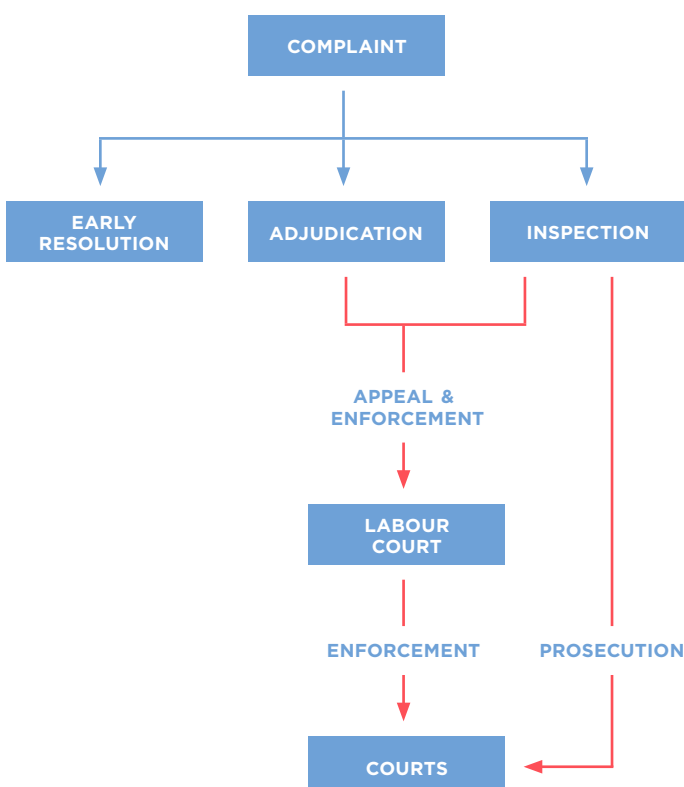
Overview of the Workplace Relations Commission

- A new, unified and simplified system for the resolution and adjudication of employment rights complaints and disputes at first instance and on appeal to the Labour Court.
- Provides information on industrial relations, rights and obligations under Irish employment and equality legislation.

What's new?

- A single channel through which all employment rights, equality and industrial relations disputes can be settled.
- The benefits of the new system include,
 - Emphasis on early and informal resolutions,
 - Multiple complaints against an employer can be handled together in a single forum,
 - Uniform time limits,
 - Single route of appeal.

The New System



Good Workplace Relations

- The ultimate goal of the Workplace Relations Commission is to avoid any workplace complaints and the risk of receiving a complaint can be mitigated.
- The WRC provides a number of services which seek to inform employers, employees and others of their rights and obligations under the relevant legislation, provide assistance and support, in order to underpin good workplace relations and to facilitate local dispute resolution.

Facilitation Services Offered

- The WRC provides a *code of practice* with best practices for procedures and frameworks on its website at: www.workplacerelations.ie/en/Good_Workplace_Relations/codes_practice/
- The **Workplace Relations Information and Customer Services** can be contacted for information on employment, equality and related legislation.
- **Advisory Service** can assist employers, employees and trade unions or other employee representatives in non-dispute situations to develop effective industrial relations practices, procedures and structures that best meet their needs, to build and maintain positive working relationships and to develop and implement on-going effective problem-solving mechanisms.
- The WRC also offers **Training** on a variety of aspects of the employment relationship, including workplace procedures, communications, negotiation processes, dignity in the workplace and support in the managing change in the workplace.

What You Need to Know

- Any employment complaint alleging a breach of any of the employment rights statutes filed after the 1st of October 2015 will be heard by the WRC.
- Understanding how the WRC operates, how to prepare for a claim, etc. is important for employers.

Mediation

- Often leads to a quicker resolution and also helps maintain working relationships between parties.
- All claims are assessed for suitability for mediation.
- This can take place over the phone or in person.

Preparing your Case

- It is in your interests that the Adjudicator has a good understanding of your case before the hearing.
- This should be a brief, concise written statement and should be sent to the WRC Customer Service Unit in Carlow as soon as you are notified of the complaint, whether it has been requested or not.
- On the day of the hearing you should bring any documents you may intend to rely on, with copies for the other party, and also any witnesses.
- If you do not attend (as a respondent) a legally binding decision may be made in your absence.
- You should establish the time slot allocated for your hearing; this will have a bearing on your preparation and case management strategy.
- Apart from being in your interests to do so, in some cases *it is a requirement* that you respond to a complaint (constructive dismissal, equality, pension cases). The statement is due within 21 days of receipt of the claim papers. An extension can be sought in exceptional circumstances.
- Adjournments are rarely granted but should it be necessary, you should apply for one as soon as you are advised of the date of the hearing, with support documentation (e.g. flight bookings. Medical certification etc).

Workplace Relations Commission Hearings

- The hearing is in private and proceedings are confidential. It is 'inquisitorial' in style, not adversarial as in a court (or the Employment Appeals Tribunal) and more like an investigation.
- Cases are heard by a single adjudicator and, while employment rights cases involve a determination of legal rights the procedures are fairly informal. Evidence may be taken and tested (but not on oath).
- WRC Adjudication Officers have the power to subpoena witnesses and documentation.

Workplace Relations Commission Decisions

- A decision will normally be issued within 28 days.

- Once the decision has been issued, parties have 42 calendar days *from (and including) the date of the decision* to lodge an appeal to the Labour Court. It does not run from the date you receive it.
- The Labour Court, in exceptional circumstances, will hear appeals lodged outside this time line; however exceptional circumstances are very difficult to prove.

Labour Court Hearings

- All appeals from the Workplace Relations Adjudication Service are heard in public by the Labour Court.
- Labour Court hearings are heard by a three person panel made up of a Labour Court Chair, an Employer's Member and a Worker's Member.
- Whilst it is a submission based hearing, witnesses are required to give evidence under oath.
- Submissions are required within 21 days of lodging an appeal or receiving claim papers. Failure to provide this can result in your claim being dismissed.
- Further submissions are needed 7 days in advance of a hearing. This will include additional documentation and witness names.
- The Labour Court hearing is 'de novo', it is a fresh hearing. It can uphold, overturn or vary the Adjudication decision.
- If you did not attend the initial WRC hearing, the Labour Court may charge €300 if you wish to appeal the WRC decision.

Labour Court Decisions

- The Labour Court will issue its decision within 6-8 weeks from the date of the hearing.
- If the employee wins their case, the employer has 42 days to implement the Labour Court's decision. If the employer fails to do so an enforcement order may be sought from the District Court to compel the employer to do so.
- Labour Court decisions can only be appealed to the High Court on a point of law. Therefore, you will not be permitted to appeal if you simply disagree with the Labour Court; you must be able to show that the Labour Court has made an error in law.

Claim Papers

- The WRC will notify the Employer of any complaints.
- Importantly, the WRC will send a copy of the complaint received to the address of the Respondent provided by the Complainant. This may be your registered company address, rather than your head office.

**For more information
about the Workplace
Relations Commission**

Call
1890 80 80 90

Website
[www.workplacerelations.ie/en/
Good_Workplace_Relations](http://www.workplacerelations.ie/en/Good_Workplace_Relations)

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