

October 2017



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Guide to the Workplace Relations Commission

0818 80 80 90 | workplacelrelations.ie

Contents

Introduction..... 3

1: Information and Customer Services 5

2: Advisory Service 6

3: Conciliation Service 7

4: Mediation Service 8

5: Adjudication Services..... 12

6: Inspection Services 14

7: Making a Complaint or Referring a Dispute 15



Introduction

The overall objective of the Workplace Relations Commission (WRC) is to deliver a world-class workplace relations service and employment rights framework that serves the needs of employers and employees and provides maximum value for money.

Functions of the WRC

The main functions of the WRC are to:

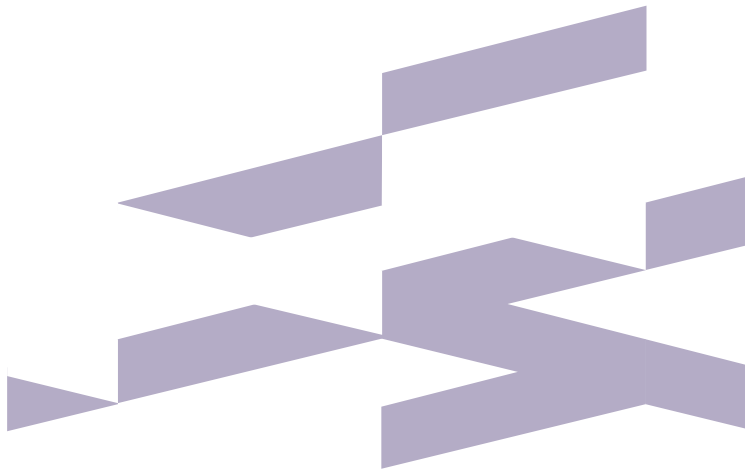
- Promote the improvement of workplace relations, and the maintenance of good workplace relations,
- Promote and encourage compliance with relevant employment legislation,
- Provide guidance in relation to compliance with Codes of Practice,
- Conduct reviews of, and monitor developments, in workplace relations generally,
- Conduct or commission relevant research and provide advice, information and the findings of research to Joint Labour Committees and Joint Industrial Councils,
- Advise the Minister for Business, Enterprise and Innovation in relation to the application of, and compliance with, relevant legislation, and to
- Provide information to the public in relation to employment legislation (other than the Employment Equality Act).



Within this framework, the Commission's core services include the provision of mediation, conciliation, facilitation and advisory services, adjudication on complaints and disputes, the monitoring of employment conditions to ensure the compliance and enforcement of employment rights legislation, the provision of information, and the processing of employment agency and protection of young persons (employment) licences.

The Director General of the Commission is Oonagh Buckley. The Commission has a Board consisting of a chairperson and eight members. The functions of the Board are:

- The provision of Advice to the Director General.
- To prepare and submit the Strategy Statement to the Minister.
- To prepare and submit the Work Programme to the Minister.



SECTION 1

Information and Customer Services

The Workplace Relations Commission provides general Information on employment law, equality and industrial relations to both employers and employees in line with the provision in the Workplace Relations Act, 2015. The aim is to provide both employers and employees with the information they require to ensure that their workplace operates to the best standards in terms of compliance with employment rights and industrial relations legislation.

The website **www.workplacerelements.ie** provides easily accessible and comprehensive information including an e-form facility to submit written queries for response. A suite of publications is also available and easy to download. Some publications are available in other languages. You will find both practical guidance and links to the piece(s) of legislation which are relevant to particular topics and workplace situations.

Impartial information is easily and readily available from the Information and Customer Services on 0818 **80 80 90**. The Lo-call phone service is available from **Monday to Friday 9.30am to 5pm** including during lunch. The phone service allows a caller to speak with a highly trained Information Officer. The direct contact allows for clear, concise information and clarification for more complex queries. Out of hours there is pre-recorded information.

Contact Details

Lo-call 0818 **80 80 90**

Overseas callers should call **+353 59 9178990**



SECTION 2

Advisory Service

What is the Advisory Service?

The Advisory Service works closely with employers, trade unions and employees, principally in non-dispute situations in order to promote, develop and implement best industrial relations policies, practices and procedures. Its primary objective is aimed at enhancing the economic well-being of the enterprise and assisting in employment creation and retention. The service is independent, impartial and experienced in industrial relations practice and theory.

How do I avail of these services?

Queries and requests for the assistance of the Advisory Service should be directed to the:

Advisory Service
The Workplace Relations Commission
Lansdowne House
Lansdowne Road
Dublin 4
D04 A3A8

Or via the e-form on our website www.workplacelrelations.ie

Requests should include an outline of the nature of the service required and contact details for all concerned parties.



SECTION 3

Conciliation Service

What is Conciliation?

The focus of the conciliation service is to provide an impartial, timely and effective conciliation service operating to a continually high standard in both the public and private sector. Conciliation is a voluntary process in which a professional conciliation officer facilitates employers and employees and/or their representatives to resolve workplace issues when their own efforts have not succeeded. The conciliation officer acts as an impartial facilitator in discussions between the parties. The primary value and function of the services is that it is available to provide a high quality resource at the appropriate moment in any given dispute situation.

How do I begin a conciliation process?

The process of conciliation begins when one or both disputing parties submit the on-line form available on our website or write to the **Director of the Conciliation Service, Workplace Relations Commission, Lansdowne House, Lansdowne Road, Dublin 4, D04 A3A8** requesting assistance in resolving their industrial relations dispute. The Commission responds positively to such requests and contacts both parties in order to confirm that they wish to attend at conciliation. Arrangements for conciliation meetings are finalised only when both parties confirm their willingness to participate in the process. Participation is entirely voluntary.



SECTION 4

Mediation Service

Mediation is a form of alternative dispute resolution in which a neutral third person helps the parties achieve a voluntary resolution of a complaint or grievance. The Mediation Service is staffed by experienced and qualified Mediators. The Service offered includes:

- Mediation in the resolution of complaints referred under Employment Rights legislation;
- Workplace Mediation where issues other than employment rights' issues arise, e.g. interpersonal conflict in the workplace.

Employment Rights Mediation

Mediation provides the complainant and respondent the opportunity to resolve their issues with the assistance of an independent Mediator thereby avoiding the need to have the complaint adjudicated.

Where a complaint is referred to the WRC under Employment Rights legislation the WRC adopts two approaches in the delivery of mediation:

1) Telephone based mediation

This is used when the complaint is relatively straightforward. The mediator will communicate by telephone with the complainant and respondent and work with the parties in finding an acceptable solution. Telephone based mediation is very effective and significantly reduces the cost of resolving the complaint for both parties.

2) Face to face mediation

Where the complaint is more complex the mediator will meet directly with the complainant and respondent in an effort to find a resolution.

The WRC will make the decision on the approach to be used taking into consideration the complexity of the complaint referred.

Why should you choose mediation?

Speed: Reaching a settlement through mediation is quicker, cheaper and less stressful for all concerned than proceeding to an adjudication.

Cost: Mediation cuts the cost for both the complainant and respondent as it reduces the amount of time and expense associated with protracted conflict.

Confidential process: Mediation is a completely voluntary and confidential process. The independent mediator discusses the issues with both parties in order to help them reach a better understanding of each other's position and underlying interests. Without taking sides the mediator will encourage the parties to come to an agreement that is acceptable to both sides.

Control: The outcome of the mediation process remains in the control of the parties therefore any agreement reached must be acceptable to both sides.

Legally binding: The Agreement reached through mediation is legally binding and can be enforced through the Courts.



How will you access mediation?

Step 1	When completing the online complaint form you need to select the option to avail of the mediation service.
Step 2	The WRC will contact the respondent to see if they are willing to engage in mediation.
Step 3	If both parties agree to mediation the WRC will decide on the approach to be taken i.e. telephone mediation or face to face mediation.
Step 4	In the case of telephone based mediation the mediator will contact the complainant and respondent. In the case of face to face mediation the Mediation Service Secretariat will contact the parties to arrange a date and location to suit the parties.

Workplace Mediation

The Mediation Service provides a tailored response to particular types of issues and disputes emerging in workplaces, particularly suitable to address disputes involving individual or small groups who are experiencing interpersonal differences and difficulties working together. Typical issues arising in cases referred for mediation include matters involving interpersonal workplace relationships and grievance and disciplinary procedures generally. The workplace mediation service provides an opportunity for those involved to address the issues, explore options and reach a workable outcome through a mutually agreeable course of action.



How do I apply for Workplace Mediation?

All applications for workplace mediation should ideally be made on a joint basis. The process will work best when both parties have a desire to resolve an issue and have jointly agreed that mediation is the best means to secure that resolution. Notwithstanding this, the Commission will attempt to secure agreement to participate in mediation where only one party has sought the intervention. The process is however voluntary and the Commission is not in a position to compel attendance. All applications for workplace mediation should state clearly the name and contact details (including phone numbers) of both parties, the number of persons involved and the nature of the issue involved. Applications should be made on the On-Line Referral form at www.workplacerelements.ie or by letter addressed to: **Mediation Services, Lansdowne House, Lansdowne Road, Dublin 4, D04 A3A8.**

Will my application be treated confidentially?

Yes. The Commission commits to the confidential handling of any issues referred to it. The Commission will not publish details of any individual case or the identity of any applicant.

Do I have to travel to Dublin?

These services are provided on a country-wide basis. The Commission makes every effort to arrange meetings at a location close to the parties.

What do these services cost?

The services delivered by the Advisory, Conciliation and Mediation Services are free to users. In certain circumstances parties may be requested to provide a venue for meetings.



SECTION 5

Adjudication Services

Adjudication Officers of the Workplace Relations Commission (WRC) are statutorily independent in their decision making duties as they relate to adjudicating on complaints referred to them by the WRC Director General.

The Adjudication Officer's role is to hold a hearing where both parties are given an opportunity to be heard by the Adjudication Officer and to present any evidence relevant to the complaint. Hearings of the Workplace Relations Commission will be held in private. However, complaints may, in certain instances, be disposed of by means of written procedure (i.e. without hearing). The Adjudication Officer will not attempt to mediate or conciliate the case. Parties will be free to represent themselves or choose their own representation.

The Adjudication Officer will then decide the matter and give a written decision in relation to the complaint. The decision, which will be communicated to both parties and published, will

- (a) declare whether the complainant's complaint was or was not well founded,
- (b) require the employer to comply with the relevant provision(s),
- (c) require the employer to make such redress as is just and equitable in the circumstances.

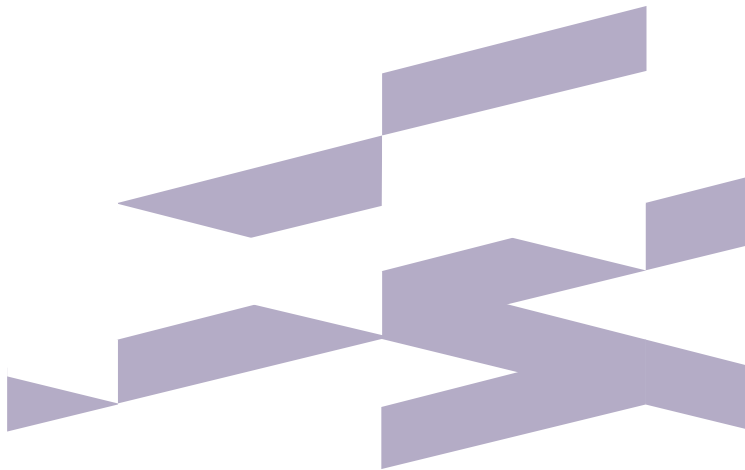
A party to a complaint may appeal to the Labour Court from a decision of an Adjudication Officer.



Enforcement of Adjudication Decisions

If the employer fails to carry out the Adjudicators Decision, or, the determination of the Labour Court following an appeal, within the prescribed time, an application for an order directing the employer to carry out the decision can be made to the District Court by:

- The Employee
- Trade Union with consent of employee, or
- An excepted body of which he is a member, or
- The Workplace Relations Commission.



SECTION 6

Inspection Services

Inspectors of the Workplace Relations Commission are authorised to carry out inspections, examinations or investigations for the purposes of monitoring and enforcing compliance with employment legislation. The identity of the complainant is not divulged to the employer unless the complainant has given his/her consent to do so.

Where an Inspector determines that a contravention of specified areas of employment law (including the non-payment of certain monies due to an employee under employment law) has taken place, and the employer concerned fails or refuses to rectify the non-compliance, the Inspector may issue a Compliance Notice setting out the steps the employer must take to effect compliance. If the employer does not appeal and fails or refuses to rectify or set out in writing how he or she proposes to rectify the matters set out in the notice, the Workplace Relations Commission may initiate prosecution proceedings against the employer.

In respect of a specified range of acts of non-compliance on the part of employers, an Inspector may serve a fixed charge notice. If the person on whom the notice is served pays the charge the matter does not proceed to Court. However, if the person fails or refuses to pay the charge the matter can be progressed to the District Court where the defendant can defend their position in the normal way.

WRC inspectors are also appointed by the Minister for Business, Enterprise and Innovation as authorised officers for the purposes of the Employment Permit Acts 2003 to 2014.



SECTION 7

Making a Complaint or Referring a Dispute

How can I make a complaint?

Complaints can be completed and submitted on-line using the complaint form available on www.workplacerelations.ie

How long will I have to make a complaint?

Complaints must be submitted within 6 months extendable to 12 months for reasonable cause for the referral of complaints under employment rights legislation.

How do I complete the Complaint Form?

You should complete all sections of the form which are relevant to your complaint. Various sections of the form have information buttons or hot-spots (marked with an 'i' on a blue background) which, when clicked, provide guidance relevant to the item in question. Providing as much information as possible and ensuring that you have completed all relevant sections of the form, will assist the office in processing and progressing your complaint without the need to revert to you seeking further details.

Do I have to complete a separate form for each complaint I may have?

No. The Workplace Relations Complaint Form allows for multiple complaints to be submitted at the same time.

Will my Complaint Form be acknowledged?

When you submit your complaint on-line, you will receive a return email (at the email address you provided) confirming receipt of the form and including your **Complaint Application Number**.





An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

0818 80 80 90
workplacerelations.ie