Earlier this year, the Workplace Relations Commission ("WRC") published its annual report for 2018. The WRC was established in 2015 under the Workplace Relations Act 2015. Its main functions include the promotion and encouragement of compliance with relevant employment law; giving guidance as regards compliance; reviews of workplace relations and the provision of information regarding employment rights to the general public. It offers advisory services as well as mediation and adjudication services for parties in dispute.

The annual report addresses each of the various services provided by the WRC in turn:

**Information and customer service**

The WRC operates an information line whereby the public can obtain information regarding employment issues. The statistics in the report show that out of 57,348 calls received, 38% of those calls concerned the issue of employment permits. Working hours and complaint enquiries constituted 12% of all complaints received. Unfair dismissal amounted to only 6%.

**Advisory service**

The WRC advisory service is responsible for assisting and advising organisations about their obligations to employees and developing good practice. It oversees the WRC’s training programme – in 2018, 18 training programmes were delivered to private and public sector organisations.

The advisory service has also developed Codes of Practice to assist good industrial relations within organisations. In 2018, a Code of Practice on longer working was published, which deals with relations between employers and employees in the run-up to retirement age. A new Code of Practice on Bullying in the Workplace is in progress and is due to be published before the end of the year.

**Conciliation, facilitation and mediation**

The WRC also offers a service for employees and employers to resolve their disputes by way of voluntary agreement between the parties. This includes:

**Conciliation**

2018 saw the lowest level of disruption from industrial relations disputes in Ireland since 2012. However, there was a 13% increase in the requests for conciliation made to the WRC (1062 requests for conciliation in 2018). The resolution rate in 2018 was 87%. The vast majority of cases referred to conciliation related to issues with pay (37%) with HR issues such as changes to terms and conditions, overtime etc. coming in a close second at 32%.

**Mediation**

a) Pre-adjudication mediation

This occurs only when the parties to a dispute both agree to take part in mediation. Mediation can take place either by telephone or in a face-to-face meeting, depending on the complexity of the issue and the parties’ willingness to work together to resolve the dispute. 2018 saw a large increase in pre-adjudication mediation, with 1844 taking place. 603 of these were face-to-face mediations, which represents an increase of 206% on face-to-face
mediations in 2017. 64% of cases dealt with at mediation were resolved at that stage.

b) Workplace mediation

This is a useful means by which to deal with workplace disagreements and disputes between individual or small groups, for example the breakdown of a working relationship or issues arising from a grievance/disciplinary procedure. There were a total of 81 requests for workplace mediation in 2018, a 16% increase on the previous year.

Facilitation

In 2018 the WRC assisted at 500 meetings through facilitated discussion and engagement. Of note is the support given by the WRC to the parties of the Public Service Pay Agreement (PSSA). In addition, the WRC has chaired a range of other negotiations, including the Irish Water Consultative Group and the Health Service National Joint Council.

Adjudication

The WRC’s adjudication service investigates disputes, grievances and claims made by individuals or small groups under relevant employment/equal rights legislation. In 2018, 15,451 complaints were received. This represents a 10% increase on 2017’s figure and has placed a certain level of strain on the WRC. The majority of complaints related to pay (4316), with unfair dismissal provoking a lesser number of complaints at 2156.

A total of 5312 adjudication hearings took place in 2018 (an increase of 22% from 2017). 90% of cases were decided within 6 months.

In the annual report the WRC notes a concerning pattern of numerous complaints against a single employer; in one case there were 350 complaints against the same employer under the same piece of legislation. The report encourages employees in such cases to consider engaging informally with the WRC prior to making a formal complaint, on the basis that resolution in such cases may best and more economically be achieved by way of voluntary collective facilitation. The same is true of complaints generally; there is a clear preference for matters to be dealt with in an informal manner prior to an official complaint.

Inspection and enforcement

The WRC is responsible for the inspection of employment records to ensure compliance with relevant employment law. In 2018, 5753 inspection visits were made. In 44% of cases the employer was found to be in breach, though the level across all sectors was in excess of 50%. The most common breach (52%) was a failure to keep adequate employment records including, in particular, written statements of wages paid. The worst sector was the equine sector, where 84% of all employers inspected were found to be in breach.

A total of 120 compliance notices were issued in 2018. An employer who does not comply with the terms of such a notice may be guilty of an offence – 42 employers were prosecuted in 2018.

Points to note

Employers should note the ongoing progress by the WRC to improve and maintain workplace relations. Whilst the number of complaints are increasing (a 10% increase on 2017), there has been a clear shift towards resolving complaints at an early stage by way of alternative dispute resolution. This can be seen by the significant 206% increase in face-to-face mediation in 2018.

Whilst there has also been an increase in the number of adjudication hearings (up 22% from 2017), the report is clear in encouraging complaints to be dealt with informally via the WRC, before making an official complaint, especially where multiple complaints against the same employer are concerned.

Employers should be aware of relevant employment law and take care not to be found in breach. It is important, in particular, to ensure that appropriate employment records are kept (this amounted to 52% of breaches seen in 2018).

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