

2020

WRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Workplace Relations Commission Report

Review of WRC Adjudication Decisions and Recommendations January – December 2020

A COMPREHENSIVE REVIEW OF ADJUDICATION
DECISIONS AND RECOMMENDATIONS PUBLISHED
FROM 1 JANUARY TO 31 DECEMBER 2020

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INTRODUCTION

Background:

This report examines published decisions and recommendations stemming from complaints made to the Workplace Relations Commission (“**WRC**”) from 1 January to 31 December 2020. While the WRC received some 8,103 cases (encompassing 18,969 specific complaints) in 2020, not all of these reached the adjudication stage within that year — some were settled or withdrawn, some were referred for mediation, or were stayed pending related decisions in other fora, or some were adjourned due to a range of factors. Thus, this report focuses on the 1,401 cases encompassing 3,059 specific complaints which were the subject of published decisions in the year 2020.

By the end of 2020 only some 200 decisions awaited issuing post-hearing — compared with over 600 at the end of 2019. This represents the lowest end-year level of decisions on hand since the establishment of the WRC in 2015.

In relation to the fact that a total of 1,401 cases and 3,059 complaints were adjudicated during this period, it is important to understand that a WRC case may comprise of several complaints brought under different Acts which results in a greater number of complaints than cases (e.g. one case could encompass complaints under the Payment of Wages Act, Unfair Dismissal Act, Safety, Health and Welfare at Work Act 2005 etc. which are each adjudicated upon and decided upon individually within one decision).

This report is the first of its kind since the WRC was established and is considered a trial report to assist in the dissemination of information concerning the work of the WRC pursuant to its functions under Section 11 Workplace Relations Act 2015. While considering the report, it should be borne in mind that the findings are high level and do not contained detailed case by case analysis. Subject to resources available at the time, it is hoped that a similar report may be produced periodically by the WRC.

Sources:

The information contained in this report was identified via two main sources:

- i) the WRC's public website, and
- ii) pre-existing data collated by legal research software engine, "Vizlegal".

The review process was streamlined following consultation with Gwendolen Morgan (WRC Registrar and Director of Legal Division in the WRC), Maura McKenna (Legal Advisor to the WRC) and David Small (Director of the Adjudication Services) to determine the scope of data required. Thus, the data compiled in this report pertains to *inter alia*, complaint breakdown, attendance, complainant and respondent representation, and outcomes and awards issued.

Definitions:

In this report, the following terms have the following meanings:

- "**Adjudication**" means all cases referred for hearing by the Workplace Relations Commission.
- "**AO**" means an Adjudication Officer who was appointed under section 40 of the Workplace Relations Act 2015.
- "**Complaint**" means all complaints brought before the Workplace Relations Commission for intervention including non-justiciable disputes under the Industrial Relations Act 1969, unless otherwise stated; and
- "**WRC**" means the Workplace Relations Commission.

Report Outline:

This report is comprised of three chapters and examines complaints brought before the WRC as follows:

1. Complaint Breakdown:

This chapter identifies the statutory framework under which complaints were brought. It also analyses the success rate of complaints under each piece of legislation.

2. Party Representation:

This chapter identifies, and breaks down in headline terms, the different types of representation before the WRC in 2020 — both for complainants and respondents.

3. Awards:

This chapter identifies the total, average, highest and lowest monetary awards made. It also identifies the total, average, highest and lowest monetary awards made under each piece of legislation. Non-monetary awards are also examined to identify how frequently a “Course of Action” was directed / recommended by an AO, and what this entailed.

CHAPTER 1:

COMPLAINT BREAKDOWN

Introduction:

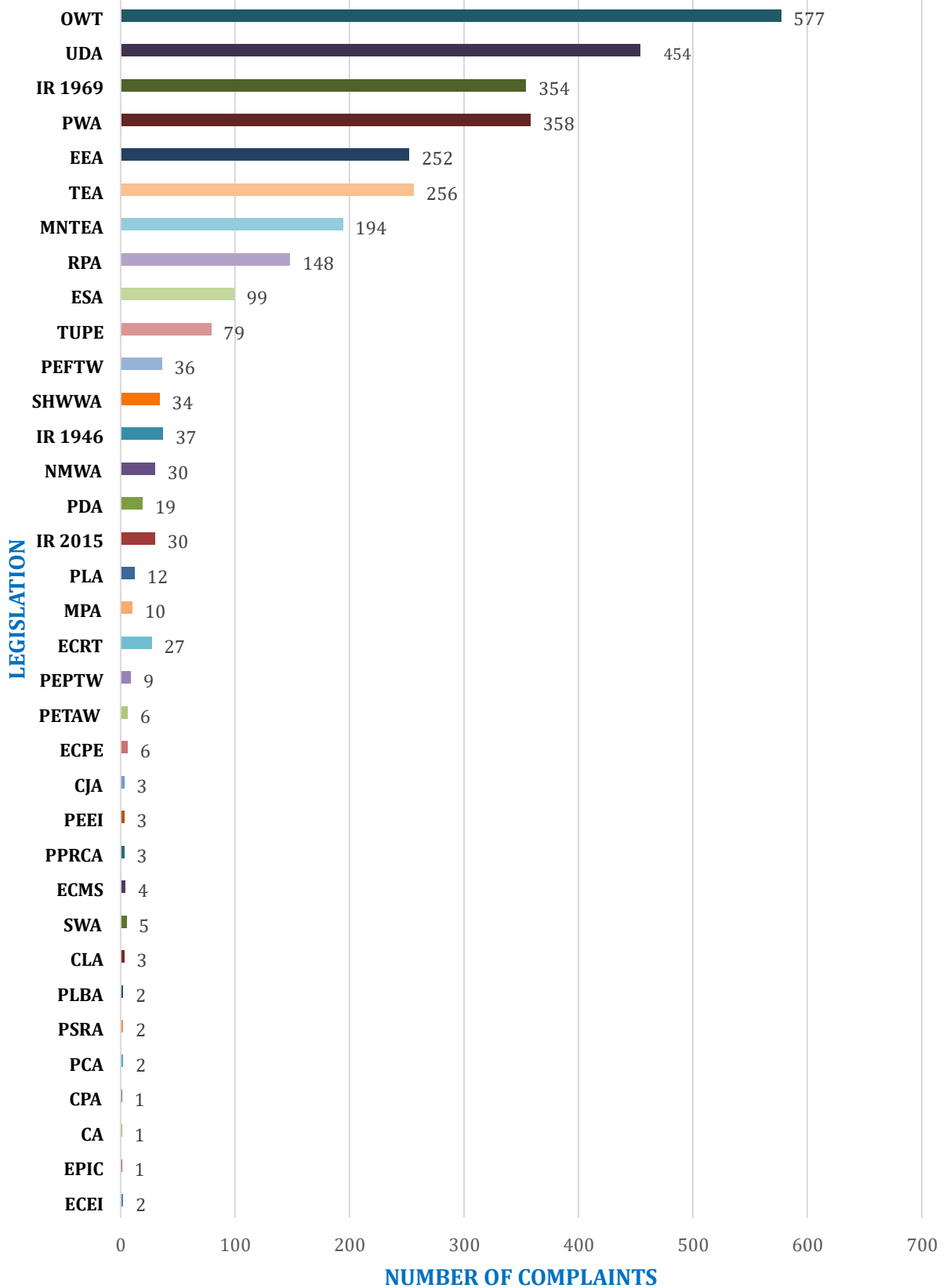
Complaints can be referred for adjudication by the WRC under more than 50 pieces of legislation. There were 3,059 complaints adjudicated upon by the WRC between January and December 2020 inclusive. 1,237 of these complaints were successful while 1,595 were unsuccessful. Some 227 specific complaints were withdrawn.

Chart A displays the number of complaints that were brought under each Act between January and December 2020. From Chart A it can be seen that most complaints were made under the Organisation of Working Time Act 1977, with 577 complaints. This was followed by the Unfair Dismissals Act 1977 with 454 complaints and then the Industrial Relations Act 1969 with 354 disputes.

The Acts mentioned in the charts have been abbreviated. Please see the table at Appendix I for the key containing the full title of each Act.

Chart A:

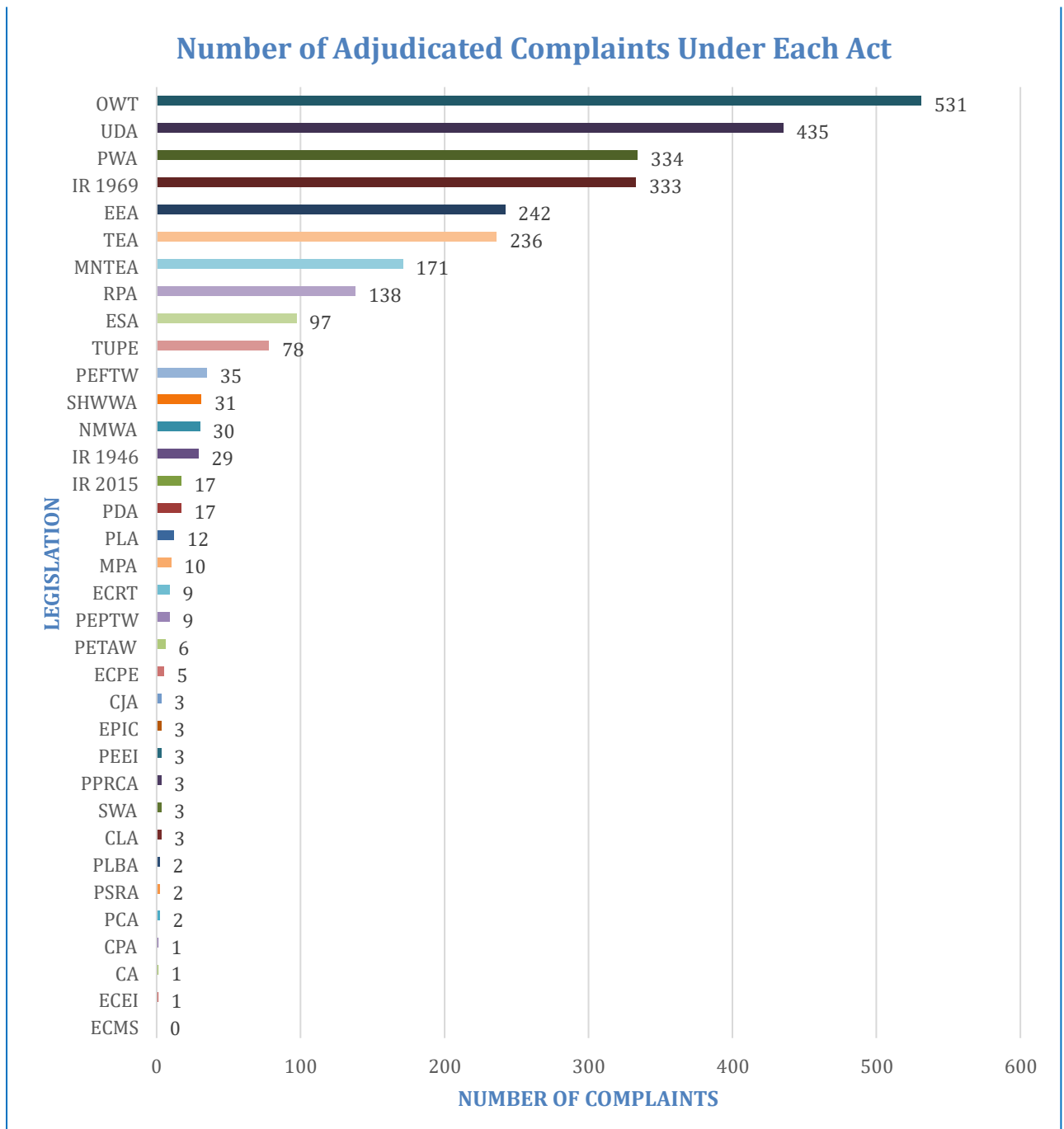
Number of Complaints Under Each Act



Of the 3,059 specific complaints submitted, 227 were withdrawn. This means that 2,832 complaints were actually adjudicated upon and decided in the timeframe considered.

Graph B displays the total number of adjudicated complaints under each Act.

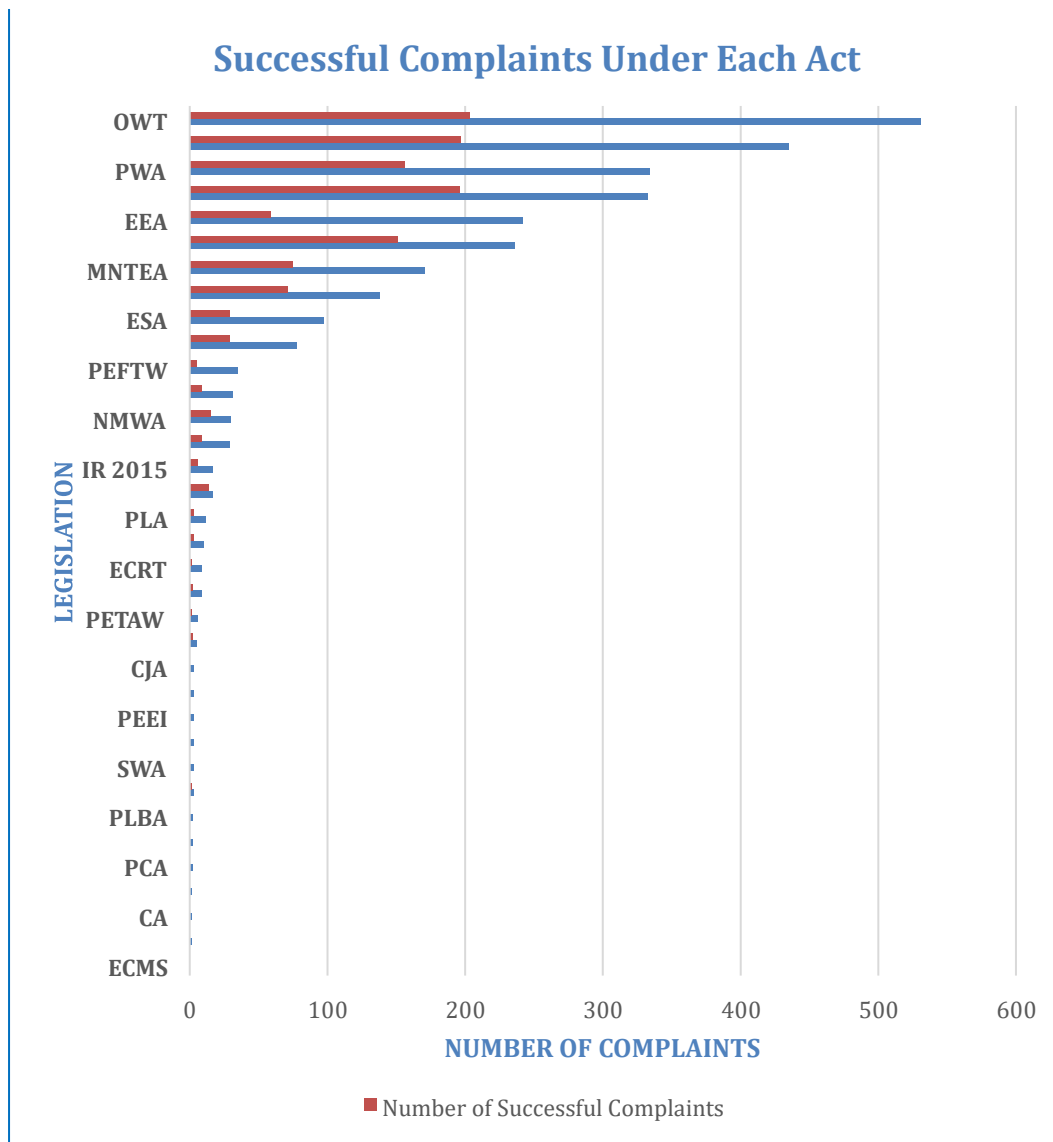
Chart B:



Breakdown of Successful Complaints:

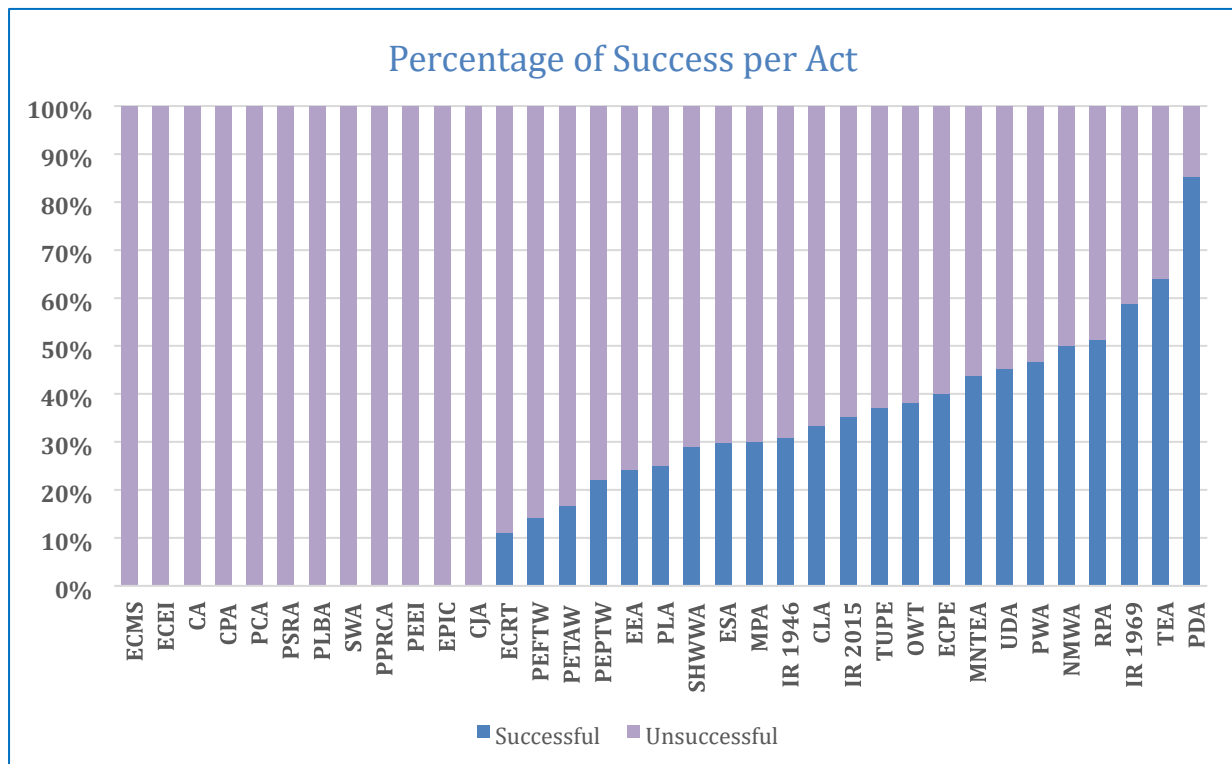
Of the 3,059 complaints made, 1,237 complaints were successful. For the purposes of this report, a complaint is deemed successful when the AO finds in favour of the complainant. A success rate of 40.44% was recorded. However, when withdrawn complaints are excluded, the success rate rose to 43.68%. Chart C shows the number of successful complaints under each Act (in red) in comparison to the total number of adjudicated complaints under each Act (in blue) in 2020.

Chart C:



Finally, Chart D details the adjudicated complaint success rate under each Act in percentage terms rounded to two decimal places.

Chart D:



Complaints brought under the Protected Disclosures Act 2014 had the highest success rate of 85%. However, it should be noted that this constitutes a relatively small sample group with 14 successful complaints out of a total of 17 adjudicated complaints. (This figure does not include the small number of protected disclosure complaints referred under sector-specific legislation instead of under the 2014 Act.)

The Act with the second highest success rate was the Terms of Employment (Information) Act 1994, with 64% of complaints succeeding.

The Act with the third highest success rate was the Industrial Relations Act 1969, with 59% of disputes succeeding. However, it should be noted that “success” for the

purposes of the Industrial Relations Act 1969 refers to any monetary awards and / or recommendation made by an AO in favour of a worker. Thus, the definition of “success” under this specific Act had a wider remit than the other Acts considered before the WRC. It is also worth noting that recommendations made under the Industrial Relations Act 1969 do not create legally enforceable rights.¹

Other Acts rendering a high success rate include the Redundancy Payments Act 1967 (51%), the National Minimum Wage Act 2000 (50%) and the Payment of Wages Act (47%).

In relation to a number of Acts set out in Chart D above, all complaints were unsuccessful. However, as the number of complaints referred under these Acts ranged from one to three it was not possible to extrapolate any meaningful conclusions from this.

¹ While Section 43 of the Workplace Relations Act 2015 provides that decisions made by the WRC are enforceable in the District Court, this provision only applies to legislation listed in Schedules five and six of the Act. Neither of these Schedules include the enforcement of a decision concerning a trade dispute under the Industrial Relations Act 1969.

CHAPTER 2:

PARTY REPRESENTATION

Introduction:

From January to December 2020 inclusive, a total of 1,401 cases were adjudicated upon by the WRC. This amounts to a total of 2,802 parties. A complainant can only bring a case against one respondent. If a complainant seeks to bring a case against two different respondents, these are assigned two separate “ADJ” (adjudication) numbers and are deemed two separate cases for enforceability purposes.

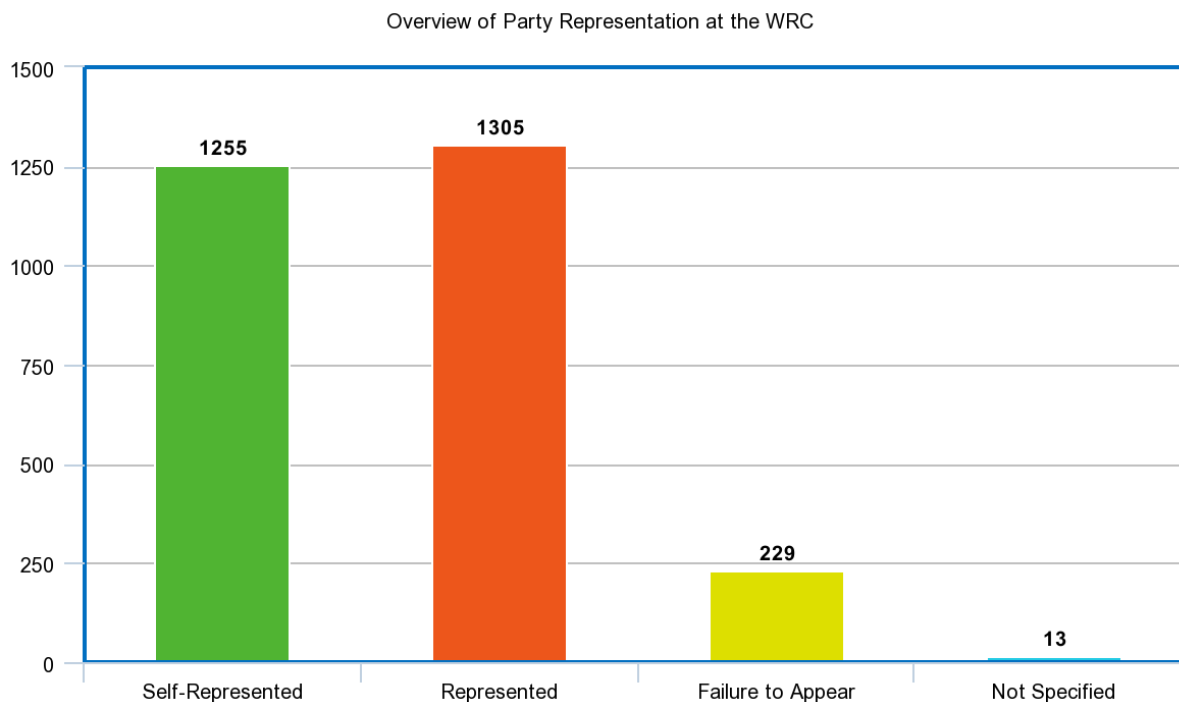
Of the cases analysed, representation data was unascertainable for 13 parties (concerning 4 complainants, and 9 respondents respectively). This represents 0.5% of all parties in this report. This is deemed as “not specified” in the graphs below. Accordingly, data was available for 2,789 parties, or 99.5% of parties.

Of the cases where data was available, 1,305 parties (47%) had third-party representation whereas 1,484 parties (53%) did not have any third-party representation. This figure includes both those who were self-represented and those who failed to appear at their respective hearing and were consequently not represented. 229 parties failed to appear — 98 complainants and 131 respondents. This accounts for 8% of all parties.

A total of 1,255 parties (45%) were self-represented. Of those who were self-represented, 716 complainants represented themselves, and 539 respondents represented themselves. These figures are presented in Chart A below.

A comprehensive breakdown concerning all types of representation is provided at Table 1 at the end of this chapter.

Chart A:



Types of Representation:

A variety of third-party representation was used by both complainants and respondents. Overall, 12 categories of third-party representation were identified, based on the information set out in the adjudication decisions.

It should be noted that it was not always possible to ascertain from the adjudication decision whether an organisation had provided legal assistance to a party. For example, the Irish Human Rights and Equality Commission ('IHREC') provided legal assistance in 11 cases before the WRC in 2020. However, in the relevant adjudication decisions, the third-party representation was noted as "barrister", and this is borne out in the data below.

The 12 categories of third-party representation included:

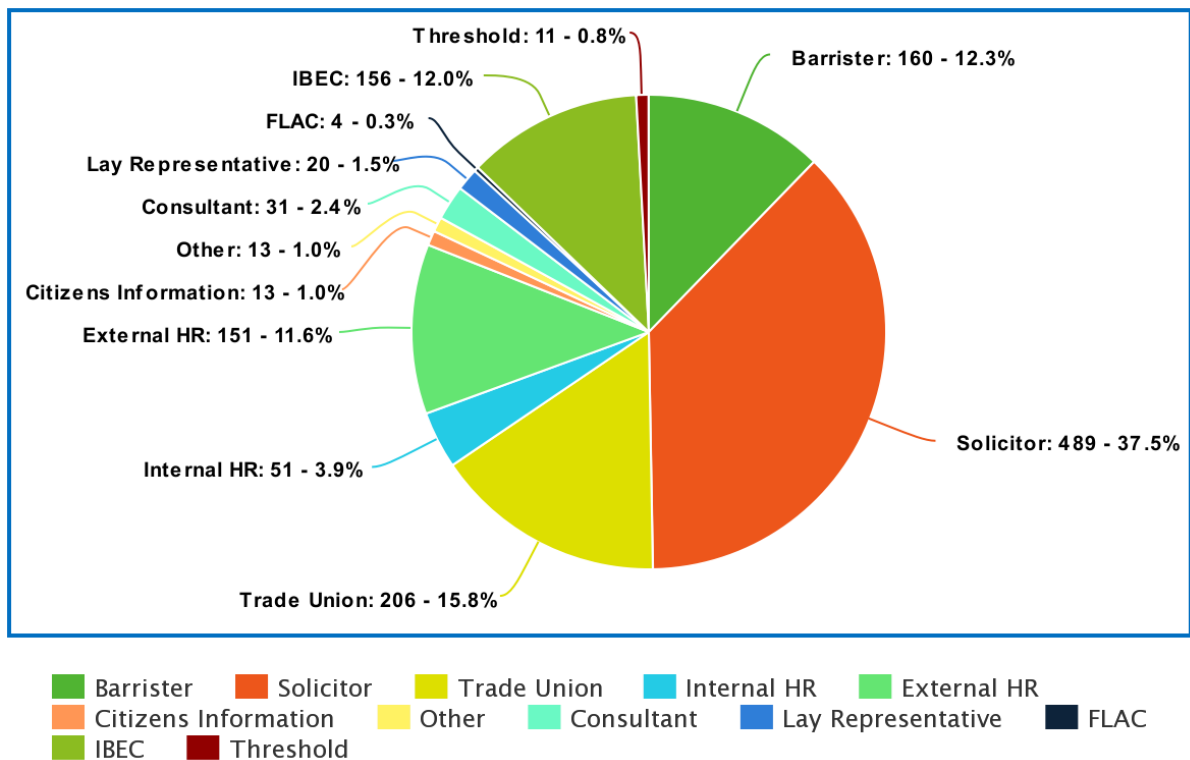
1. Barrister;
2. Solicitor;
3. Trade Union;
4. External Human Resources (“External HR”);
5. Citizens Information;
6. Lay Representative;
7. Consultant;
8. Internal Human Resources (“Internal HR”);
9. Free Legal Advice Centres (“FLAC”);
10. Threshold Ireland (“Threshold”);
11. Irish Business and Employers Confederation (“IBEC”); and
12. Other.

“Other” was used to describe any form of representation that did not fit into the abovelisted categories or where there was not enough information available to classify the type of representation used.

Representation Breakdown by Type:

Chart B displays the proportions of the 12 different types of third-party representation used throughout this period.

Chart B

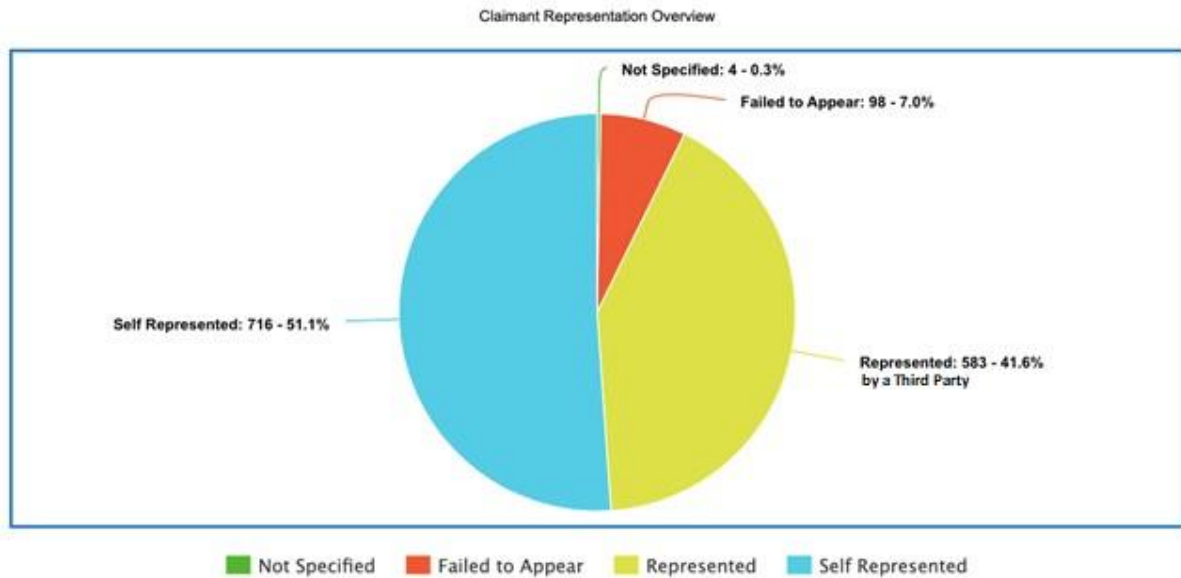


Complainant Representation:

Some form of third-party complainant representation was recorded in 583 cases, equating to representation in 41.6% of cases. A total of 814 cases recorded no thirdparty complainant representation. In 716 of these cases, the complainant was selfrepresented and in the remaining 98 cases there was no appearance by, or on behalf of, the complainant. There were 4 cases where no data regarding complainant representation could be ascertained. This information is set out in Chart C below.

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Chart C



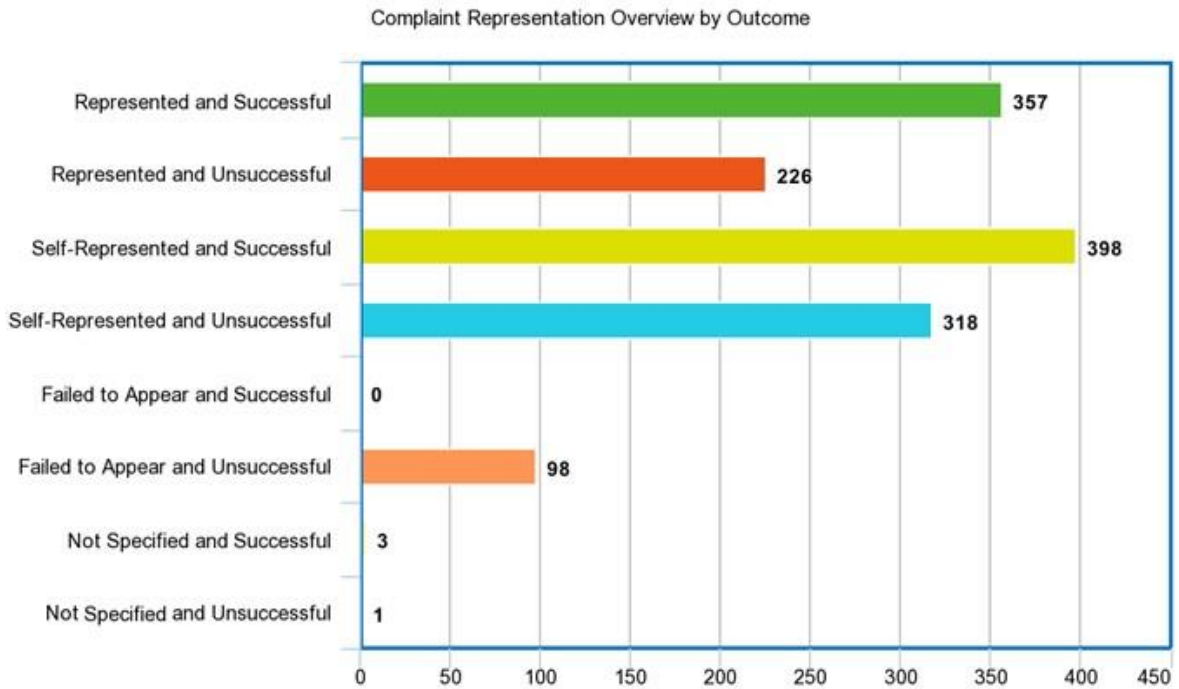
Complainant Representation Breakdown by Outcome:

Chart D shows an overview of complainant representation and outcome. The outcome was noted with regard to the following circumstances:

- Where the complainant was represented by a third party;
- Where the complainant was self-represented;
- Where the complainant failed to appear; and
- Where insufficient information was available.

Chart D

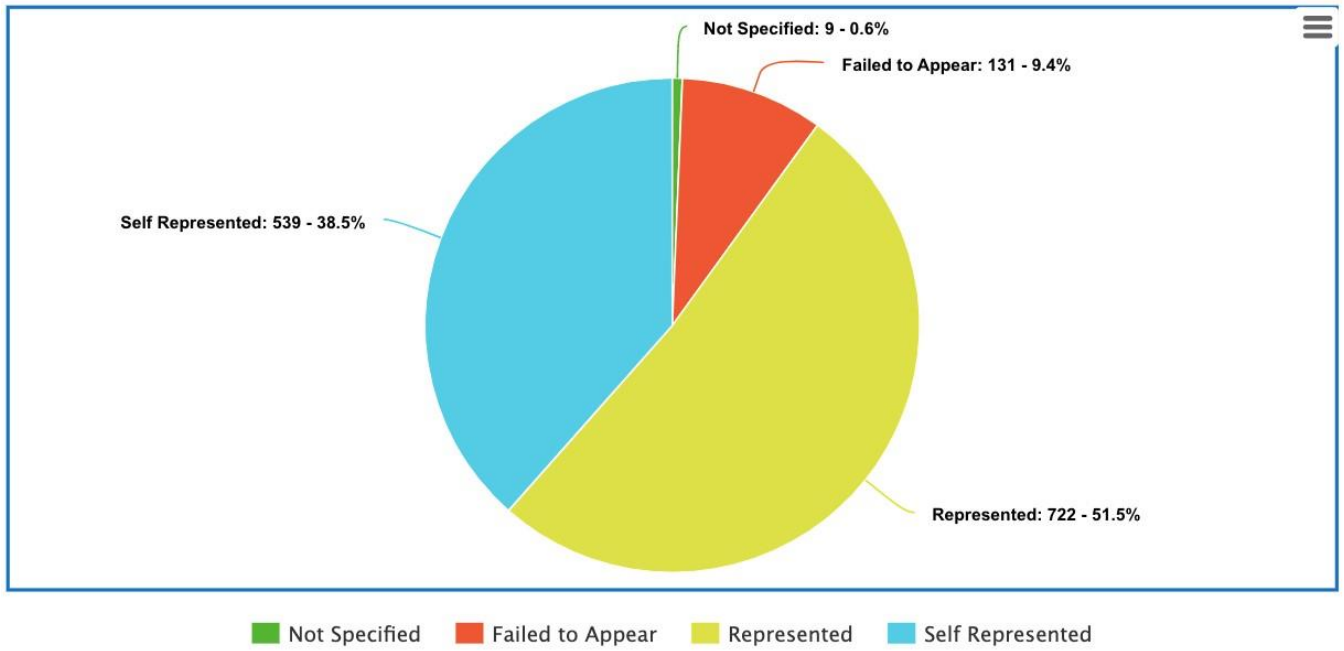
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Respondent Representation:

Some form of third-party respondent representation was recorded in 722 cases, equating to 52% of cases, which is higher than that recorded for complainants (third-party representation in almost 42% of cases). A total of 670 cases recorded no thirdparty respondent representation. In 539 of these cases the respondent was selfrepresented and in the remaining 131 instances there was no appearance by, or on behalf of, the respondent. There were 9 cases where no data regarding representation could be ascertained. This information is set out in Chart E below.

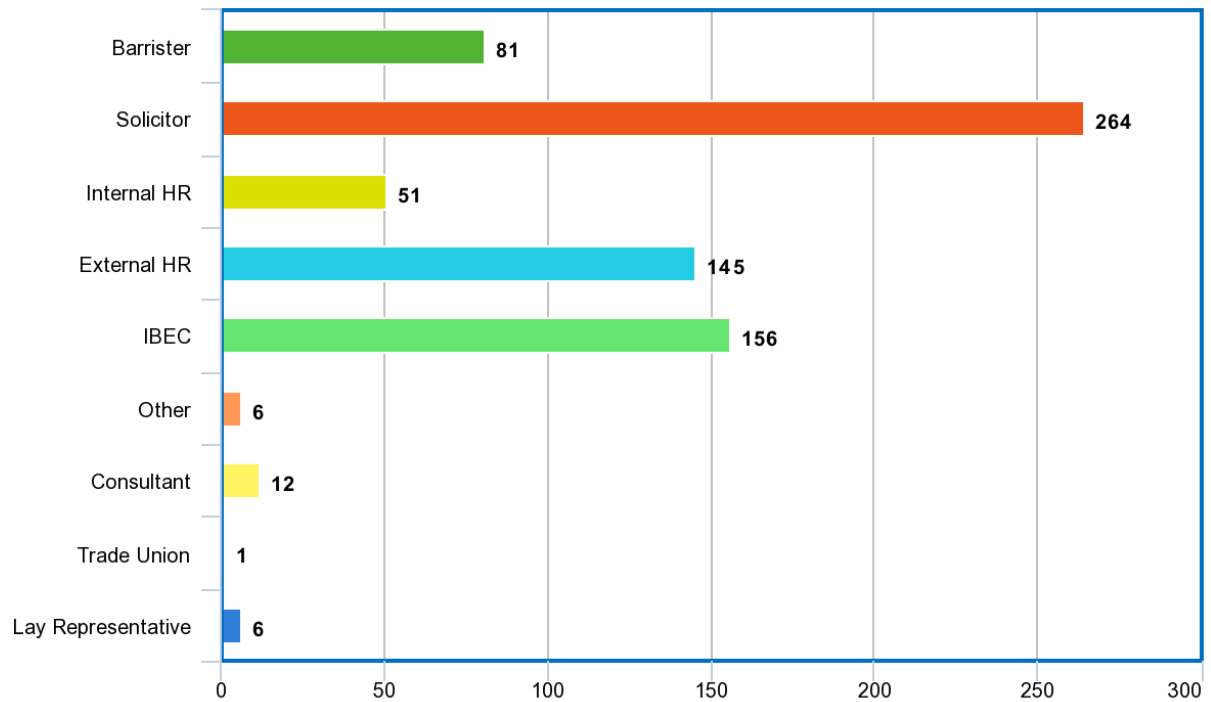
Chart E:



Type of Respondent Representation:

Chart F shows the type of third-party respondent representation at hearings.

Chart F:



Respondent Representation Breakdown by Outcome:

Chart G shows an overview of third-party respondent representation and the outcome. The outcome was noted with regard to the following circumstances:

- Where the respondent was represented by a third party;
- Where the respondent was self-represented;
- Where the respondent failed to appear; and
- Where insufficient information was available.

Chart G:

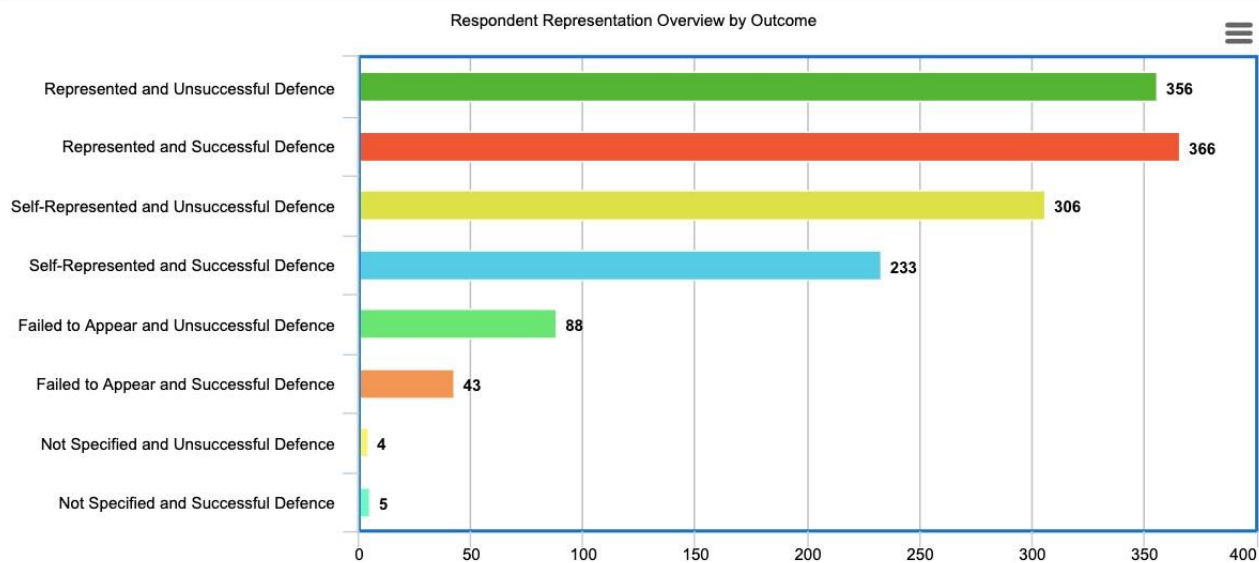


Table 1: Representation Breakdown:

Representation	Complainant	Respondent	Total
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Barrister	79	81	160
Solicitor	225	264	489
Trade Union	205	1	206
External HR	6	145	151
Citizens Information	13	0	13
Lay Representative	14	6	20
Other	7	6	13
No Appearance	98	131	229
Insufficient Data Available	4	9	13
Self-represented	716	539	1255
Consultant	19	12	31
Internal HR	0	51	51
FLAC	4	0	4
Threshold Ireland	11	0	11
IBEC	0	156	156

CHAPTER 3:

AWARDS MADE BY ADJUDICATION OFFICERS

Overview:

Of the total 2,832 adjudicated complaints², 1,237 were successful. There were 1,068 monetary awards made between January and December 2020 inclusive. This accounts for approximately 38% of the total complaints decided within this period, and approximately 86% of successful complaints.

Monetary awards were recorded with respect to the relevant legislation that the award was made under. This information is outlined in Chart A below.

The data was then collated under different award brackets, namely:

- Awards made for less than €1,000;
- Awards made that were more than or equal to €1,000 but less than €5,000;
- Awards made that were more than or equal to €5,000 but less than €10,000;
- Awards made that were more than or equal to €10,000 but less than €15,000;
- Awards made that were more than or equal to €15,000 but less than €20,000;
- Awards made that were more than or equal to €20,000 but less than €25,000;
- and
- Awards made for a value greater than or equal to €25,000.

There were 30 cases in which the AO did not specify the amount awarded. An example of this occurring is in an Industrial Relations dispute where an AO may award “5 weeks’ pay”, however the complainant’s weekly salary is not provided in the recommendation. Accordingly, these 30 cases have not been included in the data presented below.

² Although there were 3,059 specific complaints referred to in published decisions in 2020, approximate 227 of these complaints were withdrawn at adjudication as was referred to in the decisions published.

Therefore, a total of 1,038 monetary awards are considered in the data below.

The Acts mentioned in the charts have been abbreviated. Please see the table at Appendix I for the key containing the full title of each Act.

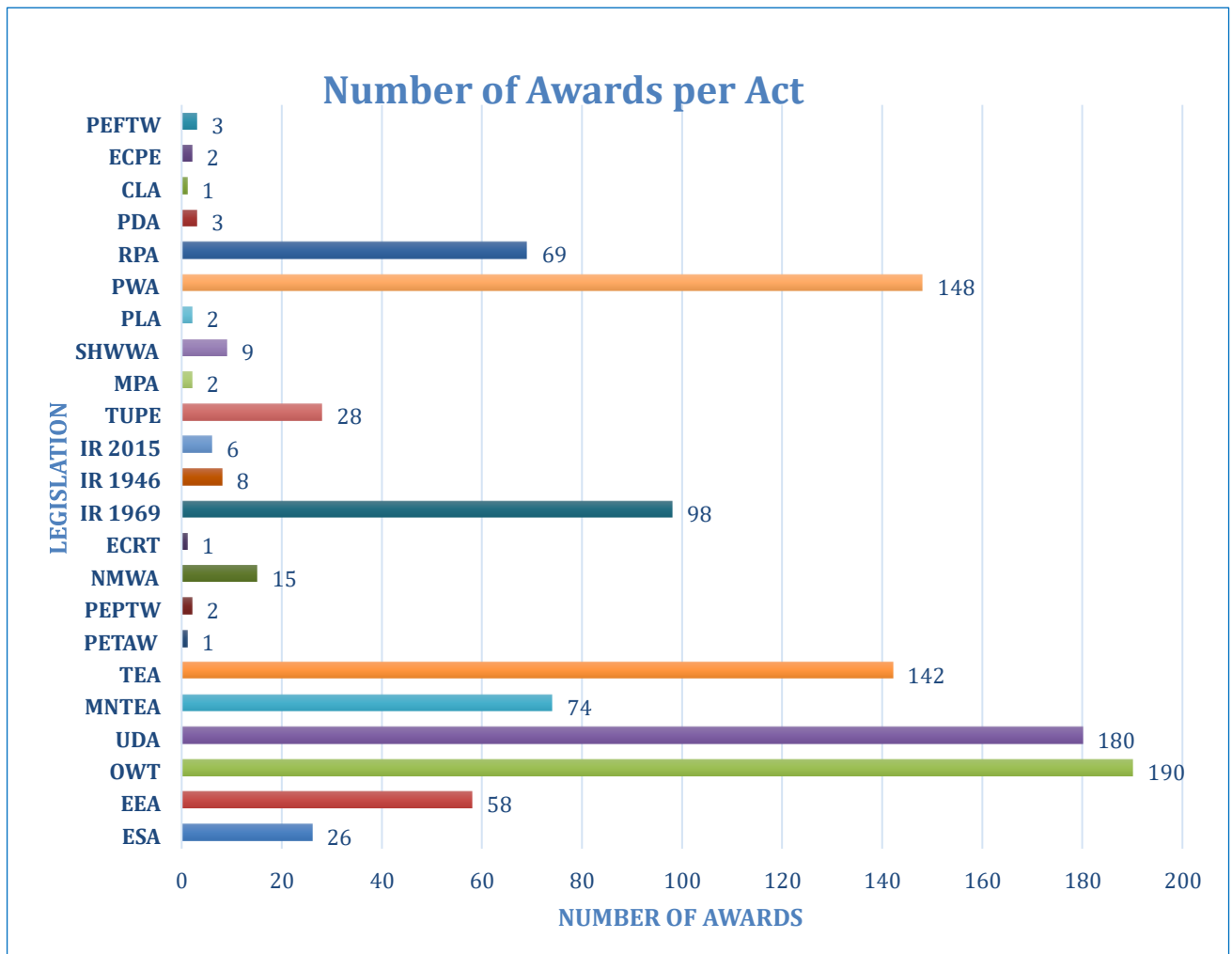
Monetary Awards:

Number of Awards:

There were 2,832 complaints adjudicated upon by the WRC and subject to a published decision in 2020. The total number of monetary awards made was 1,068 (with 30 unspecified, as outlined above).

Chart A provides a breakdown of the number of monetary awards made under each Act.

Chart A:



The majority of monetary awards were made under the Organisation of Working Time Act 1997 (190), closely followed by the Unfair Dismissals Act 1977 (180). By contrast, mindful that very few cases were referred under these Acts, only one award was made under each of the Protection of Employment (Temporary Agency Workers) Act 2012, the Carer's Leave Act 2001, and the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport activities) Regulations, 2012.

Total Compensation:

A total of €5,152,152.37 was awarded by the WRC in 2020.

It should be noted from the outset that the applicable legislation in each case, as well as the complainant's salary and expected earnings, and mitigating and contributory

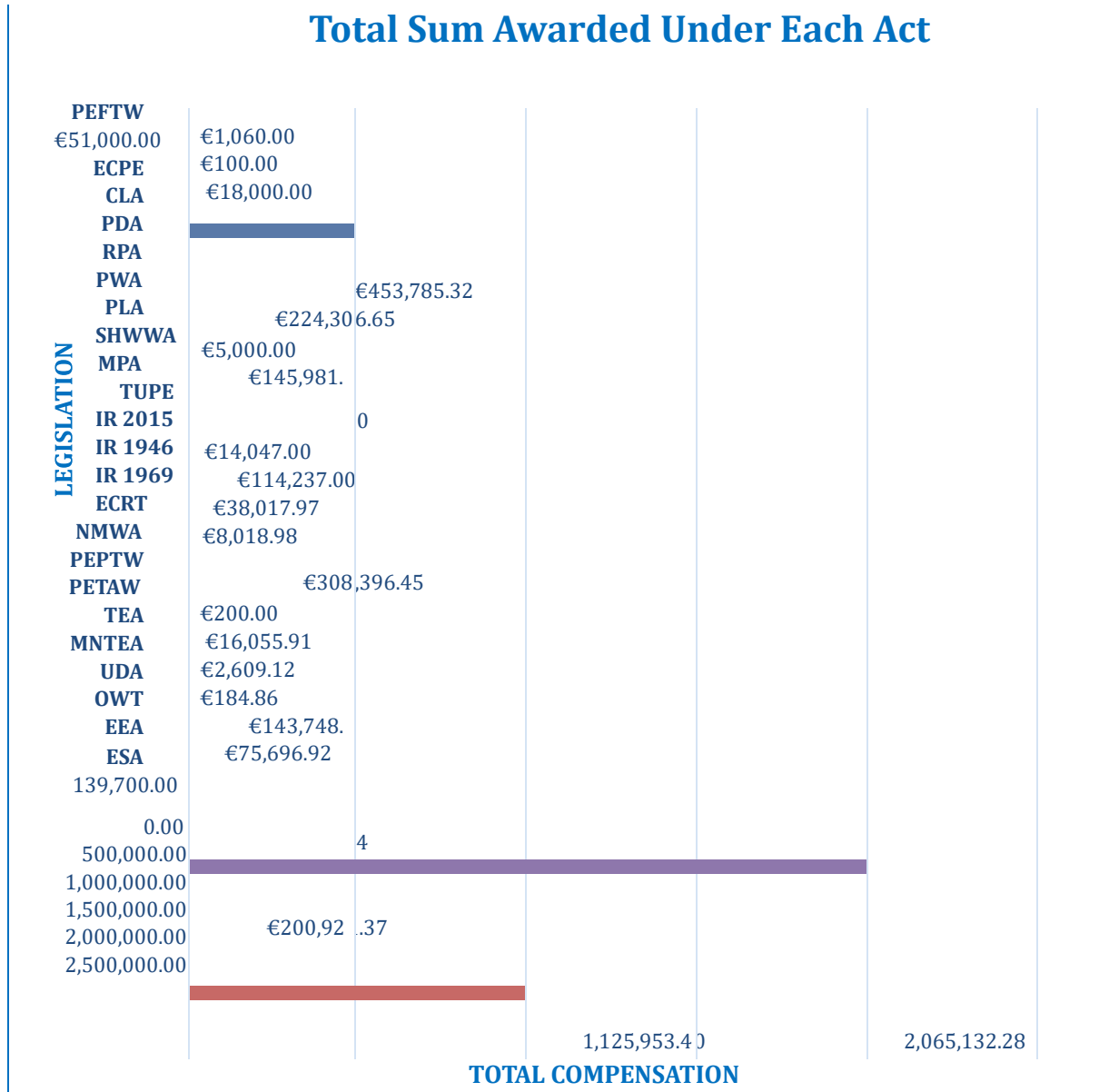
factors, may dictate the parameters of the compensation payable — resulting in a wide range of awards. For example, under Section 7 of the Unfair Dismissals Act 1977, compensation cannot exceed 104 weeks of the complainant’s pay in the event of the complainant suffering actual financial loss attributable to the unfair dismissal (or 5 years’ pay in the case of a penalisation claim). Remedies of reinstatement and reengagement may also be available in successful unfair dismissal claims. By way of further example, under Section 82 of the Employment Equality Act 1998, the AO has a degree of discretion when making awards and may consider *inter alia*, the impact of the respondent’s behaviour on the complainant and / or the gravity of the situation.

Moreover, in addition to / instead of making a monetary award, the AO may in some cases direct a “Course of Action” regarding e.g. “Policy” or “Training”. These are discussed in more detail below. Thus, the total number of awards made under each Act may not correlate exactly with the number of successful complaints brought.

Chart B outlines the total amount of compensation awarded under each Act.

Chart B:

Total Sum Awarded Under Each Act

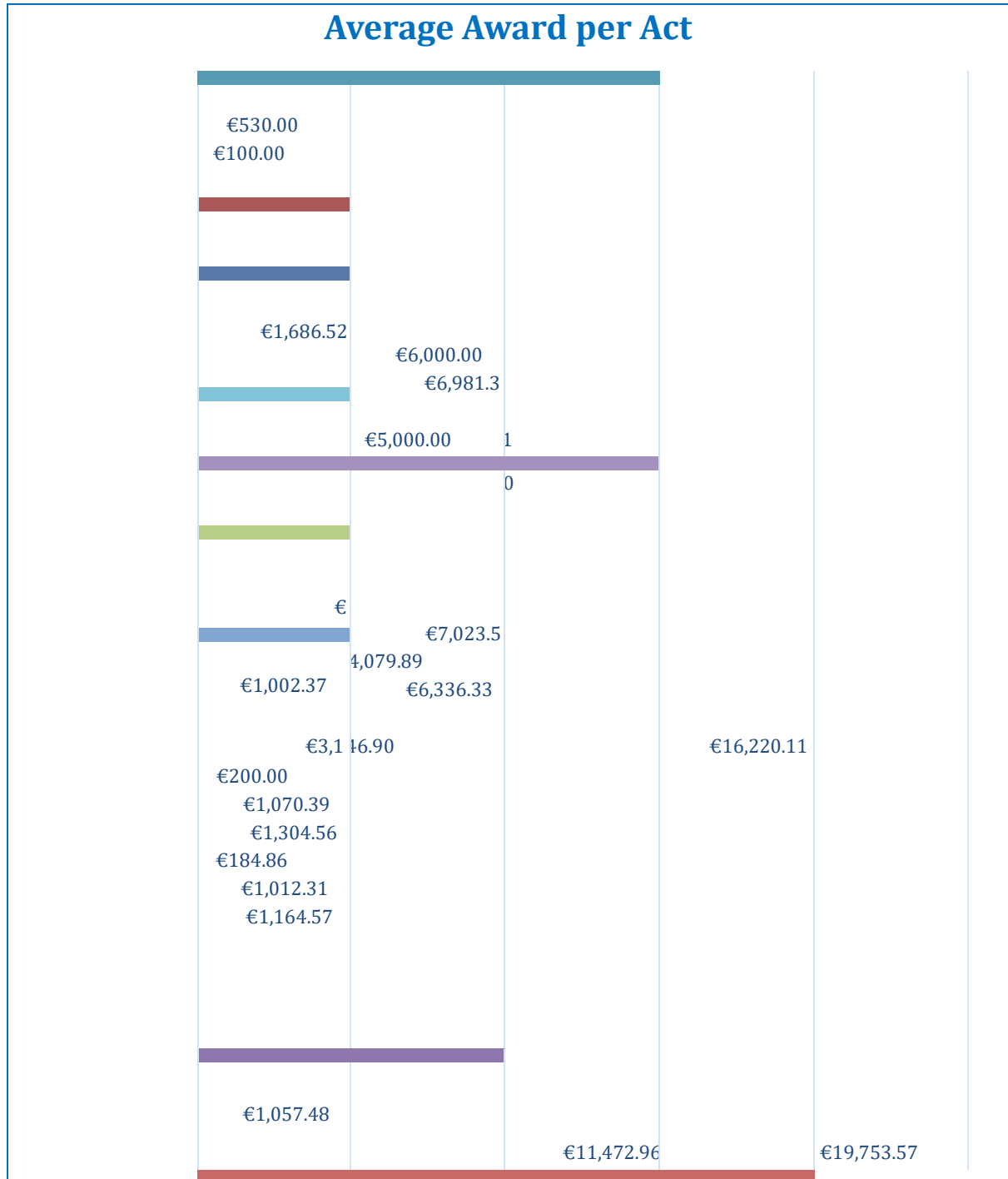


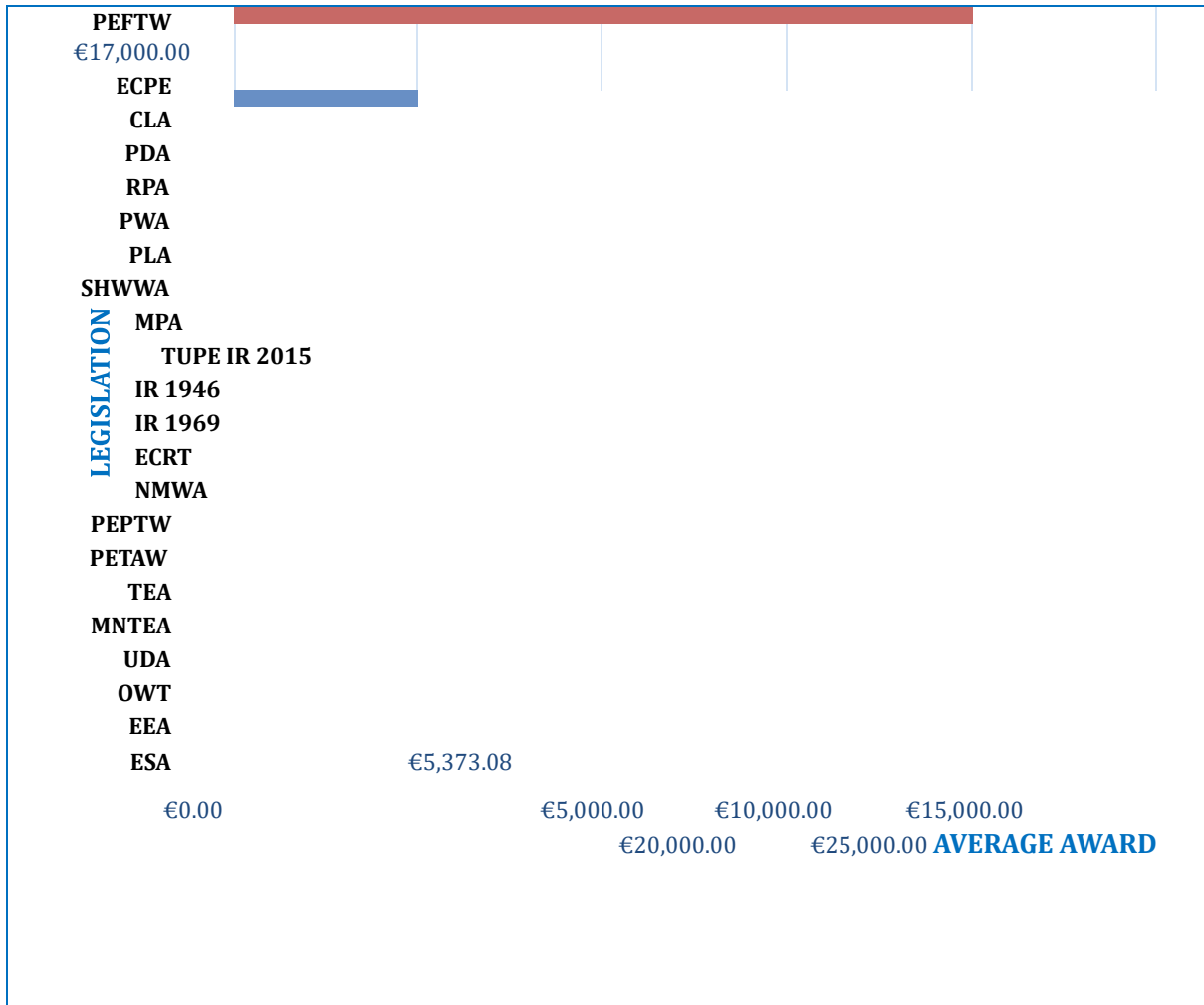
Most compensation was awarded under the Unfair Dismissals Act 1977, followed by the Employment Equality Act 1998.

Average Awards:

The overall average award was €5,117.42. Chart C outlines the average award per Act:

Chart C:





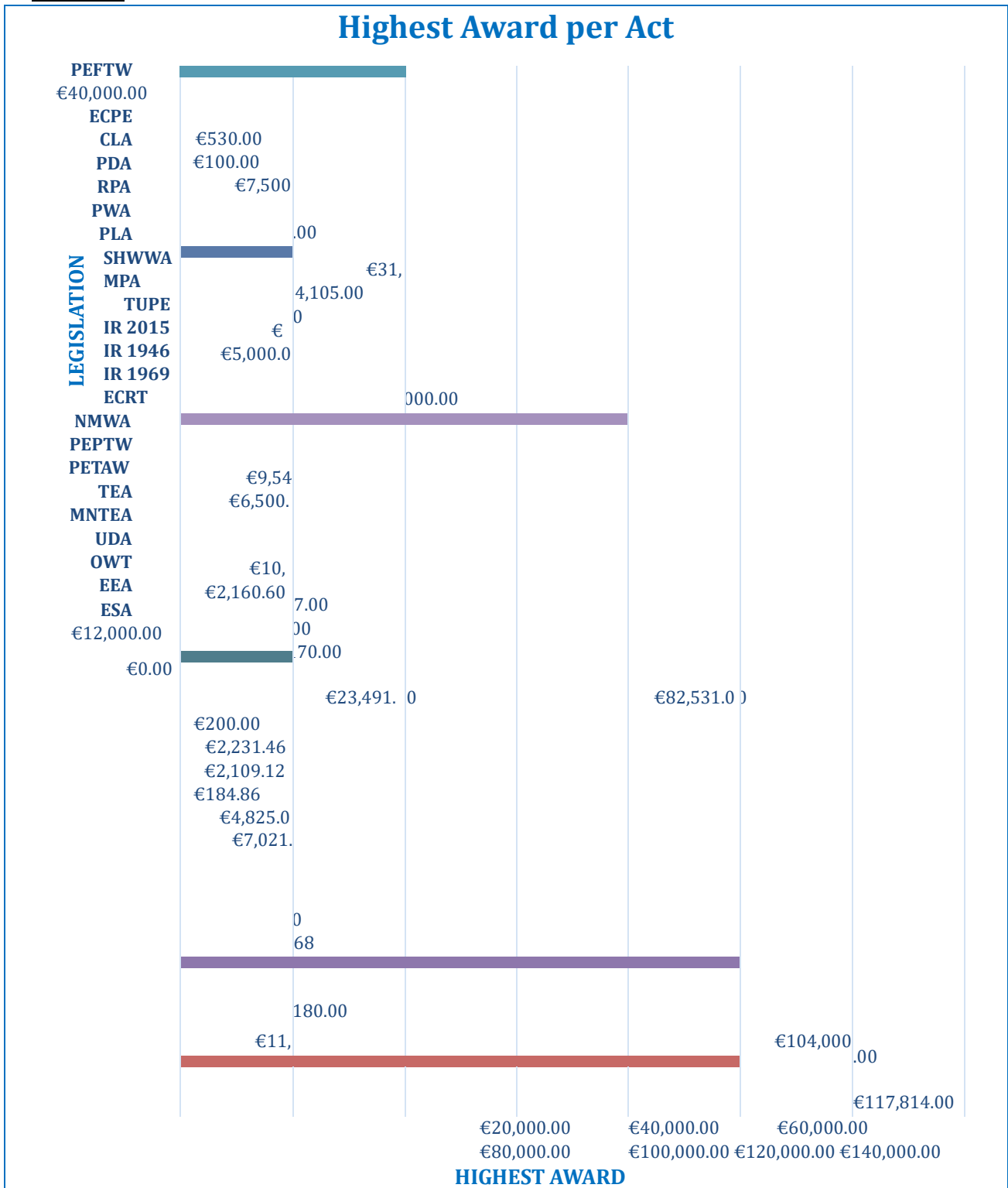
The highest average award was made under the Employment Equality Act 1998, at €19,753.57, followed by the Safety, Health & Welfare at Work Act 2005, at €16,220.11.

Highest Awards:

The single highest award of €117,814.00 was made under the Employment Equality Act 1998, concerning a successful complaint of gender discrimination. As mentioned above, Section 82 of the Employment Equality Act 1998 sets out the parameters of compensation payable. While the second highest single award of €104,000 was made under the Unfair Dismissals Act 1977. As mentioned above, Section 7 of the Unfair Dismissal Act 1977 sets out the parameters of the compensation payable.

Chart D outlines the highest awards made under each Act.

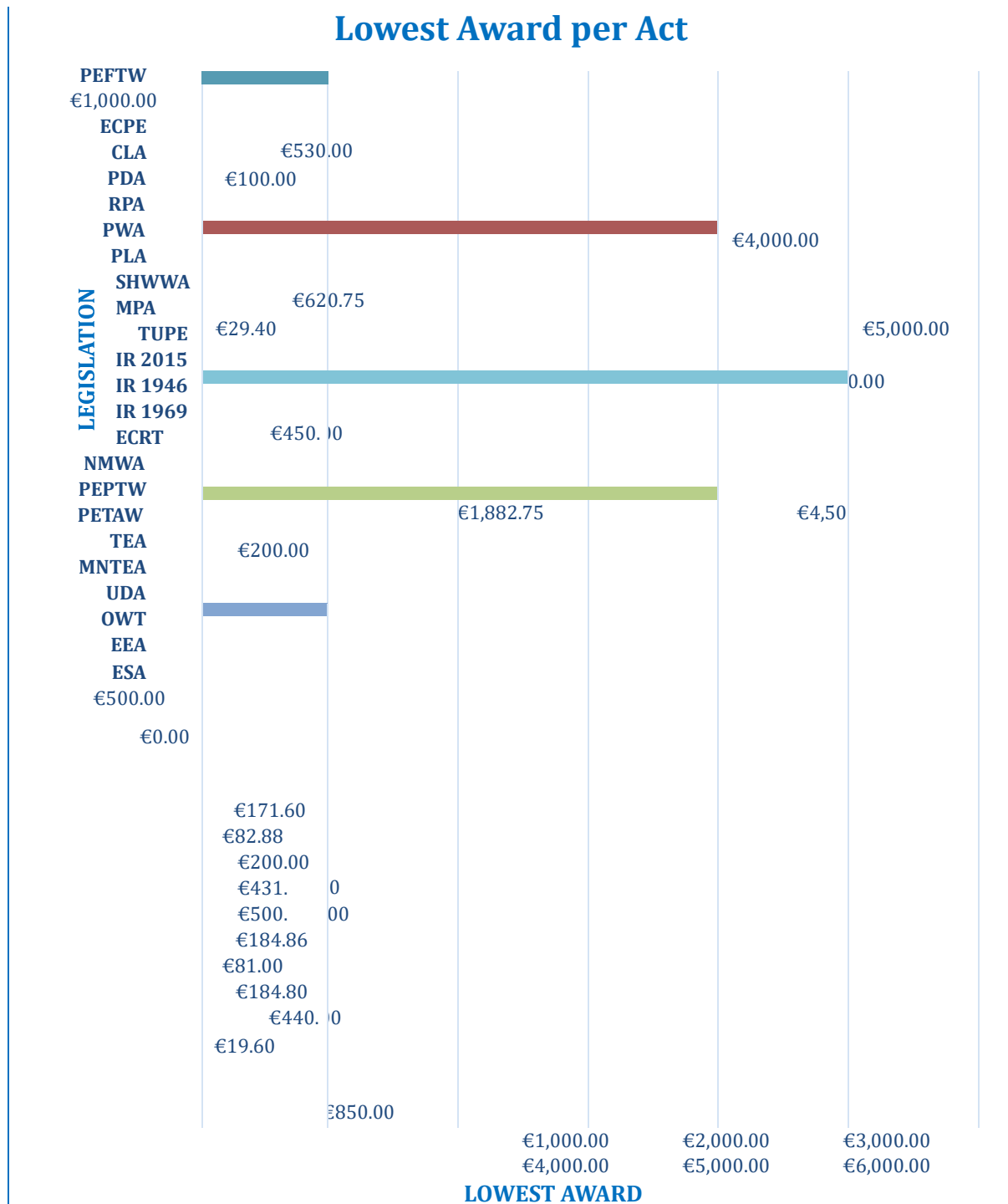
Chart D:



Lowest Awards:

The single lowest award of €19.60 was made under the Organisation of Working Time Act. Chart E outlines the lowest award made under each Act.

Chart E:



Award Ranges:

The awards were then collated under different award brackets, namely:

1. Less than or equal to €1,000;
2. Greater than €1,000 but less than or equal to €5,000;
3. Greater than €5,000 but less than or equal to €10,000;
4. Greater than €10,000 but less than or equal to €15,000;
5. Greater than €15,000 but less than or equal to €20,000; 6. Greater than €20,000 but less than or equal to €25,000; and
7. Greater than €25,000.

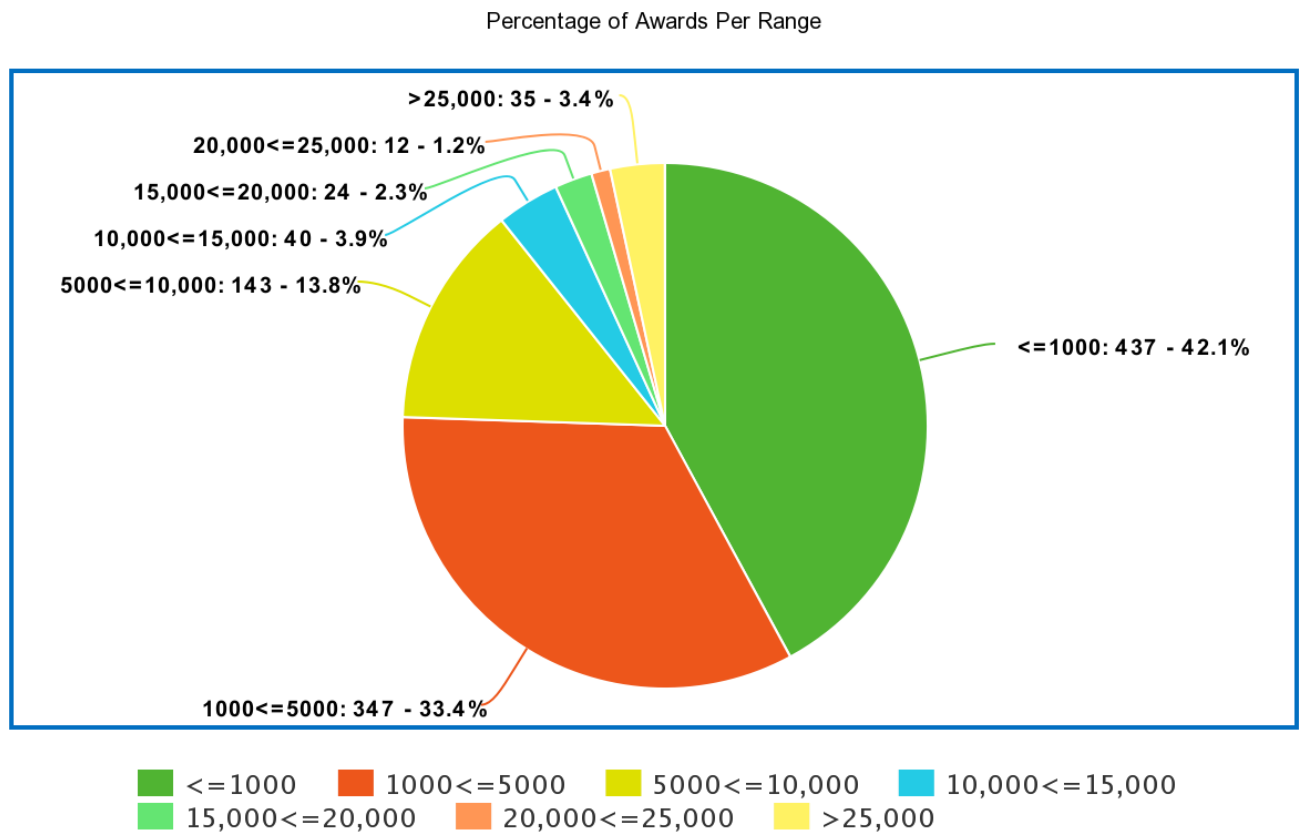
Chart F details the number of awards within each bracket, as well as the average award amount made within each bracket.

Chart F:

Award Bracket	≤ €1000	€1000 ≤ €5000	€5000 ≤ €10000	€10000 ≤ €15000	€15000 ≤ €20000	€20000 ≤ €25000	> €25000
Number of Awards	437	347	143	40	24	12	35
Award Average	€523.31	€2,665.46	€7,624.19	€12,427.59	€17,632.83	€23882.58	€48939.62

Chart G below provides a visual representation of how the awards are distributed across the seven award brackets, in percentage terms.

Chart G:



Award Breakdown by Act:

Awards made under different Acts in 2020 are discussed below. For a more detailed breakdown of the awards made under each Act see Appendix II.

1. Unfair Dismissal Act 1977:

Of the 197 successful complaints decided under this Act in 2020, 180 awards were made, totalling €2,065,132.28. In addition to / instead of making a monetary award, the AO may in some cases have also offered redress in the form of re-engagement or reinstatement. Thus, the total number of awards made under the Unfair Dismissals Act 1977 does not correlate exactly with the number of successful complaints brought.

As mentioned above, awards under the Unfair Dismissals Act 1977 are based on the complainant's salary and expected earnings, resulting in a wide range of awards. The AO must also consider mitigating or contributory factors when issuing the award for actual loss. Factors to be taken into consideration include, *inter alia*, conduct contributing to the dismissal and failure of the complainant to mitigate loss by seeking alternative employment having been dismissed. The average award made concerning a case brought under this Act was €11,472.96. The highest award under this Act was €104,000.00, while the lowest award was €440.00.

2. Organisation of Working Time Act 1997:

There were 190 awards made under the Organisation of Working Time Act 1997, totalling €200,921.37. The average award was €1,057.48. The highest award under this Act was €11,180.00, while the lowest award was €19.60.

3. Minimum Notice & Terms of Employment Act 1973:

There were 74 awards made under the Minimum Notice and Terms of Employment Act 1973. There is a range of awards issued under this Act as the length of a minimum notice period will vary as prescribed by contract or by statutory entitlements.³ It was not always possible to discern the discrete award under the Act. However, in the 65 awards considered in calculating these statistics, a total of €75,696.92 was awarded under the Act. The average award was €1,164.57. The highest award was €7,021.68, while the lowest award was €184.80.

³ The statutory minimum notice entitlement varies from one week to eight weeks. Depending on the employee's length of service and contractual provisions, payments of less than the statutory minimum will generally be held to be invalid.

4. Terms of Employment (Information) Act 1994:

There were 142 awards made under the Terms of Employment Act 1994, totalling €143,748.14. The average award was €1,1021.31. The highest award was €4,825.00, while the lowest award was €81.00.

5. Payment of Wages Act 1991:

148 awards were made under the Payment of Wages Act 1991. Unlike awards issued under some other legislation, the awards under this Act are wide-ranging, with compensation generally being issued in relation to the complainant's salary and length of service. It was not always possible to discern the discrete award under the Act. Therefore, the statistics below were calculated using data from 132 awards. A total of €224,306.65 was awarded under the Payment of Wages Act 1991. The average award was €1,686.52. The highest award under this Act was €14,105, while the lowest award was €29.40.

6. Redundancy Payments Act 1967:

There were 69 awards made under the Redundancy Payments Act 1967. Unlike awards issued under some other legislation, the awards under the Redundancy Payments Act 1967 are wide-ranging, with compensation generally being issued in relation to the complainant's salary and length of service. In four cases it was not possible to discern the discrete award under the Act. Therefore, the data below was calculated from a total of 65 awards. A total of €453,785.32 was awarded under the Redundancy Payments Act 1967. The average award was €6,981.31. The highest award under this Act was €31,000.00, while the lowest award was €620.75.

7. National Minimum Wages Act 2000:

There were 15 awards made under the National Minimum Wage Act, totalling €16,055.91. The average award was €1,070.39. The highest award under this Act was €2,231.46, while the lowest award was €431.60.

8. Safety, Health & Welfare at Work Act 2005:

There were nine awards made under the Safety, Health & Welfare at Work Act 2005, totalling €145,981.00. The average award was €16,220.11. The highest award under the Act was €82,531.00, while the lowest award was €450.

9. Protected Disclosures Act 2014:

There were three awards made under the Protected Disclosures Act, totalling €18,000.00. The average award was €6,000.00. The highest award under the Act was €7,500, while the lowest award was €4,000.

10. Industrial Relations Act 1969:

Under the Industrial Relations Act 1969, an AO can make a non-binding recommendation which can also include a monetary award. For the purposes of this report, a monetary award recommended under the Industrial Relations Act was categorised as such, and not as a “Course of Action”. The latter are discussed in more detail below.

There were 196 successful disputes brought under the Industrial Relations Act 1969. There were 98 monetary awards recommended while the remaining 98 successful disputes resulted in non-monetary recommendations.

A total of €308,396.45 in compensation was recommended. The average recommended monetary award was €3,146.90. The highest recommended monetary award was €23,491.00, while the lowest recommended monetary award was €82.88.

11. Industrial Relations Act 1946:

There were eight awards made under the Industrial Relations Act 1946, totalling €8,018.98. The average award was €1,002.37. The highest award was €2,160.60, while the lowest award was €171.60.

12. Industrial Relations Act 2015:

There were six awards made under the Industrial Relations Act 2015, totalling €38,017.97. The average award was €6,336.33. The highest award was €10,170 while the lowest award was €1,882.75.

13. Protection of Employees (Temporary Agency Workers) Act 2012:

There was one award of €184.86 made under the Protection of Employees (Temporary Agency Work) Act.

14. Protection of Employees (Part Time Work) Act 2001:

There were two awards made under the Protection of Employees (Part Time Work) Act 2001 for €2,109.12 and €500.00.

15. Protection of Employees (Fixed-term Work) Act 2003:

Three successful complaints were brought under the Protection of Employees (Fixed Term Work) Act, totalling €51,000.00. The average award was €17,000. The highest award was €40,000, while the lowest award was €1,000.

16. European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012:

There was one award of €200 made under the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012.

17. European Communities (Protection of Employees on Transfer of Undertakings Regulations) 2003:

There were 28 awards made under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003, totalling €114,237.00. The average award was €4,079.89. The highest award was €6,500, while the lowest award was €200.

18. European Communities (Protection of Employment) Regulations 2000:

There were two awards made under the European Communities (Protection of Employment) Regulations for €530.00.

19. Maternity Protection Act 1994:

There were two awards made under the Maternity Protection Act for €9,547.00 and €4,500.00.

20. Parental Leave Act 1998:

There were two awards made under the Parental Leave Act 1988. One of these awards was not specified in the decision while the other award was for €5,000.00.

21. Carer's Leave Act 2001:

There was one award of €100 made under the Carer's Leave Act 2001.

22. Equal Status Act 2000:

There were 26 awards made under the Equal Status Act 2000, totalling €139,700.00. In addition to / instead of making a monetary award, the AO may in some cases have directed a "Course of Action" regarding e.g. "Policy" or "Training". These are discussed in more detail below. Thus, the total number of awards made under the Equal Status Act 2000 does not correlate exactly with the number of successful complaints brought. The average award under the Equal Status Act 2000 was €5,373.08. The highest award was €12,000.00, while the lowest award was €500.00.

23. Employment Equality Act 1998:

There were 58 awards made under the Employment Equality Act 1998. On one occasion, it was not possible to discern precisely the award under the Act. Therefore, the following statistics are based on 57 awards. A total of €1,125,953.40 was awarded. In addition to / instead of making a monetary award, the AO may in some cases have directed a "Course of Action" regarding e.g. "Policy" or "Training". These are discussed

in more detail below. Thus, the total number of awards made under the Employment Equality Act 1998 does not correlate exactly with the number of successful complaints brought. The average award under the Employment Equality Act 1998 was €19,753.57. The highest award was €117,814.00 while the lowest award was €850.00.

Non-Monetary Awards:

Number of Awards:

There were approximately 181 successful complaints where a non-monetary award was made — in other words, a “Course of Action” was directed or recommended. In some instances, both a monetary award and a “Course of Action” resulted from a single successful complaint. There were broadly six “Course of Action” categories: “Policy”, “Training”, “Reinstatement”, “Re-engagement”, “Recommendation” and “Other”.

The “Recommendation” category solely encompasses recommendations made under the Industrial Relations Acts. Under the Industrial Relations Acts, an AO can make a recommendation which can also include a monetary award. As explained above, for the purposes of this report, a monetary award recommended under the Industrial Relations Acts was categorised as such, and not as a “Course of Action”.

The Reinstatement and Re-engagement categories relate to “Courses of Action” directed pursuant to the Unfair Dismissals Act 1977. The remaining categories — “Policy”, “Training” and “Other” relate to other Acts. Appendix III provides examples of “Courses of Action” categorised as “Other”.

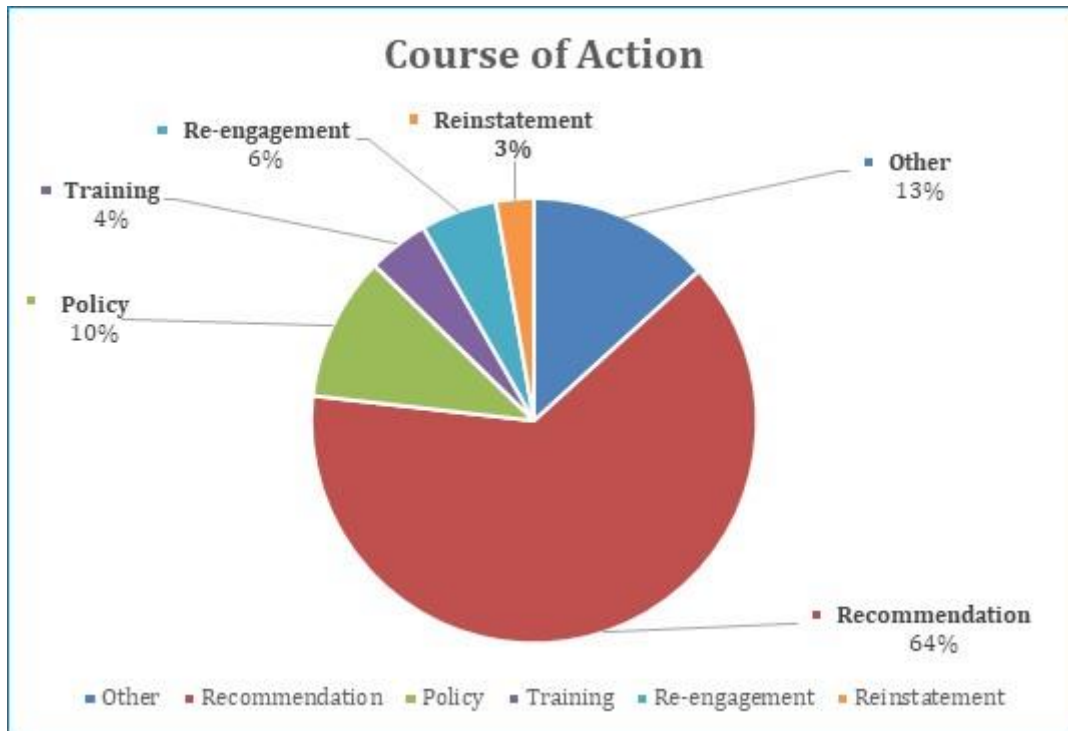
Chart H outlines how many “Courses of Action” were issued under each category.

Chart H:

Policy	Training	Reinstatement	Re-engagement	Recommendation	Other	Total
19	8	5	10	115	24	181

Chart I provides a visual representation of how often each “Course of Action” was directed or recommended in successful cases:

Chart I:



APPENDIX I

Figure 1: Abbreviations of Legislative Instruments:

Abbreviation	Legislative Act
EEA	Employment Equality Act 1998
ESA	Equal Status Act 2000
IR	Industrial Relations Act 1969

UDA	Unfair Dismissals Act 1977
RPA	Redundancy Payments Act 1967
TEA	Terms of Employment (Information) Act 1994
MNTEA	Minimum Notice and Terms of Employment Act 1973
NMWA	National Minimum Wage Act 2000
OWT	Organisation of Working Time Act 1997
PWA	Payment of Wages Act 1991
SHWWA	Safety, Health and Welfare at Work Act 2005
TUPE	EC (Protection of Employees on Transfer of Undertakings Regulations) 2003
PLA	Parental Leave Act 1998
PDA	Protected Disclosures Act 2014
PETAW	Protection of Employment (Temporary Agency Workers) Act 2012
PEFTW	Protection of Employees (Fixed-term Work) Act 2003

PEPTW	Protection of Employees (Part-Time Work) Act 2001
SWA	Social Welfare (Miscellaneous Provisions) Act 2004
WRA	Workplace Relations Act 2015
ECRT	European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport activities) Regulations 2012
ECPE	European Communities (Protection of Employment) Regulations 2000
ECMS	European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006
MPA	Maternity Protection Act 1994
PPRCA	Protection of Persons Reporting Child Abuse Act 1998
PEEI	Protection of Employees (Employer's Insolvency) Act 1984
PSRA	Property Services (Regulation) Act 2011

ECMWCBRS	European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009
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EPA	Employment Permits Act 2006
PCA	Prevention of Corruption (Amendment) Act 2010
EPIC	Employees (Provision of Information & Consultation) Act 2006
CPA	Consumer Protection Act 2007
ECEI	European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007
CJA	Criminal Justice Act 2011
PLBA	Paternity Leave and Benefit Act 2016
PA	Pension Act 1990
CA	Chemicals Act 2008
HA	Health Act 2007
CLA	Carer's Leave Act 2001

APPENDIX II

Figure 1: Number of awards per legislation in each award range:

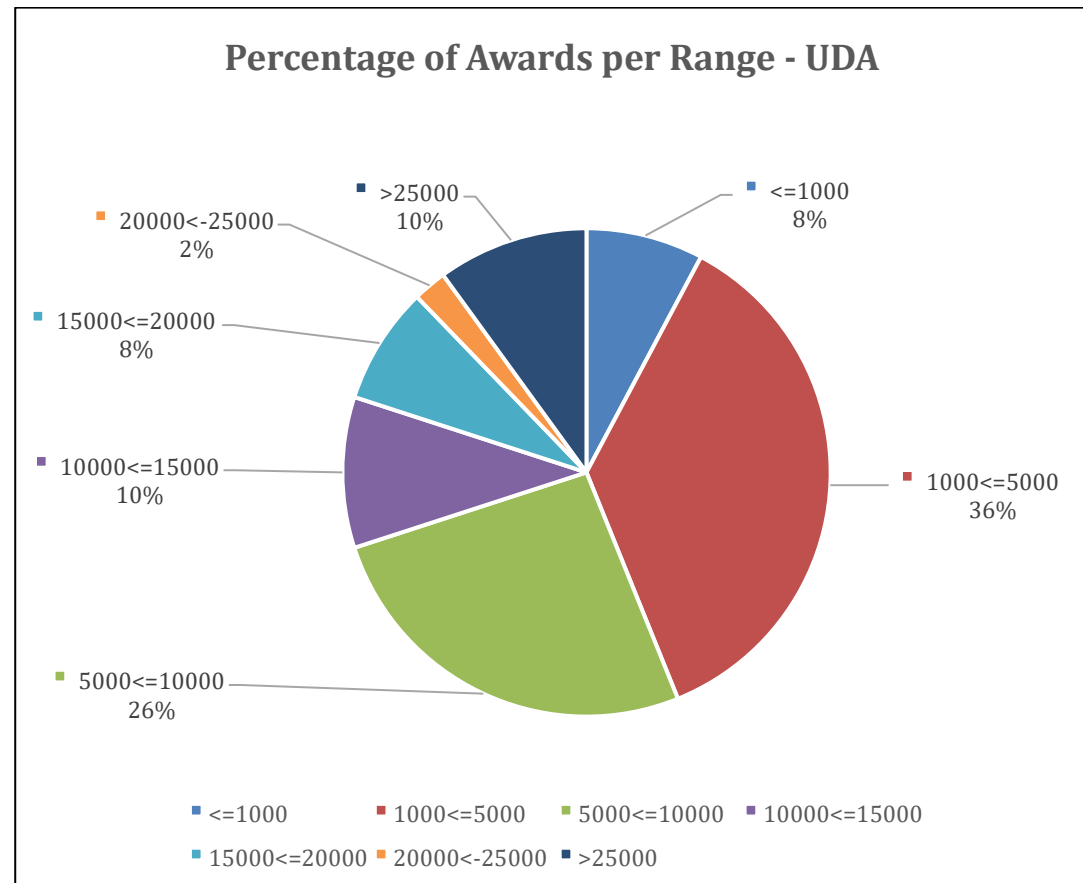
	O W T	UD A	MNT EA	TE A	PET AW	PEP TW	PEF TW	EE A	ES A	NMW A	EC RT	IR 19 69	IR 19 46	IR 20 15	TU PE	MP A	SHW WA	PL A	P W A	RP A	PD A	C L A	EC PE
≤ €10 00	14 5	14	42	93	1	1	1	1	3	6	1	38	4	0	9	0	1	0	72	2	0	1	2
€10 00 ≤ €50 00	39	65	21	49	0	1	0	7	14	9	0	44	4	3	6	1	1	1	52	29	1	0	0
€50 00 ≤ €10 000	4	47	2	0	0	0	1	21	7	0	0	12	0	2	13	1	5	0	7	19	2	0	0
€10 000	2	18	0	0	0	0	0	4	3	0	0	2	0	1	0	0	0	0	1	9	0	0	0

≤ €15 000																								
€15 000	0	14	0	0	0	0	0	5	0	0	0	1	0	0	0	0	1	0	0	3	0	0	0	
≤ €20 000																								
€20 000	0	4	0	0	0	0	0	6	0	0	0	1	0	0	0	0	0	0	1	0	0	0		
≤ €25 000																								
€25 000	0	18	0	0	0	0	1	13	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	
<																								

Figure 2: per Unfair Dismissal Act 1977 (“UDA”):

Number of Awards Range —

≤ €1000	14
€1000 ≤ €5000	65
€5000 ≤ €10000	47
€10000 €15000	≤ 18
€15000 €20000	≤ 14
€20000 €25000	≤ 4



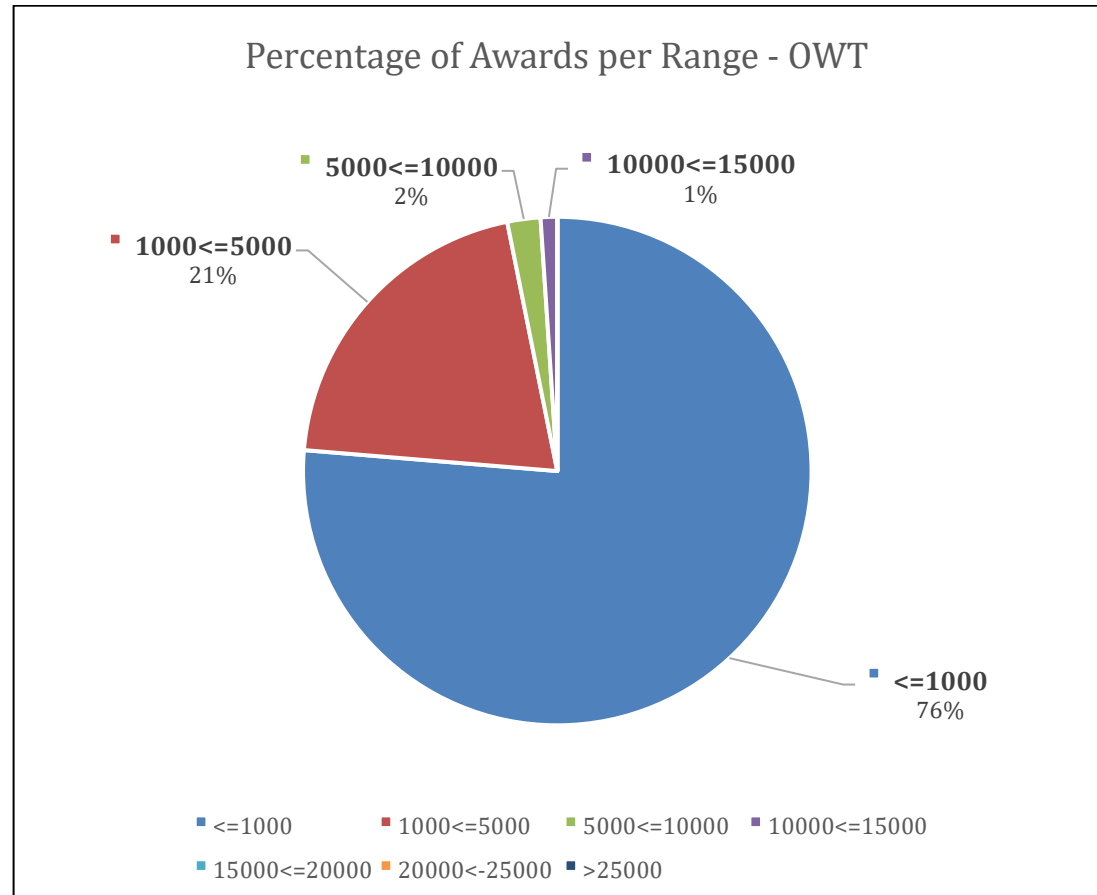
€25000 >	18
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: Number of Awards per Range —

Figure 3

Organisation of Working Time Act 1997 (“**OWT**”):

≤ €1000	145
€1000 ≤ €5000	39
€5000 ≤ €10000	4
€10000 ≤ €15000	2
€15000 ≤ €20000	0
€20000 ≤ €25000	0



: Number of Awards per Range —

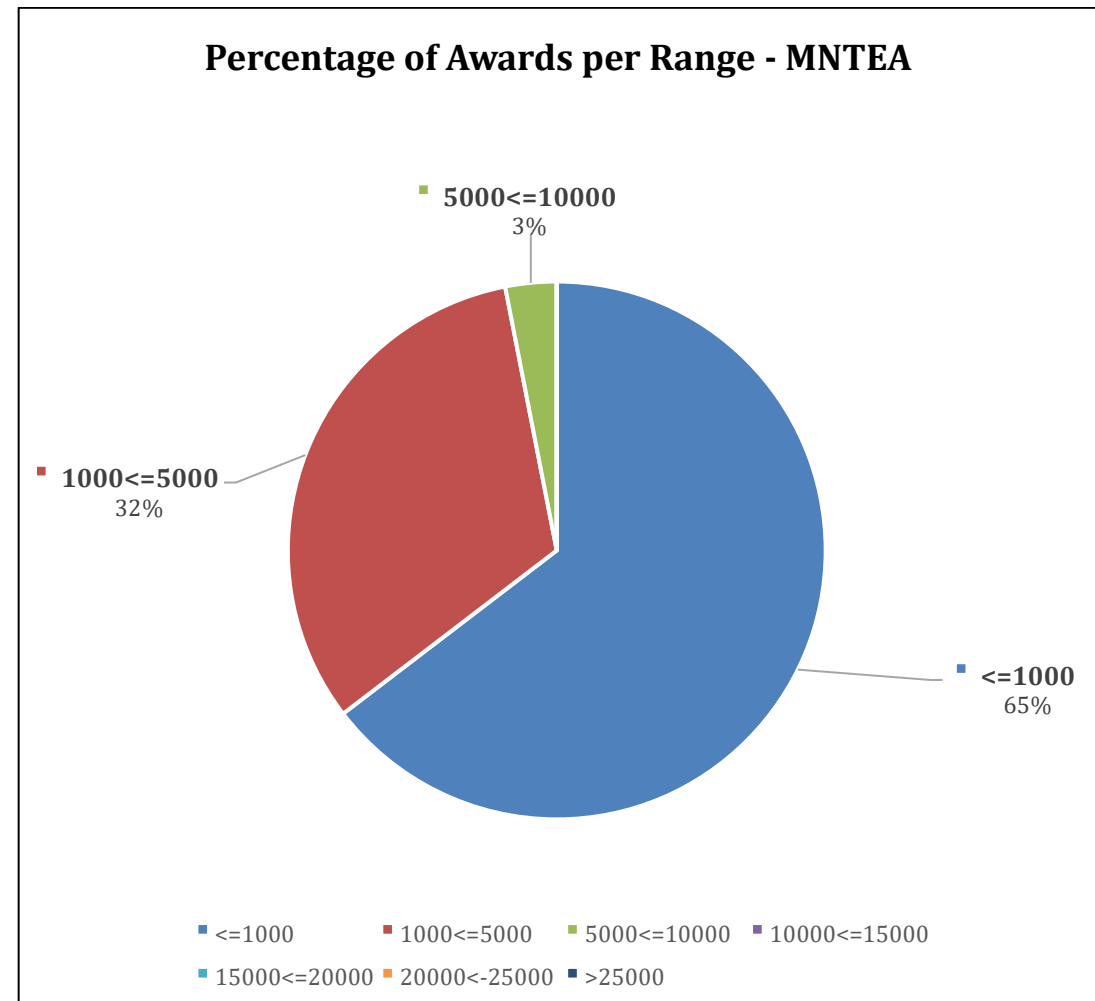
€25000 >	0
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Figure 4

Minimum Notice and Terms of Employment Act 1973 ("**MNTEA**"):

: Number of Awards per Range —

≤ €1000	42
€1000 ≤ €5000	21
€5000 ≤ €10000	2
€10000 ≤ €15000	0
€15000 ≤ €20000	0
€20000 ≤ €25000	0



: Number of Awards per Range —

€25000 >	0
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Figure 5

Redundancy Payments Act 1967 ("**RPA**):

: Number of Awards per Range —

≤ €1000	2
€1000 ≤ €5000	29
€5000 ≤ €10000	19
€10000 ≤ €15000	9
€15000 ≤ €20000	3
€20000 ≤ €25000	1

: Number of Awards per Range —

€25000 >	2
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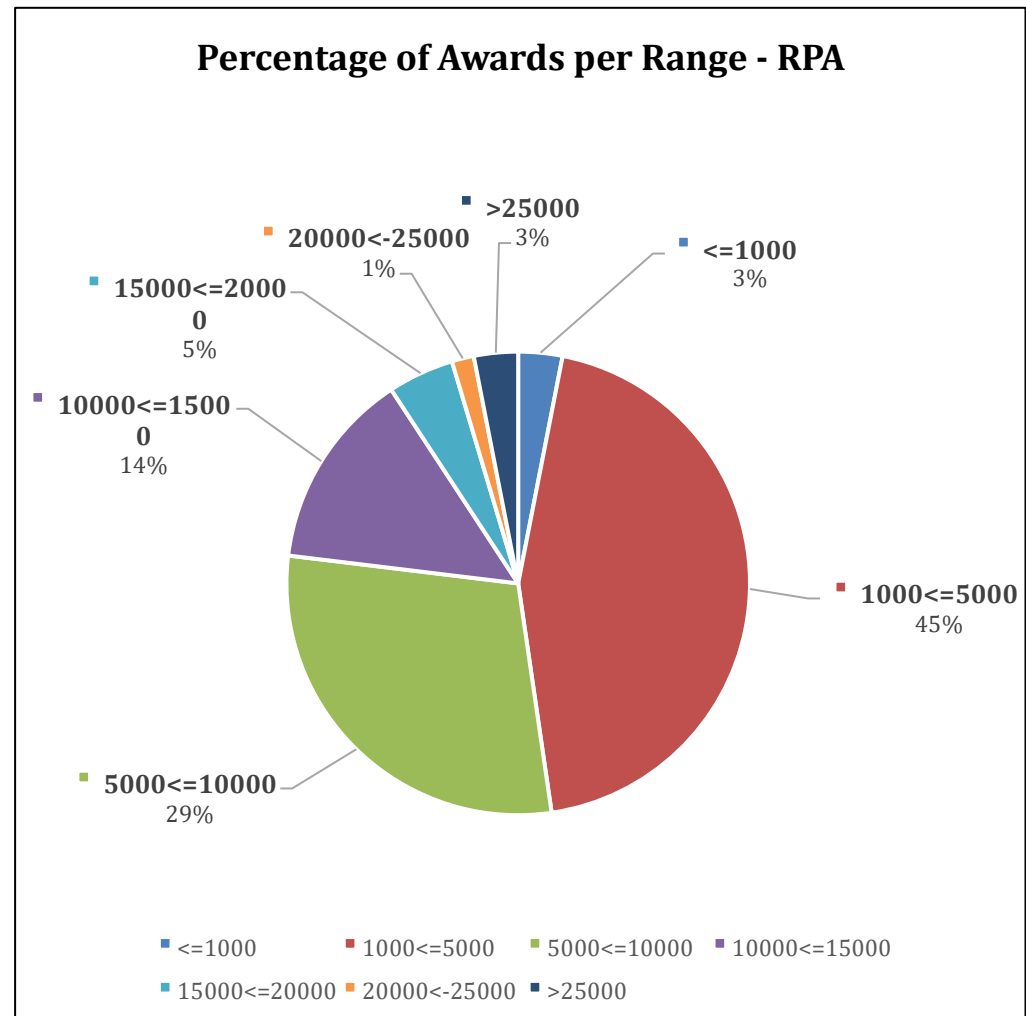
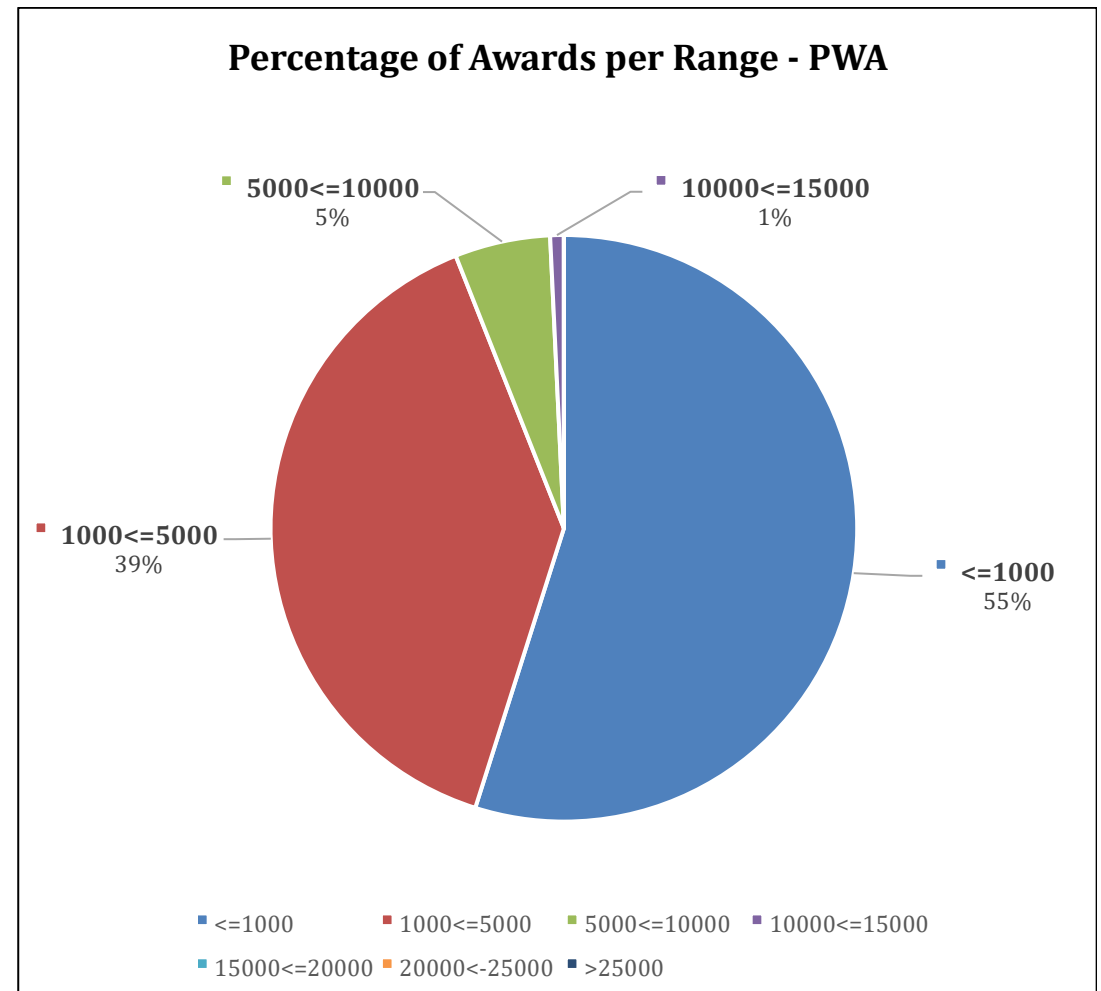


Figure 6

Payment of Wages Act 1991 (“*PWA*”):

: Number of Awards per Range —

≤ €1000	72
€1000 ≤ €5000	52
€5000 ≤ €10000	7
€10000 ≤ €15000	1
€15000 ≤ €20000	0
€20000 ≤ €25000	0



: Number of Awards per Range —

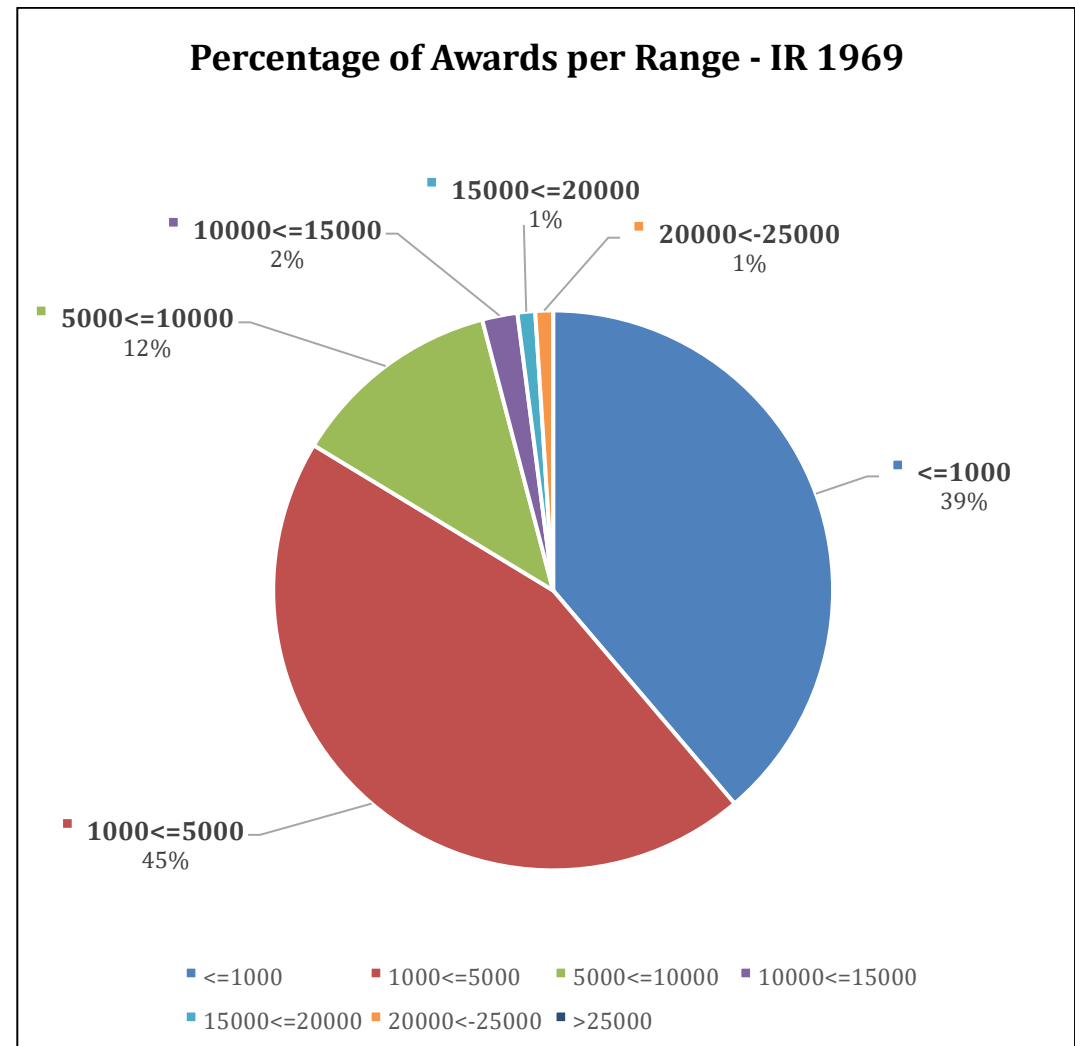
€25000 >	0
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Figure 7

Industrial Relations Act 1969 ("**IR 1969**"):

: Number of Awards per Range —

≤ €1000	38
€1000 ≤ €5000	44
€5000 ≤ €10000	12
€10000 ≤ €15000	2
€15000 ≤ €20000	1
€20000 ≤ €25000	1



: Number of Awards per Range —

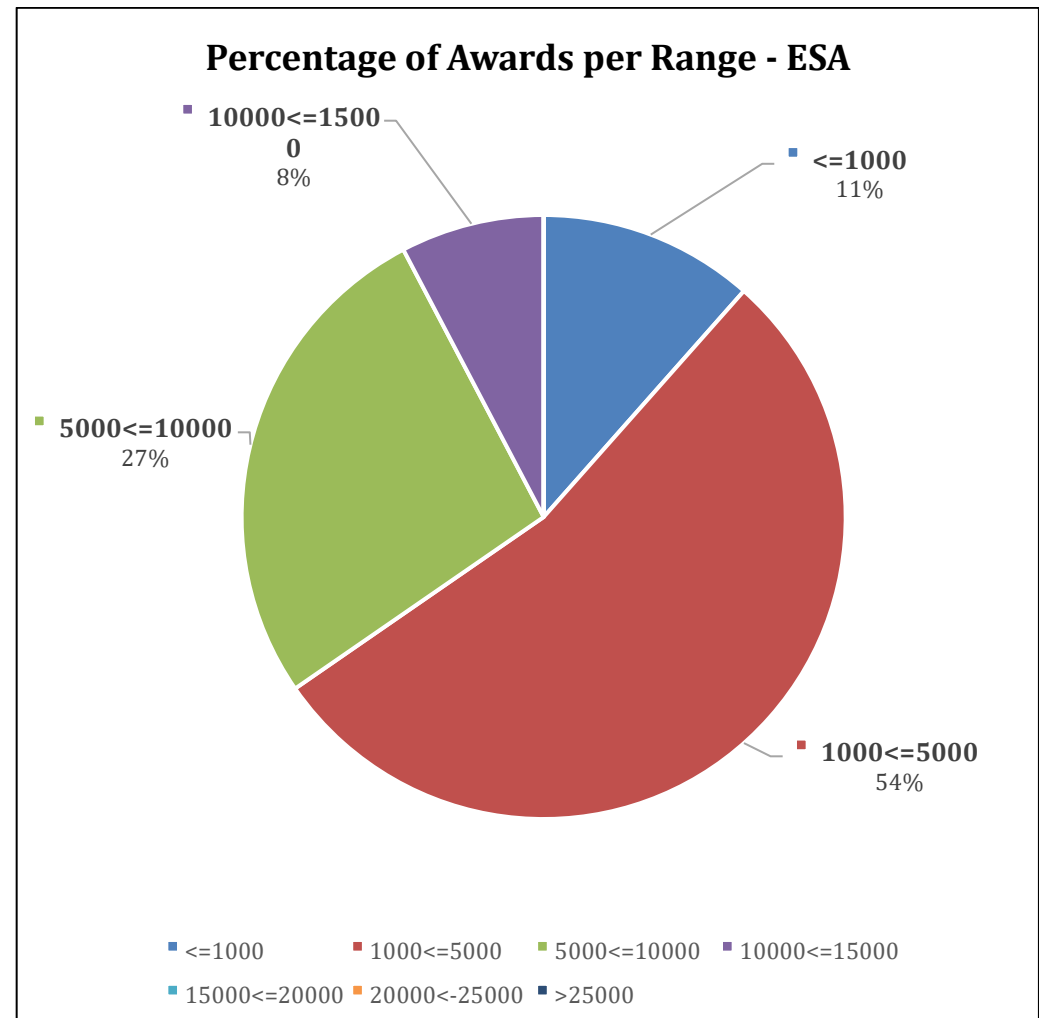
€25000 >	0
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Figure 8

Equal Status Act 2000 ("**ESA**"):

: Number of Awards per Range —

≤ €1000	3
€1000 ≤ €5000	14
€5000 ≤ €10000	7
€10000 ≤ €15000	2
€15000 ≤ €20000	0

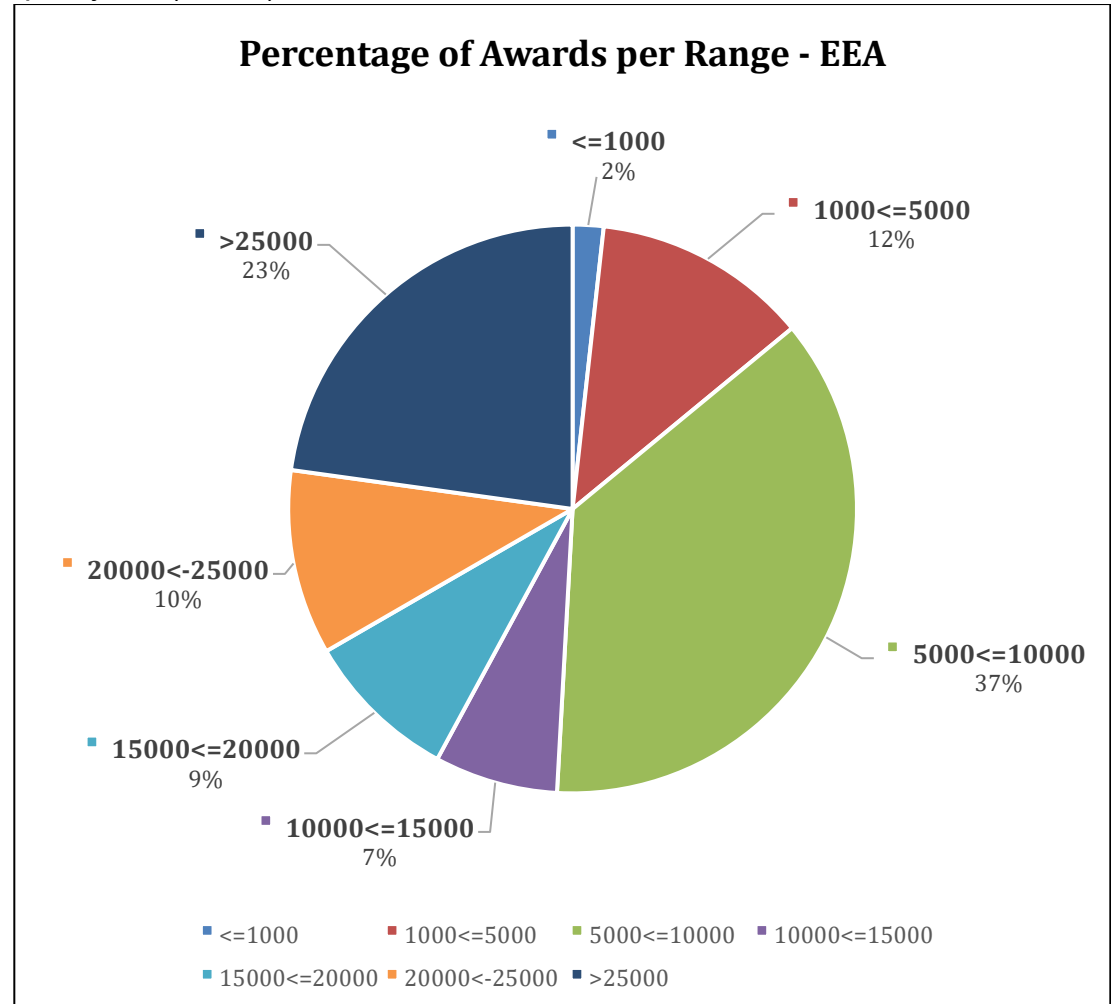


: Number of Awards per Range —

€20000 ≤ €25000	0
€25000 >	0

Figure 9 : Number of Awards per Range Employment Equality Act (“EEA”):

≤ €1000	1
€1000 ≤ €5000	7
€5000 ≤ €10000	21
€10000 ≤ €15000	4
€15000 ≤ €20000	5
€20000 ≤ €25000	6

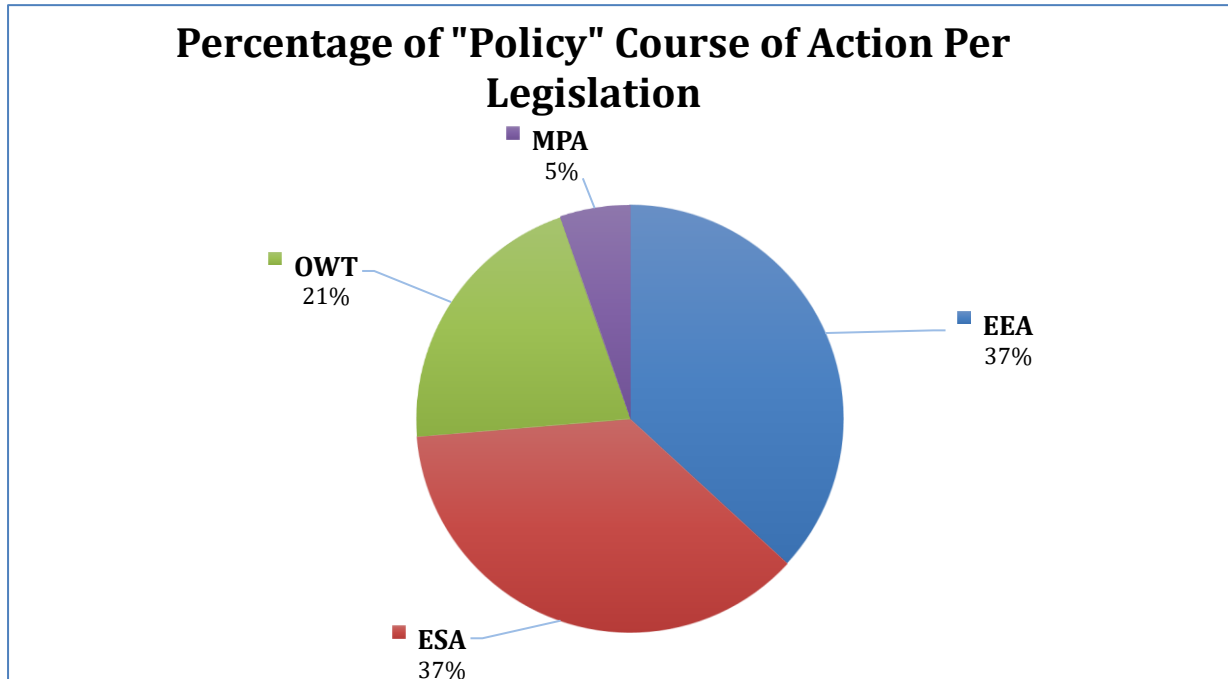


: Number of Awards per —

€25000 >	13
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APPENDIX III

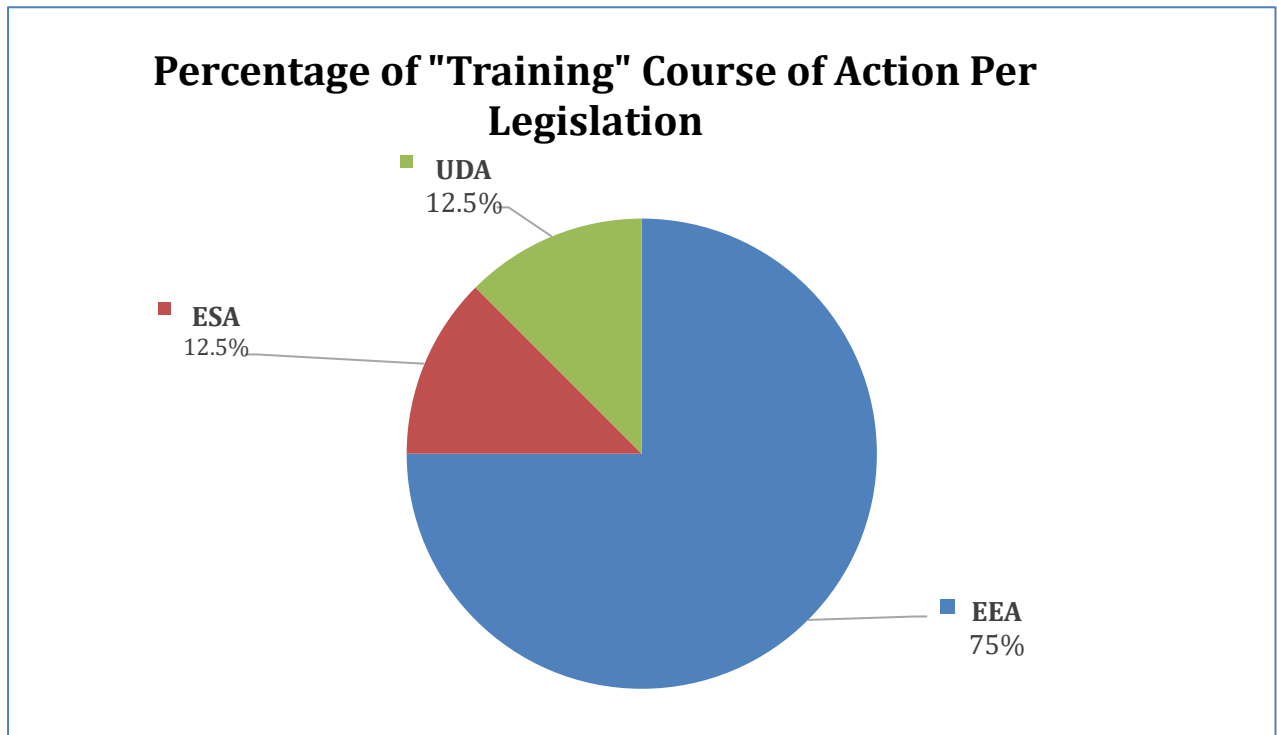
Figure 1: The pie chart below provides a breakdown of legislation which provided for “Policy” under a “Course of Action”:



The majority of such “Courses of Action” were provided for under the ESA and the EEA, with 7 such “Courses of Action” directed under each.

There was one such “Course of Action” provided for under the MPA, and four such “Courses of Action” provided for under the OWT.

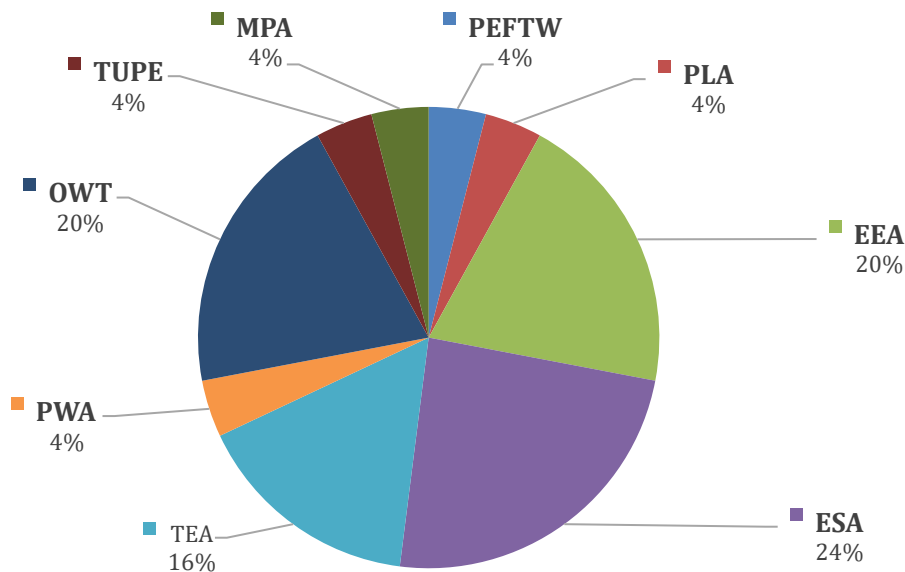
Figure 2: The pie chart below provides a breakdown of legislation which provided for “Training” under a “Course of Action”:



There were eight such “Courses of Action” directed. The majority of these were provided for under the EEA, with six such awards. There was one such direction issued under the ESA, and the UDA.

Figure 3: The pie chart below provides a breakdown of legislation which provided for “Other” under a “Course of Action”:

Percentage of "Other" Course of Action Per Legislation



The majority (six) of such "Courses of Action" were directed under the ESA, including the following five directions:

- That the respondent put in place reasonable accommodations to enable the complainant to travel by business class;
- That the respondent take all steps required to enable the complainant to participate in the housing assistance payment scheme;
- That the respondent familiarise themselves with the legal framework for housing assistance payments;
- That the respondents complete the housing assistance payment application form; and
- That the respondent provide the complainant with a school place.

The second most common legislation resulting in such a "Course of Action" was the EEA, under which five directions were made:

- That the respondent provide reasonable accommodations;

- That the respondent arrange a hearing retest for the complainant and, if passed, that she return to work immediately, and the respondent cover the purchase cost of the hearing aid;
- That the respondent provide equal remuneration and a salary increase; and
- That *“the respondent appoint a liaison person in its HR division to provide information to officers affected by bureaucratic delays, make inquiries, and if necessary, speed up the process to minimise disadvantage to the officers.”*

The third most common legislation resulting in such a “Course of Action” was the OWT, under which five directions were made, including:

- That the complainant be assigned leave; and
- That the respondent place the complainant on a certain contract type.

The fourth most common legislation resulting in such a “Course of Action” was the TEA, under which four directions were made, including:

- That the respondent provide an updated written statement to reflect the complainant’s work *“custom and practice hours”* from 2.30 pm to 10.30 pm;
- A declaration that *“the complaint is well founded; although, having considered what is just and equitable having regard to all the circumstances I award no compensation and confirm that the statement provided by the employer on the 9th of May 2019 while late was in compliance with Section 5 of the Act”*;
- That the respondent provide a statement of terms and conditions of employment; and
- That a statement be amended to rectify an inaccuracy.

The other five pieces of legislation providing for such “Courses of Action” were TUPE, PEFTW, PLA, PWA and MPA. There was only one award of this type made under each of these Acts.

