



An Coimisiún um Chaidreamh san Áit Oibre  
Workplace Relations Commission

The background of the cover is a photograph of a modern office interior. The ceiling is a complex, geometric structure of glass and steel beams, creating a series of triangular and quadrilateral shapes. The lighting is bright and even. In the foreground, a group of five people (three men and two women) are seated around a white conference table, engaged in a meeting. They are dressed in business casual attire. One woman on the right is gesturing with her hands as if speaking. There are laptops and papers on the table.

# Workplace Relations Commission **2019 Annual Report**

# **Workplace Relations Commission**

## **Annual Report 2019**

**Presented to the Minister of State with special  
responsibility for Trade, Employment, Business,  
EU Digital Single Market and Data Protection**

**In accordance with sections 23(1) and 23(3) of  
the Workplace Relations Act 2015**

# Director General's Report



**Liam Kelly**  
Director General

I have the pleasure of submitting to the Minister, the Annual Report of the Workplace Relations Commission (WRC) in respect of its activities during 2019.

The WRC plays a vital role in Irish society and the Irish economy

with a vision to be a world leader in delivering fair and compliant workplaces and the non-discriminatory delivery of services. In this regard, its services help to maintain industrial relations stability, mediate and adjudicate in individual disputes, raise awareness of and improve industrial and employment relations generally, promote, monitor and enforce compliance with employment standards and provide recourse for people who feel they have been discriminated against in the delivery of services more generally.

The year was the first of a three-year programme of change outlined in the WRC's current Statement of Strategy, which contains six key strategic delivery elements: Service Excellence, Outreach and Prevention, Communication and Engagement, Leveraging Technologies, Data and Measurement, and People and Structure. Our progress in this regard, is contained in the body of this Report and in Appendix 1. But, briefly, in 2019, the WRC:

- Established a new regionalised office that will enable the WRC to provide its full suite of services in the WRC Mid-West region,
- Maintained the high standard of service and outcomes provided by the Conciliation Service and dealt with demand for pre-adjudication mediation,
- Managed a spike of some 36% in specific complaints to the Adjudication Service while achieving a median time frame of just over 8 months in terms of throughput from complaint to decision,
- Maintained its enforcement prosecutions activity at a high level whilst, at the same time, rolling out a new mobile inspection platform designed to improve the overall efficiency and effectiveness of the

Inspection Division,

- Developed new adjudication postponement procedures which are already having a positive effect in simplifying the process from a user perspective and improving efficiencies in hearing scheduling,
- Made significant progress on the introduction of the Conciliation, Mediation and Advisory case management system,
- Achieved agreement with all parties in An Garda Síochána on the individual and collective procedures to be used in the context of the access of An Garda Síochána to the WRC and the Labour Court,
- Launched a new interactive and process-oriented WRC website that delivered clarity on our functions, enhanced customer experience and brought about significant process efficiencies,
- Introduced new WRC social media platforms designed to raise awareness of employment rights and redress for employees and employers,
- Delivered targeted sectoral and general outreach campaigns, and
- Managed significant staff churn in terms of succession planning and cross-functional upskilling initiatives.

These outcomes were achieved against a backdrop of shifting priorities and challenges within the broader economy – many of which found an echo in the activities of the WRC during the year.

The Commission is staffed by just under 200 employees who are civil servants and part of the staffing establishment of the Department of Business, Enterprise and Innovation (DBEI). They are supplemented by a further 40 Adjudication Officers who are contracted by the Minister to assist the Adjudication Service on a case-by-case basis.

The achievements detailed in this report would not have been possible without their dedication and enthusiasm. The support of the Board, the Minister and the Department has also been central in the development of the WRC since its establishment, particularly in the context of the constantly changing economic and social environment within which the WRC operates.

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# Board of the Commission



**Dr Paul Duffy**



**Liam Berney**



**Dr Michelle O'Sullivan**



**Shay Cody**  
(January - September)



**Maeve McElwee**



**Deirdre O'Brien**



**Geraldine Hynes**



**Richard Devereux**



**Audrey Cahill**



**Ethel Buckley**

The nine-person Board is chaired by Dr Paul Duffy (Vice-President Pfizer Global Supply).

## Fees/Ethics in Public Office

All Board members, Adjudicators, Rights Commissioners and relevant Officers of the Commission were advised of their obligations and/or completed the appropriate returns under the Ethics in Public Office Acts, as required.

The Chairman and members of the Board are not in receipt of any fee in connection with the performance of their duties as Board members.

## Board Meetings

Over the course of 2019, the Board convened on four occasions in March, May, October and November. The May meeting was held in the WRC Office in Cork.

In June, the Board and senior management team met with counterparts from the Labour Relations Agency Northern Ireland to discuss trends in employment rights and industrial relations, research and service delivery developments.

Mr. Shay Cody stepped down from the Board in September.

Following a Public Appointments Service State Boards competition, Minister Breen appointed, Ms. Ethel Buckley, Deputy General Secretary of SIPTU, to the WRC Board with effect from 23 December, 2019.

## Work Programme 2020

In accordance with section 22(1) of the Workplace Relations Act 2015, the Board prepared the WRC Work Programme 2020. This Programme was submitted in November 2019 to Mr Pat Breen, TD, Minister of State with special responsibility for Trade, Employment, Business, EU Digital Single Market and Data Protection. The WRC Work Programme is available to download on the WRC Website.

## Director General

Liam Kelly was appointed as Director General in April 2019.

# Key Performance Metrics

## WRC Activity 2019

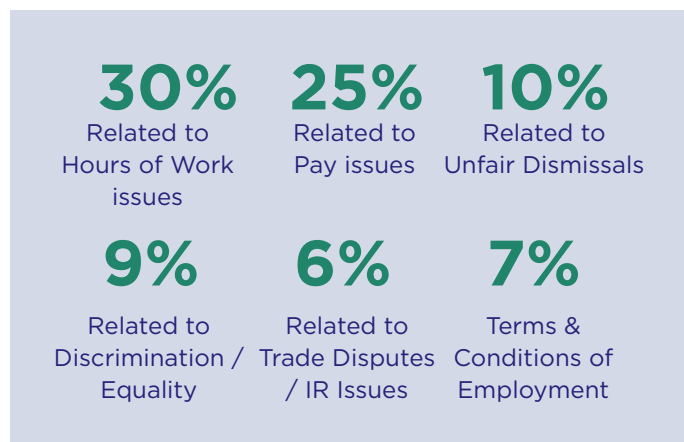


The median time to decision improved by 51 calendar days on 2018



### Type of complaint

% of the specific complaints received



# Key Performance Metrics

## WRC Activity 2019



WRC 2019  
**1,200**

### CONFERENCES

1,200 Conciliation conferences held



WRC 2019  
**47**

### CASES

Legacy adjudication cases reduced to 47



WRC 2019  
**55,000**

### INFORMATION

55,000 calls presented to the infoline



WRC 2019  
**1.3M**

### CONCILIATION

1.3 million employees covered by conciliation



WRC 2019  
**5,000**

### INSPECTIONS

Almost 5,000 Inspections concluded



WRC 2019  
**127,000**

### COVER

Employees covered by inspections



WRC 2019  
**€3.9M**

### RECOVERED

Wages recovered (Up from €3.1m in 2018)



WRC 2019  
**2.7M**

### WEBSITE

Page views



WRC 2019  
**125**

### CONVICTIONS

Employer Convictions 125



## Five Year Activity Review 2015 - 2019

Activity	2015	2016	2017	2018	2019	Total
<b>Conciliation</b>						
Conferences	393	1,348	1,239	1,145	1,202	5,327
Facilitation	79	423	995	500	255	2,252
<b>Mediation</b>						
Telephone	201	662	376	1,241	751	3,231
Face-to-Face		69	197	603*	240	1,109
<b>Adjudication</b>						
Complaint files	3,212	6,863	7,317	7,724	8,309	33,425
Complaints	1,690	14,004	14,001	15,451	20,939	66,085
Adjudications heard		3,518	4,370	5,312	5,009	18,209
Decisions issued	-	1,232	2,247	2,964	3,029	9,472
Legacy (on hands)	3,965	1,628	295	151	47	-
<b>Advisory</b>						
New projects	22	64	68	44	37	235
<b>Inspection</b>						
Concluded	1,650	4,830	4,747	5,753	4,804	21,784
Wages recovered (m)	€0.5	€1.5	€1.7	€3.1	€3.9	€10.8
Prosecutions	20	136	125	98	175	554
<b>Information</b>						
Calls answered	17,275	59,549	52,001	57,348	54,768	240,941
Web visits (m)	0.35	2.2m	2.3m	2.7m	2.7	10

\*This figure includes 363 identical cases with a single employer'

workplacerelements.ie

**WRC**

An Coimisiún um Chaidreamh san Áit  
Workplace Relations Commission



# Functions of the Commission

## The main functions of the WRC are to:

- Promote the improvement and 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 on the application of, and compliance with, relevant legislation.
- Provide information to the public in relation to employment legislation <sup>1</sup>.

The Commission's core services reflect this framework and include the provision of early dispute resolution, mediation, conciliation, facilitation and advisory services, adjudication on complaints and disputes, promoting compliance with employment rights legislation and, where necessary, achieving this through enforcement, the provision of employment rights and industrial relations information generally, and the processing of employment agency and protection of young persons (employment) licences.

## Budget & Staffing

<b>Pay</b>	€12.340m
<b>Non-Pay</b>	€2.614m
<b>Total</b>	€14.954m

The WRC is an office of the Department of Business, Enterprise and Innovation and is funded from the overall Departmental Vote.

At end-2019, the staff allocation stood at 185 permanent employees who are civil servants and part of the overall staffing of the Department of Business, Enterprise and

Innovation. The staffing is supplemented by a further 40 external Adjudication Officers who are contracted to assist the Adjudication Service on a case-by-case basis.

## Sanctioned Staff Numbers by Grade (FTEs)

Grade Breakdown	Total FTE's
<b>Director General</b>	1.00
<b>Chief Operations Officer</b>	1.00
<b>PO</b>	6.00
<b>Solicitor</b>	1.53
<b>Assistant Principal</b>	19.40
<b>Higher Executive Officer</b>	24.90
<b>Executive Officer</b>	69.79
<b>Clerical Officer</b>	61.50
<b>Total</b>	<b>185.12</b>



<sup>1</sup> Employment Equality Act information provided by the Irish Human Rights and Equality Commission





# Service Reports

## Corporate Services

### Governance

The WRC ensures its activities and resources are applied in the most efficient and effective manner, in compliance with Civil Service governance requirements. This includes regular ongoing monitoring of progress against business plans, regular review of the risk environment and, where necessary, action to mitigate potential risks.

### Human Resources

The Corporate Division supports the staff in the delivery of the core objectives of the WRC. In this regard, implementation of the WRC's comprehensive HR policy continued, and was adjusted as required, to reflect the ambitions of the current Statement of Strategy, i.e., to build on our expertise, delivery of service excellence, and the preservation and enhancement of our extensive knowledge base. Staff capacity, succession planning, skills, staff engagement and wellbeing were reviewed and improved on an ongoing basis throughout 2019. A successor HR Policy will be developed during 2020.

### Information Communications and Technology.

During 2019, Corporate Services took responsibility for the dedicated ICT function as part of the restructuring that was outlined in the 2019 workplan.

The WRC worked closely with the Department of Business, Enterprise and Innovation (DBEI) ICT team in furthering the WRC goal of providing a web-based, user-friendly complaint form and embedding automation into its internal processes. Progress on these projects will proceed in tandem with the overall Government ICT strategy. The new WRC complaint form will be designed and built in 2020. Throughout the year the Business Support Systems team supported the on-going deployment and enhancement of the ERCES application and the development of a new Case Management solution for Conciliation, Advisory and Mediation Division.

### Employment Rights Compliance Enforcement System (ERCES)

The WRC continued to rollout business applications on its CRM technology platform to support its operations, drive efficiency and effectiveness and inform decision-making. The new Inspection and Enforcement Application, ERCES, which went live in December 2018 was bedded-in throughout 2019. The new system allowed the WRC to produce 'real-time' information on the management of the inspection and enforcement process, enhance operational efficiency and effectiveness and further drive employment rights compliance. This system was designed and delivered by way of close collaboration between the Inspection team and the ICT team.

## **New Case Management System for Conciliation**

In 2019, a new case management system for the Conciliation, Facilitation, Mediation and Advisory Service was progressed and the build of this solution is planned for 2020.

## **Communications and Outreach**

The Corporate Division co-ordinates the cross-divisional communications and outreach programme which was initiated in 2018. The aim is to ensure that the WRC maximises the potential to use both traditional and digital channels to support the objectives of “promoting a fair and compliant workplace and equal treatment in services”.

## **New WRC Website**

A redesigned website for the WRC was launched in May 2019 the purpose of which is to deliver a significantly enhanced user experience and create separate online identities for the WRC and the Labour Court. The end-product was very much influenced by constructive and focussed feedback from our stakeholders.

As well as being more visually appealing, user-friendly and easier to navigate, it also provides a translation feature, Social Media buttons, Popular Topics and an enhanced Decisions and Determinations search database. The website will be subject to review by user-groups and stakeholders in mid-2020.

## **Social Media**

In conjunction with the launch of the new website, the WRC launched new Twitter and LinkedIn accounts to harness the potential of social media in supporting stakeholder outreach. At the end of 2019, the WRC Twitter account had over 700 followers and the WRC LinkedIn account had more than 1,400 followers. In 2019 the WRC used a Facebook advertising strategy to support an information campaign about the new Sectoral Employment Order in the Construction Sector.

The communications team supported outreach activities at the National Ploughing

Championships and the Tullamore Show as well as more than 50 other events throughout the country during 2019. Some of the more targeted campaigns are outlined further in the Information and Customer Services section.

WRC internal staff communication was enhanced by the introduction of a monthly magazine, “The Works”, which aims to keep staff informed and foster a strong sense of community across the WRC.

## **WRC Regionalisation**

The WRC took possession of a new, purpose-built, mid-west regional premises in Ennis in December 2019. The facility allows the WRC to offer the full suite of services to all its stakeholders in the Mid-West region. This will enhance service delivery for users from East Galway, Clare and Limerick and will produce significant savings and more cost-effective service for the WRC.

## **Public Sector Equality and Human Rights duty**

The Irish Human Rights and Equality Commission Act 2014 introduces a positive duty on public bodies to have due regard to human rights and equality issues. A proactive approach is being taken to implementing this duty throughout the work of the Workplace Relations Commission. Creating an accessible and inclusive space for everybody who uses or works in our offices is a key priority.

The Workplace Relations Commission provides a service to all clients that respects their human rights and their right to equal treatment. This is equally applicable to how we interact with our own staff as it is essential in fostering a healthy environment that promotes engagement, openness and dignity in the workplace.

## **Accessibility**

During 2019 the WRC invested in ensuring that all our public spaces and meeting rooms comply with occupational and safety standards and, as part of this, facilitate access for people with disabilities and others with specific needs. In 2019 a new enhanced pedestrian access

route to the Carlow office was constructed. In addition, work was progressed on the provision of a full suite of information in a range of accessible formats including large print, Braille and audio. Many WRC publications are available in multiple languages including, Arabic, Filipino, French, Hindi, Indonesian, Mandarin, Polish, Portuguese, Romanian, Russian, Spanish, Sri Lankan and Ukrainian.

# Information & Customer Service

The Information and Customer Service Unit of the WRC is responsible for:

- Providing impartial information on employment rights, equality, industrial relations and employment permits to both employees and employers,
- Processing complaint applications received for Adjudication,
- Processing Employment Agency licenses and renewals, and
- Processing requests for licences under the Protection of Young Persons Acts for children working in film, theatre, advertising, artistic or cultural activities.

Information is provided in the following ways:

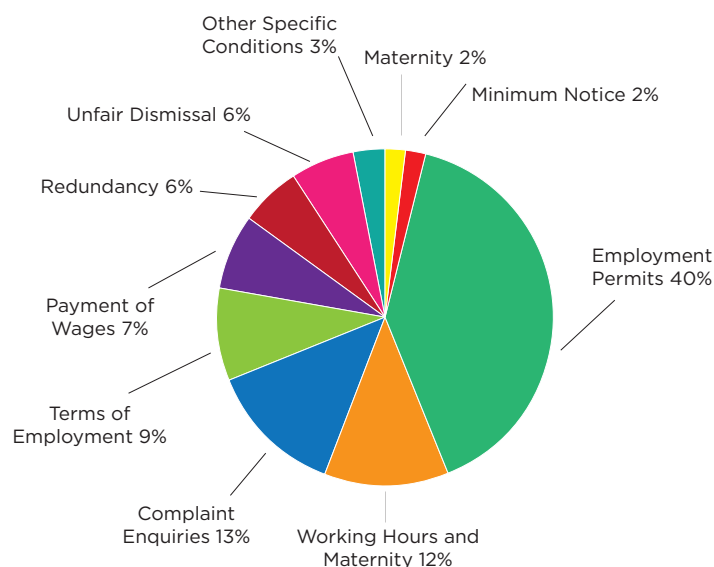
- A dedicated Infoline operated by experienced Information Officers (lo-call 1890 80 80 90).
- A WRC website ([www.workplacerelations.ie](http://www.workplacerelations.ie)).
- Information leaflets and other literature.
- Tailored presentations to stakeholders.
- Specific outreach activities.

The **Infoline** also provides parties to complaints referred with updates on the current status of complaints, dispute referrals and work permit applicants with updates on relevant work permit applications.

## Calls to Infoline

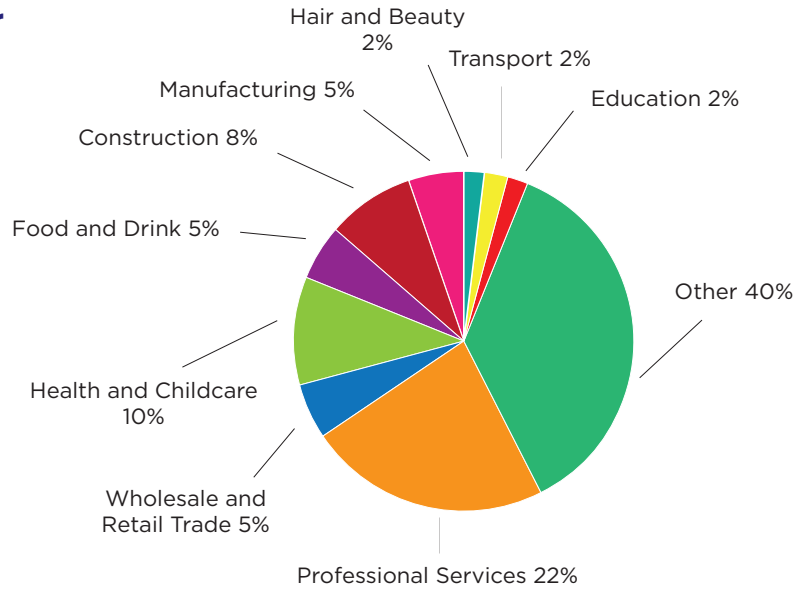
The range of calls received during 2019 by Topic, Sector and Caller Type is illustrated below.

### Call Topic

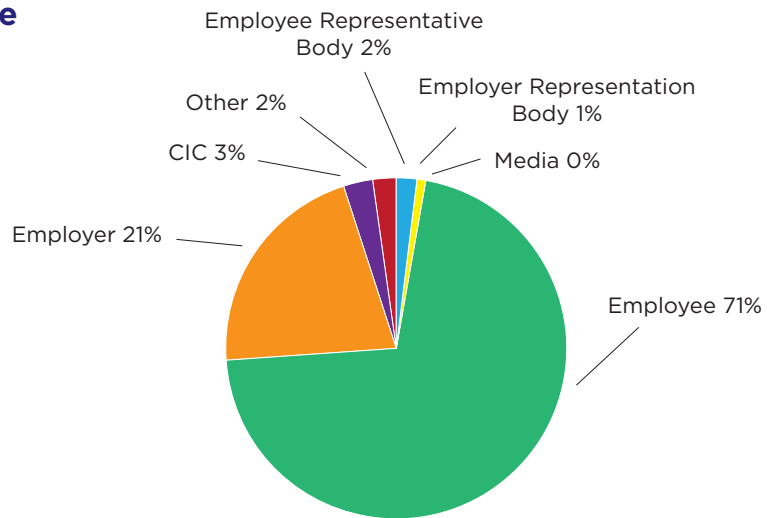




### Sector



### Caller Type



# Employment Agency & Protection of Young Persons Licencing

The Information and Customer Services Licensing Unit also processes Employment Agency licences which are renewable on an annual basis.

A total of 818 Employment Agency licences were issued in 2019.

In addition, the service issues licences authorising the employment of children by employers engaged in cultural, artistic, sports or advertising work.

Licences for the employment of children set out conditions under which the child(ren) may be employed, governing general conditions of employment, parental consent, child supervision, education arrangements, and the maximum working times and minimum breaks appropriate to each child or group of children employed.

A total of 487 licences authorising the employment of 1,487 children were issued in 2019

## Outreach

### Awareness Campaign Construction Sectoral Employment Order

Following engagement with stakeholders and in line with the WRC commitment to provide information on employment law, the WRC ran its first targeted social media campaign during 2019. The campaign focused on the legally binding rates of pay in the Construction Sector. The campaign ran for a month commencing in October 2019.

The twin objectives of the campaign were to inform both employers and employees about the amended rates of pay and to provide support to employers in meeting their obligations where statutory records were concerned. Both videos and static images were employed to deliver these objectives. The posts were seen by over 150,000 users.



## Activity Report

<b>Phone calls dealt with</b>	54,768
<b>Web views</b>	2.7m
<b>Complaints received</b>	8,309
<b>Presentations</b>	54
<b>Employment Agency Licences issued</b>	818
<b>Child Employment Licences</b>	487
<b>No. of children employed</b>	1,487



# Conciliation, Advisory & Mediation Services

At the start of the year, the Conciliation, Facilitation and Mediation Service was amalgamated with the Advisory Service to create a new Conciliation, Advisory and Mediation Service (CAMS). The newly created Division delivers a holistic approach to industrial relations for employers and workers (and their representatives). The advisory team will be available to work with organisations, their employees and representatives to assist in developing effective industrial relations practices, procedures and structures so that disputes can be resolved effectively locally. Where local efforts fail to reach a resolution, the Conciliation and Mediation service provides an impartial, timely and effective suite of services to assist employers and workers (and their representatives) in their efforts to resolve disputes by agreement. CAMS also delivers bespoke training to suit the needs of clients taking account of previous engagements with the advisory and conciliation services.

## Conciliation

The WRC received 914 requests for conciliation involving a range of issues which required some 1,202 conciliation conferences. A resolution rate of 86% was achieved.

The issues dealt with at conciliation in 2019 concerned:

- Pay issues (34%)
- Organisational Structure such as shift work, staffing, restructuring, rosters, hours of work, change in work practices, redeployment and recruitment (31%)
- Redundancy (3%)

- Pension issues (4%)
- Types of Leave (3%)
- Benefits such as bonuses, profit sharing, service pay, sick pay, staff incentives, expenses etc. (4%)
- Industrial Relations issues such as changes to conditions of employment, new technologies, union management agreements, grading, productivity, outsourcing etc. (21%)

The Commission brokered agreements across multiple sectors of the economy, many of which are already in the public domain including Aer Lingus, Kingspan, Boxmore Plastics, Thermo Fischer GSK, LacPatrick Dairies, CG Power Systems and Liebherr. The Service also provided significant assistance to the public and healthcare sectors including engagements in relation to employees of bodies assisted by the HSE under section 39 of the Health Act, 2004.

A total of 127 cases were referred to the Labour Court for a recommendation under Section 26(1) of the Industrial Relations Act 1990 where a resolution was not possible at conciliation. In most of these cases, the conciliation process at the WRC played a significant role in reducing the differences between the parties, refining the matter requiring a definitive Labour Court recommendation to resolve the dispute.

Some 1.3 million employees were covered by disputes referred to the Commission in 2019, albeit some of these workers may have been party to more than one dispute before the Service throughout the year.

# Advisory

## Industrial Relations Reviews

Reviews of industrial relations comprise in-depth assessments of workplaces to identify areas of industrial relations and workplace relations concerns, and to make recommendations – typically relating to improved practices and procedures and relationship building. In many instances, the Service works post-review with all concerned to implement the recommendations. A review might include several information gathering exercises (such as individual interviews, questionnaires and focus groups) to help accurately identify problem areas. Seven such reviews were carried out during 2019.

### S.1. 76

As part of the advisory role, the service helps management and employee representatives to resolve disputes in situations where negotiating arrangements are not in place. This is commonly referred to as the ‘collective bargaining’ element of the Industrial Relations Act 2015. The Service also works to facilitate engagement between the parties on issues other than collective bargaining, for example, terms and conditions of employment and related matters. In 2019, one such referral was made to the Service.

## Codes of Practice

The WRC develops Codes of Practice to give guidance and set out what it believes to be best practice in good industrial relations. Following a request from the Minister in 2018, the WRC and the Health and Safety Authority worked jointly throughout 2019 to develop a joint Code of Practice on Bullying in the Workplace to replace the existing codes published by both organisations. While some final work remained outstanding on the Code at end 2019 it is expected to be published in early 2020.

In addition, the Service initiated discussions with the social partners of a review of the Code of Practice on Longer Working following a request to do so from the Minister of Employment Affairs and Social Protection.

## Garda Síochána Access to Services of the WRC

The Industrial Relations (Amendment) Act 2019 was signed into law by the President on 7 July 2019.

This Act facilitates access of members of An Garda Síochána to the Workplace Relations Commission and the Labour Court to avail of its services. It provides for members of An Garda Síochána to be entitled to bring any industrial relations disputes before the Workplace Relations Commission for mediation, conciliation and adjudication and to avail of the services of the Labour Court where required.

Throughout 2019 the advisory team and others across the WRC worked closely with Garda management and the Garda representative associations to put in place robust structures and procedures to facilitate local dispute settlement. To support the effective rollout of these procedures, the WRC also embarked on the delivery of a training programme to An Garda Síochána in 2019 to ensure that members and their representatives can make proper and effective use of the services of the WRC.

## Mediation

The WRC provides two distinct forms of mediation; pre-adjudication mediation (by telephone and face-to-face) to assist the





resolution of specific complaints referred to the WRC and workplace mediation to resolve ongoing interpersonal issues between persons or groups of persons.

## Pre-adjudication mediation

Pre-adjudication mediation takes place after a complaint/claim has been referred to the Adjudication Service, and all parties agree to participate in the pre-adjudication mediation process. The benefit of such an approach allows all parties to engage and reach a solution to the complaint or dispute in a confidential and informal manner while having full control over the outcome. It also can do away with the time and expense involved in preparing and proceeding to a full adjudication hearing. The parties also have an opportunity to mutually agree on a resolution that suits their needs and with a flexibility that may not be available always at adjudication. Mediation can take place over the phone or face to face depending on the complexity of the issue and the willingness of all parties to engage.

Some 2,000 interventions (i.e. reviews of complaints/offers of mediation) took place throughout 2019. Of these, 1024 proceeded to full mediation of which 25% were face to face and 75% were by telephone. These mediation interventions channelled over 45% of these cases away from adjudication either prior to or during the mediation process.

In addition to the 1024 cases referred to above, the mediation service engaged with a number of multiple identical complaints with the same employer where in one or all parties connected to these cases opted not to partake in the full mediation process. The occurrence of multiple identical complaints was noted in 2018 and has continued throughout 2019.

The Division continued to actively promote the benefits of mediation through stakeholder presentations and education programmes and the WRC will continue to raise awareness of the service throughout 2020.

## Workplace Mediation

Workplace mediation provides a prompt, confidential and effective remedy to workplace conflicts, disputes and disagreements on an ad-hoc basis. This mediation service best suits disputes

involving individuals or small groups of workers. Examples of situations where workplace mediation can be beneficial include interpersonal differences; conflicts and difficulties between colleagues working together; the breakdown of a working relationship; and issues that arise from a grievance and disciplinary procedure, particularly before a matter becomes a disciplinary issue.

A total of 77 workplace mediations took place during 2019.

## Facilitation

The Service also engaged in several intensive, extended activities outside what would normally be considered traditional conciliation. In 2019, the Commission provided assistance at 255 meetings through facilitated discussions and engagement.

Significant support was provided to the parties of the Public Service Stability Agreement (PSSA) through ongoing facilitation and the chairing of several sectoral and national oversight bodies.

Facilitation was also provided where requests were made to chair joint management/staff forums to work through issues of mutual concern; for example, workplace change or where difficult industrial relations had developed.



The Commission continued to chair a range of other negotiation fora such as the Irish Water Consultative Group, Health Service National Joint Council, the Teachers' Conciliation Council, and a range of Joint Industrial Councils (e.g. Construction, Electrical, State Industrial) and Joint Labour Committees (JLCs) such as the Contract Cleaning JLC and the Security JLC.

Officers of the Commission again played a key role within the Education and Training Board (ETB) structure in their role as Appeals Officers with the ETB Appeals Procedures where its grievance, disciplinary, or bullying and harassment procedures have been initiated. A total of 9 appeals were processed in 2019. In addition, the Service chaired the Bord Na Móna Joint Industrial Relations Council (JIRC).

## WRC Training

The WRC places a strong emphasis on enhancing the capacity of organisations to have in place effective industrial relations practices and procedures with a focus on orderly dispute resolution, (be it collective or individual), at an early informal and 'in-house' stage. CAMS oversees the WRCs training programme, which is key in helping organisations understand all aspects of the employment relationship and all training interventions are customised to the individual needs of each workplace. The training is

delivered by staff from all divisions of the WRC, drawing on their extensive knowledge and experience.

Training requests are assessed using the following criteria:

- The degree to which training would promote improved industrial relations and good practice in the organisation.
- An assessment by CAMS that training would enhance the organisation's dispute resolution capacity.
- The organisation's history of using the services of the WRC e.g. Adjudication and Conciliation.
- The capacity of the WRC to deliver training at the time of assessment in the context of resource constraints.

In 2019, 18 training programmes involving 28 modules were delivered to a wide range of private and public sector organisations.

The programmes delivered included Dignity in the Workplace, Effective Utilisation of Procedures, Conflict in the Workplace and Effective Internal Communications.





# Adjudication Service

The Adjudication Service investigates disputes, grievances and claims made by individuals or small groups under employment and equal status legislation. The list of legislation under which complaints can be made are set out in Appendix 2.

under the Employment Equality Acts, Equal Status Acts and the Pensions Acts, where the parties are named unless the Adjudication Officer decides there is a valid reason to anonymise.

All Decisions and Recommendations (in relation to Industrial relations disputes) are published on the WRC website. In most instances the parties to the dispute are anonymised, with the exception of claims taken

## Complaints Received

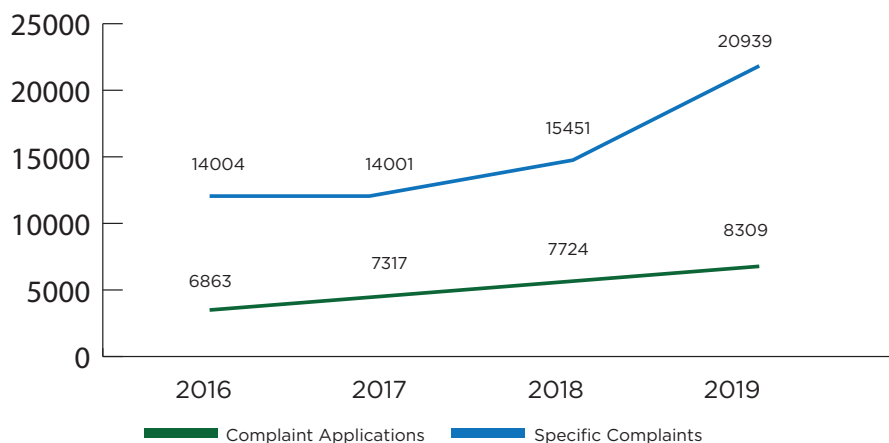


Figure 1 WRC Complaints Received Year on Year 2016 - 2019

Over the course of 2019, some 8,309 complaint applications were received, which encompassed 20,939 individual complaints (i.e. 2.5 specific complaints per application on average) all of which require to be heard and decided if they proceed to a full hearing.

The number of complaints received, i.e. complaint forms lodged, increased by over 7.6% on 2018 and 13.6% on 2017 figures, while the number of individual complaints lodged, increased by 36% since 2018 and 49.6% on 2017. The legislative breakdown of these complaints is set out in Appendix 3.

These increases have placed some strain on the Service, as all complaint applications require acknowledgement and must be assigned a hearing date and venue. In addition, the administrative arm of the Service must ensure that all relevant submissions are received and shared with the other party(ies).

The number of complaint applications received has increased steadily annually and by 21% overall since 2016. While a broadly similar pattern applied in relation to specific complaints for most of that time, 2019 witnessed a significant spike in these complaints, amounting to an increase of over 5,000 (36%) in comparison with 2018. Specifically, during 2019:

- a total 8,309 Complaint Applications comprising 20,939 Specific Complaints was received. This is an increase of 36% in Specific Complaints in comparison to

the same period in 2018 and represents an average of 33 Complaint Applications comprising 83 Specific Complaints being received every day.

## Spike in Multiple Complaints During the Year

The spike in complaints is mainly accounted for by working time complaints submitted in relation to Retained Fire Fighters, although there were also multiple complaints about pay in relation to Hospital Consultants, and other complaints involving a firm of bookmakers and others. The number of Specific Complaints lodged each month was higher in 2019 than in 2018 for 9 months of the year. Of these, some are awaiting mediation, some have been heard or are awaiting a hearing and some are being case managed. This spike impacted overall processing times towards the end of 2019 but no “active” files awaiting a hearing have been affected.

A more detailed evaluation of the complaint applications and specific complaints by month for 2018-2019 is set out in Figure 2.

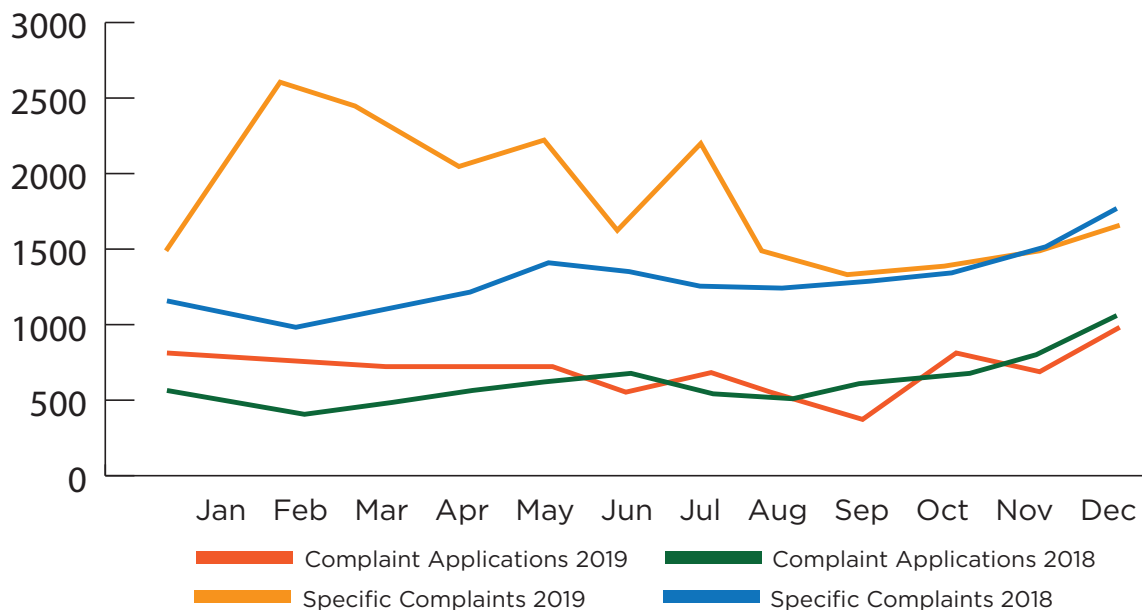


Figure 2 Complaint Applications and Specific Complaints (by Month) 2019 - 2018

## Complaint types

The specific complaints received in 2019 by complaint type are also set out in Figure 3 *Specific Complaints by Complaint Type*.

Specific complaints in relation to hours of work are by far the most prevalent at 6,266 which is over three times the number of complaints (2,026) received in 2018. This is now the highest complaint type. In this regard, the category reflects the nature of the complaints submitted under the “spike” referred to earlier.

The number of claims in relation to terms and conditions at 1,435 represented an 18% increase.

There was also a sizable increase in claims relating to pay at 5,214 specific complaints, which is up 20% on 2018. Some 2,166 complaints were lodged relating to unfair dismissal, which is comparable with 2018 figures, and 1,827 in relation to discrimination and equality, which is down 14% on 2018 figures.

The substantial increases of complaints in relation to hours of work and terms and conditions are possibly due to a range of factors including domestic legislation decisions in European Courts which have been relied on by complainants to submit complaints in relation to working time etc.

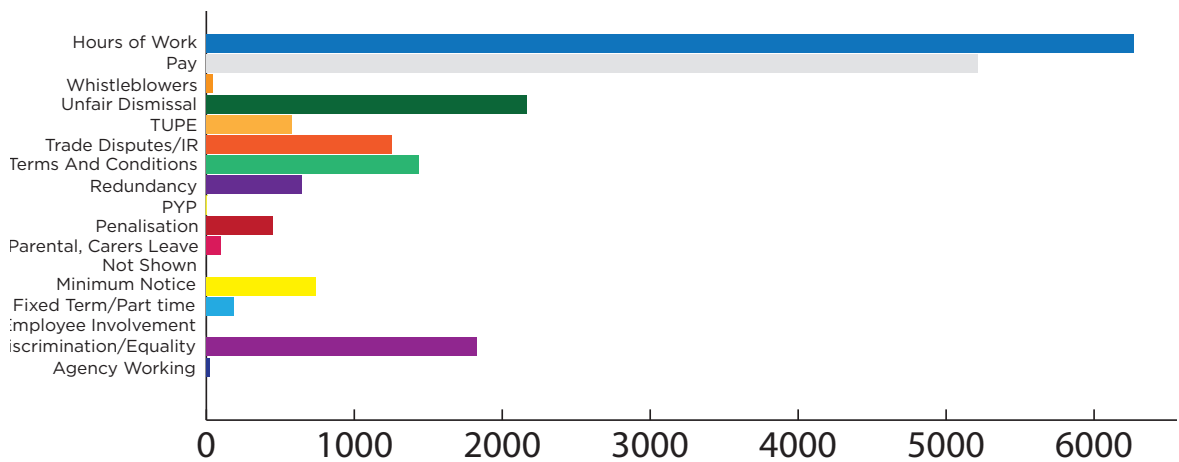


Figure 3 Specific Complaints by Complaint Type

## Hearings

A total of 5,009 adjudication hearings were held in 2019. While this is slightly lower than the figure recorded in 2018, it reflects an improved linking of related cases which reduces the numbers of hearings required

and enhances the service provided to both complainants and respondents in these instances. An average of 20 hearings were held per working day in 2019.

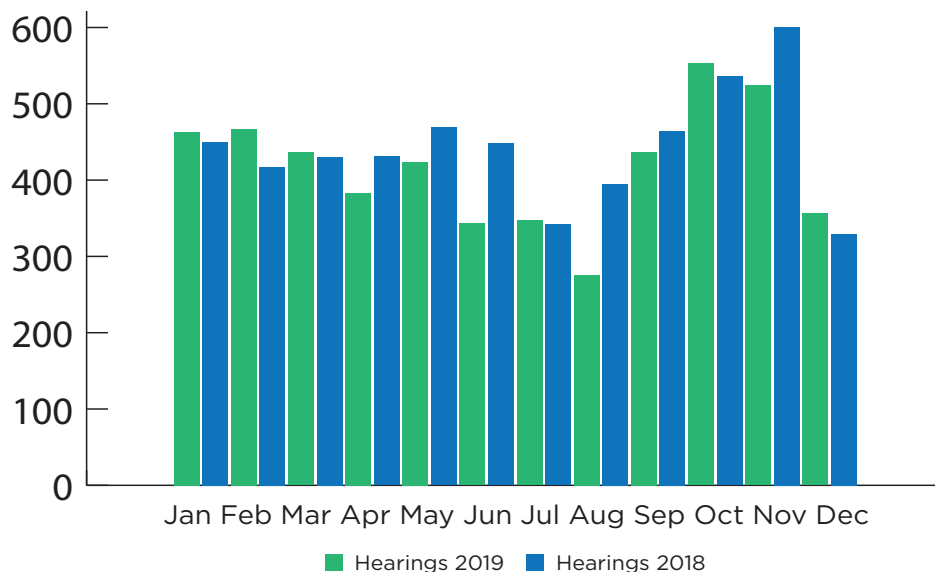


Figure 4 Hearings Held by Month - Comparison By Month 2018 - 2019

## Postponement Requests

Some 2,180 postponement requests were received from January - December 2019, a 2% increase on 2018.

At end-2019, some 72% of requests were being granted as parties may have scheduling difficulties, impacted by pre-booked holidays, long-term illness, or the parties are looking to resolve the matter through mediation, etc.

The timing of the postponement requests also causes difficulty for scheduling as 65% of all postponement requests received in 2019 were received less than 20 days prior to the hearing, which is too short a time to offer the hearing date to other parties. This impacts significantly on overall processing times.

The Commission worked in conjunction with its stakeholders during 2019 on a range of issues but one focus was to review the pattern of late postponement requests and to address this. A new dedicated postponement email address was introduced at the end of 2019 and this allowed for postponement applications to be dealt with promptly. A new pilot postponement project and guidelines will be rolled out in 2020, which it is anticipated will further improve the handling of postponement requests.

## Decisions

Some 3,029 decisions were issued in 2019, which is an increase of 2% on the 2,964 decisions issued in 2018 and an increase of 34.8% on 2017. A selection of decisions issued by the WRC

Adjudication Service during 2019 is included at Appendix 4.

## Time to Decision

The median time to decision Improved by 51 calendar days on 2018. The median time for decisions issued from receipt of a complaint in 2019 is 230 calendar days, or just over 8 months from the date of receipt of the complaint to the decision issuing. This is an improvement on 2018 by 51 calendar days.

## Referrals Under Equal Status Acts 2000-2015

The year witnessed a decline in complaint referrals under the Equal Status Acts 2000-2015. In 2019, some 439 referrals were made under the Acts, relating to 648 specific grounds compared to 595 referrals in 2018 relating to 868 specific grounds. This represents a sizable annual reduction of 26% on referrals since 2018. The only increases were in relation to Religion (+89%) and Sexual Orientation (+100%) both from a relatively low base. There was a substantial decrease in complaints in relation to Race (-45.5%), albeit Race was still the most cited ground of referrals made under the Acts.

There has been a noticeable fall in the number of complaints referred under the Equal Status Acts. While the reasons behind this decline are unclear, the WRC, as stated in the Work Programme 2020, will undertake an awareness-raising campaign with regard to specific categories under the Equal Status Acts.

Equal Status	2018	2019	% Difference in cases
Age	62	62	0%
Civil Status	22	5	-77%
Disability	90	73	-19%
Family Status	33	24	-27%
Gender	116	89	-23%
Member of Traveller Community	124	97	-22%
Race	292	159	-46%
Religion	19	36	89%
Sexual Orientation	6	12	100%
Housing Assistance (HAP)	104	91	-13%
<b>Total</b>	<b>868</b>	<b>648</b>	<b>-25%</b>

**Note:** Of the 439 Equal Status complaints received, this showed 648 results, when viewing the grounds, as the complainant can choose more than one ground when they make the specific complaint. So, some specific complaints would have more than 1 ground. % rounded to the nearest whole number

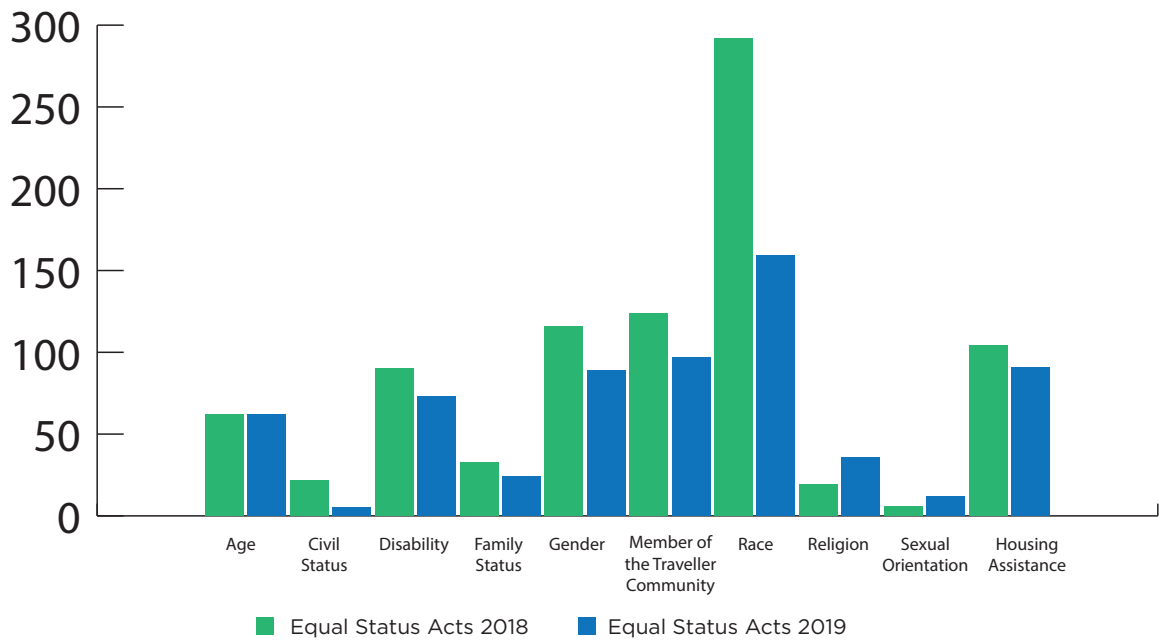


Figure 5 Total Equal Status Complaints Received Comparison by Grounds 2018 - 2019

## Referrals Under the Employment Equality Acts 1998-2015

In 2019, there were 1,288 Employment Equality complaint referrals received, this showed 1,733 specific grounds compared to 1,449 referrals made under the Acts, relating to 1,792 specific grounds. This represents an 11% decrease on 2018 complaint referrals.

There was a considerable decrease in the number of complaints in relation to Age (-37%) and Race (-14%) but Age again this year is the most cited ground of referrals made under the Acts. There was a substantial increase in Gender (+36%), Civil Status (+117%) and Religion (+61%) although the latter two were from a relatively low base.

Employment Equality	2018	2019	% Difference in cases
Age	714	452	- 37%
Civil Status	36	78	117%
Disability	292	329	13%
Family Status	154	184	19%
Gender	318	431	36%
Member of Traveller Community	6	2	-67%
Race	213	183	-14%
Religion	31	50	61%
Sexual Orientation	28	24	14%
<b>Total</b>	<b>1792</b>	<b>1733</b>	<b>-3%</b>

**Note:** Of the 1,288 Employment Equality complaints received, this showed 1,733 results, when viewing the grounds, as the complainant can choose more than one ground when they make the specific complaint. So, some specific complaints would have more than 1 ground.  
% rounded to the nearest whole number

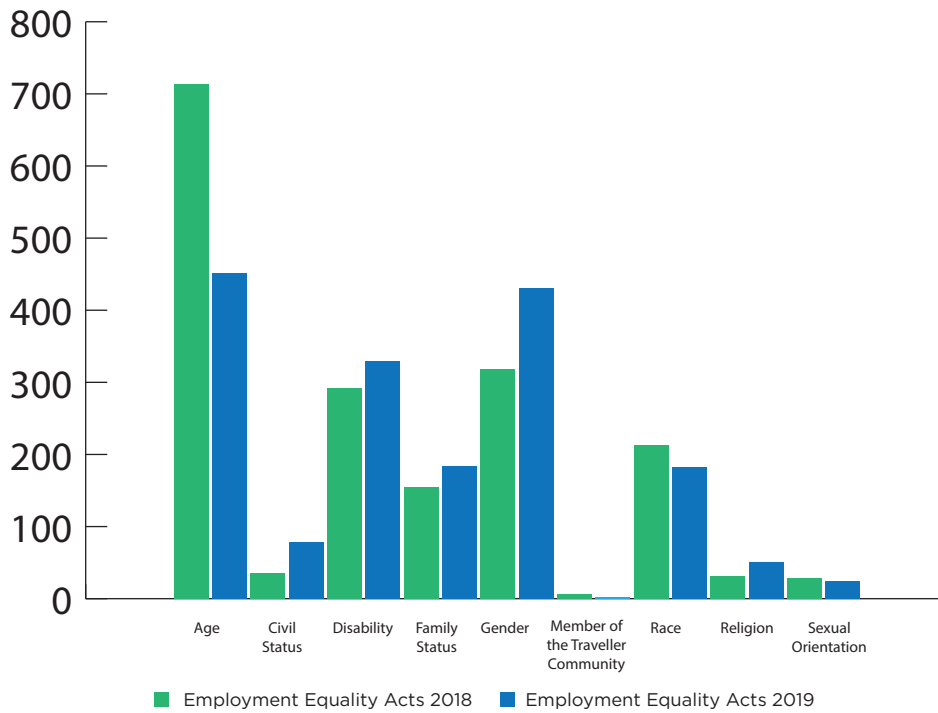


Figure 6 Employment Equality Complaints Received - Comparison by Grounds 2018 - 2019

## Referrals Under the Pensions Acts 1990

Some 100 referrals were received in 2019 under the Pensions Act 1990 as compared with 17 in 2018, 35 in 2017 and 9 in 2016. This is a significant increase in these type of complaints.

### “Legacy” Cases

In October 2015, the Adjudication Service took ownership of just under 4,000 ‘legacy’ adjudication complaints submitted to the Rights Commissioner Service and the Equality Tribunal.

All Employment Rights/Industrial Relations complaints have been heard and there are no such legacy cases outstanding.

At the beginning of 2019, 146 Equality Tribunal referrals remained to be processed. By the end of the year, only 47 referrals remain open, and all now have been assigned to Equality/Adjudication Officers for hearing and decision and will be processed promptly. All remaining legacy equality cases are complex and some of these were pending a decision of a superior court.

## Labour Court Decisions on WRC Appeals

In 2019 the WRC was notified of 383 decisions issued by the Labour Court in the year taken against appeals from WRC Adjudication Officer decisions/recommendations. This figure does not represent all cases dealt with or decisions issued by the Labour Court in the calendar year. Of the decisions notified 171 decisions (45%) were upheld, 81 decisions (21%) were overturned and 110 decisions (29%) varied.



<b>Labour Court Outcomes</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Decisions Issued</b>	351	372	383
<b>Upheld</b>	171	179	171
<b>Varied</b>	84	88	110
<b>Overtured</b>	91	99	81
<b>Failed: Time-limits/ Jurisdiction / Other issues</b>	5	6	21

## Intra-WRC Collaboration

In 2019, Adjudication Officers and staff of the Adjudication Services Division provided considerable support to the Advisory Service by delivering bespoke training throughout the year.

Service delivery has improved considerably because of these engagements and the WRC is very grateful for the important and constructive input provided by its stakeholders.

## Stakeholder Engagement

The Adjudication Service engages extensively with major stakeholder bodies such as the Irish Congress of Trade Unions, IBEC, ISME, legal representative bodies, such as ELAI/Law Society/Bar Council, An Garda Síochána and NGOs.

In 2019, discussions centred around:

- processing and consideration of requests for the postponement of hearings,
- the submission of statements in good time,
- linking related cases to improve process efficiency,
- improving the website,
- preparing for and assisting An Garda Síochána with their upcoming access to the States IR mechanisms (WRC and the Labour Court).





# Inspection and Enforcement Service

The Inspection and Enforcement Services undertakes inspection of employment records to ensure employers compliance with employment law in the State. The process involves, but is not confined to, examining employer's employment-related books and records and conducting both employer and employee interviews.

Inspectors visit places of employment to carry out these functions. Visits may be both announced and unannounced.

The objective is to verify employer compliance with the relevant employment law and if necessary, to enforce compliance with the law. Compliance may include redress for the employees concerned in the form of payment of any unpaid wages arising from breaches detected.

Inspectors may be accompanied by other inspectors. Inspections may also take place in tandem with An Garda Síochána and other regulatory bodies. Inspectors also participate in Joint Inspections with officers from the Department of Employment Affairs and Social Protection and the Revenue Commissioners.

## Inspections Completed 2019

Inspection activity is focused on sectors where previous non-compliance has been detected and in response to complaints received regarding alleged non-compliance by specific employers. The following table contains details of inspection activity in 2019. (The non-compliance rates shown reflect non-compliance of the employers inspected and should not be taken as representative of the relevant sector).

Of the 4,804 cases completed, some 2,896 inspections (60%) were unannounced and 402 joint inspections were carried out with An Garda Síochána and other regulatory bodies of the State.

Sector	Cases Completed	Number in Breach	Breach %	Employees	Unpaid Wages (€)
ACCOMMODATION	103	25	24%	3,620	€11,871
ACCOMMODATION AND FOOD SERVICE ACTIVITIES	59	9	15%	1,161	€1,638
ACCOUNTING	5	0	0%	10	€0
ACTIVITIES OF HOUSEHOLDS AS EMPLOYERS	4	0	0%	2	€0
ADVERTISING AND MARKET RESEARCH	6	2	33%	70	€1,577
AGRICULTURE, FORESTRY AND FISHING	63	28	44%	3,582	€86,689
AIR TRANSPORT	3	1	33%	2,163	€0
AQUACULTURE	1	1	100%	60	€0
ARCHITECTURAL AND ENGINEERING	9	3	33%	195	€641
ARTS, ENTERTAINMENT AND RECREATION	10	3	30%	49	€345
CONSTRUCTION	219	63	29%	2,110	€203,314
CONTRACT CLEANING	41	15	37%	4,158	€22,746
CREATIVE, ARTS AND ENTERTAINMENT	12	2	17%	112	€10,414
CROP AND ANIMAL PRODUCTION, HUNTING	8	2	25%	164	€448
DOMESTIC WORKER	4	2	50%	14	€7,877
EDUCATION	30	14	47%	608	€14,908
ELECTRICITY, GAS, STEAM, AIR CONDITIONING	18	8	44%	704	€20,035
EMPLOYMENT ACTIVITIES	21	7	33%	4,571	€6,698
EQUINE	11	5	45%	238	€29,009
FINANCIAL AND INSURANCE ACTIVITIES	7	1	14%	675	€0
FISHERIES	47	10	21%	64	€1,907
FOOD & BEVERAGE SERVICE ACTIVITIES	1,856	555	30%	14,029	€639,566
FORESTRY AND LOGGING	1	1	100%	36	€0
GAMBLING AND BETTING	25	0	0%	72	€0
HAIRDRESSING & OTHER BEAUTY TREATMENTS	375	139	37%	2,007	€73,033
HEAD OFFICES AND MANAGEMENT CONSULTANCIES	2	1	50%	1	€0
HEALTH NURSING AND CHILDCARE	27	13	48%	5,519	€371,558
HORSE BREEDING	1	0	0%	2	€0

<b>HORSE RACING (INCL TRAINING STABLES)</b>	6	3	50%	73	€0
<b>HOTEL</b>	26	19	73%	2,234	€53,643
<b>HUMAN HEALTH AND SOCIAL WORK</b>	58	12	21%	4,349	€698
<b>INFORMATION AND COMMUNICATION</b>	14	5	36%	104	€616
<b>LEGAL</b>	6	4	67%	15	€5,394
<b>MANUFACTURING</b>	53	24	45%	6,832	€18,770
<b>MEAT PROCESSING &amp; PRESERVING</b>	7	1	14%	1,610	€0
<b>MINING AND QUARRYING</b>	2	1	50%	570	€0
<b>OFFICE ADMIN AND SUPPORT</b>	4	3	75%	21	€1,555
<b>OTHER PROFESSIONAL</b>	61	14	23%	3,780	€14,218
<b>OTHER SERVICE ACTIVITIES</b>	285	116	41%	6,656	€847,497
<b>POSTAL AND COURIER SERVICES</b>	6	5	83%	512	€0
<b>PROFESSIONAL, SCIENTIFIC AND TECHNICAL</b>	75	30	40%	25,551	€830,487
<b>PUBLIC ADMINISTRATION AND DEFENCE, SOCIAL SECURITY</b>	8	2	25%	4	€0
<b>REAL ESTATE ACTIVITIES</b>	2	1	50%	5	€0
<b>RENTAL AND LEASING</b>	2	1	50%	307	€0
<b>RESIDENTIAL CARE</b>	13	3	23%	372	€64,456
<b>SCIENTIFIC R&amp;D</b>	7	3	43%	3	€0
<b>SECURITY AND INVESTIGATION</b>	17	10	59%	4,778	€46,296
<b>SERVICES TO BUILDINGS AND LANDSCAPE ACTIVITIES</b>	9	7	78%	154	€6,882
<b>SOCIAL WORK ACTIVITIES</b>	1	0	0%	1	€0
<b>SPORTS, AMUSEMENT AND RECREATION</b>	31	15	48%	366	€0
<b>TRANSPORTATION AND STORAGE</b>	64	40	63%	2,152	€200,430
<b>TRAVEL AGENCY, TOUR OPERATOR</b>	15	5	33%	338	€10,996
<b>VETERINARY</b>	3	2	67%	19	€26,774
<b>WAREHOUSING AND SUPPORT</b>	10	7	70%	636	€735
<b>WATER SUPPLY; SEWERAGE, WASTE, REMEDIATION</b>	2	0	0%	5	€0
<b>WHOLESALE AND RETAIL TRADE</b>	1,049	256	24%	19,460	€296,121
<b>TOTAL</b>	4,804	1,499		126,903	€3,929,840



## Compliance Notices

Employers are notified in writing of breaches detected in the course of an inspection. In most instances, the breaches are rectified by the employer and the inspection is concluded. Where breaches are not rectified within a reasonable timeframe, an Inspector may issue a Compliance Notice specifying the action to be taken and a specified date for completion of those actions. An employer who does not comply with the obligations under such a notice may be guilty of an offence.

A total of 52 compliance notices were issued in 2019 for breaches in relation to rest periods, annual leave, public holidays and Sunday Premium.

An Inspector may issue a compliance notice for contraventions of the provisions listed in Schedule 4 of the Workplace Relations Act. In 2019, the Labour Court ruled that an Inspector is not empowered to issue a notice for contraventions of Statutory Instrument associated with these provisions. The ruling and its impact are under consideration.

## Fixed Payment Notices

Where an employer fails or refuses to provide employees with a written statement of wages and deductions, an Inspector may issue a Fixed Payment Notice. A statutory fine of €1,500 applies. An employer who does not pay the fine may face summary prosecution and may be guilty of an offence.

A total of 12 Fixed Payment Notices were issued in 2019.

## Prosecutions

Failure or refusal by an employer to comply with an employer's statutory obligations may lead to the initiation of a criminal proceeding. Some 125 employers were convicted in summary proceedings in the District Court in 2019 compared with 66 in 2018. These convictions are published in Appendix 5.

## Construction Sector Campaign

In October 2019, in conjunction with the Information Unit, the Inspection services initiated

a Construction Sector Awareness Campaign. The campaign focused on employer awareness of and compliance with the provisions of the amended Construction Sectoral Employment Order (SEO) which came into force on 1st October 2019. The campaign involved over 270 site visits (some of which are still ongoing) and the provision of information on revised terms of the SEO to employers and employees in the sector. Inspectors detected non-compliance with the SEO pay rates in 67 instances (25%) and non-compliance with record-keeping obligations in 88 instances (33%).

## EMPACT Trafficking in Human Beings 2019

Over the week ending 12 May 2019, Inspectors carried out 169 inspections focussed on the detection of labour exploitation in the Car Wash and Nail Bar sectors as part of a Europe-wide operation. The operation involves inspections by Labour Inspectorates and Police forces across Europe.

Some 82 business were detected in breach of employment legislation, the most common issue was a failure to keep employment records (43%), failure to issue payslips (19%), and breaches in relation to minimum wage and employment of persons without permission (both 12%).

The operation was carried out in conjunction with the An Garda Síochána, who participated in 39 joint inspections. Officers of the Department of Employment Affairs and Social Protection and the Revenue Commissioners also participated in 20 and 10 joint inspections respectively.

All instances of breach of employment law are being followed up by the WRC and other agencies involved and it is expected, as in previous years, that a number of criminal prosecutions will result.

## Equine Sector

The primary objectives of the Equine Campaign, which commenced in May 2017, are to identify contraventions of employment rights and employment permits legislation, seek redress in terms of entitlements not granted and/or unpaid wages arising from contraventions, and promote an awareness of employment rights and obligations in the equine sector.

Some 82 investigations are now completed since the beginning of the campaign in May 2017. Unpaid wages amounting to €130,000 arising from contraventions detected, were secured in cases closed to the end of 2019.

Almost 400 contraventions were detected by the end of 2019. Of these, 23% of contraventions related to failure to keep working time records, while 17% related to other records and terms of employment. Some 26% of contraventions related to a failure to grant Sunday, Public Holiday or Annual Leave entitlements, and hours/rest contraventions and payslip contraventions each accounted for 10% and 7% respectively.

The WRC also continued to work closely with Horse Racing Ireland, Horse Sport Ireland and the ITBA on measures to enhance compliance including the production of a guide for employers, to be published in 2020, on employment rights and obligations within the industry.

## Fisheries Sector

The WRC continues to contribute to the multi-agency effort to enforce the Atypical Worker Permission Scheme governing the employment of non-EEA nationals in the whitefish sector of the Irish Fishing Fleet. Three specific operations, involving 84 inspections, were conducted in 2019 by the WRC's Fisheries Compliance Team bringing to 413 the total number of WRC inspections since the Scheme was introduced in February 2016.

The WRC liaises closely with the Naval Service and Sea Fisheries Protection Authority and the Marine Survey Office of the Department of Tourism, Transport and Sport in terms of information sharing and collaboration. Since April 2019, the WRC has furnished information to the Marine Survey Office in relation to potential non-compliance with the hours of work/rest regulations enforced by that Office. In addition to unannounced inspections focussed on vessel landings in ports, WRC Inspectors undertake detailed compliance assessments in order to ensure that non-EEA nationals engaged under the Scheme are receiving their entitlements.

A specific page on the WRC's website setting out the rights of employed fishers and the obligations of fishing vessel owners insofar as employment rights are concerned was launched in 2019 while the key employment rights publications were made available in the most common languages of non-EEA fishers engaged in the Irish fleet.

## International Activities

The European Labour Authority (ELA) was established in June 2019. The role of the ELA is to provide support to EU countries in the areas of cross-border co-operation and enforcement of relevant Union law, including facilitating joint inspections.

The WRC is represented on the board of the ELA by the Director of Information Inspection and Enforcement Division and is participating in joint initiatives being undertaken by the ELA, including the Platform for Tackling Underdeclared Work and the EU Fair Work Campaign.

In 2019, the WRC also participated in a transnational European Project (Eurodétachment) for the enhancement of administrative cooperation and access to information for Posted Workers. A bi-lateral information-sharing agreement was signed with the Portuguese Labour Inspection Authority (ACT) in December 2019. Further bi-lateral agreements will be explored in 2020.





# Appendix 1

## Work Programme 2019: Divisional Programmes

### Advisory Service

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Improve site-specific workplace relations</b>	Carry out reviews of industrial relations, chair joint working parties, facilitate resolution of individual disputes including referrals under the IR Act 2015	Throughout 2019	Effective, tailored programme delivery, high service user satisfaction, improved workplace relations	Significant levels of assistance continue to be provided across all disciplines with high positive impact
<b>Provide workplace education where required</b>	Develop and deliver appropriate educational programmes	Throughout 2019	High Client Satisfaction – better understanding of issues and improved workplace relations	18 programmes delivered
<b>Further roll out of Frequent Users Programme</b>  <b>Promote awareness of the WRC and contribute to the policy debate.</b>	Engage systematically with WRC frequent users to ascertain if WRC assistance required in terms of improving workplace relations	Throughout 2019	Improved working relationships to the satisfaction of the parties	Ongoing engagement with users
<b>Redraft Codes of Practice on Bullying and Harassment</b>	Conclude review with HSA and stakeholders and agree revised text	Q219	Code drafted and submitted to Minister	Code agreed with social partners.
<b>Oversee transition An Garda Síochána into WRC processes</b>	Oversee provision of appropriate cross-Divisional training to the parties	Q1/Q219	Transition achieved	Transition completed

## Conciliation, Facilitation and Mediation

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Provide timely, effective and efficient Conciliation service and ensure demand is met whilst maintaining delivery of all services</b>	Provide conciliation in an appropriate timeframe to facilitate resolution of industrial relations disputes. Proactively engage with service users to support and provide assistance in the maintenance of positive industrial relations	As and when required by clients throughout 2019	Maintenance of high success rate in the resolution of industrial relations disputes.	1,202 conciliation conferences held with an 86% settlement rate..
<b>Enhance client usage of relevant mediation services of WRC</b>	Maintain 2018 mediation levels and provide more mediation regionally where required  Deliver workplace mediation on an <i>ad hoc</i> basis	Throughout 2019	2018 levels of participation in the mediation process maintained and stakeholder satisfaction levels high. Cases triaged effectively and efficiently to bring about an overall reduction in numbers advancing to adjudication process in rights based claims.	Mediation provided as appropriate. 45% of pre-adjudication mediation cases averted from Adjudication
<b>Chair and facilitate various different industrial relations and statutory fora in both the private and public sector</b>	Facilitate discussions in a timely fashion. Assist parties deal with all issues in accordance with procedures and operations as set in agreed terms of reference	Throughout 2019	Effective delivery, operation and conclusion of all issues raised in accordance with protocols and procedures with the agreement of all parties	All fora chaired appropriately and all request for facilitation met.
<b>Ensure effective two-way communication with primary clients</b>	Maintain effective dialogue with key clients in all regions and nationally	At all times during 2019	Effective operation of communication channels maintained	Ongoing dialogue maintained.

## Adjudication Service

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Reduce median time between hearing/ receipt of submissions and issuing of decision</b>	While observing the independence of the Adjudicators provide administrative support and oversight to achieve the goal	Throughout 2019	Median time reduced by 14 days	The median time from receipt of all complaint to decisions issuing was 8.2 months.
<b>Deliver high quality decisions</b>	Monitor and review quantity and availability of adjudicators to ensure delivery capacity.	Throughout 2019	High quality decisions issue	Decisions accepted in 90% of cases
	Internal Quality Control Review Group will review decisions to identify learning points, to ensure consistency of decisions in common areas, to improve the service provided to customers of the Adjudication Service.	Throughout 2019	Internally and externally recognised and delivered WRC adjudication standard	Quality control oversight maintained

## Inspection and Enforcement Services

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Promote and enforce compliance with employment law</b>	Risk-based inspections, complaint-based inspections, with other State bodies where appropriate	Throughout 2019	5000 Inspections concluded incl. 2500 unannounced workplace visits	4,804 inspections completed
	Prosecute, as appropriate, offences of non-compliance with employment legislation	Throughout 2019	A 90% successful prosecution rate	125 prosecutions completed

	Maintain standard process with regard to and measure effectiveness of issuing and processing of Compliance and Fixed Payment notices Regular engagement with stakeholders	Throughout 2019	Notices issued appropriately and having effect.	52 compliance notices but impacted by "Boots decision".
<b>Enforce awards arising from decisions of adjudication and Labour Court proceedings</b>	Pursue enforcement of decisions and awards arising from decisions of adjudication and Labour Court in relation to adjudication and inspection activity	Throughout 2019	Decisions and awards pursued in manner that maximises efficiency and effectiveness	66 cases closed
<b>Issue licences and enforce legislation in relation to Employment Agencies and the employment of Young Persons</b>	Licenses processed and issued in an efficient and lawful manner	Throughout 2019	1000 licences issued	818 Agency licences and 487 PYP licences issued in line with demand.
<b>Co-operate with other enforcement agencies</b>	Facilitate training, staff exchanges, joint inspections and sharing of appropriate data, review MoUs to ensure compliance with GDPR requirements	Throughout 2019	Successful activities underpinned by legislation and appropriate MoUs	Co-operation ongoing. New MoU signed with ACT Portugal.
<b>Leveraging technology to drive compliance</b>	The new inspection platform will be fully exploited during 2019 to produce "real time" management information on the inspection and enforcement process.	Q219 onwards	Enhanced efficiencies arising from capture and usage of data	ERCES rolled out successfully. Data capture enhanced
<b>Carry out targeted campaigns in the identified sectors</b>	Campaigns carried out effectively and efficiently	Q419	Positively impact compliance and create/enhance awareness of relevant rights and duties	Campaigns undertaken successfully
<b>Initiate SME client representative information and education programme to improve compliance generally</b>	Work with Communications and Information Unit to ensure programme is effective and efficient	Throughout 2019	Improved knowledge base in these employments by end-2019 - better compliance through targeted campaigns 2020	Engaged successfully with key representatives in this area



## Information and Customer Services

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Provide non-directive information on WRC activities generally, employment legislation and redress mechanisms through a variety of delivery formats</b>	Provide a high quality accessible, customer-focused and user-friendly response to telephone, email, white mail and other employment rights enquiries	Throughout 2019	90% of queries dealt with at initial query	High quality service delivered.  56,816 telephone calls received -96.4 % dealt with at initial query
	Co-ordinate the targeted participation of the WRC at employment law seminars, presentations, exhibitions, roadshows etc.	Throughout 2019	Key events identified, targeted message deliver effectively and efficiently.	54 such presentations delivered
	Use WRC social media platforms to raise awareness of employment legislation, relevant decisions, WRC activities/remit and promote WRC redress mechanisms to the public.	Throughout 2019	Increased awareness of the WRC and its remit/services using social media accounts.  Key events, days, campaigns. research and data identified and effectively publicised on social media.  10% increase in following on WRC social media platforms	Twitter and LinkedIn profiles actively managed  Over 600 new followers on Twitter in 2019

<b>Efficient processing of complaints and applications to the WRC</b>	All complaints processed in a timely and efficient manner and referred to the appropriate redress forum	Throughout 2019	All current complaints processed efficiently and effectively (this process dealt with some 15,000 specific complaints in 2018) – 90% of files created within 10 working days and respondent put on notice	8,309 Applications received comprising of 20,939 specific complaints
<b>Deliver Outreach and Communications Strategy</b>	Identify WRC activities and external events that can be used to enhance efficiency and effectiveness of WRC generally	Q219	Increased awareness and understanding of the WRC, its identity, role and functions, across industrial relations, employment rights, equality and equal status matters, WRC suite of services marketed, bespoke seminars, roadshows, and presentations delivered to stakeholders and target audience	54 such presentations /events delivered or attended
<b>Deliver SME client representative information and education programme to improve compliance generally</b>	Work with Inspection and Enforcement Division to ensure programme is effective and efficient	Q419	Improved knowledge base in these employments by end-2019	Guidance for employers and employees produced and publicised.

## Legal Affairs

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>WRC legal service operating effectively and efficiently</b>	Structures, procedures, and business processes operating efficiently	Throughout 2019	Legal service established and fully functional.	Services fully delivered
<b>Provide appropriate legal training to staff and adjudicators – legally sound approach to all activities of WRC</b>	Identify training structures, training needs and deliver. Provide training of legal services staff as needs arise and ensure CPD achieved	Throughout 2019	Training being implemented and Adjudicators up to date on jurisprudence	Training delivered
<b>Manage legal services used within the WRC</b>	Provide for legal services where appropriate (including panels for legal advice where appropriate)	Throughout 2019	Systems functioning effectively	Legal services managed appropriately
<b>Manage and provide for timely, effective and robust legal advice on all aspects of legal matters before the WRC</b>	Consider correspondence, provide advice, brief Counsel where necessary, manage case progress and outcome, liaise with CSSO, AGO and DBEI on legal issues as appropriate.	Throughout 2019	WRC manages legal matters effectively and efficiently. WRC has effective role in relevant legislative developments	Quality advice provided appropriately
<b>Maintain a specialised database and library facility for Adjudicators and WRC staff generally</b>	Ensure appropriate access to relevant external databases such as Westlaw, Bailii, etc. develop internal database on all aspects employment and equality law, establish virtual and physical library kept up to date	Throughout 2019	Databases and library in place and fully utilised	Database maintained
<b>Set and manage legal costs within budget parameters</b>	Monitor spend on legal costs/identify efficiencies	Throughout 2019	Legal Costs managed effectively, efficiently and within budget	Costs managed appropriately
<b>Inform stakeholders of trends in complaints and decisions</b>	Publish analyses of employment rights complaints and WRC decisions with particular regard to equality and equal status cases	Quarterly	Commentaries published	Commentary published in Annual Report and in presentations

## Corporate Division

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
<b>Maintain robust corporate governance framework in WRC</b>	Oversee and monitor internal standards/policies/procedures	Throughout 2019	Corporate governance in WRC in line with best practice	Robust corporate governance delivered
<b>Ensure WRC carries out statutory functions within budget</b>	Oversee efficient and effective expenditure, monitor service demand and activity levels and liaise regularly with DBEI in this regard	Throughout 2019	Work programme achieved consistent with proper utilisation of budget allocation	Resources Provided
<b>WRC has functional flexibility</b>	Ensure that the WRC has the ability to respond quickly to shifting demand patterns across the full range of its activities.	Throughout 2019	WRC able to respond quickly to Divisional demand spikes	Demand spikes managed
<b>Manage the WRC risk-based strategic, business planning performance culture at all levels of the organisation</b>	Assist in deliberation around, and implementation of, Board strategy and roll out via Corporate, Divisional, Unit and personal business plans, measure and take remedial action against risks and report on progress to Management Committee and Board on a regular basis	Throughout 2019	WRC fully operating within coherent strategic and business plan framework	Risk registration and business planning fully operational
<b>Enhance and inform the policy debate on workplace relations developments</b>	Identify areas of policy concern and input to policy formulation  Publish Regular Commentaries/Data on WRC activities that contain clear and focused data presentation	Throughout 2019	Regular relevant commentaries and reports published  Fuller understanding of WRC activities and services and of how well positioned workplaces are around compliance and best- practice.	Achieved via publications, presentations and Annual Report



<b>South and West WRC regions providing full service in WRC premises</b>	Work with OPW to ensure the regional WRC offices are capable of facilitating the delivery of all WRC services by Q319	Throughout 2019	Offices fully operational	Mid-West Regional office fully operational. Southern region well advanced.
<b>Monitor ICT systems to ensure they facilitate the delivery of efficient and effective WRC services</b>	Review quarterly and update where needed	Throughout 2019	Easy to use ICT systems working efficiently and effectively	ICT systems operating fully
<b>Review and Design new eComplaints facility</b>	Work with WRC and DBEI ICT to design a new easy to navigate web-based form that improves overall user experience and delivers internal operational efficiencies	Q419	New form reviewed and designed as required	Project significantly advanced and build scheduled for 2020
<b>Oversee design, build and rollout of Conciliation, Facilitation, Mediation, and Advisory IT platform.</b>	Work with DBEI and internal partners to put in place suitable user-friendly case management system that enhances efficiencies and service delivery	Q419	System operational	System and budget approved. Process ongoing.
<b>Leveraging Technology to improve efficiencies and use of resources</b>	WRC will work with DBEI to explore the potential uses of enhanced automated processes	Throughout 2019	Potential uses identified and medium-term strategy developed	Uses identified and strategy advanced.

# Appendix 2

## Legislation by which complaints may be submitted to the Adjudication Service

- Organisation of Working Time Act 1997
- Unfair Dismissal Acts
- Industrial Relations Acts
- Payment of Wages Act 1991
- Terms of Employment (Information) Act 1994
- Redundancy Payments Acts
- Employment Equality Acts
- Minimum Notice and Terms of Employment Act 1973
- European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003
- (S.I. No. 131 of 2003) (other than Regulation 4(4) (a))
- Equal Status Acts
- Protection of Employees (Fixed-Term Work) Act 2003
- National Minimum Wage Act 2000
- Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities)
- Regulations 2012 (S.I. No. 36 of 2012)
- Safety, Health and Welfare at Work Act 2005
- Maternity Protection Act 1994
- Parental Leave Act 1998
- Protection of Employees (Part-Time Work) Act 2001
- Protection of Employees (Temporary Agency Work) Act 2012
- European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation)
- Regulations 2006 (S.I. No. 507 of 2006)
- Regulation 6 of European Communities (Protection of Employment) Regulations
- Protected Disclosures Act 2014
- European Communities (Organisation of Working Time) (Activities of Doctors in Training)
- Regulations 2004 (S.I. No. 494 of 2004)
- European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross- border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)
- Employment Permits Act 2006
- Consumer Protection Act 2007
- Pensions Acts
- Health Act 2004
- Criminal Justice Act 2011
- Regulation 9(4) of the European Communities (Occurrence Reporting in Civil Aviation)
- Regulations 2007 (S.I. No. 285 of 2007)
- Competition Act 2002
- Carer's Leave Act 2001
- Protections for Persons Reporting Child Abuse Act, 1998
- Protection of Employees (Employers' Insolvency Act, 1984
- National Asset Management Agency Act 2009
- Chemicals Act 2008
- Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
- Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement)
- Regulations 2007 (S.I. No. 259 of 2007)
- Charities Act 2009
- Regulation 39(1) of the European Communities (Cross- Border Mergers) Regulations 2008

- (S.I. No. 157 of 2008)
- Inland Fisheries Act 2010
- Protection of Young Persons (Employment) Act 1996
- An Employment Regulation Order under S.42C (inserted by S.12 of the Industrial Relations (Amendment) Act 2012) of the Industrial Relations Act 1946
- A sectoral employment order within the meaning of Chapter 3 of Part 2 of the Industrial Relations (Amendment) Act 2015
- Property Services (Regulation) Act 2011
- Adoptive Leave Act 1995
- Central Bank (Supervision and Enforcement) Act 2013
- Registered employment agreement within the meaning of Chapter 2 of Part 2 of the Industrial Relations (Amendment) Act 2015
- Prevention of Corruption (Amendment) Act 2001
- Paternity Leave and Benefit Act 2016
- Employees (Provision of Information and Consultation) Act 2006
- Protection of Employment Act 1977
- Transnational Information and Consultation of Employees Act 1996
- Further Education and Training Act 2013

### Explanatory Note:

The legislative basis for the referral of complaints and disputes to the Director General of the WRC for adjudication arises from a number of different enactments which include the Workplace Relations Act 2015, the Unfair Dismissals Act 1977, the Employment Equality Act 1998, the Equal Status Act 2000, the Pensions Act 1990, the Protection of Employees (Employers' Insolvency) Act 1984, the Redundancy Payments Act 1967 and the Industrial Relations Act 1969.

The legislative basis for the referral of complaints and disputes under most of the enactments in respect of which the Director General of the WRC has first instance jurisdiction are governed by the provisions of **Section 41 of the Workplace Relations Act 2015 (No. 16 of 2015)**.

Section 41 of the Workplace Relations Act 2015 creates a common procedure for the presentation of complaints and the referral of disputes under various pieces of employment legislation to the Director General of the Commission. The individual employment enactments under which a person can present a complaint or refer a dispute to the Director General of the WRC in accordance with the provisions of Section 41 are listed in Schedule 5 of the Workplace Relations Act 2015.

The provisions of Section 41 of the Workplace Relations Act 2015 have been amended by the Section 24(b) of the Industrial Relations (Amendment) Act 2015 (S.I. No. 329 of 2015) and Section 20(1)(g) of the National Minimum Wage (Low Pay Commission) Act 2015 (S.I. No. 411 of 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Unfair Dismissals Act 1977 arises from Section 8 of that Act (the relevant provisions of Section 8 of the **Unfair Dismissals Act 1977** have been amended by Section 80 of the Workplace Relations Act 2015 and Sections 14 and 20(1)(l) of the National Minimum Wage (Low Pay Commission) Act 2015 (S.I. No. 410 of 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the **Employment Equality Act 1998** arises from Section 77 of that Act (the relevant provisions of Section 77 of the Employment Equality Act 1998 have been amended by Section 83 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the **Equal Status Act 2000** arises from Section 21 of that Act (the relevant provisions of Section 21 of the Equal Status Act 2000 have been amended by Section 84 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under

the **Pensions Act 1990** arises from Part VII of that Act (the relevant provisions of Part VII of the Pensions Act 1990 have been amended by Section 82 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the **Redundancy Payments Act 1967** arises from Section 39 of that Act (the relevant provisions of Section 39 of the Redundancy Payments Act 1967 have been amended by Section 76 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Protection of Employees (Employer's Insolvency) Act 1984 arises from Section 9 of that Act (the relevant provisions of Section 9 of the **Protection of Employees (Employer's Insolvency) Act 1984** have been amended by Section 81 of the Workplace Relations Act 2015).

The legislative basis for the referral of a trade dispute to the Director General of the WRC under the **Industrial Relations Act 1969** arises from Section 13 of that Act (the relevant provisions of Section 13 of the Industrial Relations Act 1969 have been amended by Sections 8, 40(9) and Schedule 2 Part 1 Item 2 of the Workplace Relations Act 2015).

# Appendix 3

## Number of complaints received under each piece of legislation

Adjudication	Complaints
section 27 of the Organisation of Working Time Act, 1997	7290
section 6 of the Payment of Wages Act, 1991	2043
section 8 of the Unfair Dismissals Act, 1977	1855
section 13 of the Industrial Relations Act, 1969	1254
section 77 of the Employment Equality Act, 1998	1245
section 7 of the Terms of Employment (Information) Act, 1994	1230
section 11 of the Minimum Notice & Terms of Employment Act, 1973	739
section 39 of the Redundancy Payments Act, 1967	589
Regulation 10 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)	581
section 21 Equal Status Act, 2000	485
section 24 of the National Minimum Wage Act, 2000	356
Industrial Relations Acts	306
Regulation 18 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 - S.I. No. 36/2012	254
section 14 of the Protection of Employees (Fixed-Term Work) Act, 2003	200
section 28 of the Safety, Health & Welfare at Work Act, 2005	133
section 45A of the Industrial Relations Act, 1946	124
section 23 of the Industrial Relations (Amendment) Act, 2015	100
section 81(e) of the Pensions Act, 1990 as amended by the Social Welfare (Miscellaneous Provisions) Act 2004	94
Schedule 2 of the Protected Disclosures Act, 2014	82
section 16 of the Protection of Employees (Part-Time Work) Act, 2001	55
section 30 and 31 of the Maternity Protection Act 1994	49
section 18 of the Parental Leave Act 1998	45
section 20(1) of the Industrial Relations (Amendment) Act, 2015	45
Regulation 6 of the European Communities (Protection of Employment) Regulations 2000	35
section 25 of the Protection of Employees (Temporary Agency Work) Act, 2012	30
Regulation 15 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 - S.I. No. 507 of 2012	29



<b>section 86 of the Employment Equality Act, 1998</b>	23
<b>Schedule 2 of the Criminal Justice Act 2011</b>	15
<b>section 9 of the Protection of Employees (Employers' Insolvency) Act, 1984.</b>	13
<b>section 18A of the Organisation of Working Time Act, 1997</b>	12
<b>section 19 of the Carer's Leave Act 2001</b>	11
<b>European Communities (organisation of Working time)(Activities of Doctors in Training) Regulations 2004 (S.I. no. 494 of 2004)</b>	9
<b>Regulation 8 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, - SI No. 377 of 2009</b>	9
<b>Schedule 6 of the Consumer Protection Act, 2007</b>	8
<b>Schedule 3 of the Employees (Provision of Information &amp; Consultation) Act, 2006</b>	7
<b>Part 14 Section 103(55M) of the Health Act, 2007</b>	6
<b>section 67(5) of the Property Services (Regulation) Act 2011</b>	6
<b>Part 3 Section 20 of (European Cooperate Society) (Employee Involvement) Regulations 2007</b>	6
<b>Schedule 2 of the Employment Permits Act, 2006</b>	5
<b>section 6(1) of the Prevention of Corruption (Amendment) Act 2010</b>	5
<b>section 27 of the Paternity Leave and Benefit Act, 2016</b>	5
<b>section 24 of the National Minimum Wage Act, 2000</b>	4
<b>section 62(2) of the Charities Act 2009</b>	4
<b>section 4 of the Protection of Persons Reporting Child Abuse Act, 1998</b>	3
<b>section 9 of the Industrial Relations (Miscellaneous Provisions) Act 2004</b>	3
<b>Schedule III of the Competition Act, 2002-2010</b>	3
<b>Schedule 4(1) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007</b>	2
<b>Schedule 5 of the Central Bank (Supervision and Enforcement) Act, 2013</b>	2
<b>section 26 of the Chemicals Act, 2008</b>	1
<b>section 35 of the Further Education and Training Act 2013</b>	1
<b>Schedule 2 of European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations 2006</b>	1
<b>section 18 of the Protection of Young Persons (Employment) Act, 1996</b>	1

# Appendix 4

## Notable WRC Adjudication Decisions

### Reasonable Accommodation

#### Przemyslaw Kulczycki v The Tipperary Cheese Company Ltd

**DEC-E2019-006- Date of Issue 6 June 2019**

*Complaint on grounds of disability (scoliosis) and reasonable accommodation*

This dispute involves a claim by a complainant that he was discriminated against by the respondent on the grounds of disability, in terms of section 6(2) and contrary to section 8 of the Employment Equality Acts 1998 to 2015 when they failed to provide him with reasonable accommodation for his disability.

The complainant submits that he commenced employment with the respondent on 27 November 2006 as a general operative. He states that he was happy in his employment and over time, he was successful in his application for the role of supervisor. The complainant states that in June 2013, he started to experience some back pain and he went to his GP and was certified on sick leave absence from work. His GP then referred him to an Orthopaedic Consultant who made a diagnosis of Scoliosis.

The complainant asserts that the respondent did not organise for any medical assessment to be carried out in relation to his disability nor did the respondent look into the provision of reasonable accommodation/ appropriate measures to allow him to remain in employment. In conclusion the complainant states that he has suffered direct discrimination by the respondent who refused to return him to work following a diagnosis of Scoliosis.

The respondent submits that the complainant's main role comprised lifting/carrying and pushing various volumes of cheeses, yogurts etc

and that if the company returned him to work, the complainant would have been a danger to himself and to other staff in the job. The respondent states that it was not in a position to provide work to him as it only has general all-purpose positions which the complainant had advised were not suitable for him. The respondent denies that it discriminated against the complainant on grounds of disability.

The Adjudication Officer found that the respondent did not carry out any assessment in relation to the needs of the complainant as is required under the Acts. No expert evidence was obtained in relation to the complainant as to the duties/tasks which he could/could not undertake. She found that the respondent did not make enquiries regarding the impact of the complainant's condition on his ability to do the job. It was not in possession of all the material facts. She noted that the respondent stated at the hearing that he did not have work for the complainant nor was he in a position to create a "soft job" for the complainant. Having carefully considered the documentation and witness testimony in the instant case, she found that the complainant, based on the above evidence, had established a nexus in relation to his treatment in employment and his disability. Accordingly, she found the complainant had demonstrated a prima face case of discrimination on grounds of his disability in relation to the respondent's failure to provide him with reasonable accommodation. The Adjudication Officer ordered that the respondent pay the complainant €20,000 by way of compensation for breaches of the Acts.

### A Cleaning Operative v A Facilities Services Company,

**ADJ-00016299, 12 November 2019**

*Complaint on grounds of disability (whilst recovering from elective surgery) and reasonable accommodation – (post Nano Nagle)*

The complainant contended discrimination on the ground of disability, due to the employer's failure to provide her with reasonable accommodation.

The complainant commenced her employment as cleaning operative with the respondent on 10th December 2012. The employment relationship was uneventful until 6th November 2017, when the complainant availed of gastric band surgery. After the surgery,

the complainant was unable to undertake fully her regular role as cleaning operative. Approximately three weeks after her GP's confirmation that she was fit to return to lighter duties that did not involve any heavy lifting or pulling/pushing for a three-month period, the role of housekeeper / tea-lady became available and she readily accepted this position. However, the new position involved heavy duties.

There was no dispute between the parties as to whether the complainant suffered with disability. However, the main issues in the case were whether the employer had provided the complainant with reasonable accommodation and the extent of this duty.

The complainant alleged that the employer had let her go because of her disability (and not as a result of a complaint made by a customer) and had never made any reasonable steps to accommodate her. The respondent, on the other hand, contended that the complainant had never raised any issues with her new position, therefore, the respondent had not been aware of her grievances. The respondent also claimed that it had not been aware of its obligations under the Employment Equality Acts. In the alternative, the respondent argued that it would have been a disproportionate burden on the respondent to accommodate the complainant because it would have required another member of staff to assist the Complainant in undertaking the temporary housekeeper / tea-lady role.

After reviewing the jurisprudence of the Supreme Court in *Nano Nagle* in relation to the interaction of sections 16(1) and 16(3), the Adjudication Officer rejected all the respondent's arguments. First, the Adjudication Officer found that there was no fair procedure followed in dealing with the matter and that there was no prudent HR practice in place within the respondent's organisation. Second, the Adjudication Officer disregarded the contention of absence of knowledge in law as viable excuse. Finally, the Adjudication Officer decided that:

*"...without engaging in any meaningful way with the Complainant at the material time, it [was] impossible to say in hindsight and after the fact that she could not have been reasonably accommodated within the meaning of the Acts and/or that any such accommodation would have imposed a disproportionate burden on the Respondent."*

In its decision the Adjudication Officer took into consideration the procedures in place within the respondent, the size of the respondent and the manner in which it dealt with the problem. The Adjudication Officer decided in favour of the complainant and awarded her €40,000 for the effects of the discrimination.

## **Aisling O'Mara v Zac Global Promotions Ltd**

### **ADJ-00019367 - Date 12 November 2019**

*Complaint on grounds of disability (dyslexia) and dismissal and reasonable accommodation*

The Complainant claimed she was dismissed because of her disability. She is an actor and was employed by the Respondent on the 17th of September 2018 and was dismissed on the 23rd of September 2018. She was paid €500 per week.

The complainant had been diagnosed with dyslexia whilst at school and had reasonable accommodation with her exams.

In August 2018 her agent referred her for an audition for a part in a musical production being produced by the Respondent. At the first audition on the 20th of August 2018, the Complainant said she told the Director about her dyslexia. She was successful at this audition and 10 days later she was called back for a second interview which took place on the 29th of August 2018. She said that she informed the Director about her dyslexia at this audition also. She was successful in this audition and she commenced rehearsals on the 17th of September 2018 with two other actors. She said she had no difficulty with the rehearsal. There were rewrites to the script and by the end of the week they were all still reading from the script. On Friday 21st of September, they performed the first act in front of the Company Director and the Director. All the actors were still reading from the script and the Complainant said she asked for feedback and Director told her that she was to get off book for the next week.

On Sunday the 23rd of September 2018 she got a call from her Agent to tell her that she had received an email from the Respondent to tell her that in his creative opinion she was not suitable, and she was being released from the role. Her Agent said that she would email the Respondent

seeking her pay and to find out the reason.

Her Agent received a response on the 27th of September 2018 from the Respondent's solicitor stating that the Complainant's dyslexia was hampering her progress. The letter went on to state that had the Respondent known from the outset that the Complainant had dyslexia arrangements could have been put in place to accommodate her. The Complainant disagreed and said that she had informed the Respondent from the outset. She said it never had been brought to her attention that there had been any difficulties with her performance. She said that she would accept that if she was let go for creative or artistic reasons as this is a valid reason in the entertainment industry, but she believes she was let go because of her disability.

In evidence before the **Adjudication Officer**, the respondent's solicitor said that sending the letter suggesting that dyslexia was the reason for the dismissal was his mistake as he did not receive instructions to do so. The director of the musical said he decided not to keep the actor in the production as she was not keeping up to speed. In further evidence, the director of the musical stated that he was not aware of the complainant's dyslexia until after she was dismissed. The Adjudication Officer did not accept the respondent's denial in this regard, pointing to correspondence with the complainant's agent which showed that the director was aware of the actor's dyslexia from the outset.

The **Adjudication Officer** noted the respondent made no enquiries nor discussed with her what measures were required to accommodate her disability before dismissing her. The **Adjudication Officer** noted the reputational damage a dismissal in the entertainment industry can cause and awarded the claimant €20,000 in compensation for the distress caused to her and the effects of the discriminatory treatment.

## Constructive Dismissal

### A Former Regional Manager v A Vehicle Service Company,

**ADJ-00006875, 24 May 2019**

*Employers' actions left the employee with no option other than resignation from his managerial position*

The complainant claimed constructive dismissal. He stated that due to the respondent's unreasonable behaviour, he was left with no option but to resign. The Adjudication Officer upheld the complaint and awarded the complainant €46,500.

The complainant had been working for the respondent as a regional manager since 2010 until he resigned on 27th August 2016. He had an impeccable record as an employee of the respondent. However, on foot of an alleged incompetent dealing of an investigation, the respondent initiated the so called "Poor Performance Management Procedure" ("PPMP").

The principal issues in the case were the reasonableness of the employer's actions that triggered the complainant's decision to resign from the employment in the circumstances of the case and whether the complainant had exhausted all alternative avenues before tendering the resignation.

After reviewing relevant case law, the Adjudication Officer explained that in addition to the issue of the reasonableness of the employer's actions, and "...unlike complaints of unfair dismissal, the definition also firmly places the onus/burden of proof on the employee to show that the resignation was justified." The Adjudication Officer stated also that the case law overwhelmingly confirmed that, save for exceptional situations, an employee must have firstly exhausted all alternative avenues before tendering a resignation.

On the facts of the case, the Adjudication Officer found that, bearing in mind the complainant's good record of some 15 years at management level, one single instance of underperformance cannot be regarded as reasonable justification for putting the complainant on the "Poor Performance Management Procedure". The Adjudication Officer took also issue with the wording "Poor Performance", by saying that "Performance Improvement" would have been a better wording in the circumstances of the case. In that regard, the Adjudication Officer noted that according to the PPMP the poor performance must be over a period of time and that the respondent never took into consideration the personal issues of the complainant and other circumstances that had resulted in a reduction in work performance. The Adjudication Officer also found that the complainant had exhausted all reasonable avenues before resorting to resignation.

As a result of all the foregoing, and series of procedural misgivings about the manner in which the procedure was conducted by the respondent, the Adjudication Officer found that the respondent's actions unreasonably left the complainant "in a limbo situation from which there was no escape other than by way of resignation".

## Unfair Dismissal

### **A Business Development Manager v A Publishing Company,**

**ADJ-00019050, 15 May 2019**

*Adjudication Officer found Dismissal procedurally unfair*

The complainant started his employment as a Business Development Manager with the respondent on 4th July 2018 and was dismissed on 7 December 2018. As he did not have the requisite service with the respondent, the complainant filed his complaint of unfair dismissal with the WRC under the Industrial Relations Act 1969. The Adjudication Officer found that the dismissal was procedurally unfair and recommended the payment of €6,000 to the complainant.

The complainant was dismissed summarily on the 7 December 2018. On that date, he was called to a meeting and was told that "his overall sales performance was below expectation and that his employment would cease immediately."

In his written and oral submissions, the complainant explained that as he was unaware of the purpose of the meeting, he was unable to prepare in advance for it. He said also that he was not invited to bring a representative into the meeting, nor was he informed of any possible appeal process or potential course of action to remedy the situation and that he was not offered any chance to improve his overall sales performance. There was also a dispute between the parties as to the reasonableness of the targets imposed by the respondent.

The respondent disputed all this and added that the complainant never reached the targets and fell substantially below the standard required every month. In relation to the latter argument, the complainant stated that at the end of the third month of his employment he received an increase to his salary, which would

not have occurred if he had never met the targets before.

In addition, the respondent admitted that it had no grievance or disciplinary procedure in place in its organisation. However, it stated that it was entitled to dismiss according to the terms of the contract of employment while the complainant was still on probation.

The Adjudication Officer dismissed all the arguments of the respondent by saying that, despite the fact that the complainant was on probation, the complainant was still entitled to fair procedures. The Adjudication Officer cited the Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000 (S.I. 146/2000) and the Labour Court in the case of Beechside Company Ltd t/a Park Hotel Kenmare and A Worker LCR211798 where the court held the following: "*The Court has consistently held the view that it is imperative that an employer in a dismissal case must not only show that there were substantial grounds justifying the dismissal but also that fair and proper procedures were followed before the dismissal takes place. This requirement of procedural fairness is rooted in the common law concept of natural justice.*"

The Adjudication Officer recommended the payment of €6,000 to the complainant.

## Sexual Harassment

### **An International Sales and Marketing Executive v A Fashion Company,**

**ADJ-00020222, 25 November 2019**

*Complainant claimed Harassment and Sexual Harassment by CEO*

The complainant started her employment with the respondent on 5 September 2017 and was dismissed on 18 October 2018. She worked as International Sales and Marketing Executive and was paid €2,708.33 monthly. Among other complaints, she lodged with the WRC the complaints of harassment and sexual harassment. The Adjudication Officer found in her favour and awarded €64,999.92 for the effect of the discrimination suffered in relation to these two specific complaints.

The complainant worked as International Sales and Marketing Executive. She claimed



that during her employment she had been harassed and sexually harassed by the Chief Executive Officer of the respondent. In her written and oral submissions, she outlined the egregious nature of the alleged wrong doings. The Adjudication Officer summarised the complainant's working environment as follows:

"The complainant worked in an environment where she received unwanted attention and communication from the Chief Executive. Having reviewed the messages and emails, the Chief Executive's communication to the complainant can be paraphrased as "you're my inspiration / we're not just colleagues / my home life is a drag." The Chief Executive also uses sexual innuendo to solicit the complainant, especially late at night. This includes references to kissing and holding the complainant as well as waking up with her. This occurs amongst many over-the-top, emotive messages about growing the business and their relationship. The complainant was crystal clear in all her replies. Her response can be paraphrased as "I am not interested / let's get on with work."

In addition, the Adjudication Officer established on the facts and evidence submitted that the Chief Executive Officer exploited the vulnerability of the complainant as regards her visa and employment status in Ireland.

The respondent did not attend the hearing of the substantive matter of the case.

Under sections 14A and 15 of the Employment Equality Act 1998, the Adjudication Officer found the respondent company vicariously liable for the actions of the Chief Executive Officer and awarded the complainant €64,999.92, in addition to the awards of €25,000 for the unfair dismissal of the complainant under the Unfair Dismissals Act 1977, €2,708.33 for the breach of the Terms of Employment (Information) Act 1994 and €2000 as a redress under the Organisation of Working Time Act 1997, totalling €94,708.25.

## Age Discrimination/Retirement Age

**Anne Roper v Raidió Teilifís Éireann,**

**ADJ-00019084, 18 December 2019**

*Retirement age, age discrimination, objective justification*

The complainant in the case, Ms Anne Roper, initiated a complaint of discrimination on the ground of age against her employer, Raidió Teilifís Éireann/Raidió Teilifís Éireann. She based her complaint on the fact that she was compulsorily retired by her employer on her 65th birthday without objective justification. The Adjudication Officer decided in her favour and awarded her €100,000 compensation for the breach of her statutory rights under the Employment Equality Act 1998.

In 1997, having been working in the employer organisation for around nine years, the complainant was appointed to a role as a senior producer in television. When she retired at age 65 on July 9th 2018, she was an executive producer / director. In September 2017, in anticipation of her 65th birthday, she was invited to attend a retirement planning course. This began a series of communications with the HR Department in which the complainant communicated her wish to remain at work after age 65. By April 2018, it had become clear that the respondent would not allow her to stay on and, with the support of the NUJ, she attempted to have the matter resolved through the organisation's grievance procedure. The outcome from the first stage of the grievance procedure was confirmed to the complainant on June 22nd, 2018, two weeks before her 65th birthday. Following her retirement on July 9th, she proceeded through stage two and three of the grievance procedures and the outcome of her final appeal against the respondent's decision on her retirement was confirmed on September 4th 2018.

During the grievance process, the complainant told her employer that she enjoyed her job and she felt she could continue to be productive. In her evidence at the hearing, she said that her pension provided her with an annual income of €12,000 and she wanted some time to work out her finances. For this combination of reasons, the complainant didn't want to retire at age 65, and she wanted instead to work for a further 18 months.

At the outset of the hearing, the employer accepted that there was a prima facie evidence of discrimination and that the burden of proof shifted to the employer to rebut the case of discrimination.

The nub of the case was as to whether the employer had had objective justification for not continuing the contract of employment and, if

there had been a legitimate objective, whether the means chosen for achieving that objective had been appropriate and necessary, therefore, proportionate.

At the hearing the representative of the employer said that the objective of having a compulsory retirement age in the respondent organisation was to ensure intergenerational fairness across the age groups. Her argument was that, if older people were permitted to stay at work after the age of 65, many would remain in senior roles and the effect of this was to prevent younger people from progressing. This in turn would have an impact on the ability of the broadcaster to produce programmes that were of interest and relevance to a younger audience.

The representative of the employee disagreed by saying that the employer's statement about the need to encourage promotion and the recruitment of new staff and the suggestion that the complainant's retirement provided motivation for staff was not credible. In addition, he submitted that the employer could not adduce convincing evidence in support of its statement.

After reviewing all the relevant EU and Irish caselaw, the Adjudication Officer decided the following:

"I am not satisfied that the respondent has shown that there is a connection between the complainant's retirement at age 65 and the broadcaster's objective to encourage intergenerational fairness. It must be the case that the closure in 2017 of the young people's programmes department had the effect of cutting off the supply of young programme-makers coming up through the organisation. While I have no issue with the employment of people in their 70s, the retention of older presenters based on their "on air" appeal fails to open attractive jobs for younger employees and must contribute to the career stagnation that the respondent's witnesses said closes off promotion for young people."

She concluded therefore that the employer discriminated against the employee on the ground of age and awarded her the sum of €100,000 for the breach of her statutory rights under the Employment Equality Act 1998.

# Appendix 5

## Convictions 2019

Employer	Sector	Entity Type	Legislation of which Conviction Relates	Legal Entity Address	Trading Address
<b>Deli-Wine John Street Limited t/a Burzza</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	53 John Street, Waterford	
<b>E O'Sullivan &amp; Son International Ltd t/a E O'Sullivan &amp; Son International Limited</b>	Transport	Limited Company	Organisation of Working Time Act, 1997	Annagh Mór, Hollyfort, Gorey, Co. Wexford	
<b>Dream Hair Salon Limited t/a Dream Hair Salon</b>	Hair & Beauty	Limited Company	Employment Permits Acts 2003 and 2006	4 Gofton Court, Jamestown Road, Finglas, Dublin 11	
<b>Ms Fang Fang Director t/a Director of Dream Hair Salon Limited</b>	Hair & Beauty	Director	Employment Permits Acts 2003 and 2006	4 Gofton Court, Jamestown Road, Finglas, Dublin 11	
<b>L&amp;C Foods Emporium Limited t/a Rose Garden Chinese Restaurant &amp; Take Away</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	471 South Circular Road, Dublin 8	
<b>Cheng De Ltd t/a Happy Harbour</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	O'Curry St, Kilkee, Co. Clare	
<b>Beijing Taste Buffet Ltd. t/a Beijing Taste</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	23 North Main Street, Cork	

<b>Linnlee Ltd t/a Wilton Willow</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Leslie's Cross, Wilton, Cork	
<b>Bac Healthcare Limited t/a Alpha Deliveries</b>	Healthcare Products	Limited Company	Organisation of Working Time Act, 1997	Unit 21 Southern Cross Business Park, Bray, Co. Wicklow	
<b>Mojo Pizza Company Limited t/a Apache Pizza</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	Whitestream, Bonniconlon, Ballina, Co. Mayo	Main Street, Enniscrone, Co. Sligo
<b>Sky Chief Pizza Company Limited t/a Apache Pizza</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	Tone St, Ballina, Co. Mayo	
<b>Zk Quality Foods Limited t/a Apache Pizza</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	9 Bank Place, Tipperary	
<b>Ann Hynes t/a Ann Hynes Mart Canteen</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	Circular Road, Roscommon Town	
<b>Stokers Lodge Limited t/a The Stokers Lodge</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	Ballingown, Tralee, Co. Kerry	Edward Street, Clounalour, Tralee, Co. Kerry
<b>Keah Piau Yeow t/a Richards Chinese Takeaway</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	Limerick Road, Nenagh, Co. Tipperary	
<b>Parts Depot Limited t/a Part Depot Limited</b>	Wholesale & Retail	Limited Company	Organisation of Working Time Act, 1997	Knockhouse Business Park, Cleaboy Rd, Waterford	
<b>Yu Hua Chen t/a Rose Garden Takeaway</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	8 Church Street, Clara, Co. Offaly	
<b>Square Plate Ltd t/a The West Wing</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	N17 Business Park, Galway Rd, Tuam, Co. Galway	

<b>Michael Fitzpatrick t/a Fitzpatricks Bakery</b>	Wholesale & Retail	Sole Trader	Workplace Relations Act, 2015	Ballinagarde Ballyneety, Co. Limerick	
			Organisation of Working Time Act, 1997		
<b>Rentokil Initial Limited t/a</b>	Professional Services	Limited Company	Organisation of Working Time Act, 1997	Hazel House, Millennium Park, Naas, Co. Kildare	
<b>Treasure Island Kids Zone Ltd. t/a</b>	Play Centre	Limited Company	Organisation of Working Time Act, 1997	5a Merlin Business Park, Doughiska Rd, Galway	
<b>Naas Fate Ltd t/a Fate Chinese Restaurant</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	1 Railway Terrace, Naas, Co. Kildare	
			Workplace Relations Act, 2015		
<b>A2B Living Limited t/a A2B LIVING Limited</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Unit H2 Marina Commercial Park, Centre Park Rd, Cork	
<b>Frosinone 1975 Limited t/a Magic Chef</b>	Food & Beverage Service Activities	Limited Company	Organisation of Working Time Act, 1997	8 Georges Street, Waterford	Main Street, Carrigaline, Co. Cork
			Payment of Wages Act, 1991		
			Workplace Relations Act, 2015		
<b>Chan's Kitchen Ltd t/a Kingsland Restaurant &amp; Takeaway</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Market Square, Kildare Town	
			Workplace Relations Act, 2015		
<b>Kendel Ristorante Ltd t/a Amore Ristorante</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Kendel House, Main St, Loughrea, Co. Galway	



<b>Troys Abattoir Limited t/a Troys Abattoir Limited</b>	Meat Processing	Limited Company	Employment Permits Acts 2003 and 2006	Rathnure, Dalystown, Co. Westmeath	
<b>Bella Italia Limited t/a Bella Italia</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Kateri, Monaleen Road, Castletroy, Co. Limerick	Castletroy Shopping Centre, Castletroy, Co. Limerick
<b>Mark Lonergan Transport Limited t/a Mark Lonergan Transport Limited</b>	Transport	Limited Company	National Minimum Wage Act, 2000	Graigue House, Leamybrien, Co. Waterford	
			Workplace Relations Act, 2015		
<b>Cathal Hughes t/a Coco Bean Coffee Shop</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	32 Coolcormac Valley, West Waterford Golf Club, Dungarvan, Co. Waterford	Unit 31, High St, Dungarvan, Co. Waterford
			Workplace Relations Act, 2015		
<b>Muriel O'Grady t/a Subway</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	2 Grattan Terrace, Fermoy, Co. Cork	84 O'Connell Street, Dungarvan, Co. Waterford
			Workplace Relations Act, 2015		
<b>Star Court Chinese Takeaway Limited t/a Star Court</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	12 Church View, Ballyhaise, Co. Cavan	
<b>Ellickson Doors Limited t/a Ellickson Doors Limited</b>	Manufacturing	Limited Company	Workplace Relations Act, 2015	Unit 16a Six Cross Roads Business Park, Waterford	
<b>Supermeal Catering Limited t/a Apache Pizza</b>	Food & Beverage Service Activities	Limited Company	Organisation of Working Time Act, 1997	Common Quay Street, Wexford	

<b>Andrew O'Donovan t/a O'Donovan Transport</b>	Transport	Sole Trader	Workplace Relations Act, 2015	64 Ardculen, Hollyhill, Cork	
<b>Mr. En Wang Lin t/a Secret Recipe Restaurant</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	3-4 Church Street, Castleisland, Co. Kerry	
<b>Long And Bright Seafood Limited t/a Long and Bright Seafood</b>	Wholesale & Retail	Limited Company	Employment Permits Acts 2003 and 2006	49 Seatown, Dundalk, Co. Louth	
<b>Catherine McCormack t/a Catherine McCormack</b>	Wholesale & Retail	Sole Trader	Organisation of Working Time Act, 1997	Main Street, Adare, Co. Limerick	
			Workplace Relations Act, 2015		
<b>Mr. Daniel Drew t/a Drew Filling Station</b>	Wholesale & Retail	Sole Trader	Employment Permits Acts 2003 and 2006	Turners Cross, Kinsale Rd, Cork	
<b>Mr Deals Ltd t/a Mr Deals</b>	Wholesale & Retail	Limited Company	Organisation of Working Time Act, 1997	Main Street, Midleton, Co. Cork	
<b>Mackessy Contracts Limited t/a Mackessy Contracts Limited</b>	Construction	Limited Company	Organisation of Working Time Act, 1997	Castlemartyr, Co. Cork	
<b>Canton Regent Chinese Restaurant &amp; Takeaway Limited t/a Canton Regent Chinese Restaurant &amp; Takeaway</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Grand Canal House, Columcille Street, Tullamore, Co. Offaly	

<b>Castle Buildings Management Company Limited By Guarantee t/a Castle Buildings Management</b>	Real Estate Management	Limited Company	Organisation of Working Time Act, 1997	c/o Palfinger Ireland Limited, Church road, Tullamore, Co. Offaly	Tara St, Kilcruttin, Tullamore, Co. Offaly
<b>Masron Limited t/a Gino's Gelato</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Coliemore House, Coliemore Road, Dalkey, Co. Dublin	51 Michael Street, Waterford
<b>R Square R Retail Limited t/a Day Today News</b>	Wholesale & Retail	Limited Company	Employment Permits Acts 2003 and 2006	Day Today News, Main Street, Ballinagar, Co Offaly	
<b>Apache Pizza &amp; Peking Limited t/a Mizzoni's &amp; China Dragon</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	9 Harbour Street, Tullamore, Co. Offaly	
<b>Samy Farrag t/a Sam's Pizza and Kebab</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	53 Pearse Street, Clonakilty, Co Cork	
<b>Mr. Yujian Dong t/a Mr. Wu</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	22 Drogheda Street, Balbriggan, Co. Dublin	
<b>Alin Marian Bradean t/a Brady Brothers</b>	Other	Sole Trader	Organisation of Working Time Act, 1997	Fairview House, Trim Road, Athboy, Co Meath	Oaktree Business Park, Cloneens, Trim, Co. Meath
<b>Ms Jian Fen Chen - Secretary t/a Rising an Tai Limited TA Golden Wok</b>	Food & Beverage Service Activities	Company Secretary	Employment Permits Acts 2003 and 2006	8a Pinewood Green Court, Balbriggan, Co. Dublin	65 Dublin Street, Balbriggan, Co. Dublin
			Organisation of Working Time Act, 1997		
<b>Rising An Tai Limited t/a Golden Wok</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	65 Dublin Street, Balbriggan, Co. Dublin	

<b>New Sequoia Palace Limited t/a Sequoia Palace</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	1st Floor, Fraser House, Thomondgate, Limerick	
<b>Amaya Biz Limited t/a Quick Pick</b>	Wholesale & Retail	Limited Company	Employment Permits Acts 2003 and 2006	75 Main Street, Tipperary Town	
<b>Min Xue &amp; Liqin He t/a Jade Palace Restaurant &amp; Takeaway</b>	Food & Beverage Service Activities	In Partnership	Employment Permits Acts 2003 and 2006	Townsend Street, Birr, Co. Offaly	
<b>Binh Quoc Ngo t/a New Yorki Nails</b>	Hair & Beauty	Sole Trader	Employment Permits Acts 2003 and 2006	New Yorki Nails, Main St, Bray, Co. Wicklow	
			Organisation of Working Time Act, 1997		
<b>Ms Shouxia Chi Trading As Mag Asian Cuisine Second Prosecution t/a Mag Asian Cuisine</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	61 Dublin Street, Monaghan Town, Co. Monaghan	
<b>Mark Allen t/a Straffan Motors &amp; Allen Recovery</b>	Motor Repair and Maintenance	Sole Trader	Workplace Relations Act, 2015	Station Road, Straffan, Co. Kildare	
<b>John Cullinan1 t/a John Cullinan</b>	Equine	Sole Trader	Organisation of Working Time Act, 1997	Horsepark Stud, Ashford, Co. Wicklow	
<b>Mr. Pawel Surma t/a Murough Motors</b>	Motor Repair and Maintenance	Sole Trader	Organisation of Working Time Act, 1997	Unit 3 The Murrough Wicklow Town Co. Wicklow	
			Workplace Relations Act, 2015		
<b>Chilli Tamoto Ltd t/a Chens</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Parnell Street, Mountmellick, Co. Laois	

<b>Ms Feng Chen t/a Noarks Asian Cuisine</b>	Food & Beverage Service Activities	In Partnership	Employment Permits Acts 2003 and 2006	Unit 25/26 Dungarvan Shopping Centre, Dungarvan, Co. Waterford	
<b>Mr Mucai Yu t/a Noarks Asian Cuisine</b>	Food & Beverage Service Activities	In Partnership	Employment Permits Acts 2003 and 2006	Unit 25/26 Dungarvan Shopping Centre, Dungarvan, Co. Waterford	
<b>Eva Nail &amp; Beauty t/a Eva Nails</b>	Hair & Beauty	Sole Trader	Employment Permits Acts 2003 and 2006	Unit 2A, Park View, Brews Hill, Navan, Co. Meath	
<b>Ms Thi Dung Ngo t/a Hollywood Star</b>	Hair & Beauty	Sole Trader	Employment Permits Acts 2003 and 2006	40 Belcamp Gardens, Priorswood, Dublin 17	Unit 1, Main Street, Clonee, Co. Meath
<b>Hysen Zejnullahu t/a Roma Takeaway</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	The Square, Mountbellew, Co. Galway	
<b>Marguerite's Bakery Newcastle West Limited t/a Marguerite's Bakery</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Sheehan's Road, Newcastle West, Co. Limerick	
<b>Cusack Electrical Limited t/a Cusack Electrical</b>	Wholesale & Retail	Limited Company	Organisation of Working Time Act, 1997	Chapel St, Ballyjamesduff, Co. Cavan	
<b>Dundalk Shipping Company Dsc Limited t/a</b>	Transport	Limited Company	Workplace Relations Act, 2015	3 Harbour Cove, Dundalk, Co. Louth	
			Organisation of Working Time Act, 1997		
<b>Vierge Marie Limited</b>	Fisheries	Limited Company	Employment Permits Acts 2003 and 2006	Millennium House, Kilbush Lane, Rush, Co. Dublin	
<b>Irish Trawlers Limited</b>	Fisheries	Limited Company	Employment Permits Acts 2003 and 2006	Kilmore Quay, Co. Wexford	
<b>One Plus One Chinese Restaurant &amp; Takeaway t/a Jade Garden</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	48 The Quay, New Ross, Co. Wexford	



<b>Orchard Court Restaurant Ltd t/a Orchard Court</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	36C Main Street, Bray, Co. Wicklow	
			Organisation of Working Time Act, 1997		
<b>Wen Xing Chen t/a Hair Magic</b>	Hair & Beauty	Sole Trader	Employment Permits Acts 2003 and 2006	71 Main Street, Bray, Co. Wicklow	
			Workplace Relations Act, 2015		
			Organisation of Working Time Act, 1997		
<b>He Tech Pc &amp; Phone Ltd t/a He Tech PC &amp; Phone Repair</b>	Wholesale & Retail	Limited Company	Organisation of Working Time Act, 1997	Apartment 20, Aubrey Court, Parnell Road, Bray, Co. Wicklow	1A Quinsborough Road, Bray, Co. Wicklow
			Employment Permits Acts 2003 and 2006		
<b>Kebabco Limited t/a Ephesus Kebab</b>	Food & Beverage Service Activities	Limited Company	Organisation of Working Time Act, 1997	John Street, New Ross, Co Wexford	
<b>Mr Wai Keung Cheung t/a The Rising Sun Restaurant</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	17 Dublin St, Longford	
			Employment Permits Acts 2003 and 2006		
<b>Donna Yang Qing Chen t/a CHINA CITY TAKEAWAY</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	29 Thomas Davis St, Blackpool, Cork	
<b>Edison Kroj t/a Roma Takeaway</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	18 Malton Park, Carnew, Co Wicklow	42 Main Street, Carnew, Co. Wicklow
<b>Nazia Fardoos t/a Village Kebabish</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	9 Cremore Drive, Grange Manor, Waterford	6 Upper Mary Street, New Ross, Co. Wexford

<b>Cai Foods Limited t/a Royal Garden Restaurant</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Unit 1 Hollyhouse Cove Roundabout, Dunmore Road, Ardkeen, Waterford	
<b>Gemma Barton t/a Munchese</b>	Food & Beverage Service Activities	Sole Trader	National Minimum Wage Act, 2000	Carrig on Bannow, Co. Wexford	
			Workplace Relations Act, 2015		
			Organisation of Working Time Act, 1997		
<b>Jing Zhang T/A Regent Chinese t/a Regent Chinese</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	Wellingtonbridge, Co. Wexford	
			Organisation of Working Time Act, 1997		
<b>Imperial Gardens Ltd t/a Imperial Gardens</b>	Food & Beverage Service Activities	Unlimited Company	Employment Permits Acts 2003 and 2006	Unit 1 Manor Village, Cork Road, Waterford	
			Organisation of Working Time Act, 1997		
<b>O.F. Fishing Limited t/a Verlaine</b>	Fisheries	Limited Company	Employment Permits Acts 2003 and 2006	Kilmore Quay, Co. Wexford	
			Workplace Relations Act, 2015		
<b>Brendan Mullen t/a Mullin Sawmills</b>	Sawmill	Sole Trader	Organisation of Working Time Act, 1997	Drumenny Upper, Donegal P.O.	
<b>Mr Mohammad Tahir Maqbool t/a Culleton's Takeaway</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	1 Main St, Ballyhale, Co. Kilkenny	Friary Street, Kilkenny
<b>Khuram Saleem t/a The Village Store</b>	Wholesale & Retail	Sole Trader	Employment Permits Acts 2003 and 2006	5 Gort An Oir, Strlea Road, Fethard, Co. Tipperary	Newstreet, Littleton, Thurles, Co. Tipperary

<b>Cemal Ozkaya t/a Connaught Street Barbers</b>	Hair & Beauty	Sole Trader	Workplace Relations Act, 2015	Connaught St, Athlone, Co. Roscommon	
<b>Anthony Kelleher t/a Windmill Bar</b>	Food & Beverage Service Activities	Sole Trader	Workplace Relations Act, 2015	48-49 Henry St, Limerick	
<b>Ferbren Window Fitting Limited t/a Ferbren Window Fitting</b>	Construction	Limited Company	Workplace Relations Act, 2015	Windmill, Milltownpass, Co. Westmeath	
<b>Milano Fish &amp; Chip Limited t/a Milano's</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	92a Strand Road Bray Co. Wicklow	
<b>Cococai Ltd t/a Apache Pizza</b>	Food & Beverage Service Activities	Limited Company	Employment Permits Acts 2003 and 2006	Peking Inn, Monaghan Road, Castleblayney, Co. Monaghan	Main Street, Castleblayney, Co. Monaghan
<b>Robert Owens t/a</b>	Construction	Sole Trader	Organisation of Working Time Act, 1997	Tullamoy, Stradbally, Co. Laois	
			Workplace Relations Act, 2015		
<b>China Dragon Chinese Restaurant And Take Away t/a China Dragon</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	Unit 4 Waterside, Ashe Quay, Fermoy, Co. Cork	
<b>Ms Qui Zhen Chen (Kos Restaurant (Dundalk) Limited t/a Apache Pizza Dundalk</b>	Food & Beverage Service Activities	Director	Organisation of Working Time Act, 1997	Shankill, Cavan	9 Eimear Court, Dundalk, Co. Louth
<b>Dragon Gld Foods Limited t/a Golden Dragon</b>	Food & Beverage Service Activities	Limited Company	National Minimum Wage Act, 2000	HMD Building, Magheraclogher, Derrybeg, Co. Donegal	

			Employment Permits Acts 2003 and 2006		
			Protection of Young Persons (Employment) Act, 1996		
<b>Mr.Chen Chi Yu t/a Golden Dragon</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	HMD Building, Magheraclogher, Derrybeg, Co. Donegal	
			Organisation of Working Time Act, 1997		
<b>Roswick Construction (Ir) Limited t/a Roswick Construction</b>	Construction	Limited Company	Organisation of Working Time Act, 1997	Cahercourt, Loughrea, Co. Galway	The Inch, Balbriggan, Co. Dublin
			Workplace Relations Act, 2015		
<b>Saimir Balliu t/a Adrianos</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	Unit 7 Clara House, Roundwood, Co. Wicklow	
<b>G And T Restaurant &amp; Retail Ltd t/a Spice Inn &amp; Tandoori Nights</b>	Food & Beverage Service Activities	Limited Company	Workplace Relations Act, 2015	87 North Main Street, Cork	
			Employment Permits Acts 2003 and 2006		
<b>Mr Mubashir Hussain t/a Fahad's House of Spice</b>	Food & Beverage Service Activities	Sole Trader	Employment Permits Acts 2003 and 2006	133 Maple Woods, Ballinacurra, Midleton, Co. Cork	8 Oldcourt, Riverstown, Glanmire, Co. Cork
<b>Fang Mei Xue t/a The New Swan</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	The Moorings, New Ross, Co Wexford	
<b>Zeneat Jan t/a Village Diner</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	Fethard-on-Sea, Co. Wexford	
<b>Muhammad Faisal Jamil t/a Mr. Kebab</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	Newbawn, Co. Wexford	

<b>Simon Lapman Ngai &amp; William Lapmo Ngai t/a Royal Garden</b>	Food & Beverage Service Activities	In Partnership	Employment Permits Acts 2003 and 2006	20 Emily Square, Athy, Co. Kildare	
<b>Sykes Hotel Group Limited t/a Courtown Hotel</b>	Hotel	Limited Company	National Minimum Wage Act, 2000	Courtown Harbour, Gorey, Co. Wexford	
			Organisation of Working Time Act, 1997		
			Protection of Young Persons (Employment) Act, 1996		
<b>William Lapmo Ngai t/a Royal Garden</b>	Food & Beverage Service Activities	In Partnership	Employment Permits Acts 2003 and 2006	20 Emily Square, Athy, Co. Kildare	
<b>B.J.D. Stone Ltd t/a St-One</b>	Construction	Limited Company	Workplace Relations Act, 2015	Laurencetown, Ballinasloe, Co Galway	
<b>Mizanur Rahman t/a Saffron</b>	Food & Beverage Service Activities	Sole Trader	Organisation of Working Time Act, 1997	Main Street, Lismore, Co. Waterford	
			Workplace Relations Act, 2015		
<b>Noel Meade Horse Training Ltd t/a Tu Va Stables</b>	Equine	Limited Company	Employment Permits Acts 2003 and 2006	Castletown, Kilpatrick, Navan, Co. Meath	
<b>Lindimar Sousa Anunciacao t/a VIP Car Wash</b>	Car Wash	No	Employment Permits Acts 2003 and 2006	Galway Rd, Tuam, Co. Galway	
<b>Woodfarm Fencing Supplies Ltd t/a Woodfarm Fencing Supplies</b>	Forestry and logging	No	Employment Permits Acts 2003 and 2006	Clonbrock, Ahascragh, Co. Galway	
<b>Square Plate Limited t/a West Ring Restaurant</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	N17 Business Park, Galway Rd, Tuam, Co. Galway	



<b>CYLR Limited t/a Orchid Palace Chinese Restaurant</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	Sarsfield St, Kilmallock, Co Limerick	
<b>Chandpura Trading Ltd t/a Santori</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	Unit 3 Mill Race Chapel Lane, Tuam, Co. Galway	
<b>19 Mary Asian Food Limited t/a Mary 19 - Clonmel</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	19 Mary St, Clonmel, Co. Tipperary	
<b>Ai Qin Wang t/a Dream Chinese Restaurant</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	Mill Road, Killorglin, Co. Kerry	
<b>Guo Qiang Liu t/a Jade Garden</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	Main St, Headford, Co. Galway	
<b>TCG Food Co Ltd t/a The Charcoal Grill</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	3 Prospect Hill, Galway	
<b>Gaurishankar Limited t/a Kashmir</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	Kashmir Kilderry House, 10 Lower Fairhill Rd, Galway	
<b>Qi Lin t/a Station One Streetfood Kitchen</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	18 Leas na Mara, Ballymoneen Rd, Knocknacara, Co. Galway	
<b>Gurdip Singh t/a Kebab Inn</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	JPK Complex, Main N17 Knockdoemore, Claregalway, Co. Galway	
<b>Langtonville Limited t/a Hogan Motors</b>	Wholesale & Retail	No	Employment Permits Acts 2003 and 2006	Racecourse Road, Ballybrit, Galway	
<b>XCY Retail Limited t/a Limeleaf</b>	Food & Beverage Service Activities	No	Employment Permits Acts 2003 and 2006	38-40 Fuschia Drive, Renmore, Galway	





An Coimisiún um Chaidreamh san Áit Oibre  
Workplace Relations Commission

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