

Workplace Relations Commission

Statement of Strategy 2019-2022

Fair and Compliant Workplaces
and Equal Treatment in Services



**Presented to the Minister of State for Trade,
Employment, Business, EU Digital Single Market
and Data Protection,**
in accordance with section 21 (1)(b) of the
Workplace Relations Act 2015



Contents

Introduction	1
Statement of Strategy	
2019-2022 Overview	3
WRC Services	5
Background to the Statement	6
Strategic Context: Challenges and Opportunities	7
Strategy Principles	10
Conclusion	15
Appendix	16



Introduction

The Workplace Relations Commission (WRC) plays a vitally important role in Irish society and the Irish economy. Through its work, which touches on all aspects of the employment relationship and other areas of Irish life, the WRC helps to maintain a healthy competitive environment, and sustainable employment with fair treatment at its heart.

It interacts with people and businesses in many ways. It deals with employers and employer bodies and representatives, employees, trade unions and other representatives across the public and private sectors, in small and large organisations.

It also helps members of the public who have been discriminated against by service providers or in the provision of accommodation.





The WRC has focused on being a world leader in delivering a workplace relations service to provide for:

- the resolution of collective disputes
- a range of means of seeking redress on individual matters
- effective enforcement within a reasonable period
- the delivery of clear and accurate information
- a reduction in the cost to employees and businesses when processing issues through the WRC industrial relations and employment rights machinery in a user-friendly, independent, effective, impartial and cost-effective manner

In line with section 21 of the **Workplace Relations Act 2015**, which requires the Board of the WRC submit to the Minister a strategy statement every three years, this strategy statement: 'Fair and Compliant Workplaces and Equal Treatment in Services' is submitted to the Minister for of State with special responsibility for Trade, Employment, Business, EU Digital Single Market and Data Protection. It is a successor to the first such strategy, 'Assisting the Recovery in a Changing and Challenging Environment'.

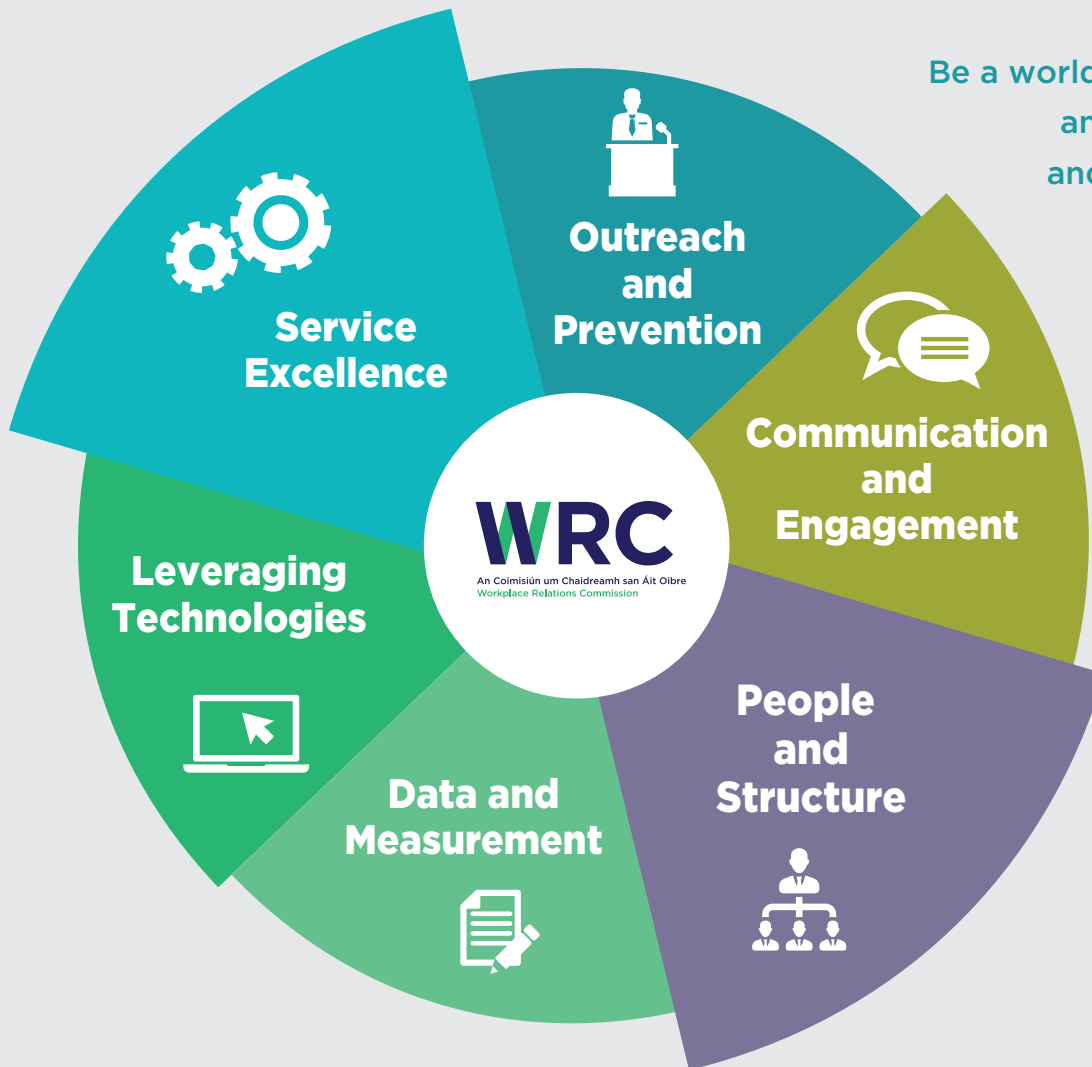
The content of this strategy, and the identification of the WRC's core values of **Trust, Independence, Impartiality and Innovation**, have been informed by the deliberations of the Board, by the WRC's ongoing stakeholder engagement with industrial relations and employment rights bodies (e.g. ICTU, IBEC, IHREC, ELAI, Law Society, ERA), and extensive feedback received via the 2018 customer survey, and through a comprehensive engagement by the WRC senior management team with all the staff of the WRC.

Separately, the **Workplace Relations Act 2015** requires all WRC strategy statements contain a review of the implementation of the immediately preceding strategy statement. This review is set out in the Appendix.



Workplace Relations Commission Statement of Strategy 2019-2022 Overview

Fair and Compliant Workplaces and Equal Treatment in Services



VISION

Be a world leader in delivering fair and compliant workplaces and the non-discriminatory delivery of services

MISSION

Ensure people in dispute about compliance with employment or equality law, or having conflicts in their workplaces will have their disputes resolved quickly and fairly.

VALUES

Trust
Independence
Impartiality
Innovation

WRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission



Service Excellence

Goals

- Our core activities of dispute resolution, adjudication and inspection operate optimally.
- Our customers experience consistently excellent and easy to use service, with no delays.
- We have an organisation-wide commitment to constant service improvement.
- We always seek to create innovative solutions to service excellence.

Measure of Success

- Parties seeking resolution of collective disputes receive a timely and excellent conciliation and mediation service.
- Most adjudication complaints dealt with within 6 months.
- A year-on-year increase in assisting employees who are not receiving statutory entitlements through better targeted inspections.
- High customer satisfaction with WRC alternative dispute mechanisms and training interventions.
- As standard, continuous improvement processes designed, in place and operational.



Outreach and Prevention

Goals

- We support deeper understanding of good practice, prevent breaches, including those relating to exploitative labour practices, close gaps early and embed a culture of excellent workplace relations.

Measure of Success

- Improved outreach and prevention delivering clearly associated improvements in workplace relations.
- The role of the WRC in addressing exploitation in conjunction with other relevant agencies is effectively carried out, particularly in relation to persons being exploited, or recruited under false premises abroad.
- We will focus on certain labour practices across the economy to help prevent the exploitation of vulnerable workers.



Communication and Engagement

Goals

- We effectively deliver key messages around remit, service, value and impartiality to our target clients and key stakeholders using multiple channels.
- We heighten awareness of the role of the WRC in receiving and processing equal status complaints arising from unfair treatment in the delivery of services.
- All potential customers are aware of and willing to use the WRC's full range of services.

Measure of Success

- Most customers recognise and understand our brand without any prompt and almost all customers, when prompted, are aware of our remit and key services.
- At least three media campaigns a year, targeted at groups needing WRC services.
- Continued high satisfaction rates as measured by WRC annual customer surveys.
- All users would recommend us to those who have not used us before.



Leveraging Technologies

Goals

- We are at the forefront of identifying and deploying sophisticated, highly intuitive, nudge innovative technology solutions to support, report and deliver our service.
- Our innovations and solutions allow us to deal with initial user contact, automatically creating self-service and automated functionality.

Measure of Success

- Technology will be utilised so that complainants will be guided to ensure that complaints are submitted accurately, describe the problem and are dealt with at the earliest possible point in time.
- Our technology increases awareness and compliance with workplace rights and responsibilities.
- Very high satisfaction rates among website users.
- Significant productivity improvements across all divisions.



Data and Measurement

Goals

- We will use real time, accurate data to help us deliver the best possible service.
- We have an automated set of weekly numbers that will clearly inform our decisions.
- Our reporting allows us to measure and manage how efficient and effective we are in real time.

Measure of Success

- System in place to capture real time data.
- Formal, standardised reporting in place covering all aspects of the resourcing, efficiency, and effectiveness of the operations of the WRC.



People and Structure

Goals

- We are resourced to succeed.
- We are a highly agile organisation, capable of rapidly responding to changes in demand and priorities.
- Our clear organisational structure is designed to support our strategy and objectives and is flexible enough to accommodate new priorities.
- We have a unique, shared culture that drives performance and the delivery of our core remit.
- Our teams are flexible, cross-functional and willing and able to work across service areas.
- We constantly invest in developing the capabilities of our team.
- We recognise people whose performance contributes to outcome of the organisation.

Measure of Success

- Working with the Department, the staffing of the WRC will reflect the population of Ireland.
- We use and recruit external resources as required.
- Staff are satisfied with their job as measured in internal employee surveys.
- Multi-disciplinary teams are routinely recognised for their competencies and successes.
- Spikes create no more than a four-week backlog and are eliminated within two months.
- All staff are assisted to achieve their potential and a significant proportion of the budget will be allocated for learning and development accordingly.

WRC Services

The internal structure of the WRC reflects its core service activities.

The **Conciliation, Facilitation and Mediation Division** plays a key role in the voluntary resolution of collective and individual industrial relations and employment rights disputes in Ireland. The division processes some 2,000 collective disputes annually (of which 85% are resolved) covering up to a million employees in any given year while, at the same time, the division mediates some 700 individual disputes annually.

The **Adjudication Division** processes some 8,000 individual complaint files annually; some are resolved prior to adjudication by way of a mediated settlement, while others are not pursued by either party to an adjudication hearing. Currently, the division issues some 2,800 decisions annually – the vast majority of which are accepted by the parties.

The **Inspection and Enforcement Division** monitors employment conditions to ensure compliance with and, where necessary, the enforcement of employment rights legislation. This includes redress for the employees concerned and payment of any unpaid wages arising from breaches of employment rights. Each year, the division undertakes some 5,000 workplace inspections, achieves compliance in almost all cases without the need for prosecution and has recovered over €2m per year in unpaid wages over the past two years.

The **Advisory Division** provides advice and assistance to employers, employees and trade unions in situations where there is no trade dispute. It helps employers and employees to develop positive working relationships and mechanisms to solve problems. The division provided assistance in 70 such instances throughout 2018.

The **Information and Customer Division** provides information on rights and entitlements under employment legislation. It handles over 50,000 calls to its 'infoline' annually, offers an outreach service to develop greater awareness of employment rights and responsibilities more generally and produces publications on employment rights and good practice.

Service delivery of these core functions are supported by a **Corporate and Legal Division**. The work of these divisions since establishment is detailed further in the review.



Background to the Statement

The period since the establishment of the WRC on 1 October 2015, has witnessed a positive and dynamic shift in the Irish economy.

In that time, the seasonally adjusted unemployment rate has fallen from 9% to just over 5%. The total number of people in employment has increased by over 10% to 2.26m against a background of a strong growth rate, low inflation and relatively stable import and export prices; all of which have facilitated the growth of a successful and competitive economy over that period.

Over the same timeline, the WRC faced many challenges and has recorded substantial achievements. In terms of challenges, the WRC encountered difficulties in the initial operational phase and continues to work on creating a single organisational culture where four existed previously. The forbearance of our service users and staff were crucial in assisting the WRC overcome these obstacles.



Strategy Context: Challenges and Opportunities

While the fundamental bedrock of the Irish economy is strong, the three years encompassed by this strategy will witness many challenges for policy makers, businesses, employees, and their respective representatives (employer bodies, trade unions, and others). Some of these challenges will be around potential changes in national employment legislation, potential changes in EU legislation, 'Brexit' outcomes and impacts, shifting international trade agreements and their potential impact on the Irish economic environment.

In the face of such challenges, a fundamental requirement for the WRC over the period of this statement, is to ensure its core activities of dispute resolution, adjudication and inspection operate fully, are capable of meeting demand and provide an excellent service within available resources.

At the same time, the WRC will have opportunities to utilise its continuously enhancing knowledge base to inform debate on workplace relations, take advantage of technology to improve efficiency and to broaden and deepen its communication reach, and to build on and utilise to the full the experience and expertise of the staff.

Challenges

Changing industrial relations environment and employment relationships

The broader environment within which the WRC functions is witnessing rapid change. These include changing representational models where individual representation is becoming an increasing feature of trade union activity while the number of employees covered by collective bargaining remains broadly static, 'in-house' staff bodies are dealing with employers on terms and conditions, many employees have no representation, contractual relationships are becoming more complex and employment legislation is being amended to reflect this.

Need to improve public and client understanding of the services of the WRC

The WRC customer survey, stakeholder engagement and other evidence suggest strongly that the WRC must utilise fully all appropriate communications pathways to increase general awareness of the services provided by the WRC¹, the independence and impartiality of their delivery, and to make the WRC the 'go-to' organisation for those in need of its services, to clarify user expectations of outcomes, and to better manage how the WRC is perceived in the public domain.

Volatile national and international economic environment

This strategy is prepared in the context of a significant recovery in Ireland's economy, near full employment, and consequent pressure on wages driven by demand for labour, as well as other price pressures in the economy such as for housing. However, as Ireland works through the economic cycle, the effects of economic growth and retrenchment impact on the demand for WRC services in different ways.

The WRC will be required to be conscious of, and be able to innovate and adapt agilely to fluctuations in demand mix and expertise requirement arising from changes in national employment legislation, EU legislation, 'Brexit', international trade agreements and their potential impact on the Irish economic environment, and Ireland's transformation to a mature multi-cultural society.

Challenging resourcing environment

In common with the Civil Service generally, arising from its staff age profile – particularly at management level - the WRC will witness significant staff churn over the period.

In addition, during this strategy, the WRC will be required to absorb bodies of workers (An Garda Síochána, Civil Service) previously excluded from access to the industrial relations machinery of the WRC and the Labour Court. This, in turn, will exert considerable demand pressures on the WRC, which must be met with a combination of succession planning, innovative new ways of working, and additional resources.

However, the issue is compounded somewhat by the difficulties encountered in what can be a slow recruitment process in a tight labour market. In a dynamic economic and industrial relations environment, recruitment delays can have immediate negative impacts on WRC service delivery.

Opportunities

The WRC will also be afforded opportunities to improve its overall delivery of service over the period.

Shifting employment patterns

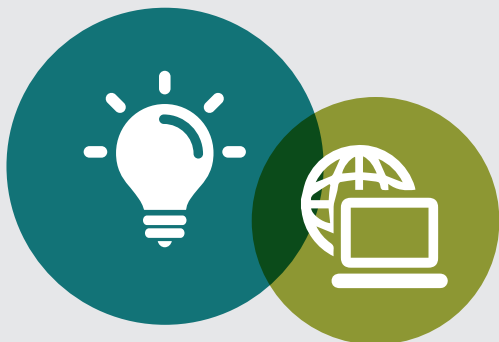
While recent research commissioned by the WRC suggests the proportion of full-time, temporary or part time work has returned to pre-recession levels, the growth in employment has witnessed changes in contractual relationships and employment patterns and shifting public attitudes to these changes.

Similarly, the recent past has witnessed, alongside collective bargaining models, an increasing number of employees being represented individually by trade unions or other entities. The WRC will work with all parties to provide a quick and equitable service where issues arise.

In some instances, where such representation does not exist, some employers are anxious to ensure their organisation has in place good workplace practices and procedures. These developments provide the WRC with an opportunity to expand its activities, built on its independence and impartiality, with a view to improving workplace relations generally across all areas of the economy.

Technology and communications platforms

There will be significant opportunities afforded by new technology to improve overall WRC service offers, and to expand use of social platforms to enhance WRC communications and to change the way the WRC interacts with the people who need the services of the WRC.



¹Including its role in the context of dealing with complaints submitted under equal status, legislation which outlaws discrimination outside the workplace, in particular in the provision of goods and services, and complaints in relation to discrimination in the provision of accommodation services against people who are in receipt of rent supplement, housing assistance, or social welfare payments and in the provision of education where a school provides preference in admissions to persons of a particular religious denomination.

Outreach and education

As the State provider of workplace relations solutions, demand for WRC training and education in the core skills of managing conflict and improving communications is significant.

Requests for training interventions are considered under a number of criteria (e.g. WRC usage levels, a recommendation from the Labour Court, the degree to which training would improve workplace relations, etc.).

The WRC will utilise its expanding training and educational resources and external engagement generally, to proactively develop positive workplace relations and to assist new users (e.g. An Garda Síochána, Civil Service), and existing customers on how best to prepare for, and work through any interactions they might have with the WRC.

Inform debate on workplace relations

Leveraging its acknowledged position of independence and impartiality, and the distinctive competence further developed in the WRC since its establishment, and in line with its statutory remit, the WRC is in a unique position to gather and publish relevant data across all sectors of the economy on workplace relations, which can assist debates on workplace relations good practice and policy more generally.

Staff development

Arising from recent internal restructuring and resourcing, the WRC will ensure the organisation's staff are given every opportunity to fully develop their potential, deliver the succession planning programme, and ensure the WRC has the resource agility to respond successfully to demand spikes across the organisation or within particular divisions.



Strategy Principles

Over the course of this strategy, underpinned by the WRC core values of **Trust, Independence, Impartiality** and **Innovation**, and its vision to be a world leader in delivering fair and compliant workplaces and the non-discriminatory delivery of services, the WRC mission over the three years is to ensure:

people in dispute about compliance with employment or equality law², or having conflicts in their workplaces will have their disputes resolved quickly and fairly.

More specifically, to deliver on these values, vision and mission, the WRC will enhance service delivery by:

- Promoting the improvement of, and the maintenance of good workplace relations.
- Promoting and encouraging compliance with relevant employment, equality and industrial relations law.
- Promoting and delivering on the WRC's role in resolving disputes about the non-discriminatory delivery of services.



Irish Human Rights and Equality Act 2014

In line with established principles and section 42 of the **Irish Human Rights and Equality Act 2014**, the WRC places a strong emphasis on the right to fair procedures, the right to privacy, equal access and equal treatment in all aspects of the services provided. In addition, the policies and practices relevant to people who use the services of the commission will be kept under review to ensure compliance with human rights and equality norms.

Similarly, the WRC will work to ensure the dignity and welfare of all staff is protected and a culture of participation and respect is encouraged. The human rights and equality issues affecting staff include the right to fair procedures, the right to privacy, equal access, equal treatment and dignity in the workplace. All internal policies are kept under review to ensure compliance with best practice in those areas.

Delivery

In the context of the thematic challenges and opportunities outlined earlier, and informed by the WRC vision and mission, six key strategic delivery components have been identified.

- **Service Excellence**
- **Outreach and Prevention**
- **Communication and Engagement**
- **Leveraging Technologies**
- **Data and Measurement**
- **People and Structure**

These will chart the course the WRC will take over the next three years, and contain elements of continuity and elements of change.

² Including complaints submitted to WRC in context of equal status legislation

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Conclusion

The Statement sets out at a high level, key fundamental strategic goals designed to ensure the WRC is a world leader in workplace relations. These goals are founded in the core values of **Trust, Independence, Impartiality** and **Innovation**. They reflect a recognition of the success of the WRC to date, a recognition that some current practices require improvement, and a recognition that new ways of working are needed.

Achieving these challenging goals will require the full commitment of the staff of the WRC - a level of commitment that has been evident from the day the WRC was established. Over the past three years, the organisation, and its staff, has proven capable of adapting to new situations, improving its procedures and processes to enhance service delivery, while learning from and addressing mistakes.

Over the period of this strategy, that learning and adaptive culture will be built on, through an active learning and development strategy, a commitment to effective workforce planning and through integrating the Human Resource strategy in our delivery models. To drive this strategy forward, financial and staff resources will be deployed within a structure that best fits the organisation's strategic requirements.



Appendix

Review of the WRC Strategy Statement 2016-2018

Workplace Relations: 'Assisting the Recovery in a Challenging and Changing Environment' in accordance with section 21(3)(b)(i) of the **Workplace Relations Act 2015**

Introduction

In the three-year period since its establishment, the WRC has successfully merged the functions formerly delivered by the Labour Relations Commission, the Rights Commissioner Service, the Equality Tribunal, some functions of the Employment Appeals Tribunal, and the National Employment Rights Authority. In that period, the WRC has focused on being a world leader in delivering a workplace relations service that is user-friendly, independent, effective, impartial, and cost-effective. Substantial progress has been made and notable successes achieved across a range of activities which are outlined in further detail in this review.

The WRC has fully integrated its initial separate constituent bodies³ and has created a dynamic, distinct and publicly recognised workplace relations organisation.

Some notable successes include:

- The **Adjudication Division** processed 15,000 specific complaints annually. Of these, three quarters were heard in less than six months, and, where no requests for postponements were admitted and where submissions were received in a timely manner, over 90 per cent of these complaints are processed in the same period, whereas prior to the establishment

of the WRC, complainants could be waiting over two years for a hearing and even longer for a decision.

- The **Inspection and Enforcement Division** completed inspections in over 15,358 workplaces and successfully rolled out the innovative compliance measures contained in the **Workplace Relations Act, 2015**, in a manner that ensures overall compliance is achieved in the overwhelming majority of cases without a requirement to prosecute.
- The work of the **Conciliation and Facilitation Services** of the WRC remained central to the preservation of jobs, the restructuring of organisations, the variation of employee terms and conditions, pay increases, greater flexibility in terms of rosters and other operational changes. These interventions have been critical in maintaining a high level of industrial peace in a challenging industrial relations landscape. In addition, the WRC played a central role in the successful negotiation and implementation of the Public Sector Agreements.
- The **Mediation Service** of the WRC has increased its service delivery by over 300% over the first three years of operation while the **Advisory Service** has significantly expanded its training capacity and delivery in the same period.
- The **Information and Customer Service** provided information on a suite of over 32 pieces of legislation, dealt with queries on employment permits and applications received by the Department of Business, Enterprise and Innovation. The WRC delivers this service from multiple locations and 95% of calls are dealt with

³The WRC was established on 1 October 2015, bringing under one roof the work of the National Employment Rights Authority, the Labour Relations Commission (LRC), the Rights Commissioner Service of the LRC, the Equality Tribunal, and the first instances remit of the Employment Appeals Tribunal

at initial contact. The methodology used is considered a best practice model by peers.

- An extensive customer survey of all users of all WRC services provided very good feedback on how the WRC is performing in terms of excellent service provision, and tangible evidence of what areas of operation need more focus in improving service delivery, and improving communications on probable outcomes to our users.

However, significant difficulties and challenges arose over the period, particularly in the first 12-18 months of the WRC's existence. These included glitches in procedures for adjudication service users and staff, modification of administrative and scheduling processes on an ongoing basis, creating a single organisational culture where four had existed previously, and moving staff from three Dublin premises into one – all while keeping service delivery disruption to a minimum. The patience and forbearance of the WRC staff and service users was fundamental to overcoming these challenges.

WRC Activity 1 October 2015 - 30 September 2018

	Q4 2015	2016	2017	Q1-Q3 2018	TOTAL
Conciliation					
Conferences	393	1348	1239	824	3804
Facilitation	79	423	995	471	1968
Mediation					
Telephone	210	662	419	835	2126
Complaint	-	69	164	186	419
Adjudication					
Complaints	3212	14004	14001	10779	41996
Complaint files	1690	6863	7317	5251	21121
Adjudications (current)	-	1232	2247	2052	5531
Legacy (on hands)	3965	1628	295	198	6086
Advisory					
New projects	22	64	68	28	182
Inspection					
Concluded	1650	4830	4747	4131	15358
Wages recovered	€0.51m	€1.5m	€1.77m	€2.5m	€6.28m
Prosecutions	20	136	125	48	329
Information					
Calls answered	17275	59459	52000	43510	172334
Web visits	0.35m	2.2m	2.33m	1.43m	6.3m

Over the period the **Conciliation Service** has held a total of 5,772 conciliations and facilitations, the **Mediation Service** has overseen some 2,545 mediations, the **Adjudication Division** has carried out 11,737 hearings and issued 5,531 decisions, the **Inspection Division** has completed 15,358 inspections, prosecuted 329 non-compliant employers and recovered €6.3m in unpaid wages, our **Information and Customer Service** has dealt with over 170,000 phone queries, handling 95% of calls at initial contact, the **Advisory Service** has initiated and/or completed over 180 interventions and, working with the **Conciliation Division** has successfully carried out 40 training modules for a broad range of employers in the public and private sectors.

Each year, hundreds of thousands of employees, and their employers, have been impacted by the work of the WRC. While not directly comparable, a recent study of the economic impact of the Advisory, Conciliation and Arbitration Service of the UK (ACAS)⁴ found a return to the UK Exchequer of 13:1 in terms of return to the economy on ACAS administrative and activity costs.



⁴ Estimating the Economic Impact of ACAS Services, University of Westminster (2016)

Strategic Requirements

The WRC Strategy Statement 2016-2018 identified key strategic requirements to deliver on the vision and objectives set out in the strategy:

- **Promote orderly collective bargaining**
 - Promote orderly collective bargaining in the private sector.
 - Facilitate resolution of collective disputes in the public sector.
 - Assist in structuring a public sector pay framework.
 - Incorporate civil servants into the broader workplace relations framework⁵.
- **Consolidate the Workplace Relations Commission**
 - Achieve an internally recognised WRC culture and brand.
 - Instigate talent management and skill development strategy.
 - Ensure robust corporate governance around delivery of services.
 - Drive value through technology.
 - Enhance customer service delivery.
 - Achieve customer brand recognition.
- **Enhance dispute resolution service and delivery**
 - Develop further and deliver an expert suite of dispute resolution services.
 - Operate the industrial relations resolution process to a recognised high standard and enhance the process of orderly collective bargaining.
 - Support the public sector in a time of challenge and change.
- **Provide highest quality, 'real-time' adjudication**
 - Deliver fast, efficient, and effective throughput of cases through registration, hearing and decision.
 - Ensure high quality and consistency of decisions.
 - Triage complaints away from the service where appropriate.
- **Drive employment legislation compliance**
 - Promote and enhance awareness of employment law and be the 'go-to' service for such information.
 - Promote and work to achieve compliance with employment law.
 - Inform the policy debate on emerging employment patterns.
 - Adopt a robust approach to prosecution of contraventions of employment legislation.
- **Develop and enhance enterprise-level workplace relations**
 - Enhance and broaden the remit of the Frequent Users Programme.
 - Promote positive workplace relations.
 - Broaden the assistance provided in the resolution of individual grievances and disputes.
- **Enhance and inform the policy debate through appropriate research on workplace relations developments**
 - Identify areas of policy concern and input to policy formulation.
 - Publish regular commentaries/data on WRC activities.
- **Involve our stakeholders on operational aspects of the WRC services**
 - Establish and maintain a stakeholder forum.
 - Carry out and publish an annual stakeholder awareness and effectiveness evaluation.

⁵ Should the Government so decide

Progress Review

Promote orderly collective bargaining

Over the period of the review, the **Conciliation and Facilitation Service** has chaired some 5,772 conciliation conferences and facilitations. The range of issues dealt with and the bodies involved reflected the challenges that faced the Irish economy as it recovered from recession.

The key issues dealt with included organisational restructuring (both public and private), pay claims, the introduction of new technology, productivity/efficiency improvements, averting company closures, staff recruitment and retention, etc. The issues dealt with related to the public, semi-State and privates sectors comprising bodies and firms such as: Bórd na Mona, Irish Life, Irish Rail, Ervia, Liebherr, Tesco, Irish Water, AIB, Bausch and Lomb, Element 6, Luas, HSE, Local Government, an Garda Síochána, etc.

In addition, over a three-week period, utilising all conciliation officers of the WRC, the service facilitated the successful negotiation of the Public Service Stability Agreement.

In dealing with disputes, the **Conciliation Service** achieved a 85% settlement rate annually. It should also be borne in mind, where a settlement at conciliation does not occur and the matter is referred to the Labour Court, significant progress is often made at conciliation in narrowing the difference between the parties thereby refining the issues that require a Labour Court recommendation. Levels of satisfaction with the services remain high (over 90%) among surveyed customers.

The **Conciliation and Facilitation Service** chaired Joint Labour Committees, public body oversight groups and other negotiating fora that would not normally fall within the remit of the WRC.

While, to date, no decision has been made in relation to incorporating civil servants into the broader workplace relations framework, such a decision was made in relation to An Garda Síochána. All divisions of the WRC has been working closely with the relevant parties to assist in this transition.

In any given year, approximately one million workers employed in Ireland are affected by the issues referred to the **Conciliation Service**. While days lost to industrial disputes have increased marginally in the period, the number of disputes and the number of workplaces affected remain very low.

Consolidate the Workplace Relations Commission

The WRC quickly worked to establish the appropriate governance structures required to support the proper discharge of statutory functions. The Management Committee as the WRC's key internal leadership, planning, performance, governance and accountability forum oversaw the early putting in place of the corporate services functions of the WRC, including corporate governance, budgets, business planning, risk and information management, human resource strategy and policy, ICT, supporting the work of the divisions, servicing the Director General and the Board, and the facilities management in a number of locations. This has functioned very well.

The management and staff have worked assiduously to create a single internal WRC culture and identity. This has been achieved through staff seminars, annual staff surveys, cross-divisional activities, internal branding, open forum business planning and strategy development processes, PMDS, internal communications on WRC activities and achievements and lateral staff transfers.

A WRC HR policy is in place, which incorporates succession planning, future skill requirements, coaching, mentoring, training, process mapping and career development. A head of WRC HR policy was appointed to drive this forward.

The WRC Registrar has established a highly effective legal service, which has overseen the creation of legally robust procedures and systems throughout the Workplace Relations Commission and in particular to the **Adjudication Service**. The registrar has also overseen the effective implementation of GDPR within the organisation.

The WRC established a high-level Equality Working Group, which assists in incorporating equality principles into its functions and, in particular, ensuring the WRC is in compliance with the **Employment Equality Act, the Equal Status Act and the Disability Act**. Key activities to date include and audit of the physical layout of the Dublin office in terms of staff and customer access for persons with disabilities, developing policies and practices to ensure accessibility and reasonable accommodation for people with disabilities are fully taken into account when carrying out the work of the Workplace Relations Commission. The group is also monitoring the upgrade of the website and other publications to ensure their accessibility to all.

In terms of enhancing customer service delivery, the Sligo office of the WRC was restructured to enable it to deliver the full range of services available in the Dublin office and similar arrangements for the South and West will be implemented in 2019. In addition, the WRC appointed a full-time complaint mediator in its Sligo office and a full time adjudicator in Shannon. Similarly, mindful of stakeholder feedback, the WRC established five new hearing venues in Tralee, Letterkenny, Castlebar, Kilkenny, and Monaghan.

The first of what will be annual customer surveys was carried out in 2017, which indicated high levels of satisfaction with many of the WRC services, and a relatively high level of brand and service awareness. The survey forms a central part of the WRC's continuous improvement process and indicates areas where service delivery needs to be improved further and these form part of the Statement of Strategy 2019-2022.

The WRC has developed a communications strategy, driven and overseen by a Communications Committee, to project the WRC identity, improve awareness of the range of services on offer, direct persons to relevant information about rights and responsibilities and to assist in the delivery of effective information and inspection campaigns.

From a technological perspective, the WRC has invested significantly in improving the front-end experience of persons interacting with the website and a further significant enhancement is planned for late-2018. Similarly, the WRC has developed and is currently trialing a functionality which will simplify the tendering and filing of submissions in adjudication cases. Internally, the WRC has upgraded the adjudication case management platform, is in the process of rolling out a similar platform for the **Inspectorate Division** and design work is underway for such a platform for the **Conciliation, Facilitation and Mediation Service**. In addition, the WRC Inspectorate is using secure mobile devices that permit inspectors to interrogate data from a range of sources and to input data on the system while carrying out inspections – bringing about better targeted inspections and improved productivity.

Enhance dispute resolution service and delivery

The WRC has significantly expanded its mediation offer. At the outset, mediation was offered by way of telephone through the 'early resolution service' and in a small number of face-to-face mediations involving interpersonal workplace relationship difficulties, and in some equality and grievance disputes. Since then, the WRC has positioned itself to offer significantly increased levels of mediation to those who wish to avail of it, particularly more face-to-face mediation than in the past, while still providing telephone based mediation for those who prefer that mode of mediation. This has been achieved through complaint officers, who previously provided telephone mediation only, now providing face-to-face mediation, and through enhanced cross-functional mediation capacity provided by qualified mediators across all divisions of the WRC. In this regard, face-to-face mediation has increased from a total of 69 in 2016 to 164 in 2017 and a total of 419 at the end of September 2018.

This approach also has the added advantage of triaging a significant number of complaints away from adjudication, which is of value to the complainants and respondents and to the WRC in terms of overall costs.

Monetary settlements range from relatively small amounts in terms of payment of wages, terms and condition complaints (which are reflective of awards at adjudication) to very large sums in some cases of employment contract termination.

The **Advisory Service** of the WRC has provided assistance on 25 occasions by end-September 2018 in the context of referrals to the WRC submitted under the

'collective bargaining' clause provided for in the **Industrial Relations Act 2015**. These referrals seek the assistance of the WRC to the parties in dispute where negotiating arrangements are not in place and where collective bargaining as defined in the act does not take place.

Provide high quality, 'real-time' adjudication

In the period since establishment, the **Adjudication Service** of the WRC has;

- received some 41,996 specific complaints
- created some 21,121 complaint files
- held 11,737 hearings
- issued 5,531 decisions

Of the decisions issued, approximately 10% are appealed to the Labour Court. While the hearings are **de novo** and may hear evidence not adduced at the adjudication, the Court, over the period has upheld 40% of the original decisions, varied 40% (generally on monetary matters) and overturned 20%. This indicates in a large majority of cases the parties accept the adjudication decision and, where appealed, a sizeable number are found to be robust or require varying on the monetary compensation.

Over the same period, the service has virtually eliminated all 4,000 of the 'legacy' cases inherited at commencement from the 'constituent' bodies. At present, only 198 of these cases remain to be dealt with, almost all of which are 'on hold' pending a relevant decision of the Higher Courts or the CJEU.

In terms of processing times, over 90% of current cases are processed in six months or less from receipt of complaint, through registration, notification to respondent, scheduling of hearing and issuing of decision where no requests for postponements are received and where submissions are submitted in a timely manner.

Despite the fact hearings are scheduled some seven weeks in advance, however, some 30% of hearings scheduled are subject to postponement requests from either or both parties – of which almost two-thirds are granted. This means one in five hearings scheduled are postponed. In addition, submissions from respondents and complainants are regularly received very close to the date of the hearing or on the date of the hearing. This often means the parties need time to consider the contents of the submissions, often by way of hearing adjournment. Both of these features impact on overall processing times significantly, to the effect that the median time to process complaints from receipt to decision currently stands at 180 working days (albeit this processing time is expected to drop noticeably during 2019 as the positive impact of additional resources on the processing pipeline begins to take effect).

The service has engaged with stakeholders on both of these issues and some progress has been made. The WRC, in the context of the Statement of Strategy 2019-2022, will introduce new case management systems, processes and policies to remedy the problem.

Over the period, the service has drafted and implemented procedures and policies for adjudicators in relation to consistency of hearings and decision style. It has also monitored the quality of decisions issued by way of an Internal Quality Control Group and has provided feedback, where relevant, to adjudicators. The registrar has also brought adjudicator decisions, Labour Court and Higher Court decisions to the attention of adjudicators where relevant to ensure adjudicators are fully informed when making their decisions. Feedback from stakeholders over the period has

acknowledged significant improvement in consistency of hearings and decision style has taken place since establishment.

Drive employment legislation compliance

The **Inspection, Enforcement and Information Divisions** of the WRC have primary responsibility for driving employment legislation compliance. This is achieved through a combination of targeted inspections, assisting non-compliant employers in becoming complaint and robust prosecution and enforcement where they do not, and direct and indirect information provision for employers and employees in relation to employment rights and responsibilities.

Over the period, the **Inspection Division** carried out some 15,358 inspections, and by working with employers, achieved compliance in almost all instances. (This is in the context of such inspections finding that around half of employers are found initially to be non-compliant to a greater or lesser degree). The **Workplace Relations Act 2015** made provision for the WRC to use two new legislative instruments, the compliance notice and the fixed payment notice. They were introduced to improve compliance while, at the same time, reducing the number and associated expense of prosecuting certain breaches of legislation.

Compliance notices were required in 327 of such cases and 76 fixed notices were issued.

In only 59 cases was a full prosecution required to achieve compliance.

These processes and outcomes are in line with the policy provisions contained in the **Workplace Relations Act, 2015**, and the WRC Statement of Strategy 2016-2019.

The **Inspection Division** also works collaboratively with other government agencies. This approach enables a more comprehensive focus on employers and sectors most at risk of being non-compliant in the areas of employment rights, social protection and taxation. In the period since establishment, some 2,197 joint investigation visits have been carried out by inspectors from the WRC with their counterparts in the Revenue Commissioners and the Department of Employment and Social Protection. In addition, the WRC agreed a Memorandum of Understanding with the Gangmasters Licensing Authority in the United Kingdom, and with the Private Security, the Health and Safety Authority and Road Safety Authority.

The WRC also works closely with the Garda National Immigration Bureau (GNIB) and the Garda National Protective Services Unit in terms of the reporting of potential immigration and human trafficking issues encountered during inspections. Examples of such collaboration arose with regard to operations in relation to the Atypical Fisheries Scheme and 'pop-up' car washes and nail bars.

The WRC is a key member of the European Platform for tackling undeclared work. The platform works to support effective change in ways of tackling undeclared work at a national level through enhanced cooperation and exploration of best practice models employed in other European jurisdictions. Through engagement with the platform, Ireland continues to play an active role in the exchange of information, developing knowledge and enhancing cooperation between the relevant agencies.

Best practice models in different counties are explored as a key feature of the shared experience approach. The Irish model for providing information to the public has been considered an example of best practice and will have a published fiche⁶ on the European Commission's website in the near future. The WRC model of training information officers, and utilising bespoke technology to share standard approved responses has been considered innovative and highly effective and is transferable to any country that may wish to copy the initiative.

In 2016, following the establishment of the Atypical Worker Permission Scheme for the whitefish fishing industry, the WRC put in place a dedicated Fishing Vessel Compliance Team. To date the team has inspected some 169 vessels, (involving 306 port inspections), detected 209 contraventions and concluded current investigations and achieved compliance in 48 cases. Five successful prosecutions have been secured and prosecution proceedings have been initiated in four other cases. In addition, the WRC carried out almost 50 'educational inspections' over the period April-June 2016 as part of a WRC educational and awareness programme undertaken in association with the roll-out of the Atypical Scheme.

In 2017, the WRC initiated a two-year compliance and enforcement campaign within the equine sector (including the horse racing industry) to identify contraventions, achieve compliance and promote an awareness of employment rights and obligations within the equine sector.

In the intervening period, 92 inspections have been carried out, some 340 contraventions detected, and compliance in 70 cases in which investigations have been concluded.

⁶<http://ec.europa.eu/social/main.jsp?catId=1299&langId=en>

Where compliance is not achieved through inspection, the WRC enforces using a number of methods including prosecution in the courts for offences committed. In this regard the WRC publishes in its annual report the names of all cases where convictions are achieved. A total of 191 have been published to date.

The **Information, Inspection and Enforcement Division** regularly works with specific sectors and industries to inform both employers and employees of their respective responsibilities and rights. This can be by way of and educational visit by inspectors prior to the start of a sectoral campaign or the provision of appropriate information for sector specific publications such as in a recent Teagasc publication for dairy farmers.

From an information provision aspect the **Information Division** has provided information in relation to employment rights, equality, industrial relations and employment permits through:

- a dedicated telephone service manned by experienced information officers
- information booklets, leaflets and other literature
- exhibitions, seminars, and bespoke presentations

The WRC 'infoline' logged over 170,000 calls in the three years since establishment: the recent customer survey indicated that satisfaction levels with the telephone service was very high, with over 90% in all cases satisfied with the service provision, friendliness, clarity and usefulness of information provided, and the broad knowledge base of the staff.

The division designed and drove the WRC presence at some 128 seminars, exhibitions and presentations over the period. These are targeted at represented bodies and

the general public to raise awareness of employment rights legislation, the services offered by the WRC and the various channels by which people can access our services. The division also produced a range of guides and information leaflets in a number of languages including Arabic, Filipino, French, Hindi, Mandarin, Polish, Portuguese, Romanian, Russian and Spanish.

In 2017, as part of a new 'Guide to Working Life' the service designed and produced a series of mini-information sheets for employees and SMEs and 'start-ups' in relation to key stages of working life: starting a job or taking on staff for the first time, when family or personal issues impact on job performance or staff availability, when friction arises in the workplace, when the employee leaves the workplace, voluntarily or otherwise, and when the employee is considering retiring. This publication has proved to be of particular interest and use for employees and employers and formed a central pillar in the WRC's presence at the National Ploughing Championships, the Tullamore Show and other seminars. In late 2018, the WRC will produce a more expanded publication to be used for employers, employees and their representatives.

The division, working with other divisions, coordinated and drove media campaigns about aspects of the work of the WRC, e.g. Equine and Market Garden inspections, with a view to increasing awareness of employer responsibilities and to inform employers the WRC inspectors were active in this area thus improving compliance across the sector.

The WRC website – shared with the Labour Court – was upgraded significantly over the period and a further redesign has recently been launched. The upgrades and redesign have made it much easier for visitors to the site access the relevant information or allow

them interact with the relevant services of the WRC. In addition, social media platforms were designed and initiated during 2018 which will educate and inform citizens about employment rights and the work of the WRC.

Develop and enhance enterprise-level workplace relations

One of the principle objectives of the WRC is to promote the improvement of workplace relations generally and this was a key element of the WRC's strategic approach over the period of the strategy.

The Frequent Users Programme, driven by the **Advisory Service**, identifies high volume users of the WRC services. This leads to contact with the relevant user which, depending on the reasons behind the referrals, can lead to assistance being provided by way of bespoke training to management and employees. These interventions are highly confidential; a number have been carried out both in individual companies and, currently, in a particular sector.

The WRC enhanced its training capacity over the period. Through a combination of upskilling and cross-divisional working (resources permitting) the number of staff available to provide bespoke training increased by some 400%. All training interventions are customised to the needs of the workplaces concerned. Typical training programmes delivered in the period include 'Dignity in the Workplace', 'Conflict in the Workplace', 'Communications', 'Effective Utilisation of Local Procedures', and 'Implementation of Change'. The training is provided by staff from all divisions of the WRC thus drawing on and maximising extensive WRC experience and knowledge in the delivery of programmes. Significant new training modules developed and delivered include:

- **Dignity at Work**

These modules included education on bullying, harassment, sexual harassment, equality and diversity, and education on best practice for managers and team leaders. The training was delivered to a wide range of private sector organisations, and educational bodies, as well as to HR specialists and managers across the public and private sectors.

- **Handling Conflict in the Workplace**

The service developed and facilitated training initiatives for managers and team leaders. These modules focused on the importance of early intervention, and best practice for grievance and disciplinary procedures.

- **Information and Consultation**

The WRC developed and delivered training to staff and on best practice around the implementation of the **Information and Consultation Directive 2008**

- **Conciliation, Mediation and Adjudication**

Training workshops were delivered in relation to the work of WRC, including best practice, when engaging with our dispute resolution services, including education on the conciliation, mediation and adjudication processes.

The WRC develops Codes of Practice setting out guidance and best practice regarding good industrial relations. In this regard, a 'Code of Practice on Longer Working' was finalised by the **Advisory Service** in 2017 and published in January 2018. The code sets out best practice in managing the engagement between employers and employees in the run up to retirement age including requests to work longer. In addition, the WRC is currently working with the Health and Safety Authority to produce a simplified and unified code on 'Bullying in the workplace'.

Enhance and inform the policy debate on workplace relations developments

At inception, the WRC commissioned research on the then workplace relations environment and outlook and this was integral in setting out the context and challenges facing the WRC in terms of its initial statement of strategy.

The WRC has published regular commentaries on its activities and progress against targets set out in the Strategy Statement 2016-2018 and in the work programmes submitted to the Minister. These include annual reports, two six-month commentaries outlining WRC progress and issues arising over its first 12 months.

In addition, a comprehensive report was published in 2017 on WRC inspection and enforcement activities in connection with its remit relating to the Atypical Worker Permission Scheme in the Irish Fishing Fleet. The WRC also appeared before the Select Committee on Jobs, Enterprise and Innovation in September 2017 to assist the committee in its examination of the Atypical Scheme.

In conjunction with the Economic and Social Research Institute (ESRI), the WRC commissioned research into changing patterns of employment relationships in the Irish economy to assist legislators and policy makers see and understand those trends when considering whether and what changes should be made to employment law to address any policy issues emerging. This report 'Measuring Contingent Employment in Ireland' was published in 2018.

In addition, the WRC hosted 'The World of Work: A Shifting Landscape,' a very significant seminar attended by policy makers, practitioners, economists and academics, which explored current and prospective changes that affect or will shortly affect a very large proportion of the Irish workforce, i.e. are temporary work contracts more and more a feature of working life and what are the implications of an aging workforce on employment relations and what broader policy questions need to be considered. The policy papers were published and copied to all attendees. The WRC has, on request, submitted observations on the practical application implications of policy matters under consideration at departmental level and across Government.



Involving stakeholders on operational aspects of the WRC services

From inception, the WRC has been actively committed to engage with stakeholders on a regular basis.

These engagements have occurred annually and occasionally more frequently and the stakeholders met included the Law Society, Employment Law Association of Ireland, Employment Bar Association, Irish Human Rights and Equality Commission, Equality and Rights Alliance, Ibec, ISME, Irish Congress of Trade Unions, Citizens Information Board, individual employer representatives, etc.

During these engagements, direct feedback was provided, which proved invaluable in identifying issues arising from a service perspective and possible solutions. These sessions focused on the fledgling adjudication service primarily but the service content and delivery of all services has been discussed and adjustments made where feasible. In addition, the WRC has presented at seminars hosted by many of these organisations and engaged directly with individual members whose observations have also been of great assistance in improving the service delivered by the WRC.

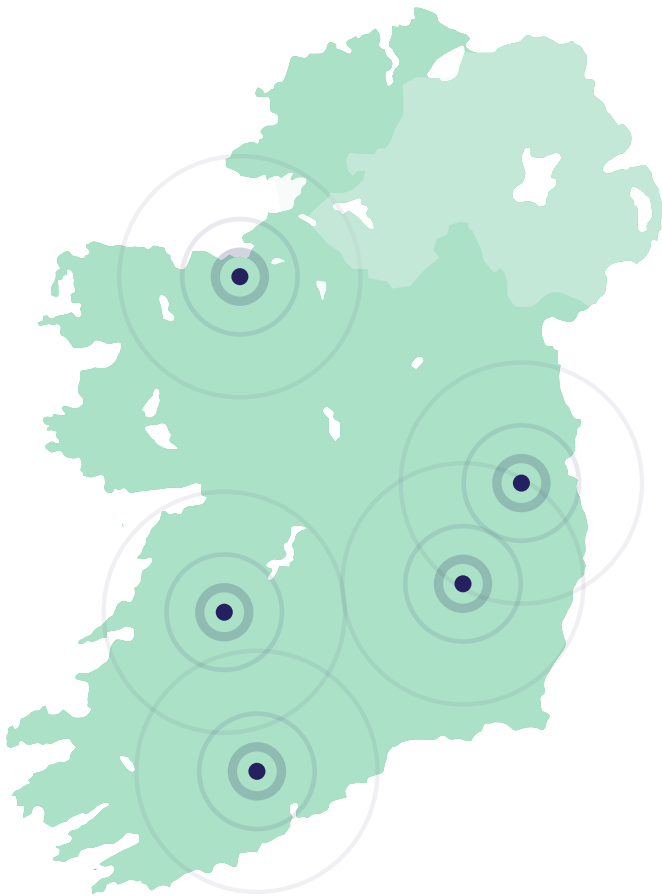
Many of the improvements noted in the delivery of adjudication serviced outlined earlier were as a direct consequence of these engagements.

The WRC commissioned a comprehensive customer survey of users of all its services; this was published in early 2018 and it will be carried out annually. In addition, the WRC published its Customer Charter and complaints procedures in 2016 and updated them in 2018.



WRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission



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