



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Workplace Relations Commission

Work Programme

2019

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Workplace Relations Commission

Work Programme 2019

Introduction

The core mission of the Workplace Relations Commission (WRC) centres around the promotion and improvement of industrial and employment relations generally, and the maintenance of proper employment standards which, in turn, contributes significantly to the architecture of economic and social development and growth.

In this regard, the collective and specialist services of the Commission play a vital role in contributing towards industrial peace, adjudicating on individual disputes and monitoring and enforcing compliance with employment standards across the economy. The WRC's primary goal has been to deliver on its mission in a manner that is user-friendly, effective and efficient.

Work Programme Requirement

Section 22(1) of the Workplace Relations Act 2015 provides that the Board, after consultation with the Director General, shall prepare and submit to the Minister, a Work Programme of the activities that the Commission intends to carry out in the year to which the Programme relates. Such a Programme must be submitted to the Minister for Business, Enterprise, and Innovation by 1 December every calendar year.

The Programme reviews performance in the previous year while a more structured evaluation against Work Programme Key Performance Indicators is published annually in the WRC Annual Report.

Statement of Strategy 2016-2018

The primary aim of the WRC's annual Work Programmes over the period 2016-2018 was to ensure that the WRC deployed its staffing and other resources appropriately to achieve the strategic objectives set out in the WRC Strategy Statement 2016-2018, *Workplace Relations: Assisting the Recovery in a Changing and Challenging Environment*.

At its centre, that Strategy focused on meeting the Government's fundamental goal of having in place a workplace relations service which is simple to use, independent, effective, impartial and

efficient, to provide for workable means of redress and enforcement within a reasonable period and to reduce costs to business.

The Strategy reflected that vision and identified a range of objectives:

- Consolidating the Workplace Relations Commission
- Achieving an internally and externally recognised WRC culture and brand
- Ensuring robust corporate governance around delivery of services
- Driving value through technology
- Delivering high quality customer service
- Enhancing and expanding the dispute resolution service and related delivery
- Developing further and delivering an expert suite of collective and individual dispute resolution services
- Providing fast and efficient current complaint adjudication of the highest quality
- Driving employment legislation compliance through working with employers and, where necessary, robustly prosecuting recalcitrant employers
- Promoting awareness of employment law and becoming the “go-to” service for such information
- Publishing Regular Commentaries/Data on WRC activities and involving stakeholders on operational aspects of the WRC services

Work Programmes 2016-2018: Key Outcomes

Significant progress has been made in achieving the broad goals set out in the Strategy.

Over the period of the 2016 Work Programme, the WRC:

- put in place robust and corporate governance structures,
- established a new WRC Dublin office and initiated the development of a strategy to embed regionally the full suite of WRC services,
- established and bedded in the new Adjudication service,
- rolled out the revised compliance and enforcement approach framework as provided for in the Workplace Relations Act 2015,
- maintained the high standard of service and outcomes provided by the Conciliation division, and delivered a series of engagements provided on an *ad hoc* basis during this period,

- raised external brand awareness of the role of the WRC in the industrial relations and employment rights landscape, and
- began the process of developing a strong, customer-focused, shared internal WRC culture.

In 2017, the WRC built on the strong foundations set in the first full year of operations. In this regard:

- the first public regional office of the WRC was opened,
- a bespoke business-integrated communications strategy was developed and rolled out,
- the mediation service was expanded in terms of activity and locations,
- the adjudication service was improved further by way of;
 - standardised hearing procedures,
 - shortened hearing and decision times for current cases,
 - the legacy backlog of industrial relations complaints was virtually eliminated,
- the Inspection and Enforcement Division;
 - carried out successful targeted campaigns that impacted positively on compliance in particular sectors,
 - initiated a novel “outreach” programme aimed at improving awareness among workers and employers in SME’s of employment rights and responsibilities,
- the Conciliation Service, in addition to dealing with ongoing dispute demand, facilitated the negotiation of a comprehensive public service agreement and a number of very complex and resource-heavy transport disputes.

In the final year of the Strategy (2018) the WRC:

- published the results of its first annual customer survey which found that that overall satisfaction with the WRC and the WRC’s service provision is high – running at between 80% and 95% across most divisions,
- hosted a significant national seminar on emerging work trends and work patterns,
- within the appropriate timeframe, achieved the resolution of 85% of collective disputes referred to the WRC
- doubled the number of face-to-face mediations provided compared with 2017 – an increase of some 360% on 2016,
- had achieved a throughput from complaint to decision in under 6 months in over 90% of complaints received where no postponement requests arose and where all submissions and documentation received on time,

- worked closely with all parties in An Garda Síochána in advancing significantly the procedures around individual grievances and collective disputes to be used in the context of the access of An Garda Síochána to the WRC and the Labour Court,
- rolled out a new case management system and associated remote access devices that significantly enhances the efficacy and efficiency of the inspection and enforcement process,
- completed over 5,000 inspections and achieved compliance in over 90% of completed cases without recourse to enforcement,
- designed and rolled out an interactive and process-oriented WRC specific website that delivered clarity on organisational function, enhanced customer experience and process efficiencies,
- established a social media presence as part of its communications strategy to raise awareness of industrial relations, employment, equality and equal status rights and responsibilities, the related role of the WRC, and to drive traffic to the new website, and
- published research on the incidence of “Contingent Work” in Ireland in conjunction with the ESRI.

These achievements would not have been possible without the commitment and enthusiasm of the staff of the WRC, who have individually and collectively embraced and addressed the challenges that inevitably arise in the establishment of any new organisation and have been innovative and customer-focused in looking at new ways of working. The support of the relevant Ministers and the Department in terms of resource provision has been critical in providing the internal flexibility required to respond to constantly changing environment within which the WRC operates.

Statement of Strategy 2019-2022

In late-2018, the Board submitted a new Strategy Statement to the Minister ‘Fair and Compliant Workplaces and Equal Treatment in Services’.

Over the course of this Strategy, underpinned by the WRC Core Values of:

- Trust, Independence, Impartiality and Innovation, and a Vision to be:
- a world leader in delivering fair and compliant workplaces and the nondiscriminatory delivery of services,

the WRC Mission over the three years is to make sure that:

- people in dispute about compliance with employment or equality law¹, 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 Strategy sets out how best the WRC, over the period, will enhance service delivery:

- By promoting the improvement of, and the maintenance of good workplace relations,
- By promoting and encouraging compliance with relevant employment, equality and industrial relations law, and
- By promoting and delivering on the WRC’s role in assisting parties in the resolution of disputes as well as informing them in respect of accessing the relevant WRC services.

Delivery Elements

Six key strategic delivery elements were identified in the Strategy:

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



This Strategy and the delivery elements provide the template and broad objectives for the WRC Work Programmes over the period.

Work Programme 2019: Key Goals

Within the general framework of the Statement of Strategy some key issues and objectives have been identified for 2019.

¹ Including complaints submitted to WRC in context of Equal Status legislation

Service Excellence

Conciliation/Facilitation/Mediation

The Conciliation and Facilitation Service provided a very effective service in resolving some 85% of the collective disputes referred to the WRC during 2018 in a timely and efficient timeframe; this level of activity will be maintained during 2019.

The Mediation Service increased the number of face-to-face mediations provided by some 50% provided compared with 2017 – an increase of some 360% on 2016. Overall, the mediation service provided assistance in 1300 cases in 2018 – an increase of 220% on 2017. Similarly, this overall service provision will stand as the target for 2019

The three arms of the Service will work with An Garda Síochána during 2019 when, pending enabling legislation, it is expected that collective disputes and individual claims begin to be referred under the dispute procedures agreed separately under the auspices of the WRC during 2018.

Adjudication

Over the course of 2018 the Adjudication Service made significant progress:

- in over 90% of cases, decisions were issued within 6 months of the receipt of the complaint where no postponement requests had been tendered, all submissions/documentation received within time, and where external factors, such as related High Court proceedings, did not have an impact on processing times,
- by end-2018 the median time for a hearing was 16 weeks – this takes into account the impacting factors mentioned above and statutory pauses that must apply in certain industrial relations and dismissal cases, and
- the legacy caseload was reduced significantly and the remainder² have a hearing scheduled or are awaiting a decision, or a relevant outcome from ECJ/Higher Courts before they can be progressed.

Nonetheless, further improvements in service will be delivered over 2019.

² 190 at time of submission

The Service will build on the progress made on processing and scheduling times over the course of 2019 with a view to achieving the ultimate strategic goal of processing most cases within 6 months by 2022.

With this in mind, the Service will explore with stakeholders how best to process postponement requests efficiently so that “back filling” of hearing slots can take place, and how best to ensure that submissions are received on time, implement the agreed solutions and monitor impact.

Similarly, further progress will be made in terms of the time-frame between the receipt of a complaint to the issuing of the relevant decision.

Over the period of this Programme, the Service will bring on stream additional external Adjudicators to replace those who have stepped back from the function over the recent past, and to deal with increased demand arising from the expanded Garda Síochána remit.

Inspection and Enforcement

The Inspection and Enforcement Division concluded over 5,000 inspections during 2018: an increase of 6% on the total inspections in 2017. This level of inspection activity will continue into 2019.

In addition, the Division will continue its operations across all sectors and will undertake targeted inspections campaigns in sectors such as equine, fisheries, nail bars, car washes and specific professional sectors. Some of these will be carried out in conjunction with other enforcement agencies.

The Division, utilising the enhanced functionality of its new case management system, will focus the inspection activity more on potentially non-compliant employers, or particular high-risk sectors.

Advisory

In addition to continuing to deliver its broad suite of services, the Advisory Service roll out of the cross-functional WRC cadre upskilled in 2018 to meet appropriate demand over time for enterpriselevel “best practice” education (e.g. workplace procedures, communications, the mediation process, dignity in the workplace, dealing with conflict, etc.) and educative interventions where workplace relations may benefit from some external support. This will be done in conjunction with relevant stakeholders

It will utilise the Frequent Users Programme to identify those parties who may be of benefit from such training initiatives.

Outreach and Prevention

Over the course of 2019, the WRC will work pro-actively with stakeholders, key influencers, companies and organisations nationally to support deeper understanding of good practice, prevent

breaches, including those relating to exploitative labour practices, close gaps early and embed a culture of good workplace relations.

In this regard, the WRC, in conjunction with Chartered Accountants Ireland, will publish a comprehensive employment law guide, building out from the concept of embedding employer and employee rights and responsibilities in the context of key stages in a person's working life as developed in the WRC's 2017 Guide to Working Life. This will be of particular assistance to SME's and "Start Ups" who may not have a formal HR function located within the organisation.

Apart from its immediate beneficial impact, the Guide will serve as a basis for developing further targeted guides for particular sectors, stakeholders and influencers in workplace relations generally.

Communications and Engagement

The WRC communications and engagement strategy will be utilised to effectively deliver key messages around remit, service, value and impartiality.

Building on the roll out of WRC social media platforms in 2018, the revised website, and other communications channels, and following engagement with relevant stakeholders, the WRC will carry out awareness raising campaigns in the following areas in 2019:

- the role of the WRC in receiving and processing equal status complaints including in the areas of the discrimination in the provision of accommodation and discrimination in the provision of educational services,
- the role of the WRC in receiving and processing complaints from An Garda Síochána,
- work with stakeholders to identify suitable areas of interest where the WRC could deliver value through a series of "webinars" in relation to employment rights/codes of practice etc.
- deliver awareness raising campaign among SMEs in relation to the proposed publication on employment law.

Further campaigns will be considered in the context of inspectorate activity in high-risk sectors.

Leveraging Technology

The WRC will continue to design and rollout business applications on its CRM (Customer Relations Management) technology platform to support and underpin its operations, drive efficiency and effectiveness and inform decision-making. Applications have already been rolled out in the Complaints and Adjudication and Inspection and Enforcement areas while planning is at an advanced

stage for the procurement, design, build and rollout of applications in 2019 to support, Conciliation, Facilitation, Mediation, and Advisory operations.

On completion of the rollout of business applications for the Conciliation, Facilitation, Mediation, and Advisory services, the majority of the operations and services of the WRC will be supported by a single CRM technology platform, replacing the disparate legacy systems that were inherited by the WRC on establishment.

Over the period of the Programme, the WRC will exploit fully the investment in new business applications and remote/mobile functionality and devices to significantly enhance operational efficiency and effectiveness. Insofar as inspections are concerned, the WRC will also explore how this technology can be utilised appropriately in conjunction with other public bodies to enhance targeting and risk profiling and further drive employment rights compliance.

In this regard, the WRC will work to integrate its technology platform with Department of Employment Affairs and Social Protection and Revenue Commissioners systems to facilitate the sharing of information and further compliance between the two organisations in relation to enforcement.

The WRC will, following consultation and engagement with stakeholders and users, review and design an upgrade to its existing e-Complaint Facility to enhance user experience and further leverage integration with the WRC's technology platform.

In conjunction with the Department of Business, Enterprise and Innovations, the WRC will explore the potential uses of enhanced automated business processes.

Data and Measurement

In accordance with the Statement of Strategy 2019-2022, the WRC, wherever possible, will access appropriately and utilise real time, accurate data to help deliver the best possible service.

The new inspection platform will be fully exploited during 2019 to produce "real time" management information on the inspection and enforcement process.

Similar use will be made of the Adjudication platform to assist the Division reach its processing goals as set out in the Strategy.

The Inspection Division of the WRC will continue to explore with other organisations the possibility of further appropriate sharing of information on non-complaint employers and in possible trafficking cases.

People and Structure

The Statement of Strategy 2019-2022 sets a key goal for the WRC: to be a highly flexible organisation, capable of rapidly responding to changes in demand and priorities.

Throughout 2019, the WRC will build on the cross-functional range of activities that the organisation has developed since inception. This is critical in ensuring that the WRC has the skills and capacity to respond promptly and ably to demand shift across Divisions. In this regard and given the staff churn occurring across the WRC and the civil service more generally, the cross-organisational roll out of the coaching and skills training element of the HR Plan will be completed during 2019.

The WRC is based in several regional locations: Dublin, Carlow, Cork, Shannon, and Sligo. Over 2019, the WRC will work with the Office of Public Works to locate the South/South West regional office and the West regional office in premises capable of hosting the full range of WRC services by the end of the year. At present, only the Dublin and Sligo offices have this capability.

Work Programme 2019: Divisional Programmes

Conciliation, Facilitation and Mediation

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
Provide timely, effective and efficient Conciliation service and ensure demand is met whilst maintaining delivery of all services	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.
Enhance client usage of relevant mediation services of WRC	Maintain 2018 mediation levels and provide more mediation regionally where required	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.
Chair and facilitate various different industrial relations and statutory fora in both the private and public sector	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
Ensure effective two-way communication with primary clients	Maintain effective dialogue with key clients in all regions and nationally	At all times during 2019	Effective operation of communication channels maintained

Adjudication Service

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
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Maintain timeframe for all decisions of less than 6 months where no postponement requests arise and all submissions and documentation	Oversee efficient and effective throughput of cases through registration, hearing and adjudication	Throughout 2018	90% target achieved
have been received within time			
Reduce median time between hearing/receipt of submissions and issuing of decision	While observing the independence of the Adjudicators provide administrative support and oversight to achieve the goal	Throughout 2019	Median time reduced by 14 days
Deliver high quality decisions	Monitor and review quantity and availability of adjudicators to ensure delivery capacity.	Throughout 2019	High quality decisions issue
	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

Inspection and Enforcement Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
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Promote and enforce compliance with employment law	Risk-based inspections, complaint-based inspections, with other State bodies where appropriate	Throughout 2019	5000 Inspections concluded incl. 2500 unannounced workplace visits
	Prosecute, as appropriate, offences of non-compliance with employment legislation	Throughout 2019	A 90% successful prosecution rate
	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.
Enforce awards arising from decisions of adjudication and Labour Court proceedings	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
Issue licences and enforce legislation in relation to Employment	Licenses processed and issued in an efficient and lawful manner	Throughout 2019	1000 licences issued

Agencies and the employment of Young Persons			
Co-operate with other enforcement agencies	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
Leveraging technology to drive compliance	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
Carry out targeted campaigns in the identified sectors	Campaigns carried out effectively and efficiently	Q419	Positively impact compliance and create/enhance awareness of relevant rights and duties
Initiate SME client representative information and education programme to improve compliance generally	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

Advisory Service

Work Programme Objectives	Actions/Tasks	Delivery Timeframe	Key Performance Indicators
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Improve sitespecific workplace relations	Carry out reviews of industrial relations, chair joint working parties, facilitate resolution of individual disputes including referrals under the IR Act 2015 Deliver workplace mediation as required	Throughout 2019	Effective, tailored programme delivery, high service user satisfaction, improved workplace relations
Provide workplace education where required	Develop and deliver appropriate educational programmes	Throughout 2019	High Client Satisfaction – better understanding of issues and improved workplace relations
Further roll out of Frequent Users Programme Promote awareness of the	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
WRC and contribute to policy debate			
Redraft Codes of Practice on Bullying and Harassment	Conclude review with HSA and stakeholders and agree revised text	Q219	Code drafted and submitted to Minister
Oversee transition An Garda Síochána into WRC processes	Oversee provision of appropriate cross-Divisional training to the parties	Q1/Q219	Transition achieved

Information and Customer Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators
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Provide nondirective information on WRC activities generally, employment legislation and redress mechanisms through a variety of delivery formats	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
	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
	Use WRC social media platforms 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
Efficient processing of complaints and applications to the WRC	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
Deliver Outreach and	Identify WRC activities and external events that can be	Q218	Increased awareness and understanding of the WRC, its identity, role and functions,

WRC legal service operating effectively and efficiently	Structures, procedures, and business processes operating efficiently	Throughout 2019	Legal service established and fully functional.
Provide appropriate legal training to staff and adjudicators – legally sound approach to all activities of WRC	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
Manage legal services used within the WRC	Provide for legal services where appropriate (including panels for legal advice where appropriate)	Throughout 2019	Systems functioning effectively
Manage and provide for timely, effective and robust legal advice on all aspects of legal matters before the WRC	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
Maintain a specialised database and library facility for Adjudicators and WRC staff generally	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
Set and manage legal costs within budget parameters	Monitor spend on legal costs/identify efficiencies	Throughout 2019	Legal Costs managed effectively, efficiently and within budget
Inform stakeholders of trends in complaints and decisions	Publish analyses of employment rights complaints and WRC decisions with particular regard to equality and equal status cases	Quarterly	Commentaries published

Corporate Division

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
Maintain robust corporate governance framework in WRC	Oversee and monitor internal standards/policies/procedures	Throughout 2019	Corporate governance in WRC in line with best practice
Ensure WRC carries out statutory functions within budget	Oversee efficient and effective expenditure, monitor service demand and activity levels and liaise regularly with DJEI in this regard	Throughout 2019	Work programme achieved consistent with proper utilisation of budget allocation
WRC has functional flexibility	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
Manage the WRC risk-based strategic, business planning performance culture at all levels of the organisation	Assist in deliberation around, and implementation of, Board strategy and work programme and roll out via Corporate, Divisional, Unit and personal business plans, measure and take remedial action against risks and report on progress to MC and Board on a regular basis	Throughout 2019	WRC fully operating within coherent strategic and business plan framework
Enhance and inform the policy debate on workplace relations developments	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 bestpractice.
South and West WRC regions providing full service in WRC premises	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

Monitor ICT systems to ensure they facilitate the delivery of efficient and effective WRC services	Review quarterly and update where needed	Throughout 2019	Easy to use ICT systems working efficiently and effectively
Review and Design new eComplaints facility	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
Oversee design, build and rollout of Conciliation, Facilitation, Mediation, and Advisory IT platform.	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
Leveraging Technology to improve efficiencies and use of resources	WRC will work with DBEI to explore the potential uses of enhanced automated processes	Throughout 2019	Potential uses identified and medium-term strategy developed