

# WRC

An Coimisiún um Chaidreamh san Áit Oibre  
Workplace Relations Commission

## WORKPLACE RELATIONS COMMISSION

## ANNUAL REPORT 2015





# Workplace Relations Commission Annual Report 2015

**Presented to the Minister for Jobs, Enterprise, and Innovation  
Mary Mitchell O'Connor, T.D.**

in accordance with sections 23(2) and 23(3)  
of the Workplace Relations Act 2015



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# Director General's Report

OCTOBER - DECEMBER 2015



I have the pleasure of submitting to the Minister the first Annual Report of the Workplace Relations Commission (WRC).

The legislation provides that such Reports include information in relation to progress against the WRC's Statement of Strategy. In a start-up situation, however, the legislation provides that the first Statement should cover the years 2016-2018, and that it should be submitted to the Minister by end-March 2016<sup>1</sup>. As such, this Report focuses on the activities of the Commission between the day of establishment (1 October 2015) and 31 December 2015. All future Reports will include information in relation to progress against the Statement of Strategy.

The establishment of the Workplace Relations Act 2015 was perhaps the most far-reaching institutional legislative reform in the area of employment and industrial relations in almost 70 years. The bringing together of the functions formerly delivered separately by the Labour Relations Commission, the Rights Commissioners Service, the Equality Tribunal, the Employment Appeals Tribunal and the National Employment Rights Authority, has been, and continues to be, a significant challenge. Nonetheless, as this Report clearly illustrates, the WRC is now operating effectively. Both the Commission and the Labour Court have maintained the previous relationship of ongoing mutual co-operation.

With a workforce of almost 200, offices in Dublin, Carlow, Shannon, Cork and Sligo, and operational bases for hearing meetings in many other counties,

the WRC delivers a quality customer service throughout Ireland that is free of charge. Since its establishment on 1 October, 2015, the WRC has focused on activating a world-class workplace relations service which is user-friendly, independent, effective, impartial and cost-effective, in order to provide for variable means of redress and effective enforcement within a reasonable period and to reduce the cost to business.

The WRC faced significant challenges on its establishment. However, the processes, consultations, and engagement of key personnel from the agencies involved and the close interest of the Minister were key components in ensuring the Commission enjoyed a smooth transition and set-up. The assistance of the Department of Jobs, Enterprise and Innovation was invaluable.

Significant early progress has been made. By end-December 2015 the Board of the Commission was in place, key appointments were made to our management team, the Work Programme for 2016 was approved by the Board and submitted to the Minister, a comprehensive cross-Divisional Business Plan 2016 was agreed and is now operational, work on the Strategic Plan 2016-2018 was initiated and discussed with the Board while, over the period, the Commission staff provided effective dispute resolution services, implemented the newly-established Adjudication Service, put in place the revised inspection and enforcement arrangements and corporate governance structures and standards were drafted and implemented.

<sup>1</sup> The Statement was submitted to the Minister in early-March 2016

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The Commission's activities are primarily concerned with facilitating and assisting workplace change, creating an environment of equity and fairness across enterprises and employment, which, in turn, contribute significantly to the architecture of economic and social growth.

More specifically, the collective and specialist services of the Commission all play a vital role in contributing towards industrial peace, public service reform, maintaining and sustaining enterprise efficiency and productivity and engaging with employers and trade unions on issues of employee pay and rewards. Securing fair, impartial and effective employment rights adjudication services and appropriate and essential employment standards and enforcement are vital and important components of the strategic operations of the Commission.

At a practical level, we now have the mechanisms in the simplified and unified structures of the WRC to assist employers and employees to avoid disputes or resolve them quickly and efficiently. We have in place highly-trained and efficient officers working in the areas of advisory, conciliation, mediation and adjudication. We have an inspection and enforcement approach that not only encourages compliance but also ensures significant penalties where that compliance does not occur.

I know that the Board is very much of the view that the work of the WRC contributes significantly to assisting Ireland's economic recovery and subsequent progress into the future. Its advice and encouragement has

been critically important in the early stages of the development of the WRC and I know that this support will be invaluable to the staff of the Commission in their endeavours over the coming years.



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**Kieran Mulvey**  
Director General  
June 2016

# Board of the Commission

## BOARD OF THE COMMISSION 2015



**Dr. Paul Duffy**



**Liam Berney**



**Maeve McElwee**



**Shay Cody**



**Audrey Cahill**



**Geraldine Hynes**



**Richard Devereaux**



**Deirdre O'Brien**



**Dr. Michelle O'Sullivan**

On 1 October 2015 the Minister for Jobs, Enterprise and Innovation, Richard Bruton T.D., announced the Board of the Workplace Relations Commission. The Board comprises nine members and is chaired by Pfizer Global Supply Vice President, Dr. Paul Duffy.

Over the period covered by this Report, the Board received presentations on the operational Units of the Commission, agreed the WRC Work Programme for 2016 and associated Business Plan, and initiated work on the Statement of Strategy 2016-2018.

### Fees/Ethics in Public Office

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

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

### Director General

Mr. Kieran Mulvey was appointed by the Minister for Jobs, Enterprise and Innovation as the Director General of the Commission on 1 October, 2015.

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# Functions of the Commission

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## FUNCTIONS OF THE COMMISSION

### Establishment of the Commission

The Workplace Relations Commission (WRC) was established on 1 October 2015 under the Workplace Relations Act 2015. The WRC brought together the functions of the Labour Relations Commission (LRC), the National Employment Rights Authority (NERA), the Equality Tribunal, and the first instance functions of the Employment Appeals Tribunal (EAT).

The legislation also assigns to the WRC responsibility for the promotion and improvement of industrial and employment relations generally.

### Functions of the Commission

The main functions of the WRC are to:

- Promote the improvement of workplace relations, and the maintenance of good workplace relations,
- Promote and encourage compliance with relevant employment legislation,
- Provide guidance in relation to compliance with Codes of Practice,
- Conduct reviews of, and monitor developments, in workplace relations generally,
- Conduct or commission relevant research and provide advice, information and the findings of research to Joint Labour Committees and Joint Industrial Councils,
- Advise the Minister for Jobs, Enterprise and Innovation in relation to the application of, and compliance with, relevant legislation, and to
- Provide information to the public in relation to employment legislation (other than the Employment Equality Act)<sup>2</sup>.

Within this framework, the Commission's core services include the provision of early resolution, mediation, conciliation, facilitation and advisory services, adjudication on complaints and disputes, the monitoring of employment conditions to ensure the compliance and enforcement of employment rights legislation, the provision of information, and the processing of employment agency and protection of young persons (employment) licences.

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<sup>2</sup> EEA information provided by the Irish Human Rights and Equality Commission



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# ACTIVITY REPORTS

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# Conciliation, Mediation and Early Resolution Service

## CONCILIATION

The Division focused on providing a timely delivery of a flexible, responsive service designed to meet the needs of parties in dispute. The primary value and function of the service is that it is available to provide a high quality resource at the appropriate moment in any given dispute situation. The delivery of such a high quality service was the challenge met throughout the latter part of 2015 by the Division’s team of Conciliators, Mediators, Case Resolution Officers and support staff.

Conciliation activity throughout this short timeframe in the last quarter of 2015 continued to mirror the trends already established earlier in the Labour Relations in 2015 particularly in relation to ‘Public Service Agreement’ issues arising across a broad range of public sector employers. In particular, the Conciliation Service assisted in a broad spectrum of Health Service Executive (HSE) industrial relations disputes from 128 separate HSE referrals to the Conciliation Service. Many of these specific disputes involved a high degree of intense engagement over long and protracted period of hours and days.

The Conciliation Service’s handling of industrial relations disputes was very much in the spotlight over the period while there was also evidence of an increasing trend of industrial action or threatened industrial action happening in both the public, state sector and private sectors.

In private sector organisations, the Conciliation Service continued to assist in resolving many issues, most critically around company restructuring against an increasingly competitive but improving economy. In this regard, the Conciliation Service assisted in the resolution of disputes and/or facilitated the parties in discussions with a variety of employment organisations

in particular, the Bord na Mona dispute and agreement which provided the company with several million euros of savings and efficiencies through specific staff related savings and in other related efficiencies all of which were brokered under the auspices of the Workplace Relations Commission. Other high profile cases involved, Irish Life, Irish Rail and a number of education-related organisations.

Given the noticeable increase in industrial relations tensions and demands for conciliation assistance, this developing situation served to add to the dimension of urgency with regard to replacing and increasing the Commission’s staff resources in this division.

The number of referrals to the Conciliation Service was 273 over the three month period and the dispute settlement trend rate continued in the region of 80% for all industrial relations disputes referred. A total of 45 disputes were referred to the Labour Court and in many of these referrals to the Court significant progress was made at conciliation in terms of narrowing the differences between the parties thereby refining and reducing issues requiring a definitive Labour Court Recommendation.

### Conciliation Activity

Referrals	273
Conferences	393
Other Meetings (Facilitation, JLCs, Negotiating Fora, Equality Mediation, etc.)	79
Total number of meetings	472
Labour Court Referrals	45

## WORKPLACE MEDIATION SERVICE

The Workplace Mediation Service provides a tailored response to particular types of issues and disputes emerging in workplaces. This service is particularly suited to resolving workplace individual or small group disputes around workplace conflict and difficulties of employees working together. The service is delivered by a team of mediators drawn from the Conciliation and Advisory Services and is managed by the Conciliation Service. Typical issues dealt with over the period included interpersonal workplace relationships, equality mediations, and grievance and disciplinary procedural matters generally.

## EARLY RESOLUTION SERVICE

In addition to the Workplace Mediation Service, the Early Resolution Service (ERS) is a mediation service through which mediation is offered in cases which have been referred for Adjudication under employment rights legislation. The service provides parties to such disputes an early opportunity of resolving their issues by way of mediation delivered over the phone by a 'Case Resolution Officer'. By successfully availing of mediation, parties can fashion their own settlement and avoid all the potential costs of a first instance adjudication process and a possible appeals stage thereafter.

The service is delivered by five Case Resolution Officers and corresponds to similar types of telephone based mediation services provided by ACAS in the United Kingdom and the Labour Relations Agency in Northern Ireland.

### Service delivery October to December 2015

In the period October to December 2015 the ERS offered mediation in 210 selected cases. In that period, 96 cases were resolved with ERS assistance (some of these cases were selected prior to October 2015) and did not require to be forwarded for Adjudication.

On average, approximately 40% of cases referred to mediation are resolved through this service offering.

### Future success of service

The future success of the ERS will require a significant "cultural shift" in the sphere of employment rights dispute resolution. Parties have in the past commonly relied on opportunities for settlement which might arise on the day of an adjudication hearing to dispose of cases in a manner which did not require the adjudicative body to make a finding. In a new environment where the State is actively offering early mediation, the challenge will be to secure the co-operation of parties in availing of and maximising the benefits to themselves that the Early Resolution Service offers.

Considerable effort will be made over the next period to continue to bring about a distinctive shift in changing our approaches to voluntary dispute resolution on what are, in effect, relatively resolvable issues between employees/employers.

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# Adjudication Service

## ADJUDICATION SERVICE

The establishment of the WRC created a “one stop shop” streamlined structure for the submission of complaints. All first instance complaints are now submitted to the WRC, whereas before they could be submitted to the Rights Commissioner Service in the LRC, the Equality Tribunal and the Employment Appeals Tribunal. The WRC now deals with all “Legacy” adjudication complaints previously submitted to the Rights Commissioner Service of the Labour Relations Commission, and the Equality Tribunal. It also deals with all “new” (i.e. post-1 October 2015) complaints that would have been submitted previously to these bodies and to the Employment Appeals Tribunal. The existing cohort of 12 Rights Commissioners and the former Equality Officers plus an external panel of 17 Adjudicators were appointed as WRC Adjudicators on 1 October 2015. Hearings before an Adjudication Officer are now held “otherwise than in public”.

### Progress on Legacy Employment Rights/Industrial Relations (ER/IR) Complaints

At the time of establishment, there were approximately 2,500 employment rights/industrial relations complaints that had been referred to the Rights Commissioner Service awaiting hearing. This was reduced to just under 2,000 complaints by the end of 2015. The legacy Employment Rights/Industrial Relations adjudication complaints are solely adjudicated upon by the former Rights Commissioners who became WRC Adjudicators on 1st October 2015. The number of former Rights Commissioners now stands at 12 operating to various patterns of availability.

### Complaints to Workplace Relations Commission 1 October 2015 to 31 December 2015

	Complaint Applications Received	Specific Complaints Received
October 2015	571	1,146
November 2015	618	1,085
December 2015	501	981
Quarter 4 2015	1,690	3,212

The process of scheduling hearings began immediately and a total of 43 hearings were scheduled between 7 and 18 December 2015.

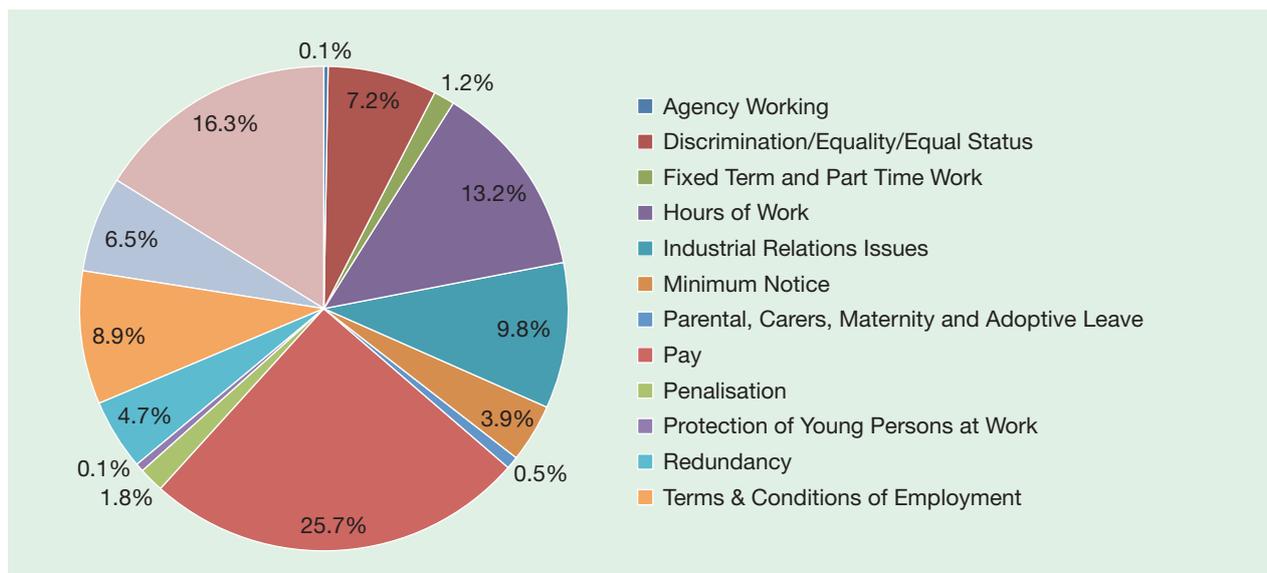
### Types of Specific Complaint

The top five complaint types that were submitted for Adjudication during this period were:

- Pay
- Unfair Dismissal
- Hours of Work (Organisation of Working Time)
- Industrial Relations Issues
- Terms and Conditions of Employment

The following graph illustrates the broader range of specific complaint types.

**Specific Complaints by Complaint Type Q4 2015**



**Progress on Equality Legacy Cases**

Similar to the Rights Commissioner “legacy” cases, a number of complaints transferred from the Equality Tribunal (see below). It is anticipated that by end-2016 all legacy equality cases will either have been heard or hearings scheduled.

Complaints	Employment Equality & Pensions	Equal Status	Total
On Hands 30 September 2015	1,011	454	1,465
On Hands 31 December 2015	856	413	1,269

# Advisory Service

**The Mission Statement of the Advisory Services Division is:**

*“To work closely with employers, trade unions and employees to promote, develop and implement best industrial relations policies, practices and procedures, in order to enhance the economic well-being of the enterprise and assist in employment creation and retention.”*

## SERVICES DELIVERY

### Industrial Relations Reviews

Reviews of industrial relations involve an in-depth assessment of industrial relations in workplaces with a view to identifying problem areas, making recommendations around improved practices and procedures, and working with all concerned to implement improvements. A typical review could involve a number of information gathering processes including individual interviews/questionnaires, email surveys and focus groups. The key object in a typical review is to accurately identify problem areas and to work with all concerned to develop effective remedies.

### Joint Working Parties

A Joint Working Party is a joint management/employee process facilitated by the Service to implement recommendations made arising from a review of industrial relations. The process is designed to give all concerned direct involvement in developing mutually acceptable solutions to their difficulties.

### Facilitation

The Service provides a facilitation service centred around workplace issues including the implementation of work practice change and the development of improved workplace procedures. The focus of the facilitation service is to assist the parties to reach mutually acceptable solutions in this regard.

### Training

The delivery of training on a variety of aspects of the employment relationship is a key element of the Service’s remit to enhance industrial relations capacity building in Irish workplaces by delivering proactive dispute preventative programmes. The Service delivers a variety of programmes around workplace procedures – grievance, disciplinary and dignity, communications and consultation, and dealing with

workplace conflict generally and programmes are tailored to suit the requirements of individual organisations, both large and small, in the private and public sectors. The training, delivered on site by our team of experienced practitioners, from both Advisory and Conciliation Divisions, enhances the capability of workplaces and their employees to develop and operate effective industrial relations processes and procedures.

### Voluntary Dispute Resolution

The Service facilitates the procedure prescribed in the Enhanced Code of Practice on Voluntary Dispute Resolution which provides a framework for the processing of disputes arising in situations where collective bargaining is not in place.

The legislative basis arises from the Industrial Relations (Amendment) Act 2015. The Service facilitated discussions in three referrals under this legislation during the period.

### Workplace Mediation

Workplace Mediation and Equality Mediation are delivered by a joint Advisory and Conciliation Service team. An overview and details are outlined under Conciliation Service activity.

### 2015 WRC Advisory Activity

Activity	Amount
Voluntary Dispute Resolution	3
Facilitation/Joint working parties	12
IR Reviews	3
Training	4

Note: the number relates to the amount of referrals - not to the number of meetings

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# Inspection and Enforcement Service

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Inspectors of the Workplace Relations Commission (WRC) are authorised to carry out inspections for the purposes of monitoring and enforcing compliance with employment legislation. Inspectors operate in a fair and impartial manner, carrying out inspections throughout the country. Inspections arise as a result of

- complaints received of alleged breaches of employment rights (total received was 266)
- targeted inspection campaigns, and
- routine inspection enquiries.

In general, the reason for a particular inspection is not disclosed to employers.

## Compliance/Fixed Charge Notices

The aim of the WRC is to achieve a culture of compliance by informing employers and employees of their respective responsibilities and entitlements under employment law, and by working in close cooperation with them and their representatives. Where an inspector determines that a contravention of specified areas of employment law (including the non-payment of money due to an employee under employment law) has taken place, and the employer concerned has failed or refuses to rectify the non-compliance, a Compliance Notice setting out the steps the employer must take to effect compliance may be issued. Should the employer not appeal, and fail or refuse to comply with the terms of the notice, the WRC may initiate legal proceedings against that employer

An inspector may also, in respect of a number of acts of non-compliance on the part of the employer, serve a Fixed Charge notice. Failure or refusal to pay the charge will also leave the person open to prosecution.

## Prosecution/Enforcement

In cases which are not covered by the provisions of the Workplace Relations Act such as failure to pay the minimum wage, employment permit issues and offences pertaining to non co-operation, and obstruction, it will be open to the WRC to initiate criminal proceedings in respect of the offences involved.

The Division also deals with the enforcement of decisions of Adjudication Officers and determinations of the Labour Court following an appeal. One of the avenues open to an employee, should an employer fail to carry out such decisions within the prescribed time, is to request the WRC to make an application on his/her behalf to the District Court for an order directing the employer to carry out the decision.

Prior to the commencement of the Workplace Relations Act, 2015 the enforcement of awards was also carried out by the equivalent Division. Failure on the part of the employer to comply with such determinations was pursued in the civil courts. The number of cases prosecuted was 19.

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### Summary of Inspections & Breaches Detected by Industry Sector from 1 Oct. - 31 Dec. 2015

Sector	No of Inspections Concluded	Compliance Rate %	Unpaid Wages Recovered (€)
Agriculture	38	73%	13,869
Food & Drink	273	45%	121,159
Wholesale & Retail	141	52%	211,800
Hotels	29	48%	3,787
Contract Cleaning	11	45%	2,293
Security	3	33%	4,593
Construction	40	40%	3,827
Electrical	5	80%	0
Manufacturing	17	65%	21,291
Transport	12	25%	3,178
Hair & Beauty	27	33%	7,808
Health, Nursing & Childcare	17	88%	60,228
Professional Services	46	67%	48,603
Domestic	5	40%	207
Other	84	45%	11,515
Unannounced Visits	902	66%	N/A
<b>Total</b>	<b>1,650</b>	<b>58%</b>	<b>514,158</b>

#### Employment Permits

Inspectors are authorised officers under the Employment Permits Acts. Compliance checks under this legislation are an integral part of all inspections. In addition to inspections by appointment, unannounced visits are also undertaken aimed at establishing the level of compliance and identifying potential employment law breaches in the workplace. These inspections also ensure that the information supplied in the applications for a permit is accurate and that the terms and conditions under which a permit is granted (working hours, duties, remuneration, etc.) are in compliance with the law.

A total of 257 breaches of the Employment Permits Acts were recorded and 13 employers were prosecuted.

The Appendix provides a full breakdown of all prosecutions secured for the period

#### Working with Other Agencies

A valuable element in inspection activities are the joint investigation visits carried out with the Revenue Commissioners and/or the Department of Social Protection. A total of 155 joint inspections took place and reflects the growing emphasis on collaborative work between government agencies. This approach enables a more comprehensive focus on employers and sectors that are most at risk of being non-compliant in the workplace.

#### Civil Enforcement

Cases representing awards totalling €73,707.95 were referred for civil enforcement during the period. In the same period, arrears of €21,966.12 were paid to employees as a result of civil enforcement. A total of 56 enforcement cases were active at the end of the year.

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## Information and Customer Services

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The Division, which operates from the regional office in Carlow, carries out two primary functions, namely the provision of information and the administration and processing of all WRC complaint forms. Information Officers provide telephone information between 09.30 and 17.00 in relation to employment legislation, employment permits, family equality legislation and equal status and employment equality. Replies are also issued to all correspondence, both written and via emails, within a specified time frame and information booklets are maintained and updated. Staff also provide presentations on employment legislation as requested and regularly attend exhibitions.

All WRC complaint forms are received, acknowledged and processed by the division. This includes dealing with all follow up correspondence and maintaining an accurate data base of the complainants received.

### **Protection of Young Persons and Employment Agency Licences**

The Employment Agency Act, 1971 makes it an offence to operate the business of an employment agency without a licence issued under the Act. The Protection of Young Persons (Employment) Act 1996 provides that employers may not employ those aged under 16 in a regular full time job. However, children under 16 may be employed in film, cultural, sport, or advertising work under licences issued by the Minister for Jobs, Enterprise and Innovation. Divisional Administration deals with all aspects of licencing.

A total of 103 licences were issued in respect of 198 children. A total of 121 Employment Agency licences were issued. A list of all employment licences is available on [www.workplacerelations.ie](http://www.workplacerelations.ie)

### **Workplace Relations Customer Service**

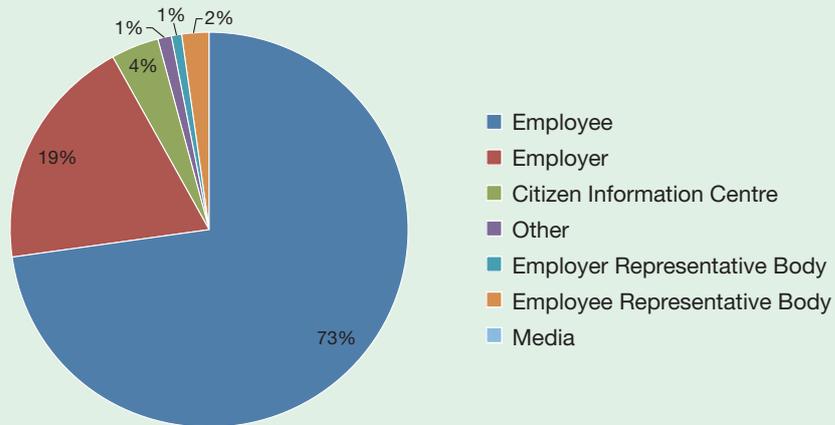
The Workplace Relations Customer Services ([www.workplacerelations.ie](http://www.workplacerelations.ie)), based in Carlow, acting as the single portal for all employment rights complaints received a total of 3,335 such complaints.

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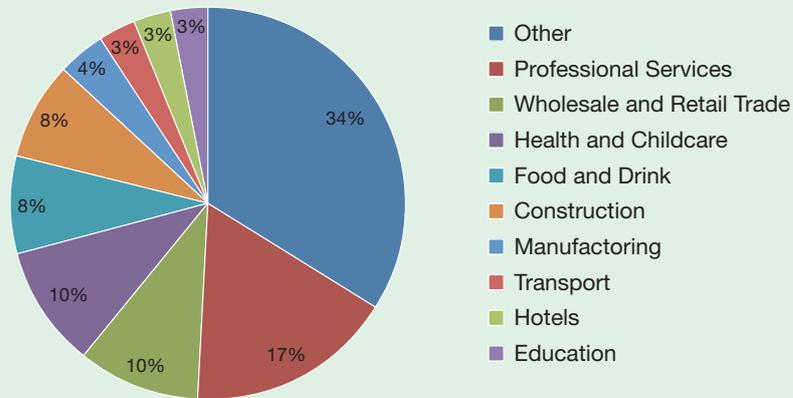
### Customer Information and Call Centre

The Customer Service Unit provided information to over 17,275 people. Web page impressions totalled 351,847 and the following charts represent a breakdown of the types of call by caller, industry, and topic.

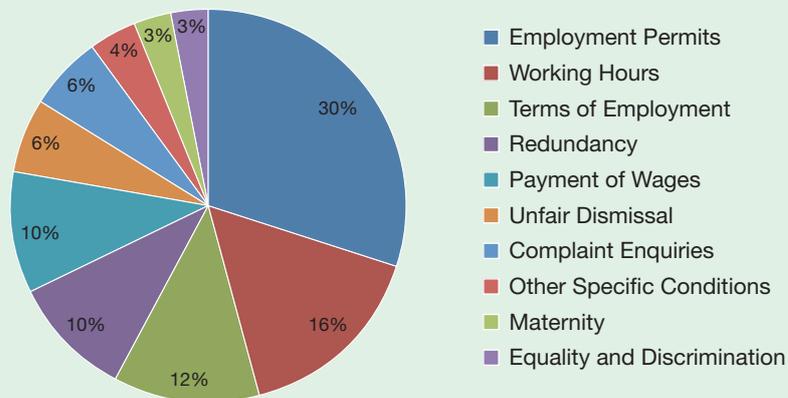
**Caller Type**



**Industry**



**Topic**



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# Corporate and Legal Services

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## CORPORATE SERVICES

The WRC Corporate Division seeks to ensure a sound and effective corporate culture and governance framework across the WRC; one in which our employees are familiar with and work together to achieve the WRC vision and goals. In this regard, the Division is responsible for the corporate services functions of the WRC, including overall 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, financial management and facilities management in a number of locations.

### The Management Committee

The Management Committee is the WRC's key leadership, planning, performance, governance and accountability forum. The Committee supports the Director General in the discharge of his functions and provides leadership, direction and guidance to the WRC as a whole. The overarching role of the Committee is to have in place a:

*Responsible, Supportive and Developmental  
Commission that Delivers Impartial, Fast, Efficient,  
Effective, High Quality Service to our Stakeholders*

The Committee's responsibilities include:

- strategic planning, policy and related performance target setting, performance risk management and resource allocation and budget management,
- performance management and reporting,
- providing effective and efficient service delivery,
- supporting staff learning and development, and
- reviewing, monitoring and directing the

Commission's overall corporate governance effectiveness.

Membership of the Committee comprises:

- Director General (Chair)
- Chief Operations Officer (Deputy Chair)
- Director Conciliation/Mediation Division
- Director Adjudication Division
- Director Inspection and Enforcement Division
- Registrar
- Director Corporate and Advisory Division

### Resources

During 2015, funding for the WRC was provided within the Department of Jobs, Enterprise and Innovation Vote. The financial and staff resources were agreed as part of the annual Estimates process. The WRC financial outturn will be published as part of the Department of Jobs, Enterprise and Innovation 2015 Appropriation Account which is subject to an annual audit by the Office of the Comptroller and Auditor General.

### Performance Management Development System (PMDS)

The Commission is committed to ensuring that best practice is employed in the delivery of all aspects of the PMDS so as to enhance the development of its staff and to ensure that a pathway for constructive two-way communication is in place. Role Profiles and Interim Reviews were completed in a timely fashion for all staff members of the Commission. The provision of upward feedback is encouraged as a feature of the process.

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### Risk Management

During 2015 the WRC reviewed its risk environment in consultation with the Department of Jobs, Enterprise and Innovation. The risk environment was assessed based on the Department's risk policy and the related risk register prepared at Divisional level was provided to the Department's Risk Committee. The WRC reviews its risks regularly and updates the risk register based on any changes identified. An incident reporting system is in place to highlight any urgent matters that may arise.

### Freedom of Information (Fol) Acts

The WRC replied to seven requests under the Freedom of Information Act between 1 October and 31 December 2015. Where possible, information requested was provided subject to the exemptions in the Freedom of Information Act.

## LEGAL SERVICES

The role of the service is to provide high quality and timely Legal Services and Advice to the Director General, Adjudicators and all staff of the WRC. The primary objective in 2015 was to establish the service and to initiate legally robust procedures and systems throughout the WRC and in particular to the Adjudication service and to embed the role of Legal Services throughout the organisation. Another important objective in 2015 was to assess the need for legal training and access to legal information throughout the new organisation. The Registrar/Legal Advisor works closely with all other members of the management team in assessing and carrying out the various duties, functions and responsibilities. The staff resources available to the Registrar/Legal Advisor currently comprise a legal research assistant, and a part time Clerical Officer.

### Training

Training and information was provided both internally and externally on the Workplace Relations Act. In conjunction with Adjudication Services a training day was held in December for all Adjudication Officers and Management of the WRC. It included training on various legal issues and discussion on best practice and consistency.

### Review of the Workplace Relations Act

The legislation is consistently kept under review by the Legal Services and other Divisions of the WRC. In 2015 a number of amendments were made to the legislation.

### Judicial Review

The WRC successfully defended an Appeal of a High Court judgment in the Supreme Court. The judgement is important to Adjudication Officers as it states "there is a range of appreciation in respect of the conduct of quasi-judicial bodies which should be respected and that it is for tribunals to choose reasonable procedures for the purpose of advancing their work".

### Legal Advice and Information

Systems were put in place in 2015 to ensure that all staff and adjudication officers were informed and advised of decisions of the Irish Courts, the CJEU and the ECHR which has or will have implications for the WRC. Advice was provided on aspects of the commencement provisions and other matters concerning the operation of the Workplace Relations Act and on matters such as Data Protection and Fol legislation.

In conjunction with the Adjudication Services and Corporate Services access to relevant external databases for all adjudicators and other staff was set up. Internal database with precedent case law to

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## Financial Statements 2015

cover all areas of employment and equality law has been commenced.

### Summary Costs of Providing the Services

The following table provides a breakdown of the expenditure during the three months of 1 October – 31 December 2015. The figures are reflective of actual spend and do not incorporate adjustments, such as depreciation, that might be applicable and subsequently agreed in the course of formal audit and final presentation of the accounts for the period.

### Staff per pay scale

In December 2015 the Commission was staffed by 159.96 full-time equivalent (FTE) employees who are civil servants and part of the staffing establishment of the Department of Jobs, Enterprise and Innovation. They are supplemented by a further 29 Adjudication Officers who are contracted to assist the Adjudication Service on a case-by-case basis. The appointments of the latter are for a five year period.

Director General	1.00
Chief Operations Officer	1.00
Registrar	1.00
PO	4.00
Solicitor	0.60
AP	17.60
AO	1.00
HEO	18.10
EO	63.60
CO	52.06
<b>Total (FTE)</b>	<b>159.96</b>

### Expenditure for 3 months ended 31st December 2015

#### WORKPLACE RELATIONS COMMISSION

Salaries	2,121,380
Fees	338,185
Travel & Subsistence	143,783
Room Rental	19,373
Stationery, Supplies, Communications	100,214
Utilities, Operations & Maintenance	176,941
Consultancy & Professional Fees	82,794
Printing & Training	19,092
<b>Total</b>	<b>3,001,762</b>

## Appendix

### WRC Prosecutions where Court Imposed a Sanction

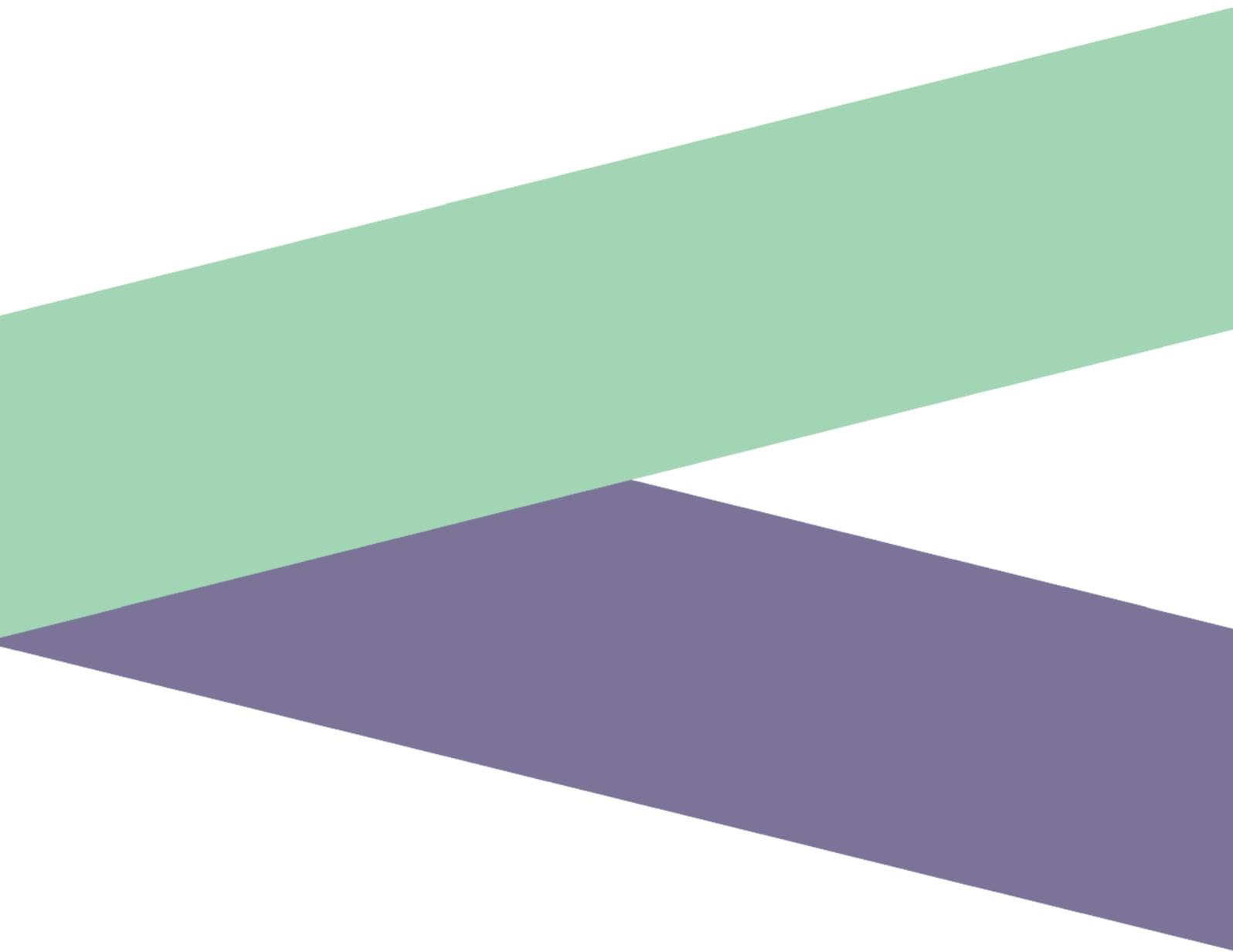
Employer Details	Sector	Legislation to which conviction relates
CLLH Limited T/A Shangri La High Road Letterkenny Co. Donegal	Food & Drink	Employment Permits Acts 2003 to 2012
Shah Catering Limited T/A Shapla Indian Restaurant Unit 3, Starlite Business Centre Letterkenny Co. Donegal	Food & Drink	Employment Permits Acts 2003 to 2012
Weifeng Lin T/A Corner House Corner Square Killarney Co. Kerry	Food & Drink	Employment Permits Acts 2003 to 2012
Saqib Hussain T/A Pak Sherazi Zam Zam Main Street Mohill Co. Leitrim	Food & Drink	Organisation of Working Time Act 1997
Kevin Guo Quiang Liu T/A Jade Garden Main St. Headford Co. Galway	Food & Drink	Employment Permits Acts 2003 to 2012
Super Spuds Limited T/A Lennoz's 1a Main Street Ballincollig	Food & Drink	Organisation of Working Time Act, 1997
El Greco Restaurant Ltd. T/A El Greco Restaurant 73 Main Street Bray	Food & Drink	Employment Permits Acts 2003 to 2012
Faruk Hussain T/A Spicy Affair Pier Road Enniscrone Co. Sligo	Food & Drink	Employment Permits Acts 2003 to 2012
Noreen Assumpta Stafford T/A Cuddles 'N' Care Creche & Montessori School 19 Rathanna Pearse Road Sligo	Nursing & Childcare	Employment Permits Acts 2003 to 2012
Qixiang Food Limited T/A New China Garden Newbury Hotel Dominick Street Mullingar Co. Westmeath	Food & Drink	National Minimum Wage Act, 2000

Employer Details	Sector	Legislation to which conviction relates
Hisen Bagora T/A Roma Takeaway Gracefield Tullamore Road Portarlinton Co. Laois	Food & Drink	Organisation of Working Time Act, 1997
Mr. Nengwu Hu T/A New Bonanza Catering Ltd. Main St. Rathdowney Co. Laois	Food & Drink	Employment Permits Acts 2003 to 2012
Ms. Limei Zheng T/A New Bonanza Catering Ltd. Main St. Rathdowney Co. Laois	Food & Drink	Employment Permits Acts 2003 to 2012
New Bonanza Catering Ltd. T/A New Bonanza Main St. Rathdowney Co. Laois	Food & Drink	Employment Permits Acts 2003 to 2012
Gail Thomas-O'Connell Director Mala HR T/A Midpoint HR Woodchester House O'Connor Square Tullamore Co. Offaly	Professional Services	National Minimum Wage Act, 2000
Niall O'Connell Director Mala HR T/A Midpoint HR Woodchester House O'Connell Square Tullamore Co. Offaly	Other	National Minimum Wage Act, 2000
Qiaoer Chen T/A New China Garden Newbury Hotel Dominick Street Mullingar Co. Westmeath	Food & Drink	National Minimum Wage Act, 2000 Organisation of Working Time Act, 1997 Payment of Wages Act, 1991 Employment Permits Acts 2003 to 2012
Ms. Su Ching Khor T/A Wabisabi Sushi & Noodles Bar 89/90 Oliver Plunkett Street Cork	Food & Drink	Employment Permits Acts 2003 to 2012
LMA Retail Limited T/A Limeleaf 40 Fuschia Drive Renmore Galway	Food & Drink	Employment Permits Acts 2003 to 2012









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