# Request to the WRC (the Commission) to seek District Court Enforcement of a Decision of an Adjudication Officer or a Decision of the Labour Court on an Appeal against a decision of an Adjudication Officer

**Criteria for Enforcement through the Court**

Enforcement of a decision under the Workplace Relations Act 2015 requires an application to be made to the District Court for a civil enforcement order. Failure to comply with such an order is a criminal offence.

The Act provides for three separate categories of persons, including the Commission, who may make the application for such an order to the District Court. The Commission having received a request to make an application to the District Court for an order and in exercising its discretion whether to accept a request, will have regard to the following:

* The correct identification of the Employer or Respondent in the decision,
* The cost of court proceedings (including possible prosecution) having regard to the level of the award and the resources available to the Commission,
* Whether the requestor/applicant availed of representation in the course of the complaint process.
* Whether the requestor/applicant, having regard to all the circumstances, may be in a position to pursue the matter him/herself or by alternative means prescribed in the Act.
* The financial and or trading position of the employer and any evidence provided in this regard.
* The efforts made by the requestor/applicant to secure payment from the employer.
* The extent of the employer’s co-operation in seeking to discharge the debt. Regard will be had to whether the employer has made reasonable efforts to resolve the matter.
* The period of time remaining before the expiry of the time allowed by statute to bring the matter to the Courts for enforcement. If that period is insufficient to allow a reasonable time for an assessment of the merits of the case, the collation of necessary information and the commencement of proceedings then the Commission may decline.
* Any other circumstances pertaining where the Commission considers such circumstances relevant to the matter.

**Criteria for making a request to the WRC to make application to the District Court**

A request to make an application to the District Court for an order may not be made to the Commission until

* A period of 56 days has elapsed from the date the decision of the Adjudication Officer was issued to the parties, or,
* In the case of decisions of the Labour Court in relation to appeals against a decision of an Adjudication Officer, until a period of 42 days has elapsed from the date the decision was issued to the parties.

**Request Procedure**

Where the criteria above are satisfied, a requestor/applicant should complete the request form, which is available to download below and print it down. The completed request form should be directed to: -

**Workplace Relations Commission**

**Enforcement Services**

**O’Brien Road**

**Carlow**

**R93 E920**

**NOTE:**

**Please ensure that a copy of the decision of the Adjudication Officer or the Labour Court, is enclosed with your request.**

Please note that the request to the Commission will be considered in light of the information provided on the form and the criteria referred to above. The fact that the Commission may not be in a position to make the application to the District Court on your behalf, does not alter the fact that the application may instead be made by you, your trade union, or other excepted body of whom you are a member.

# Request to WRC to make application for a District Court order for the

 **Enforcement of a Decision of an Adjudication Officer or a Decision of the Labour Court**

## Employee/Complainant Details

|  |  |
| --- | --- |
| **Name of Applicant:**  |       |

|  |  |
| --- | --- |
| **Address:** |                      |

|  |  |  |  |
| --- | --- | --- | --- |
| **Contact Number**: |       | **Email:** |       |

If you wish to have somebody represent you, i.e. deal with your case on your behalf, you should provide the details below. All correspondence will then be issued to the representative only.

|  |  |
| --- | --- |
| **Name of Representative:** |       |

|  |  |
| --- | --- |
| **Address:** |                      |

|  |  |  |  |
| --- | --- | --- | --- |
| **Contact Number**: |       | **Email:** |       |

## Employer/Respondent Details

|  |  |
| --- | --- |
| **Name of Employer:** |       |

|  |  |
| --- | --- |
| **Company Name:** |       |

|  |  |
| --- | --- |
| **Address:** |                      |

|  |  |  |  |
| --- | --- | --- | --- |
| **Contact Number**: |       | **Email:** |       |

|  |  |
| --- | --- |
| **Employer (PAYE) Number**:  |       |

If the company name and/or the address of its headquarters is different to that entered above, you should set it out below:

|  |  |
| --- | --- |
| **Company Name:** |       |

|  |  |
| --- | --- |
| **Headquarters Address:** |                      |

**In support of your request, please answer all the following questions fully. If there is insufficient space on the form, please feel free to provide any additional pages you may require.**

1. Please advise, if you, your trade union, or another body has been requested to make or has made an application to the District Court under Section 43, and the outcome or current status of any such request or application:

|  |
| --- |
|       |

1. If you have not made an application to the District Court, or have not requested your trade union or another body to do so on your behalf, please provide details as to the reasons why you are making your request to the WRC:

|  |
| --- |
|       |

1. Describe the efforts you have made to obtain payment of the award and the reasons, if any, given by the Employer for failing to pay the award:

|  |
| --- |
|       |

1. If the Employer has offered to pay the award, otherwise than in one payment, please provide details of the offer made (e.g. by instalments or possibly a compromise sum) and the reasons why you rejected any such offer:

|  |
| --- |
|       |

1. Please provide details of any arrangement you might be willing to accept in settlement of the award:

|  |
| --- |
|       |

1. As far as you are aware, what is the current financial position of the Employer and what enquiries, if any, have you made:

|  |
| --- |
|       |

1. Are you satisfied that the Employer is in a position to pay the award? If you are, please provide the reasons why you hold this view:

|  |
| --- |
|       |

1. Please provide any details you may have as to whether the Employer is currently in business and trading:

|  |
| --- |
|       |

1. If the Employer is a company, are you aware of any liquidation, receivership or proceedings that may have been taken. If you are, please provide details:

|  |
| --- |
|       |

1. Please provide details of any representation you may have had in the course of your hearing before the Adjudication Officer and/or the Labour Court:

|  |
| --- |
|       |

**Signature of Applicant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Please **PRINT and POST** the completed Form to

**Workplace Relations Commission**

**Enforcement Services**

**O’Brien Road**

**Carlow**

**R93 E920**

**Please ensure that a copy of the decision of the Adjudication Officer or the Labour Court, is enclosed with your request.**