

Workplace Relations Commission

Annual Report
2024



WRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission



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Workplace Relations Commission

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2024 Annual Report

Presented to the Minister for Enterprise, Trade and
Employment in accordance with sections 23(1) and
23(3) of the Workplace Relations Act, 2015.

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Audrey Cahill
Director General

Director General's Foreword

As we conclude another year, I have the pleasure of presenting the Annual Report of the Workplace Relations Commission (WRC) to the Minister for Enterprise, Trade and Employment.

The Annual Report 2024, which provides for a reflection on the year and our achievements, outlines our key milestones in 2024 and also gives some brief insight into the work we are undertaking to build strategies that will drive the organisation forward and support the delivery of our vision whilst ensuring that all of our statutory obligations are met. We continuously monitor the demands on our services across the divisions and how we are impacted by socio-economic trends and the continuous expansion of employment rights in general.

Whilst we have faced many challenges in the year as a team, we have also embraced many opportunities through our collective commitment to our vision and our strength in our alignment to our values.

Key operational outputs 2024

It has been another busy, high performing year for the team at the WRC. Demand and output have continued to increase steadily since our establishment. Some of the key 2024 outputs in summary:

- ▶ Over 59,431 callers were helped by our Information and Customer Service staff when looking for information on employment, equality, or industrial relations matters and there were over 4.3m pageviews of our website.
- ▶ WRC staff across all divisions, attended 62 outreach events involving a range of stakeholders, including trade union and employer conferences, secondary schools and Local Enterprise Offices, and presentations to specific stakeholder groups. These events are a very useful and important method of engaging with the public to provide information on WRC services.

- ▶ Some 6,217 workplace inspection visits took place with the Inspectorate placing a strong emphasis on sectors including National Minimum Wage, Commercial Sea Fishing and EMPACT (European Multidisciplinary Platform Against Criminal Threats) Labour Exploitation campaign.
- ▶ A total of 5,156 inspections were completed with €2.16m recovered in unpaid wages.
- ▶ The WRC saw an increase of 6% in Adjudication Hearings offered in 2024 compared to 2023. In total, 9,054 Adjudication files were offered a hearing in 2024, an average of 180 per week.
- ▶ The WRC pre-adjudication mediation service delivered a total of 894 mediations in 2024, which is a 14% increase compared to 2023.
- ▶ The Code of Practice on the Right to Request Remote and/or Flexible Working was published on 7 March 2024 and launched by Minister for Enterprise, Trade and Employment, Simon Coveney TD, and Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD.
- ▶ The Code of Practice on Access to Part-Time Working (SI No 8 of 2006) is at the analysis stage and it is anticipated that it will be completed in early 2025.
- ▶ The WRC’s Conciliation Service was involved in the resolution/prevention of a number of high-profile disputes. Its success rates remain high and continues to be above 85%.
- ▶ The new Public Service Agreement 2024-2026 was agreed as a successor agreement to Building Momentum. This followed two months of intense negotiations between the Government and the Public Sector Trade Unions/Associations at the WRC.
- ▶ The Legal Division published an updated Remedies table breaking down the more than two hundred statutory complaints which lie to the WRC and the Hearing Arrangements Policy 2024.
- ▶ The Legal Division represented the WRC in 13 High Court civil matters and was successful in two out of three judicial reviews directly against the WRC. Building on a trend over the last few years, in 2024 there was a significant reduction in litigation against the WRC.

Some Highlights in 2024

I had the pleasure on behalf of the WRC of hosting ‘The Future of Work?’ Conference in Dublin on Thursday 6 June. The themes for the conference were led by those identified in the research project commissioned by the WRC, and undertaken by the University of Limerick, titled “Report on Work and Employment Transformation in Ireland: A Review of Labour Market and Workplace Relations Challenges.”

From my own perspective, it was a fantastic opportunity in my first year as Director General (DG) of the WRC to meet and engage with a broad range of our stakeholders, Department representatives and members of staff.

The support of the Advisory Board of the WRC this year has been invaluable on many levels as I onboarded into the role, and I would like to extend my gratitude to our Chairperson Dr David Begg and the members.

Both the Board and the Secretary General have supported our request to the Minister to allow us some time, via a six-month extension of deadlines, to develop the next Statement of Strategy for the WRC. Coming into our 10th anniversary we have an opportune time to recalibrate and ensure that our next strategy provides strong foundations for our next decade. This extension has so far allowed time for in depth engagement with all staff of the WRC through a series of workshops and to engage in an Organisation Capability Capacity and Efficiency Review which will take place in early 2025. The objective of the review is to identify potential opportunities to improve our efficiency and effectiveness to support the WRC in fulfilling its mandate and ultimately serve the public to the highest possible standard.

Last year saw the retirements of some key members of the Senior Management Team: Anna Perry, Acting Director General having previously held the role of Director of Conciliation, Advisory & Mediation Services (CAMS), Aoibheann Ní Shúilleabháin, Deputy Director of CAMS and Derval Monahan, Director of Corporate, Strategy and Digital Services. Their significant contributions have provided the groundwork for our future and ongoing success and their legacies will be a permanent part of our history. I would like to express gratitude to them and to all of our staff who retired in 2024 for all of their contributions to the WRC and wish them all the best for the future. As we shape our thinking about the direction of the organisation, we recognise the value of dispute prevention and education and support to Employees and Employers. This year will see the establishment of a new Knowledge, Information and Advisory (KIA) Division, to deliver on this objective

I would like to thank all staff for their commitment in 2024, as we managed the churn through retirements and staff changes that occurred through promotion and mobility. The commitment and dedication of our people enabled us to deliver our services consistently. I welcome all of you that joined us in 2024, and I look forward to working with you all again in 2025.

Finally, I would like to thank the Minister, our parent Department and the Workplace Regulation and Economic Migration (WREM) Division for their support throughout the year.

Audrey Cahill
Director General

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Key Achievements



59,431

Infoline
Calls



4,306,249

Website
Views



**Social Media
Followers:**

X: 3,239
LinkedIn: 23,856



€2,158,870

Unpaid Wages
Recovered



5,156

Workplace
Inspections
Completed



7,316

Complaint
Applications
representing 14,890
Individual Complaints



9,054

Adjudication Hearing
Dates Scheduled



4,779

Adjudication
Hearings Held



85%

Conciliation
Success Rate



894

Mediations
Delivered



62

Outreach Events



Publication of the Code of
Practice for Employers and
Employees on the Right to
Request Remote and/or
Flexible Working



2nd Phase of Robotic
Process Automation
generates hearing letters



eComplaint Form
Launched in 2024

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Workplace Relations Commission (WRC)

Establishment of the Commission

The Workplace Relations Commission (WRC) was established on 1 October 2015 under the Workplace Relations Act, 2015 bringing 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 WRC

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 Enterprise, Trade and Employment 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)¹.

¹ Employment Equality Act (EEA) information provided by the Irish Human Rights and Equality Commission

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



Board of the Commission

The Board of the WRC is an advisory board responsible for the preparation and submission of the Commission's Strategy Statement and annual Work Programme, in consultation with the Director General.

The Board comprises the Chairperson Dr David Begg, and eight ordinary members appointed by the Minister for Enterprise, Trade and Employment as provided for in the Workplace Relations Act 2015.

Of the eight ordinary members of the Board appointed by the Minister, two represent the interests of employees; two represent the interests of employers; one represents the interests of bodies who seek to promote equality in the workplace; and three have experience and expertise in relation to workplace relations, resolution of disputes in the workplace, employment law or equality law.

The Board has two statutory functions, which are:

- ▶ in consultation with the Director General, to prepare and submit a three-year Strategy Statement to the Minister setting out the WRC's planned strategy for the next three years in accordance with section 21(1) of the Workplace Relations Act 2015; and
- ▶ to prepare, in consultation with the Director General of the WRC, an annual Work Programme for the forthcoming year for the approval of the Minister

The Board met on four occasions during 2024. Three of the meetings were convened in the WRC Head Offices, Lansdowne House, Dublin and one meeting was held in the Ennis office.

Following the approval by the Minister of a six-month extension, the Board, in consultation with the Director General will develop the next Strategy for the WRC and submit it to the Minister during the second quarter of 2025. The 2024 Work Programme as it relates to statutory functions, ongoing projects, and day-to-day activities remains in force. A renewed Work Programme for 2025 will be submitted to the Minister shortly after the approval of the Strategy Statement 2025-2027.

In accordance with the Ethics in Public Office Act 1995, and the Code of Practice for the Governance of State Bodies 2016, Board members are required to provide a Statement of Interest to the Secretary General of the Department of Enterprise, Trade and Employment.

In line with their obligations, Board members furnish statements of interests each year to the Secretary General. In addition, Adjudication Officers and Workplace Relations Commission staff members holding designated positions comply with the regulations. The Chairperson and members of the Board are not in receipt of any fee in connection with the performance of their duties as Board members.



Dr David Begg
Chairperson



Ethel Buckley



Stephen Driver



Judith Fitzgerald



Sinead Gogan



George Maybury



Brendan McGinty



Barry O'Brien



Virginija Petrauskaite

Senior Management Team

The Senior Management Team comprises the Director General and the WRC Divisional Directors:



Audrey Cahill
Director General
from 13 February 2024



Anna Perry
Director General Acting
to 12 February 2024



David Small
Director of Adjudication



Sylva Langford
Acting Director of Conciliation,
Advisory and Mediation from
25 March 2024



Aoibheann Ní Shúilleabháin
Deputy Director of Conciliation,
Advisory and Mediation to 1 April
2024



John Kelly
Director of Information,
Inspection and Enforcement



Tracey Murphy
Director of Corporate, Strategy and
Digital Services from 4 June 2024



Derval Monahan
Director of Corporate,
Strategy and Digital Services
to 9 June 2024



Gwendolen Morgan
Registrar and Director of Legal
Services

Budget and Staffing

The WRC is an office of the Department of Enterprise, Trade and Employment and is funded from the overall Departmental vote.

The WRC’s budget for 2024 totalled €18,775m.

Figure 1 - WRC Budget 2024

Pay (€)	€15,661m
Non-Pay (€)	€3,114m
Total (€)	€18,775m

At the end of 2024, the Commission had a staff allocation of 235 permanent employees who are civil servants and part of the staffing establishment of the Department of Enterprise, Trade and Employment. Additionally, the WRC draws from a panel of 36 independent service providers² who provide adjudication services on a case-by-case basis.

Figure 2 - WRC Staffing: End December 2024

Grade (and equivalents)	Total Staff
Director General	1
Registrar	1
Director	5
Solicitor	3
AP/AO	29
HEO	28
EO	95
CO	71
SO	2
Total	235

2 36 independent service providers as at the 31st December 2024

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Service Reports

4.1 | Information, Inspection and Enforcement

Director of Information, Inspection and Enforcement Foreword

The Information, Inspection and Enforcement Division (IIED) of the WRC primarily deals with the provision of information on employment legislation, processing complaints and carrying out workplace inspections to ensure compliance with employment law. The Division also deals with the licensing of employment agencies and of children working in the arts, cultural and commercial spheres.

In common with all sectors of the public service the IIED has had a high level of staffing churn due to promotions, transfers and retirements. While the inspectorate was particularly affected, with a significant number of vacancies (22%), the Information and Customer services were also affected. Nevertheless, both of these functions continued to provide a high standard of service throughout 2024.

Particular examples of increased productivity include the Inspectorate which closed 5,156 inspection cases in 2024 - 15% above target.

Successful prosecutions were up 27% on 2023. Information and Customer Service also exceeded targets, particularly in presentation and outreach – which was increased by 16%, while the number of calls answered were down slightly, this can be attributed to a fall in demand due to increased efficiencies and updated and improved content on the WRC website.

The inspectorate is currently recruiting inspectors to fill the vacancies we are carrying, along with an increase of ten new inspectors, which will lead to a complement of 80 inspectors in 2025.



John Kelly

*Director
Information, Inspection and
Enforcement Division*



Information and Customer Service

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

- ▶ Providing impartial information on legislation governing employer obligations, employee's employment rights, equal status obligations of service providers, industrial relations and employment permits to both employees and employers,
- ▶ Processing complaint applications received for Adjudication/Mediation,
- ▶ Processing Employment Agency licences and renewals, and,
- ▶ Processing requests for licences under the Protection of Young Persons Acts for the employment of children working in film, theatre, advertising, artistic or cultural activities.

Information on employment rights, employment permits, equality and other workplace legislation is provided through:

- ▶ An Infoline operated by experienced Information Officers (0818 80 80 90),
- ▶ The WRC website (www.workplacerelations.ie),
- ▶ Tailored outreach presentations to stakeholders,
- ▶ General and targeted outreach,
- ▶ The Infoline also provides status updates to parties on complaints referred for Adjudication and to Employment Permit applicants awaiting a permit.

In 2024, the Information and Customer Service Unit witnessed a decrease of 4% in the volume of telephone calls dealt with while website pageviews also decreased by over 7%. Outreach activities in IIED increased from 44 in 2023 to 51 in 2024 and Complaint Applications processed increased significantly by 18% from 6,100 in 2023 to 7,316 in 2024.

Separately, Employment Agency licences processed increased by over 3% while Child Employment licences issued fell by over 12%.

Figure 3: Information and Customer Service Key Metrics 2022 - 2024

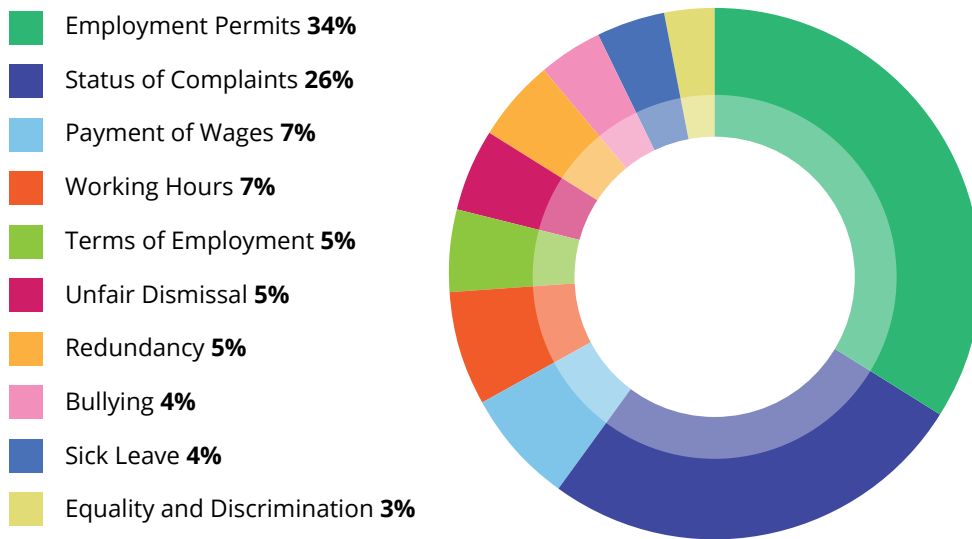
ICS Key Metrics 2022-2024	2022	2023	2024
Phone calls dealt with	59,700	61,800	59,431
Web views	4,200,000	4,600,000	4,300,000
Complaints Applications Processed	6,200	6,100	7,316
Outreach Activities	34	44	51
Employment Agency Licenses issued	936	1,028	1,063
Child Employment Licenses issued	722	632	551
No. of children employed under license	1,655	1,496	1,429

Calls to Information and Customer Service Infoline

The number of telephone calls to the Infoline decreased by 4% in 2024 (59,431) in comparison to 2023 (61,800).

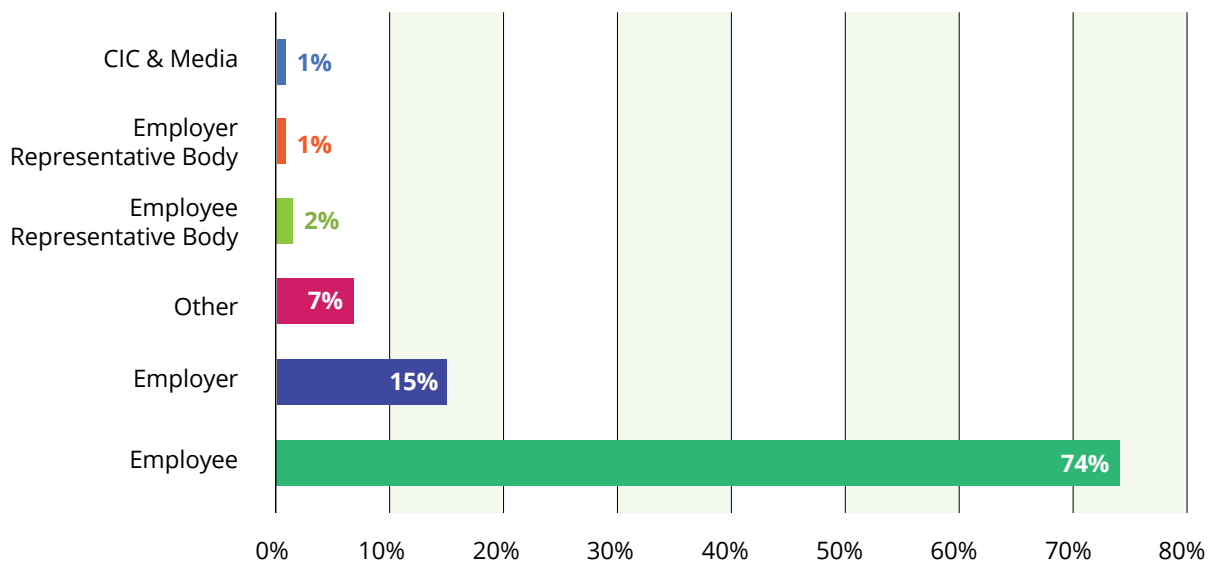
Figure 4 illustrates topics on which the Infoline provided information to callers in 2024. Information on Employment Permits was provided to 34% of callers, an increase on 2023. Other common topics dealt with during the year were the status of complaints submitted to the WRC (26%), queries on working hours and payment of wages.

Figure 4: Infoline Topic Trends: 2024



Calls to our Infoline come from different members of the public as illustrated at figure 5 below. Employees comprise almost three-quarters of all callers. Employer callers account for 15% of calls, while calls from representative bodies (employees and employers) accounts for 3% of calls dealt with.

Figure 5: Customer Service Callers 2024



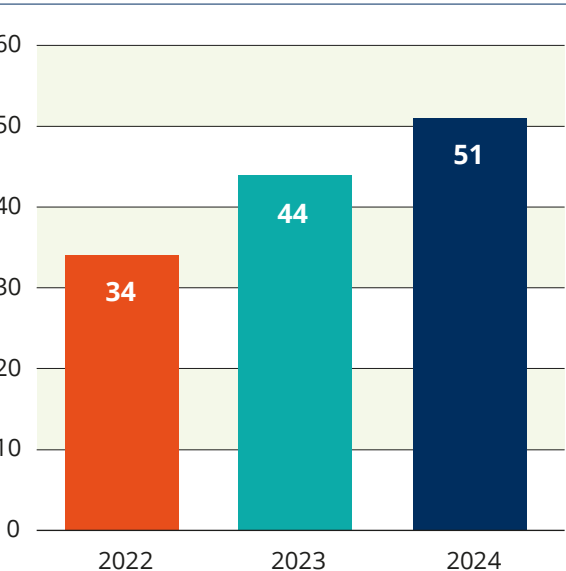
Outreach and Campaigns

The Information and Customer Service (ICS) Unit plays an integral role in the overall Outreach Programme of the WRC. Various information channels are utilised to provide comprehensive and relevant information to stakeholders and the general public, and include:

- ▶ Presentations to various groups on employment legislation,
- ▶ Attendance at exhibitions,
- ▶ Provision of information booklets, leaflets and other literature,
- ▶ Social media,
- ▶ The WRC website – www.workplacerelations.ie.

Of the overall 62 outreach events attended in 2024, the IIED attended 51 events (including schools and colleges, enterprise bodies, business and employee representative bodies and state bodies). IIED’s participation at these events increased by 15% in 2024. Continuing from 2023, targeted activities were also conducted in the educational sector to create awareness amongst younger persons. This included engaging with the Business Studies Teachers of Ireland and focused outreach in secondary schools across the country.

Figure 6: IIED Outreach Events 2022 - 2024



As part of our outreach services, the WRC undertook an initiative to engage with various stakeholders in the Brazilian community in recognition of the significant contribution they make to the workforce in Ireland. An information leaflet summarising the key employment rights in Ireland was widely distributed amongst this community. Engagement with an employer representative body also commenced with a view to assisting both employers and employees in developing a good understanding of their employment obligations and rights in Ireland.

Recognising societal demands and different ways of accessing public services and information, work continued to update and improve the content of the WRC website together with various publications. This contributed to the decrease in telephone calls to the InfoLine, as well as an improved service to our customers.

Throughout 2024, the Director General, Audrey Cahill presented at a number of conferences and attended events further promoting employment and equality rights.



Keynote speaker Audrey Cahill, Director General speaking at the SIPTU Conference in October 2024



Audrey Cahill, Director General presenting at the HSE Summit in October 2024



Audrey Cahill Director General of the WRC, Minister Peter Burke T.D., Minister for Enterprise, Trade and Employment, David Small Director of WRC Adjudication Services Division and Declan Hughes Secretary General of the Department of Enterprise, Trade and Employment

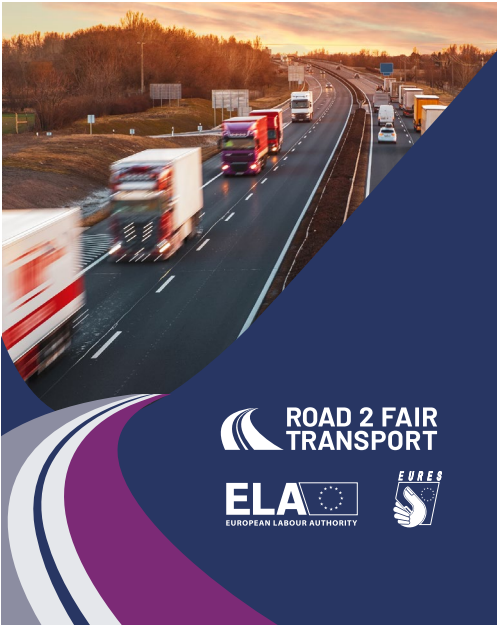


Government Ministers, the Secretary General of the Department of Enterprise, Trade and Employment, the Director General of the WRC and Senior Management of the WRC joined the WRC staff in answering queries on all aspects of the service delivered by the WRC at the Ploughing Championship in Ratheniska, Co. Laois in September 2024



In 2024, WRC ICS also participated in and supported WRC and European Labour Authority (ELA) campaigns and activities. These include:

- ▶ Awareness of changes in the Minimum Wage,
- ▶ Supporting WRC activities in the Commercial Sea Fishing sector,
- ▶ Supporting Inspection Services in their various campaigns,
- ▶ The WRC continued to support the ELA in their EU wide campaign #Road2FairTransport in 2024. This campaign informs drivers and operators about their rights and obligations and provides material and guidance on various topics related to the road transport sector.



Licensing of Employment Agencies and Employment of Children

The WRC, on behalf of the Department of Enterprise, Trade and Employment, processes applications for employment agency licences and licences for the employment of children in the arts and entertainment sector.

Employment Agency Licencing 2024

All Employment Agencies operating in the State must hold a licence to carry on its business. The WRC accepts and processes applications for employment agency licences on behalf of the Department of Enterprise, Trade and Employment and also carries out inspections to ensure that agencies operate in compliance with the Employment Agency Act, 1971. Employment Agency licences are renewable on an annual basis.

In 2024, 1,063 Employment Agency licences were issued under the Employment Agency Act, 1971, an increase of 3.4% on 2023 (1,028).

Licences authorising the Employment of Children

The WRC is also responsible for the issue and processing of licences authorising the employment of children by employers engaged in cultural, artistic, sports or advertising work. This is carried out on behalf of the Department of Enterprise, Trade and Employment.

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

In 2024, 551 licences were issued authorising the employment of 1,429 such children. Demand for these licences was down in 2024 on the 632 licences issued in 2023, see figure 7 below.

Figure 7: Licences issued to children to work in specific areas

2022	2023	2024
722	632	551

Inspection and Enforcement Services

Figure 8: Inspection and Enforcement Service 2022 - 2024 Activity

Key Metrics	2022	2023	2024
Employers Inspected	3,943	4,727	5,156
Employers in breach of employment law obligations	1,763	2,221	2,108
Unpaid Wages Recovered (€)	€1,405,126	€1,950,601	€2,158,870
Number of Specific Complaints Received	708	957	1,217
Total Number of Workplace Inspection visits	5,820	6,519	6,217

The WRC's Inspection services promote, encourage and enforce compliance with a range of employment legislation. WRC Inspectors carry out workplace inspections to ensure employers' compliance with employment law in the State.

Inspections are carried out by appointment or can be unannounced. Inspectors are legally entitled to enter any workplace to carry out their work and obstruction or providing misleading information to an Inspector is a criminal offence.

The inspection process initially involves the following steps:

- ▶ Examination of an employer's employment-related books and records,
- ▶ Interviewing the employer or employer representative,
- ▶ Interviewing employees.

During the inspection process, Inspectors will engage with employers to verify an employer's compliance with the relevant employment enactment. While the inspection process aims to bring non-compliant employers to compliance, the inspectorate also has legal powers to enforce compliance with the law.

Inspections in 2024

Inspection activity, in general, is focused on sectors where a risk of non-compliance has been identified or where previous non-compliance has been detected. Potential non-compliance is identified through the gathering of intelligence and information provided by other bodies or persons (including other State bodies) or in response to specific complaints received regarding alleged non-compliance by specific employers.

In 2024, 5,156 inspection cases were closed, and of these, 2,108 were found to have contraventions of employment law. These cases involved 6,217 individual workplace inspection visits which uncovered 7,755 specific contraventions of legislation.³

The majority of employers inspected are compliant or become compliant during the inspection process. Employers who fail to become compliant may be subject to enforcement action. A total of 175 prosecutions were undertaken in 2024, of which, 141 cases resulted in successful outcomes.⁴

Other enforcement options available to WRC Inspectors are Fixed Payment Notices (twenty-eight issued in 2024) and Compliance Notices (thirty-seven issued in 2024).

³ An Inspection Case may involve a number of individual inspection visits.

⁴ Successful outcomes include successful prosecution, Probation and Charitable Donations.



Figure 9: Court Prosecutions Outcomes 2024⁵

Outcomes	Number
Convicted	77
Probation Act	16
Charitable Donations	5
Withdrawn	16
Probation & Charitable Donations	42
Struck Out	9
Bench Warrant Issued	1
Unable to prosecute	9

Joint Inspections in 2024

The WRC Inspectorate has wide ranging powers to exchange information with other State bodies and carries out inspections with other State enforcement bodies where such joint operations would enhance the effectiveness of the participating bodies.

In 2024, 232 inspections were carried out with An Garda Síochána (including Garda National Immigration Bureau and Garda National Protective Service).

WRC Inspectors also carried out 242 joint inspections with officers of the Department of Social Protection and 245 joint inspections with officers of the Office of the Revenue Commissioners and 1 with the Road Safety Authority (RSA).

As can be seen in the chart below joint inspections involving state enforcement bodies are a vital tool to detect and eliminate non-compliance and is being used more effectively year on year.

Figure 10: Joint Inspections 2022 - 2024

Agency	Garda	DSP	Revenue
2022	103	113	57
2023	95	262	157
2024	232	242	245

Sources of Inspection Cases

Figure 11 below illustrates the main sources for WRC Inspections carried out in 2024. The majority of cases (2,873) were based on risk assessments carried out by the WRC. Sectoral campaigns involved over 1,230 cases and 753 resulted from direct complaints to the inspectorate. Other sources include referrals from partners such as An Garda Síochána, the Office of the Revenue Commissioners, Department of Social Protection and other public bodies.

Figure 11: Sources for WRC Inspection 2024 Cases

Source	Referrals
Agency Licensing Referral	1
Anonymous Complaint	16
Border Management Unit (BMU)	11
Sectoral Campaigns	1,230
Complaints	753
DETE EP Referral	127
Department of Justice	4
Department of Social Protection	26
FIS Referrals	1
Garda	54
Posted Workers Directive	5
Referral	14
Revenue Commissioners	41
WRC Risk Assessment	2,873

2024 Inspection Activity and Outcomes by Employment Sector

The details of inspection activity in 2024 are set out in Figure 12. It should be noted that the incidence of breaches of employment law reflects non-compliance detected in respect of the employers inspected and may not be representative of the relevant sector.

5 See full details of prosecutions in Appendix 2.

Figure 12: Inspection Activity and Outcomes by Employment Sector

Sector	Cases	No in Breach	Incidence of Breach %	Employees	Unpaid Wages
Accounting & Financial Services	23	9	39%	1,470	€9,919
Activities of Households as Employers	1	1	100%	0	€1,000
Administration & Support	28	6	21%	13,461	€1,520
Advertising & Marketing	6	2	33%	113	€0
Agriculture	50	21	42%	1,427	€55,711
Arts, Entertainment & Recreation	60	19	32%	955	€10,471
Beverage Service Activities	194	107	55%	2,515	€105,539
Construction	204	55	27%	3,090	€88,845
Contract Cleaning	14	10	71%	3,227	€15,279
Education	28	9	32%	1,110	€4,734
Electrical Contracting	4	2	50%	57	€0
Employment Placement Agencies	12	8	67%	1,237	€107,338
Equine Activities	6	4	67%	177	€95,879
Fishing	47	6	13%	48	€0
Food Service Activities	1,637	821	50%	22,736	€453,172
Hair & Beauty	562	233	41%	2,368	€94,457
Hotels	125	40	32%	8,014	€106,298
Human Health & Social Work	153	50	33%	113,151	€99,456
Information & Communications	21	7	33%	858	€6,869
Legal Services	3	1	33%	11	€224
Manufacturing	64	22	34%	12,278	€128,157
Meat Processing	10	4	40%	1,230	€19,932
Mechanical Eng. Building Services	12	4	33%	193	€15,819
Mining & Quarrying	1	1	100%	71	€60,995
Other Accommodation	9	6	67%	181	€806
Other Service Activities	268	93	35%	19,693	€41,967
Postal & Courier Services	3	0	0%	0	€0
Professional Services	71	25	35%	3,810	€13,826
Public Administration	4	1	25%	1,131	€0
Real Estate Activities	7	6	86%	20	€572
Security	32	7	22%	8,655	€2,613
Transport	71	34	48%	2,776	€395,044
Travel & Tour Operators	5	5	100%	31	€0
Veterinary & Animal Health Services	12	2	17%	109	€771
Warehousing & Support Activities	3	2	67%	50	€0
Wholesale & Retail Trade	1,406	485	34%	27,063	€221,658
TOTAL	5,156	2,108	41%	253,316	€2,158,870



Civil Enforcement of Adjudication Awards

Under Section 43 of the Workplace Relations Act 2015, an employee, or the Commission, on behalf of an employee, may apply to the District Court seeking an order directing an employer to comply with a decision of an Adjudication Officer. In 2024, 130 civil enforcement cases were dealt with by the Civil Enforcement Section of the WRC. In 13 cases, the employer, following intervention by WRC enforcement staff, paid the award set out in the Adjudication Officers decision, before the application for a Court Order had to be taken. This resulted in payment of awards amounting to €122,494 for employees.

An employer who fails to comply with an Order of the District Court in relation to a decision of an Adjudication Officer may face prosecution under Section 51 of the Act. In 2024, one such employer was convicted and fined €3,000 and €1,100 costs, in addition to costs awarded against that employer.

Due to varying factors, 52 applications submitted for civil enforcement were not successful. These included applications received where the employer was no longer trading, inability to contact the employer or where the employer demonstrated inability to pay. A number of applications submitted were not legally enforceable (i.e., investigations carried out under S.13 of the 1969 Industrial Relations Act).

Inspection Campaigns

National Minimum Wage

In January each year, the WRC carries out a campaign aimed at highlighting the changes to the National Minimum Wage (NMW) in that year. The purpose of the 2024 campaign was to create awareness of the NMW increase while also conducting inspections to ensure compliance with the new rates. The focus of the campaign was principally small and medium sized enterprises that employ some or all of their staff on the NMW.

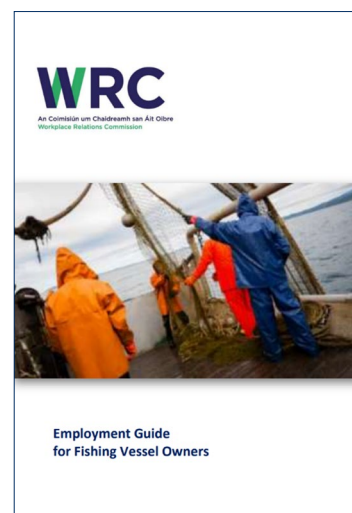
The inspections carried out during the campaign identified 157 employers, a further 417 became compliant as a result of the campaign, 7 employers were prosecuted, and a total of €317,053 in unpaid wages returned to employees.

Commercial Sea Fishing

WRC Inspectors have continued to carry out inspections in the commercial sea fishing sector in 2024.

The Atypical Working Scheme (AWS) for non-EEA workers working on certain Irish registered fishing vessels was reviewed in 2022. As a result of this review, the responsibility for providing permission to work was moved into the ambit of the Employment Permit System of the Department of Enterprise, Trade and Employment.⁶

WRC Inspectors completed 47 inspection cases (involving 55 individual inspection visits) during 2024 to monitor compliance with employment rights and employment permit legislation, checking that non-EEA fishers and employees generally on commercial fishing vessels were receiving their entitlements under employment legislation. Most fisheries inspections were unannounced and undertaken in-port. A number of announced inspections were also required as a follow up to unannounced inspections and to review additional records.



⁶ The Atypical Working Scheme (AWS) for non-EEA Crew in the Irish Fishing Fleet was established in 2016. This Scheme, operated under the remit of the Department of Justice, facilitated the recruitment of non-EEA fishers to work onboard certain fishing vessels. A review of the scheme was undertaken in 2022. Government approved the outcome of the Review and its implementation. In accordance with the review recommendations, the AWS was closed. The main recommendation was that the scheme should be normalised via the General Employment Permit System run by the Department of Enterprise, Trade and Employment

In the period from 2020 to the end of 2024, the WRC carried out 267 fisheries inspections (see Figure 13 below).

Figure 13: WRC Fishing Vessel Inspections 2020 to end 2024

2020	2021	2022	2023	2024	Total
34	55	35	88	55	267

Figure 14: Outcomes of Fisheries Inspections 2020 - 2024

Year	Total Contraventions	Employers in Breach	Prosecutions
2020	28	25	3
2021	42	17	5
2022	24	9	2
2023	55	25	4
2024	13	6	3

Joint Inspection with Belgian Labour Authorities in the fishing sector

In October 2024, with the assistance of the ELA, a Concerted and Joint Inspection (CJI) was organised between the Belgian Authorities and the WRC. The CJI was carried out during the week of the EMPACT Agricultural Campaign.

The purpose of the CJI was to allow Belgian Labour Inspectors carry out an inspection of a Belgian flagged fishing vessel operating in Irish ports, to monitor compliance with employment legislation. The visit allowed for an exchange of information about competences and inspection practices of each member state. It also demonstrated to the sector that they can be inspected outside of their 'home' harbour which is very important in the promotion of compliance.

During the cross-border inspection Belgian Inspectors observed WRC Inspectors carrying out an unannounced inspection in the fishing sector and WRC Inspectors observed Belgian Inspectors carrying out an inspection of a Belgian Fishing vessel.



WRC Fishing Inspection with Belgian Authorities

EMPACT

EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime. The WRC participates in EMPACT Joint Action Days (JAD's) focused on labour exploitation and human trafficking, which involves labour inspectorates and police forces across Europe.



The **2024 EMPACT Labour Exploitation campaign** consisted of 7 Joint Days of Action during the week of 20-27 April, 2024. The campaign involved WRC Inspectors, the Department of Social Protection, the Revenue Commissioners and Gardai from the Garda National Protective Services Unit and Garda National Immigration Bureau. In total 225 inspections were carried out during the campaign and 130 of the employers' inspected had employment law breaches (with a total of 219 contraventions of employment legislation detected). Other issues detected outside of the remit of the WRC were referred to the relevant State agencies.

As part of the **EMPACT 2024 Joint Action Days against Labour Exploitation in the Agriculture Sector** during the week of 7-13 October, 2024, WRC Inspectors carried out inspections throughout Ireland on employers operating within the fishing and agricultural sectors including forestry, fruit and vegetable farms, livestock farms (animals and poultry).

Overall, a total of 64 unannounced inspections were undertaken and 27 of the employers' inspected had employment law breaches (with a total of 32 contraventions of employment legislation detected).

The WRC also conducted a Concerted and Joint Inspection (CJI) in conjunction with the Belgian Labour Authority in relation to Belgian flagged fishing vessels which had landed in Irish ports during the period of the EMPACT JAD's in October 2024. These CJI's were supported and sponsored by the European Labour Authority.

The WRC also participated in the **EMPACT Global Chain week of Action on Labour Exploitation** on 6-7 June, 2024. This campaign focused on amongst other things, identification of possible victims of human trafficking, disruption of possible supply chains in trafficking for the purposes of sexual exploitation, forced begging and labour exploitation. During this campaign joint inspections were conducted involving WRC Inspectors and officers from Human Trafficking Investigation & Co-ordination Unit of the Garda National Protective Services Unit. Overall, a total of 16 unannounced inspections were undertaken and 4 of the employers' inspected were found to be in breach, or possible breach, of employment rights legislation and 3 employers were found to be in breach of the Employment Permits Act, 2003.



Pictured with John Kelly, Audrey Cahill, Mary Flynn, Róisín Coogan and Peter Harte are Georgios Tzilivakis, Greece Governor, Alexandra Broumou, the Directorate of Programming and Coordination of Labour Relations Inspectorate, Fotini Tsironi, Head of the Regional Directorate of Labour Relations Inspectorate of Anatoliki Attiki, Eleni Alogianni, Head of Government Directorate of HLI (Hellenic Labour Inspectorate) who were accompanied by their two translators

Overseas Activities

During 2024, the WRC participated in seminars, meetings and workshops organised by the ELA. The ELA continues to support Labour Inspectorates in Member States with capacity building in the field of inspection for compliance in areas where labour mobility is prevalent and detecting and tackling undeclared work generally.

The WRC Inspectorate hosted a delegation from the Greek Labour Authority on 28-29 May, 2024. The purpose of the event was to exchange information, experience and best practice between the WRC and colleagues from Greece in relation to Ireland's labour inspection framework. The visit also incorporated an exchange on best practice in relation to the dedicated call-centre for the dissemination of information on employment rights.

In October, 2024, the WRC Inspection and Enforcement Services hosted a workshop in conjunction with the ELA and representatives from the Labour Inspectorates of Bulgaria and Denmark to facilitate and enhance cooperation between Member States in the enforcement of EU labour mobility rules.

In 2024, Inspectors participated in a Modular Training Programme, provided by the ELA, in relation to posted workers. The programme provided Inspectors with an overview of the Posting of Workers and the Enforcement Directives. It explored the different forms of labour mobility within the EU and the current challenges being experienced. It also provided information on the benefits of Concerted and Joint Inspections (CJI's) and ELA's role in supporting these operations.

4.2 | Conciliation, Advisory and Mediation Services

Acting Director of Conciliation, Advisory and Mediation Foreword

2024 began with the agreement and ratification of the Public Service Agreement 2024 - 2026. The intensive discussions were successfully facilitated by the Conciliation Services team over a period of months, and I would like to recognise the contribution and professionalism of the Officers involved in concluding the new agreement. The Commission continues to play a key role in the implementation of the agreement, both in terms of the WRC's role in the new dispute resolution process agreed, and chairing a number of sectoral oversight forums across the public service.

During the year, industrial disputes remained steady in line with the previous two years with pre-adjudication mediation growing from strength to strength. Officers delivered services in every county in Ireland, ensuring that matters could be dealt with locally and in a timely fashion. At the same time, we said goodbye to a number of long serving Conciliation Officers with many years' industrial relations experience. Their knowledge, expertise and mentorship has transferred to a strong team who will carry forward the high quality, professional and successful service of the Conciliation, Facilitation and Mediation Service in the future.

I am pleased to present to you the work of the Division throughout 2024.



Sylda Langford
*Acting Director Conciliation,
Advisory and Mediation
Services Division*

Conciliation, Advisory and Mediation Services

The Conciliation, Advisory and Mediation Services (CAMS) Division delivers an impartial, timely and effective suite of dispute resolution services following a breakdown in local level discussions or in circumstances where the Commission believes it can assist employers and employees mutually agree solutions, processes and/or structures to develop and maintain positive workplace and industrial relations. During 2024, the Commission continued to provide services to both private and public sector organisations to assist them in resolving disputes.

Conciliation

In 2024, CAMS through its Conciliation Service continued to play an active role in assisting parties in the resolution of challenging industrial relations conflicts in both the public and private sectors. There were a total of 621 referrals for conciliation in 2024. 56% of disputes referred related to private sector employers and 44% related to public sector employers.

30% of referrals came from the Human Health and Social Work Activities sector, 16% from Public Administration and Defence; Compulsory Social Security; 15% from the Manufacturing sector, and 10% from the Transportation and Storage sector.

2024 Conciliation Referrals by NACE Sector

Figure 15: Conciliation Referrals by NACE Sector

A - Agriculture, Forestry and Fishing	1	0.2%
B - Mining and Quarrying	1	0.2%
C - Manufacturing	93	15.0%
D - Electricity, Gas, Steam and Air Conditioning Supply	14	2.3%
E - Water Supply; Sewerage, Waste Management and Remediation Activities	9	1.4%
F - Construction	16	2.6%
G - Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	21	3.4%
H - Transportation and Storage	64	10.3%
I - Accommodation and Food Service Activities	20	3.2%
J - Information and Communication	8	1.3%
K - Financial and Insurance Activities	8	1.3%
L - Real Estate Activities	0	0%
M - Professional, Scientific and Technical Activities	6	1%
N - Administrative and support Activities	10	1.6%
O - Public Administration and Defence; Compulsory Social Security	96	15.5%
P - Education	31	5.0%
Q - Human Health and Social work Activities	186	30.0%
R - Arts, Entertainment and Recreation	7	1.1%
S - Other Service Activities	30	4.8%
TOTAL	621	100%

A total of 657 conciliation conferences were convened with 17 of these meetings held on a virtual platform.

The Commission brokered agreements across multiple sectors of the economy, many of which are already in the public domain including the HSE, Becton Dickinson, eir, Glen Dimplex, Mapaex, Kostal, Janssen, MEBSCA, Bausch & Lomb, Flex, Galway City Council and Tara Mines. The Service also provided significant assistance to healthcare and community workers across various Section 39 and other agencies that provide health and social services on behalf of the State.

The Commission facilitated discussions between Government and the Public Sector Trade Unions/Associations on a new public service agreement which concluded in January 2024 and was ratified by all trade unions by April 2024. Public Service Agreement 2024 – 2026 runs from 1 January 2024 to 30 June 2026. In addition to providing pay increases for more than 400,000 public sector workers, this deal also supports the reform and transformation of many public services.



Issues at Conciliation

More broadly, requests for conciliation continued to reflect a similar pattern and range of issues to those referred in the two preceding years, with issues referred encompassing:

- ▶ Pay related issues (44%)
- ▶ Organisation structure such as rosters, restructuring, staffing, shift work etc. (20%)
- ▶ Industrial relations issues such as change to terms and conditions of employment, grading, productivity, outsourcing etc. (24%)
- ▶ Types of Leave (4%)
- ▶ Benefits such as bonuses, service pay, sick pay, staff incentives, expenses etc. (4%)
- ▶ Pension related (2%)
- ▶ Redundancy (2%)

Figure 16: Types of Disputes at Conciliation in 2024

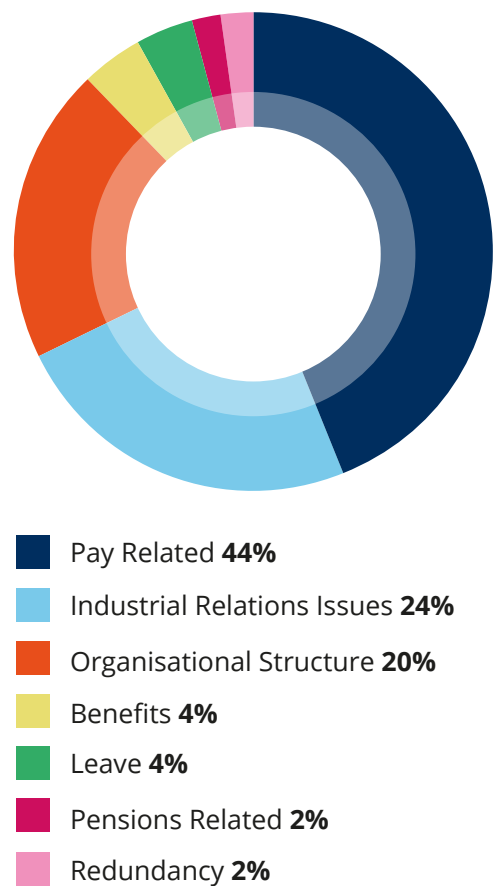
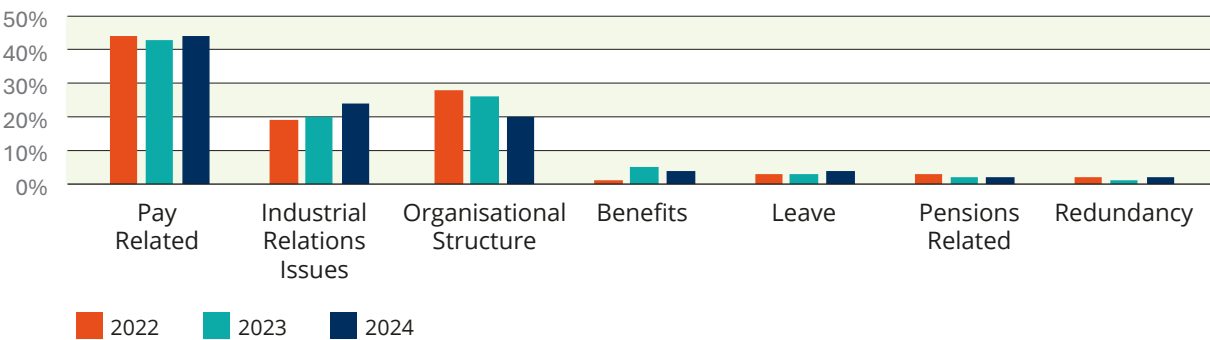
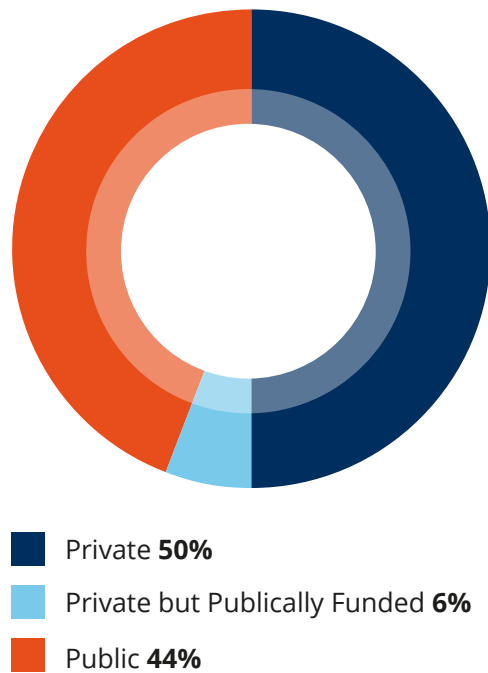


Figure 17: Dispute Issues at Conciliation 2022, 2023, 2024



The success rate of the Conciliation Services continues to be above 85%. In many of the cases referred on to the Labour Court for a recommendation, the conciliation process played a significant part in reducing the differences between the parties, thereby refining the issues requiring a definitive recommendation from the Court.

Figure 18: 2024 Referrals by Employer Type



Advisory

The Advisory Service works with employers, employees and their representatives, principally in non-dispute situations to promote, develop and implement effective industrial relations practices, procedures and structures that best meet the parties' needs. The Advisory Service is independent, impartial and experienced in industrial relations practice and theory. The WRC, in discussion with the parties, will tailor assistance to individual workplace requirements. This assistance is confidential and free of charge. The Service assists employers and employees build and maintain positive working relationships and works with them to develop and implement on-going effective problem solving mechanisms.

In the first instance, in-depth assessments of workplaces are performed to identify areas of industrial relations and workplace relations concerns. On foot of this body of work, recommendations are made with an emphasis on improving practices and procedures and relationship building. Normally, the Service works post-review with all concerned to implement the recommendations.

Advisory Services were reduced during 2024 due to a number of staff vacancies in the Division, however 17 reviews and audits took place throughout the year.

Codes of Practice

The WRC Advisory Service develops Codes of Practice to give guidance and set out what it believes to be best practice in good industrial relations. The WRC published the Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working in March 2024, as provided for under the Work Life Balance and Miscellaneous Provisions Act, 2023. Following the publication of the Code, a number of complaints have been received for adjudications under the legislation, details of which can be found on page 91 of the Annual Report.

The Commission undertook a public consultation on the Code of Practice on Access to Part-time Working (SI No 8 of 2006) to seek views on whether there is a need to update the Code. It is anticipated that the WRC's review of the Code will be completed in early 2025.

The Commission also engaged with social partners on the development of a Best Practice Code for Collective Bargaining at the request of the Minister for Enterprise, Trade and Employment.

Knowledge Development and Outreach

As part of its outreach services, CAMS Division provides training on a variety of aspects of the employment relationship, including workplace procedures, communications, dignity in the workplace and on the services of the WRC such as the mediation, adjudication and conciliation processes. The aim of the service is to help organisations create positive working relationships within the workplace and develop a good understanding of workplace conflict prevention and dispute resolution mechanisms. Four such training programmes took place in 2024.

Ireland was one of 12 countries represented at the European conference on the Organisations of Settlement of Labour Disputes, hosted by the Greek Organisation for Mediation and Arbitration in Athens in April 2024. The WRC presented to delegates on individual and collective dispute resolution procedures in Ireland.

Mediation

The WRC provides two distinct forms of mediation: pre-adjudication mediation and workplace mediation.

Pre-Adjudication Mediation

The Commission provides statutory mediation under Section 39 of the Workplace Relations Act 2015 where an individual has referred an employment or equality complaint for adjudication and both parties have agreed to participate in discussions to attempt to resolve the matter before a hearing takes place. Pre-adjudication mediation is confidential, and any agreement reached is legally binding on the parties. Engaging in mediation allows the parties to explore and agree solutions in a non-adversarial and creative manner.

Mediation may take place in person, by email and over the phone, or virtually, depending on the complexity and circumstances of the issue and the willingness of all parties to engage.

Pre-adjudication mediation continued to grow during 2024. A total of 894 mediations took place in 2024, which is a 14% increase compared to 2023, and a 36% increase compared to 2022. There are several reasons which may explain the increase in mediation cases including changes to adjudication hearings following the Supreme Court decision in the Zalewski case in 2021, more familiarity and trust in the service by employer and employee representatives, and the change in service delivery to more in-person mediations in 2022.

526 mediations ended in resolution in 2024, with an additional 427 complaints being withdrawn after parties had engaged with the mediation team but before an adjudication took place. This resulted in 953 complaints being diverted from Adjudication Services by the Mediation Service. The overall resolution rate of mediation increased to 59% in 2024 (up from 56% in 2023 and 48% in 2022).

Figure 19: New Mediation Cases, Mediations Resolved, and Cases Withdrawn after Mediation but before Adjudication (2023, 2024)

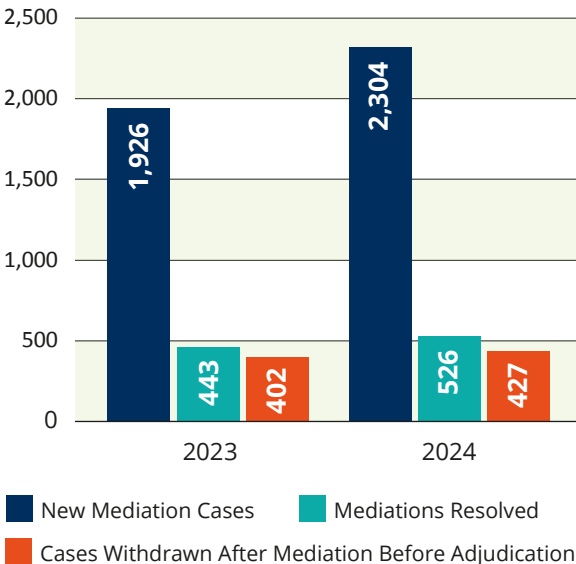
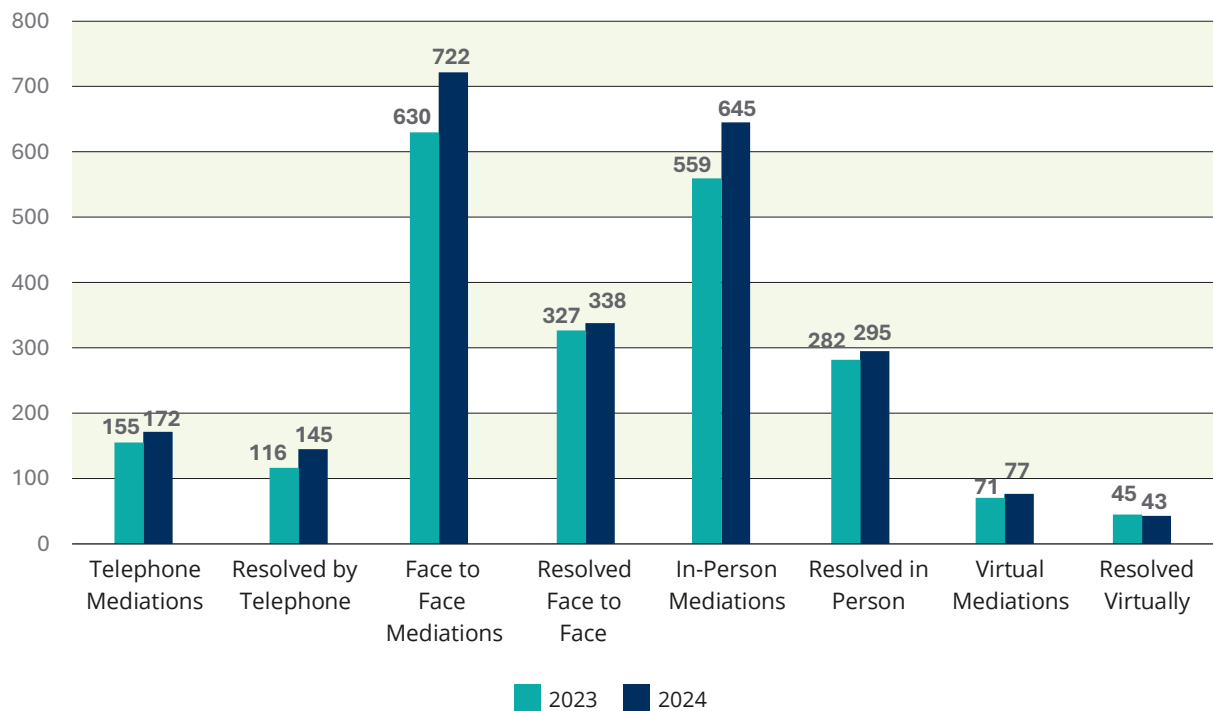
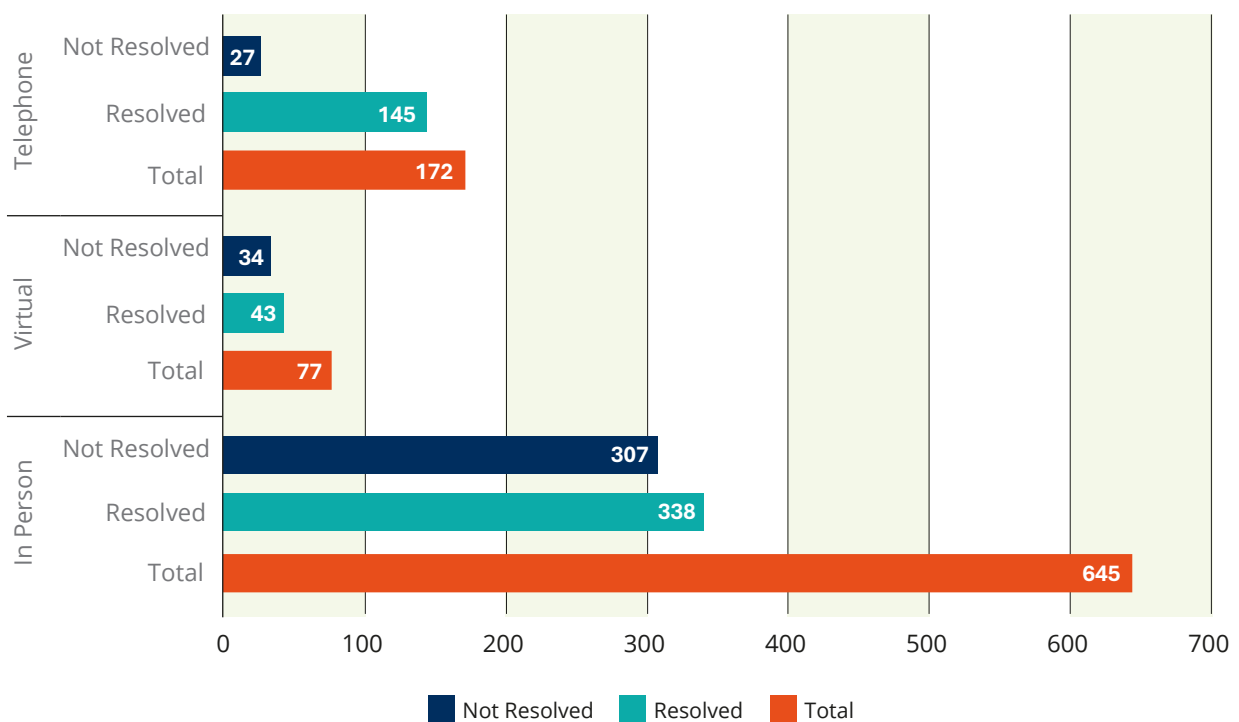


Figure 20: Mediation by Method of Delivery and Resolution Rates (2023, 2024)**Figure 21:** Breakdown of Telephone, Virtual and In-Person Mediations 2024

The resolution rate for telephone mediation was 84% in 2024, up from 75% in 2023. The resolution rate for face-to-face mediation (in person and virtual combined) was 53%, similar to the 2023 rate of 52%. In-person mediation is provided for in all equality cases and any complaints taken under unfair dismissals legislation, as well as any other cases that appear complex in nature.

645 mediations took place in person in 2024, which is a 15% increase on 2023.

Virtual mediation is now offered to parties in exceptional circumstances, where one or more party requires reasonable accommodation, or where one or more party is outside of the jurisdiction. The number of virtual mediations provided in 2024 increased slightly from 71 in 2023 to 77 in 2024.

The Commission has offered a “late request” mediation service on a pilot basis since September 2022. The purpose of the service is to provide parties who have an upcoming adjudication hearing a facility to access mediation without postponing the scheduled hearing date. This means that should mediation be unsuccessful, the adjudication hearing will go ahead as scheduled. This minimises the time and resource impact on the Commission in terms of postponing and rescheduling a new hearing date; as well as providing a timely service to both parties rather than further delaying the process. Limitations to the service include how close the request for mediation is to the hearing date, the availability of the parties, the availability of a mediator if there is significant demand, and whether the parties have already been unsuccessful in resolving the matter through a WRC facilitated mediation. Mediation is provided either in-person or virtually through our video conferencing platform.

There were 57 requests for Late Request Mediation between January and July 2024. In 48 of the cases, the Respondent requested mediation. Both parties agreed to participate in 34 cases, with a resolution rate of 56%. Of the remaining cases where mediation either didn't take place, or there was no agreement reached, 49% of complainants later withdrew their case before an adjudication hearing took place.

Late Request Mediation was paused for the second half of 2024 due to staffing restraints. It is hoped that the service will recommence in 2025 when vacancies are filled.

Workplace Mediation

Workplace mediation provides a prompt, confidential and effective remedy to workplace conflicts, disputes and disagreements on an ad-hoc basis. Typically, it caters for disputes involving individuals or small groups of workers. Examples of situations where workplace mediation can be beneficial include interpersonal differences, conflicts and difficulties between colleagues working together, the breakdown of a working relationship, and issues arising from a grievance and disciplinary procedure, particularly before a matter becomes a disciplinary issue. Workplace mediation is a non-statutory service provided by the WRC on an ad hoc basis and subject to resources. A total of 25 workplace mediations took place in 2024.

Facilitation

An integral part of CAMS work is offering assistance by means of facilitated discussion. This work encompasses facilitating the Public Sector talks, chairing Oversight Groups within the Public Service Agreement Framework, together with the provision of Chairpersons to a range of other negotiation forums, for example the Health Service National Joint Council, the Teachers' Conciliation Council, and a range of Joint Industrial Councils including for the construction and electrical sectors. The Commission also provides chairpersons for Joint Labour Committees (JLCs). In this regard, Conciliation Officers chaired 104 such meetings in 2024.

The CAMS Division chaired three Joint Labour Committees during 2024 which resulted in facilitated agreements for four Employment Regulation Orders (ERO) in 2024. These were subsequently sent to the Labour Court for adoption, and given statutory effect by the Minister for Enterprise, Trade and Employment. The ERO fixes minimum rates of pay and conditions of employment for workers in specified business sectors. Employers in those sectors are then obliged to pay wage rates and provide conditions of employment not less favourable than those prescribed. These apply to the Contract Cleaning sector, the Security sector, and the Early Learning and Childcare sector. Approximately 80,000 workers are covered by these EROs.



4.3 | Adjudication

Director of Adjudication Foreword

As the Director of Adjudication Services, I am pleased to present our Divisional report for 2024 which highlights our ongoing commitment to delivering a fair, efficient and accessible service.

This year saw a significant increase in complaint applications with 7,316 applications received representing 14,890 individual complaints. In response to this rising demand, we successfully offered hearing dates for 9,054 cases, a testament to the dedication and adaptability of our team.

In 2024, we issued 2,712 Adjudication Decisions. While this represents a slight decrease compared to 2023, it reflects the increasingly complex nature of cases following the Zalewski ruling. Our focus remains on ensuring thorough, well-reasoned decisions that uphold the highest standards of fairness.

2024 also marked procedural advancements with the introduction of new Postponement guidelines in January and September. These advancements enhance scheduling efficiency, streamline processes all while promoting clarity and fairness.

Our achievements reflect our continued efforts to ensure that the Adjudication process remains responsive, transparent and effective.

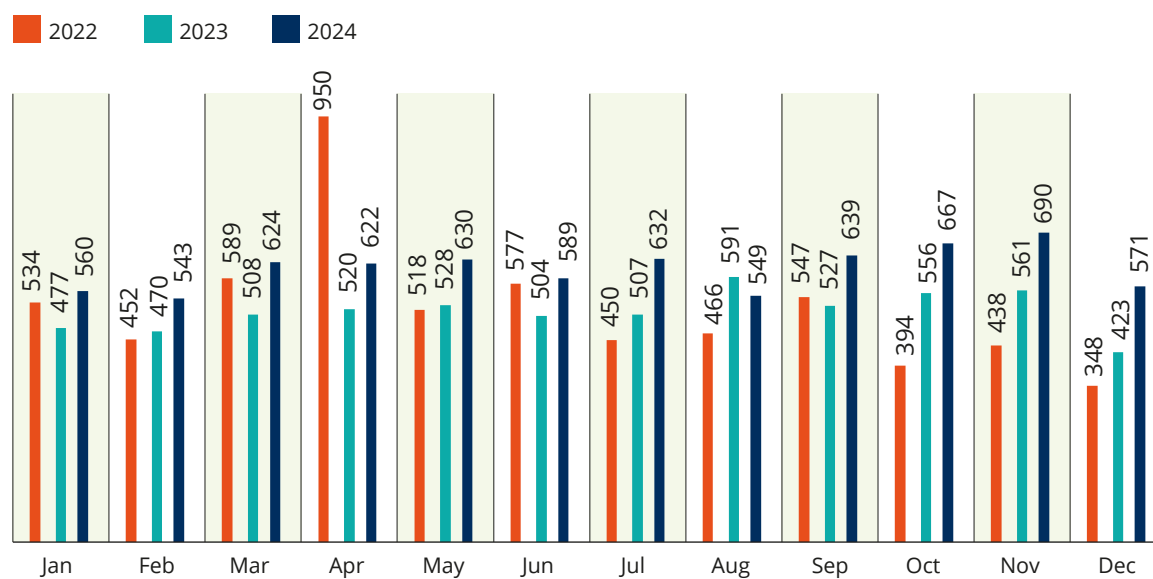
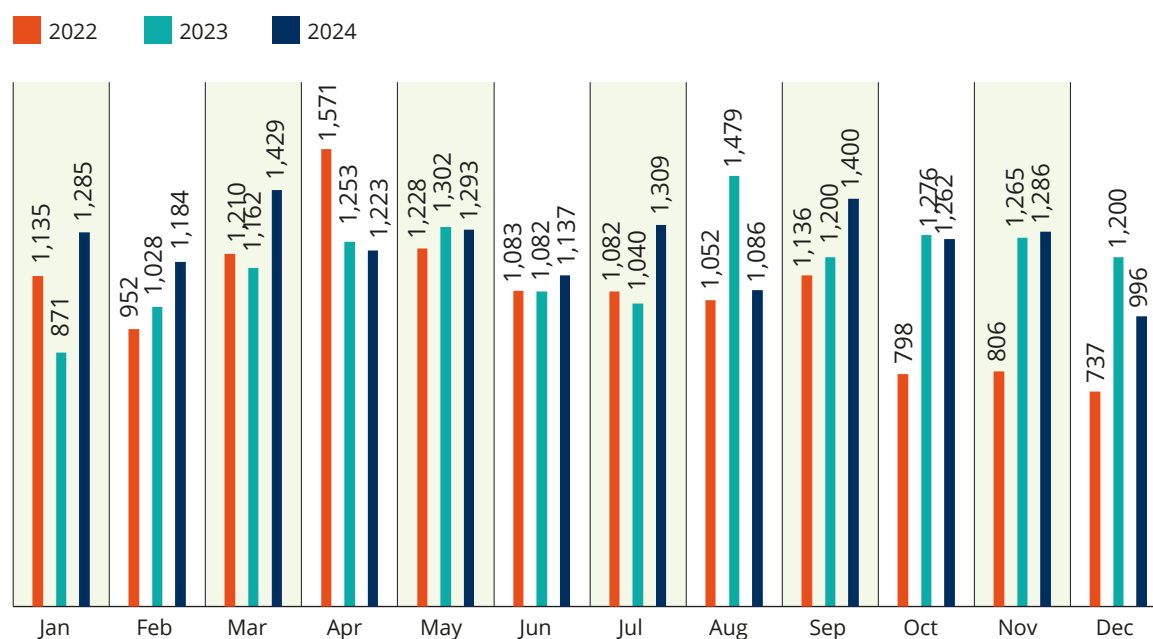


David Small
Director
Adjudication Services Division

Complaints Received 2024

Over the course of 2024, the WRC received 7,316 Complaint Applications representing 14,890 individual complaints which is an average of 2 individual/specific complaints per complaint application, all require to be processed, managed, heard and decided on if they proceed to a full hearing. This represents an 18% increase of Complaint Applications whilst the individual complaints increased by 5% compared to 2024 as a Complainant can make more than one complaint on a Complaint Application.



Figure 22: Total Complaint Applications and Individual Complaints received by Month 2022, 2023, 2024**Figure 23:** Total Individual Complaints 2022, 2023, 2024

Multiples⁷

The Adjudication Division continued to receive groups of complaints from Individuals where the same respondent has been cited.

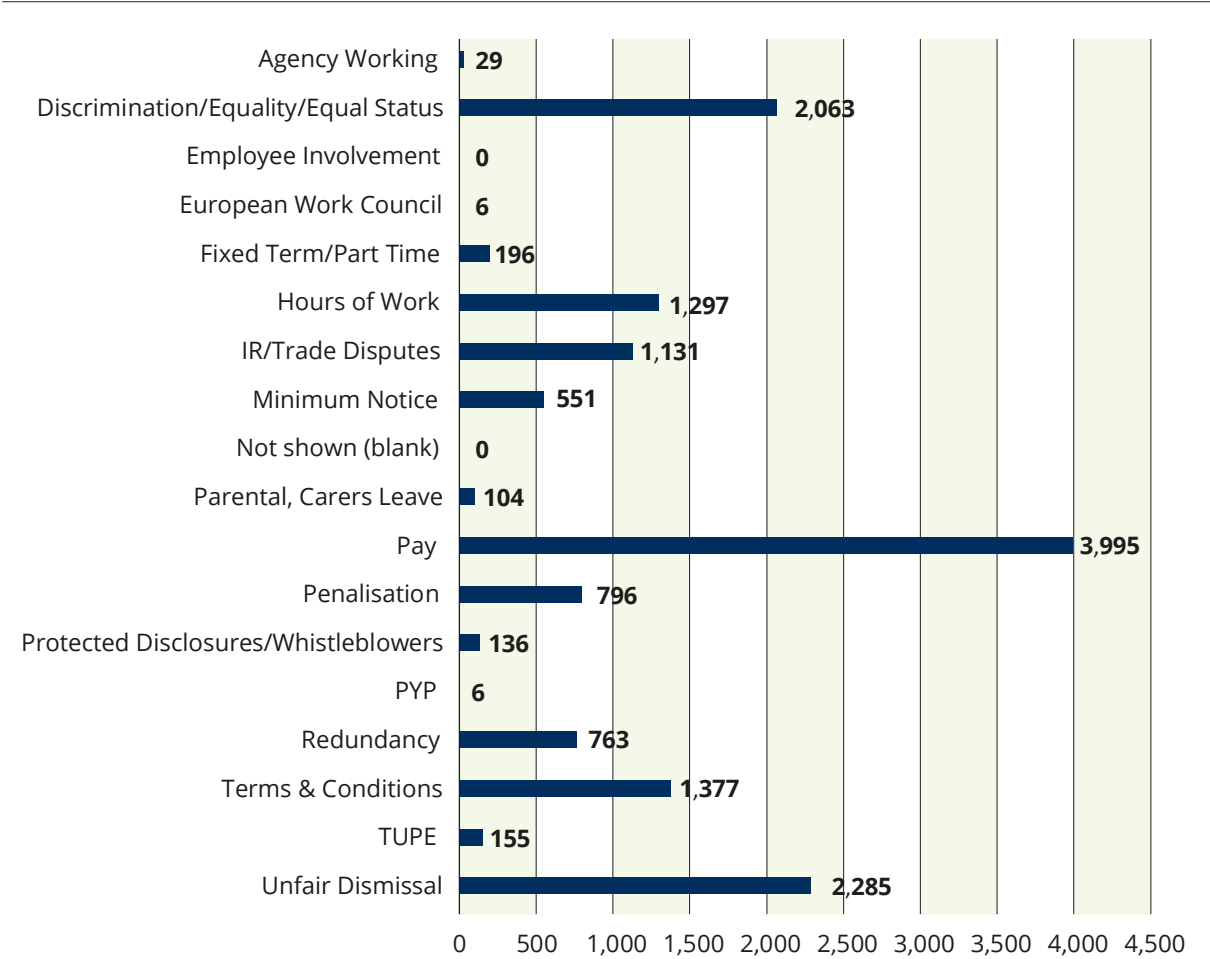
A total of 14,890 individual complaints were received during the period 1st January to 31st December 2024, of which 3% related to multiples.

Of the live adjudication files on hand, 45% relate to multiples, of which 72% were appealed to a higher court and the WRC cannot progress further at this stage.

Complaint Breakdown

27% of the 14,890 individual complaints received related to Pay issues, the most prevalent, followed by Unfair Dismissals, 15%, Discrimination, Equality & Equal Status 14% whilst 9% relate to Working Time and Terms of Employment. Trade Disputes represent 8% of complaints received in 2024.

Figure 24: Specific Complaints by Complaint Type 2024



7 Multiples – refers to groups of complaints from individuals where the same respondent has been cited.

Hearings

Hearings Scheduled

The WRC continue to accommodate hearings in person, hybrid and remotely, an average of 70% in person and 30% hybrid/remotely.

The number of hearings held during 2024, increased by 6% on the number of hearings held in 2023. A total, 9,054 Adjudication files that contain single or multiple complaints were offered a hearing in 2024, an average of 180 per week.

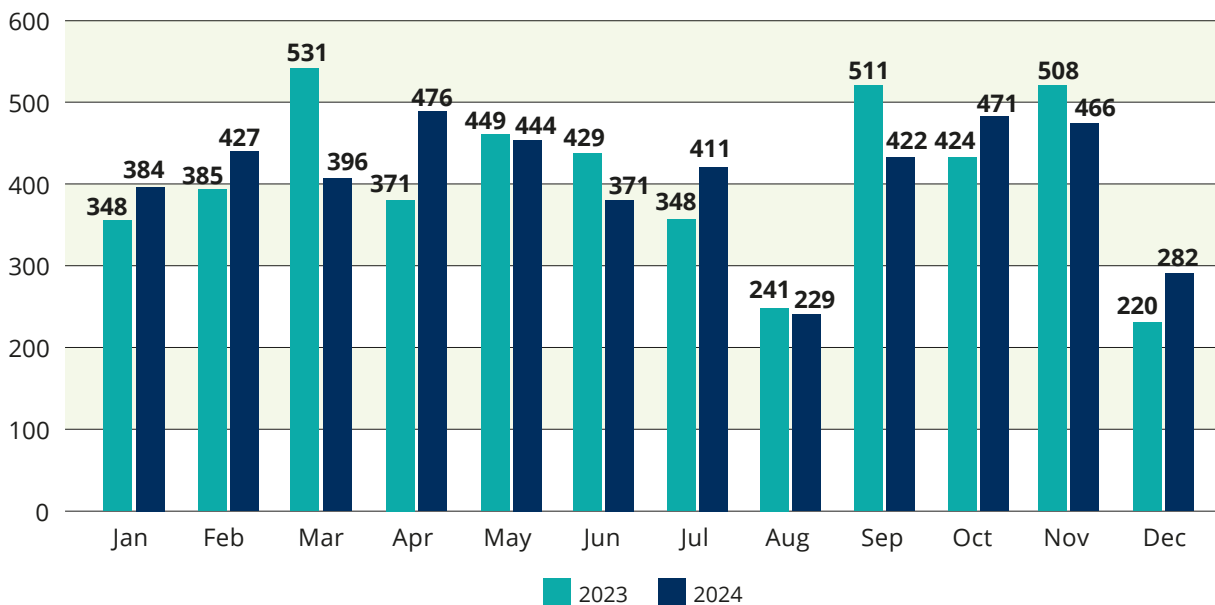
The WRC notes a pattern that hearings are now taking longer or require additional days as a result of complex cases and the late lodgment of submissions or documentation prior to a hearing, detailed cross examination under oath and adjournments.

Other than multiples or complaints which cannot be progressed further pending clarification of a particular point of law in a higher Court, all Adjudication files that have progressed to Adjudication Division prior to 2024 (where not delayed by external factors or pending appellate judgments/decisions) were offered a hearing in 2024.

Hearings Held

A total 4,779 Adjudication cases concluded in the period 1st January to 31st December 2024. As mentioned earlier, Adjudication hearings can require multiple days.

Figure 25: Hearings Held by Month 2023, 2024



Postponement Requests

In particular circumstances, it may become necessary for either party to request that the scheduled date to hear a complaint be postponed. The WRC considers all applications for postponements carefully with due regard to the rights of the parties to fair procedures and reasonable expedition in having a scheduled complaint heard. There are two processes for submitting a postponement application.

Postponement Process 1

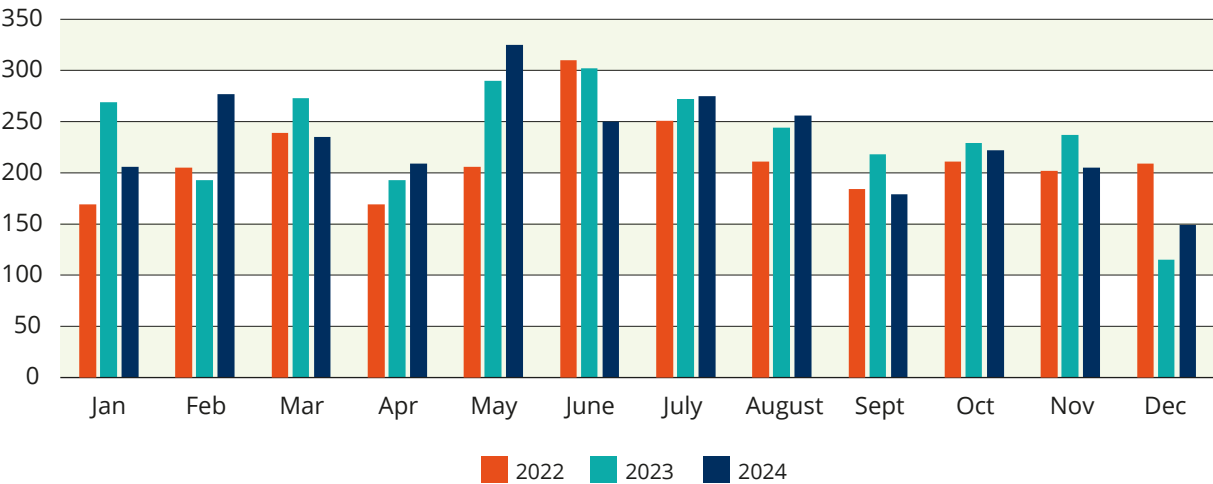
Postponement applications received within 10 working days from the date of the hearing notification, accompanied by the written consent of the other party are automatically granted.

Postponement Process 2

Requests under Postponement Process 2 are considered in the context of a test of “exceptional circumstances and substantial reasons” and will not generally be granted unless proper evidence is provided with the completed postponement application form together with an explanation of how the test is met. The WRC retains discretion over all postponement applications.

The Adjudication Division noted a slight decrease of 2% showing a total of 2,788 applications for postponements and objection to remote hearings received in 2024 compared to 2023. The largest number of postponement requests was received under Postponement Process 1 amounting to 23% which was an increase of 41% compared to 2023. However, requests due to Representative’s unavailability dramatically reduced by almost 50%, with the remainder related to illness or pre-booked holidays.

Figure 26: Postponement Applications by Month 2022, 2023, 2024



Objections to Hearing Arrangements

The WRC introduced new guidelines for Objections to Hearing Arrangements in September 2024 in relation to conducting Adjudication Hearings in-person, remotely or hybrid. By law the WRC can decide whether an adjudication hearing will be held in-person or by remote means.

This represented an increase of 44% compared to the referrals received in 2023 and an increase of 49% when viewing the grounds of discrimination cited.

Referrals under the ground Membership of the Traveller Community had an increase of 86% in 2024 compared to 2023 which was the highest number of discriminations cited amounting to 23% of the total grounds referred for adjudication. The most sizable increases were under the grounds of Sexual Orientation which increased by 107% and Race by 105%.

Referrals Under the Equal Status Acts, 2000

In 2024, 615 referrals were received under the Equal Status Act, 2000, citing 1,089 specific grounds - more than one ground of discrimination can be made on the individual complaint.

Figure 27: Ground under which complaints were referred under the Equal Status Acts 2022, 2023 and 2024

Ground under which a complaint can be referred	2022	2023	2024	% Difference 2023 to 2024
Age	35	37	56	+51%
Civil Status	37	38	42	+10%
Disability	157	170	192	+13%
Family Status	53	68	59	-13%
Gender	49	65	73	+12%
Membership of the Traveller Community	150	132	245	+86%
Race	133	105	215	+105%
Religion	25	30	58	+93%
Sexual Orientation	12	15	31	+107%
Accommodation	97	73	118	+62%
TOTAL	748	733	1,089	+49%

Referrals Under the Employment Equality Act, 1998

In 2024, 1,156 complaints were referred under the Employment Equality legislation citing 1,617 grounds of discrimination - a Complainant can choose more than one ground of discrimination. This was an increase of 11% on complaints received compared to 2023.

The majority of referrals were under the ground of “Disability” which amounted to 25% of the total referrals received in 2024, a notable increase of 24% when compared to 2023, followed by Gender (20%) and Race (19%). Civil Status had a considerable increase of 31% compared to 2023.

Disability, Gender and Race continue to be the top three grounds cited within the referrals to the WRC.

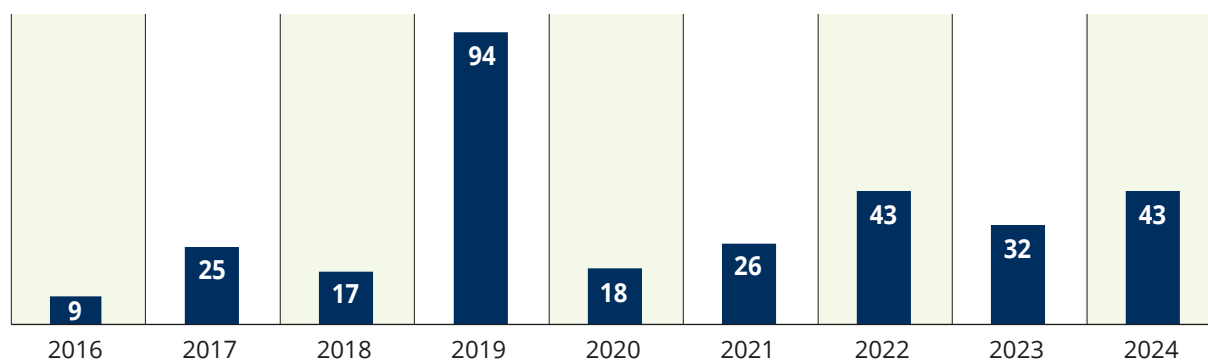
Figure 28: Ground under which complaints were referred under the Employment Equality Act 2022, 2023 and 2024

Ground under which a complaint can be referred	2022	2023	2024	% Difference
Age	514	176	218	+24%
Civil Status	65	55	72	+31%
Disability	349	331	410	+24%
Family Status	183	183	177	+3%
Gender	286	322	318	+1%
Membership of the Traveller Community	26	18	23	+28%
Race	166	272	302	+11%
Religion	65	47	48	+2%
Sexual Orientation	23	54	49	-9%
TOTAL	1,677	1,458	1,617	+11%

Referrals Received under the Pensions Act, 1990

In 2024, 43 referrals were received under the Pensions Act, 1990 which represented an increase of 34% of referrals received in 2023.

Figure 29: Referrals Received under the Pensions Act, 1990



Closed Complaints

The WRC closed almost 17,761 individual complaints in 2024 which can relate to dates of receipt to previous years, a considerable amount of processing, managing and closing these complaints is required by the administrative team.

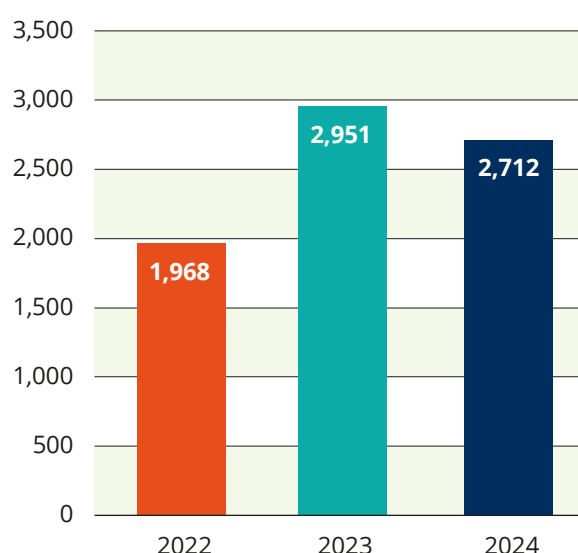
Notably, 31% of complaints were withdrawn before Adjudication or Mediation with a considerable amount of 29% withdrawn during or post Adjudication hearing.

Decisions

The Adjudication Division issued 2,712 Decisions and Recommendations in 2024 relating to 5,669 individual complaints. This represents a decrease in the number of decisions issued compared to 2023 (2,951) but maintaining an increase on the number which issued in 2022 (1,968).

Some notable WRC decisions are set out in Appendix 3.

Figure 30: Decisions issued 2022, 2023 and 2024



Stakeholder Engagement

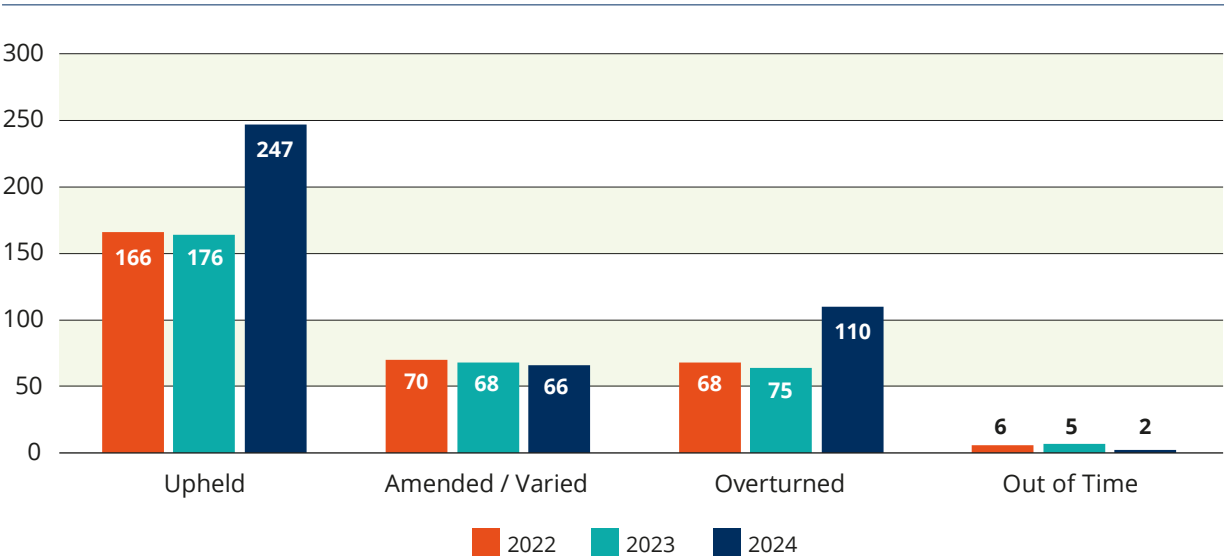
Throughout 2024 the Adjudication team were involved in a number of bilateral meetings with key stakeholder groups and provided bespoke outreach/training as part of its commitment to ongoing service improvement.

Labour Court Decisions on WRC Appeals

Over the course of 2024, some 7,316 Complaint Applications representing 14,890 Specific Complaints were received by the WRC. The WRC was notified of 425 determinations issued by the Labour Court in 2024 that related to appeals of the WRC Adjudication Officers’ Decisions and/or Recommendations.

Of the 2,712 Decisions/Recommendations issued by the Adjudication Division in 2024, approximately 16% were appealed to the Labour Court which is considerably low in the context of the overall volume of complaints received by the WRC year on year. Of these, 58% were upheld, 26% overturned, 15.5% were amended/varied and the remaining .5% were out of time.

Figure 31: Labour Court Outcomes 2022, 2023 and 2024



4.4 | Corporate, Strategy and Digital Services Division

Director of Corporate, Strategy and Digital Services Division Foreword

It is my pleasure to introduce the chapter on the activities carried out in the Corporate, Strategy and Digital Services (CSDS) Division of the WRC. The CSDS Division supports and contributes to the successful achievements of the WRC's strategic objectives and statutory functions.

The Division leads on the management of corporate governance in line with Civil Service standards, the management of our budgets, business planning and risk management. Our responsibilities extend to the safety and welfare of our people in the workplace, accommodation and facilities, staff engagement and internal communications, managing and coordinating various inter Divisional commitments, event management, exploring and implementing digital business solutions, and maintaining our website and social media channels.

This year the Division was delighted to launch a new, modern application process for complainants that leverages innovative technologies and greatly improves the service offered to the service users of the WRC.

The new application process (eComplaint Form) is fully compliant with Web Content Accessibility Guidelines and is available in both English and Irish. Additionally, since the launch of the eComplaint Form, we have seen a notable reduction in requests for hard copy forms focussing our efforts in terms of sustainability and in reducing our overall carbon emissions.



Tracey Murphy
Director
Corporate, Strategy and
Digital Services (CSDS)
Division

Our People

As an organisation, the WRC recognises that our people are our greatest asset and we aim to support and retain the talent required to deliver our vital services. The overall WRC staff resources have increased since establishment to match increasing levels of demand and service expansion and stood at 235 at the end of 2024.

The WRC witnessed a significant turnover of staff during the year. As well as impactful retirements, there were internal promotions and further promotions within the wider Civil and Public Service, transfers through the Civil Service mobility scheme and resignations for staff to take up posts in the wider economy. The WRC carried a vacancy rate of approx. 19% during 2024, but through working closely with the Department's Human Resources area, at the end of 2024, competitions were well underway to fill all outstanding vacancies.

The WRC continued to support its workforce throughout 2024, further embedding the blended working policy, ensuring a work life balance in conjunction with effective service delivery. The WRC remains an equal opportunities organisation, and its internal workforce policies are continually reviewed in the context of our commitment to ensure high-performing public service delivery standards. As a public body that provides a front-line public service, staff of the WRC attend the office a minimum of 3 days per week. Attendance in excess of the minimum is required for a number of roles to meet business needs.

The WRC embraces a culture of inclusiveness and involvement and the CSDS Division facilitated a number of all-staff townhall sessions and staff engagement workshops delivered by the Director General across all its regions.

Through various learning and development programmes, people in our teams are empowered to achieve their full potential and during 2024 our people continued to avail of a wide range of learning and development supports. A number of staff completed 3rd level academic courses funded by the Department in disciplines aligned to the WRC's strategic priorities such as Applied Employment Law, Human Resource Management, Business and Management, and Barrister at Law.

As part of continuous improvement initiatives and enhanced supports for our teams, the CSDS Division reviewed the WRC Induction Course and redeveloped an Induction Programme comprising modules aligned with our obligations under various legislation, our statutory functions and including an overview of our structure, service deliverables, and activities.

Information and Communication Technologies

In 2024 the WRC made significant strides towards realising the goals of the WRC ICT Strategy 2022-2024. Keeping a focus on a cloud-first framework, the WRC kept pace with emerging technologies, researching the possibilities of Artificial Intelligence, and implementing the 2nd phase of our Robotic Process Automation (RPA).

Phase 2 of the Robotic Process Automation which automates the generation of hearing letters from the Adjudication team was developed in 2024, following the success of Phase 1 which went live in 2023. Phase 1 assisted the work carried out on the initial handling of complaint applications, while its successor automates the generation of hearing letters. The RPA's ability to process large volumes of data and issue correspondence with precision has boosted productivity and seamlessly supports our teams to continue to deliver increasing service demands.

During 2024, the CSDS Division continued to develop its plans to upgrade the Customers Relationship Management (CRM) system. This project will be undertaken in two phases. The first to upgrade the CRM to the latest on-premise version of Microsoft Dynamics, and the second phase will migrate the on-premise CRM to the cloud.

This migration will bring long-term digital advancements to the WRC and will modernise the existing CRM and provide the foundations for future digital growth in a cloud marketplace.

e-Complaint Form

The new online complaint form provides greater flexibility and was made available to the public in September 2024. This complaint portal replaces the old technology of the previous application form which many found difficult to use and was inaccessible for many service users.

The new complaint form provides greater flexibility and is accessible through all modern web browsers and can be filled out on desktop and tablet/mobile devices. As well as being a tool with greater assistance for those with accessibility needs, the new form comes with 'Save as Draft' and document upload functionality. Save as Draft allows a complainant to pause their application and return to it at a time that suits. The document upload facility is the first time that complainants will be able to submit relevant documentation at the same time as their application is being submitted.

Communications and Digital Outreach

Website

The WRC website is a vital source of information and an interface with the WRC for service users, particularly in relation to updates on service delivery models and employment rights, both generally, and aligned to legislative changes.

In 2024, the WRC website had 4,306,249 pageviews, a 7% decrease on the previous year. However, visitors to the website increased by 36% to 1,514,055 indicating that the website is easier to navigate to locate the information sought.

The website provided the appropriate vehicle to communicate legislative changes, such as the increase in the National Minimum Wage and also advised on matters relating to absences from work during extreme weather events. The website is also a valuable tool to provide regular updates in addition to weekly links to the Latest Decisions & Recommendations.

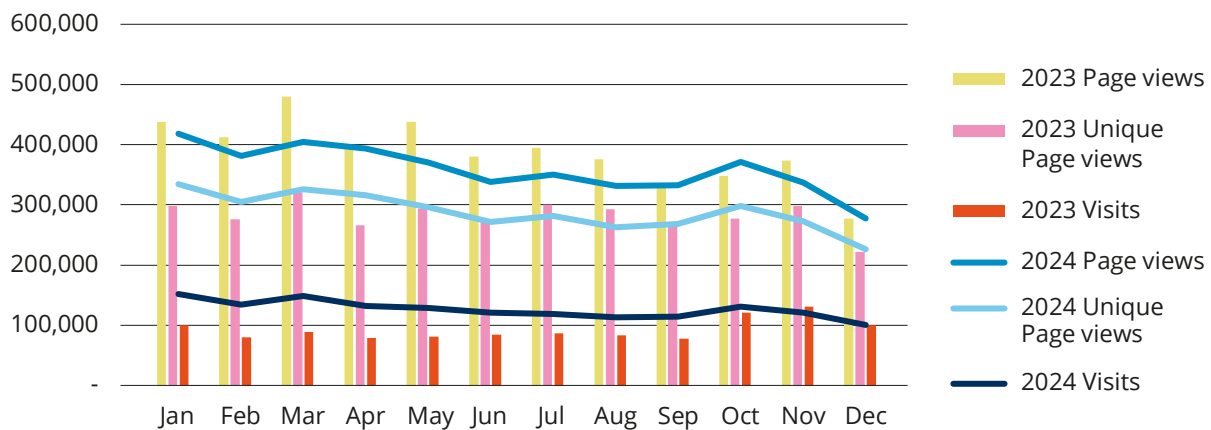
The WRC website is regularly reviewed to ensure that it complies fully with all web standards in terms of the structure, layout and content and that it follows web standards laid out by the World Wide Web Consortium (W3C) and the Irish National Disability Authority.

The National Disability Authority carried out an in-depth review of the website in 2024 and identified some issues in relation to accessibility. All issues were actioned and resolved.

The 5 most viewed webpages in 2024 were as follows:

1. WRC Complaint Form (137k pageviews)
2. Latest Decisions & Recommendations (130k pageviews)
3. Working Hours (100k pageviews)
4. Sick Leave (93k pageviews)
5. Minimum Notice (88k pageviews)

Figure 32: 2023 - 2024 Pageviews/Website Comparison



Social Media

Throughout 2024, the WRC social media channels were used to share employment and equality related information and legislative updates with the public. The reach of these platforms increased during the year, currently the WRC IE X (formerly Twitter) account has more than 3,240 followers and the WRC LinkedIn account has more than 24,000: an increase over the year of 8% and 50% respectively.

The WRC ran several social media campaigns which helped drive 11,901 referrals to the website from LinkedIn - an increase of 35% from 2023 (8,840 referrals) and 3,019 referrals to the WRC website from X - a decrease of 2% from 2023 (3,091 referrals).



Governance and Facilities

The CSDS Division works closely with the Director General and the Senior Management Team to ensure that the activities of the WRC and its resources are applied in the most efficient and effective manner and in compliance with governance requirements.

The Division provides key resources and facilities support for the WRC in the delivery of its statutory objectives. In addition to supporting our people, reviewing and delivering digital business solutions, website and social media management, the Division is also responsible for corporate governance, including budget management, business planning, monitoring risk and where it exists develop actions to mitigate those risks. The Division is also responsible for internal communications, health and safety, liaising with the Department's HR unit on WRC staffing, supporting the work of the Divisions, providing financial management and facilities management across all five WRC locations, and providing secretariat support to the DG, the Board of the WRC, and the SMT.

Recognising the diverse society we live in and the geographical dynamic multinational firms bring to the labour force, the CSDS upgraded and improved technology during 2024 to support hybrid and fully remote hearings, mediation and conciliation services. These enhancements to services has significantly increased accessibility to our services for all.

The WRC has five regional offices; Dublin, Carlow, Cork, Ennis and Sligo where the full range of WRC services are provided.



Public Sector Equality and Human Rights Duty

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

In line with established principles and Section 42(2) of the Irish Human Rights and Equality Act 2014, the WRC took part in an assessment of equality and human rights issues, carried out by its parent Department in 2024, the findings of which will be published during 2025. These findings will inform the development of policies, plans and actions to address gaps in relation to addressing equality and human rights issues.

The purpose and statutory functions of the WRC as set out in Section 11 of the Workplace Relations Act 2015 place a strong emphasis on the right to fair procedure, the right to privacy, equal access and equal treatment in all aspects of the services provided. The WRC also applies these values and rights in its workplace to ensure the dignity and welfare of all its people. The WRC embraces and encourages a culture of participation, involvement and respect for each other. The human rights and equality issues affecting staff include the right to equality of opportunity, and dignity and respect in the workplace.

During 2024, the CSDS Division led on initiatives driving positive change including the new eComplaint form which was launched in September 2024 and is a welcome critical addition to assist in increasing accessibility for users.

85% of our people completed the JAM (Just a Minute) card accreditation in 2024. This card provides a discreet way for individuals with learning difficulties, autism, or communication barriers to request "Just A Minute" of understanding from others. The JAM Card, available in standard form and as a smartphone app, is currently used by nearly 160,000 individuals across Ireland.

The WRC provides a range of publications in various languages on the WRC website. The WRC has published a suite of informational animations to assist users of WRC services on the WRC website. These animations, available in Irish, English, Polish, Romanian, Russian, Spanish and Ukrainian cover the following topics “Dignity in the Workplace”, “How to Make a Complaint to the WRC”, “What Happens at an Adjudication Hearing”, and “Pre-Adjudication Mediation”. These animations are helpful to parties engaging with the WRC for the first time.

In efforts to support full participation in our services, the WRC will provide interpreters for service users. Where a person requests the provision of an interpreter for an adjudication hearing, mediation, or for the hearing or engagement with an Inspector, the WRC responds to the request with no cost to the parties.

During 2024 there was an increase of 32% in the numbers of Interpreters required for services compared to 2023, and almost double the number required in 2022. The top 3 language requests for interpretation were for Polish, Portuguese and Romanian.

Irish Sign Language interpreters are provided by the WRC to ensure people with hearing impairments can fully participate in and access its services.

The WRC welcomed a total of 21 Transition Year (TY) Students from various schools across the nation during 2024 to participate in our TY Programme. The Programme includes seeing behind the scenes in the administration units which support the front-facing services in addition to attending adjudication hearings and meeting our colleagues in the Labour Court to attend a hearing of the Court.

All staff were invited to a range of health and safety training including fire warden, first aid training and a practical course designed to teach key employees how to use the Evac Chair safely so that they can evacuate people who need assistance in the event of an emergency.

In-house training through the Department’s Lunch and Learn sessions covered topics including Cultural Awareness, Inclusive Language and Disability Awareness Training.

A specific training course on the IHREC Public Sector Duty is available to staff. The WRC was also represented on the Department’s Equality, Diversity and Inclusion Working Group to develop an Equality, Diversity and Inclusion Strategy.

Figure 33: Top 3 language requests for interpretation

	Number of requests	Percentage of all requests	Total requests of all languages
2024			
Polish	150	22%	699
Portuguese	108	15%	
Romanian	94	13%	



Protected Disclosures Acts, 2014 to 2022

As a public body, the WRC is required under Section 22 of the Protected Disclosures Acts, 2014 to 2022 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures.

During 2024, the WRC received 65 external reports alleging a Protected Disclosure. Some of these reports contained several separate submissions.

All reports were acknowledged within the timeframe specified in the legislation. In each case, the outcome was communicated to the individual.

Following initial assessment, 20 submissions were deemed not to be a protected disclosure, and the correspondent was informed of this in each case and the case was closed.

A total of 31 submissions were forwarded to the relevant Division of the WRC for further action following initial investigation, and the Protected Disclosure case was closed. 5 cases were referred to the Office of the Protected Disclosures Commissioner or other more appropriate bodies.

11 cases were closed due to insufficient data provided initially and no further input received when requested from the discloser. 2 cases remain “open” under initial assessment or pending further input from discloser. No internal reports were received by the WRC during 2024.

Under SI 367/2020 Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020 the Director General is designated as a ‘prescribed person’ pursuant to Section 7 of the Act.

Official Languages Acts, 2003 and 2021

During 2024, the Workplace Relations Commission continued to ensure that our statutory obligations and commitments to the provision of services in the Irish language were met in accordance with the Official Languages Acts, 2003 and 2021. A member of Senior Management was appointed to oversee performance and report on the WRC’s obligations under the Acts.

The following actions were taken by the WRC during the year 2024 to ensure compliance with the Act:

- ▶ The publication of statutory documents in the Irish Language including the WRC Work Programme 2024 and the 2023 Annual Report,
- ▶ Meeting our obligations under section 10A. (1) (a) & (b) (Advertising by Public Bodies),
- ▶ Staff attendance at Irish Language training, including a webinar presented by Oifig an Choimisinéara Teanga,
- ▶ 28% of content published on the WRC social media channels, X (formerly Twitter), and LinkedIn were provided in the Irish language.
- ▶ Matters brought to the attention of the WRC relating to the provision of services in the Irish Language were examined and addressed in a timely manner, including the development of new measures to resolve and ensure compliance.

Oireachtas Joint Committee on Disability Matters

The WRC were invited to appear before the Oireachtas Joint Committee on Disability Matters on 19th May 2024.

The DG was accompanied by officials of the WRC, Ms Derval Monahan, former Director of Corporate, Strategy and Digital Services and Ms Gwendolen Morgan, Registrar and Director of Legal Services.

The DG thanked the committee for the invitation to appear before it and for the opportunity to outline the important work of the WRC, its statutory functions and, in particular, how the WRC is supporting and assisting people with disabilities to access WRC services to assist them in realising their rights under the United Nations convention on the Rights of Persons with Disabilities, in particular Article 27 on the right to work and employment.

International Industrial Relations Agencies Conference 2024

The International Industrial Relations Agencies Conference 2024 took place in South Africa in November. The event is an annual gathering of the first instance dispute resolution State agencies of the US, Canada, Australia, New Zealand, South Africa, UK, Northern Ireland and the Republic of Ireland where senior leaders of each organisation exchange information and updates and discuss the topical issues in each country.

The Director General and the Acting Director of Conciliation, Advisory and Mediation Services represented the WRC at the Conference.

The 2024 Conference provided a unique opportunity for the WRC to both learn and share case studies on significant industrial disputes, the difference in legislation in each country to achieve similar goals, and the different approaches to how services are delivered.

Topics that were shared internationally included landmark decisions on platform working, strikes in key infrastructural or national services that had a big public impact, and the changing face of blended working.



Conference delegates with members of the Board of the Commission for Conciliation, Mediation and Arbitration (CCMA) at the Service Excellence Awards



Representatives of the dispute resolution agencies at the South African Labour Court

2024 Stakeholder Conference

The WRC hosted a stakeholder conference entitled 'The Future of Work?' on 6 June 2024.

The theme of the Conference was underpinned by the research commissioned by the WRC and carried out by the University of Limerick, and the Report on Work and Employment Transformations in Ireland: A Review of Labour Market and Workplace Relations Challenges. The Research looks at the impact of inflation, climate change, technology and recruitment and retention on the labour market.

The Conference, which was chaired by Kieran Cuddihy, was opened by Mr Peter Burke TD, Minister for Enterprise, Trade and Employment and other speakers included Audrey Cahill Director General WRC, Dr David Begg, Chairperson to the Board of the WRC, Dr Michelle O Sullivan UL, Declan Hughes, Secretary General, Department of Enterprise, Trade and Employment, Professor Bill Roche UCD, and Darrell Hughes, Chief People Officer Ryanair.

There were two panel discussions to stimulate debate on the issues.

Panel 1 discussion

How will collective bargaining evolve if inflation and tight labour markets become normative?

With Maeve Mc Elwee Ibec, Liam Berney ICTU, Sinead Kilkelly ESB, and Leo Clancy Enterprise Ireland.

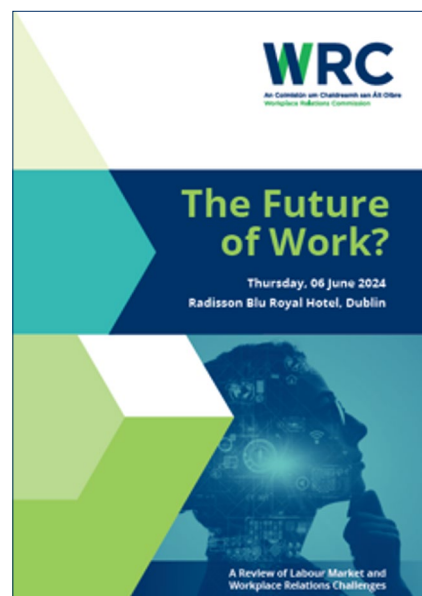
Panel 2 discussion

What are the challenges for workplace relations posed by AI and climate change?

With Professor John Geary UCD, Jean Carberry Department of Enterprise, Trade and Employment, Professor Na Fu TCD, and Síobhra Rush Lewis Silken.



Audrey Cahill, Director General, Minister Peter Burke, T.D. and Minister for Enterprise, Trade and Employment and Dr David Begg, Chairperson to the Board of the WRC





*Declan Hughes, Secretary General
Department of Enterprise, Trade and
Employment*



Audrey Cahill, Director General



*Kieran Cuddihy,
Conference Chair*



*Professor John Geary, UCD, Siobhara Rush, Lewis
Silken, Jean Carberry, Department of Enterprise,
Trade and Employment and Professor Na Fu, TCD*



*Leo Clancy, Enterprise Ireland, Sinead Kilkelly ESB,
Liam Berney, ICTU and Maeve Mc Elwee, Ibec*



4.5 | Legal Division

Registrar and Director of Legal Division Foreword

The Legal Division's core objective is to advise the WRC in relation to its wide range of functions from adjudication to inspection and enforcement, conciliation, mediation, research and information provision so that legally robust systems are in place throughout all activities of the WRC. It also provides relevant EU, administrative, company, employment and equality law updates and support to Adjudication Officers and staff. With the WRC's tenth anniversary ahead, the Division will focus on analysing jurisprudence and emerging trends over the decade and continue its emphasis on quality assurance and knowledge management.



Gwendolen Morgan
*Registrar and Director
Legal Services Division*

New Legislation

2024 continued the trend of new rights and responsibilities in the employment, equality and industrial relations spheres, some EU and some domestic in origin. The Division was involved in supporting colleagues across the WRC functions to prepare for the new legal rights coming into effect including those around the Employment Permits Act 2024, Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024, the Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024, Work Life Balance Miscellaneous Provisions Act 2023, Code of Practice on Remote and Flexible Working SI 90/2024, Automatic Enrollment Retirement Savings Act 2024, Criminal Justice (Sexual Offences and Human Trafficking) Act 2024, and the Charities (Amendment) Act 2024 amongst others. In addition, the remit of the Protected Disclosures (Amendment) Act 2022, and Gender Pay Gap Information Regulations 2022 expanded to cover smaller employers in 2024.

Recently commenced rights under the Protected Disclosures (Amendment) Act 2022, Work Life Balance Miscellaneous Provisions Act 2023 and Sick Leave Act 2022 all generated interesting new cases for analysis.

Over the horizon, further changes beckon in 2025 around the protection of employees in insolvency circumstances, in the area of pension and mandatory retirement ages, along with proposed changes in domestic equality law.

The Division also advised on emerging EU legislation including the EU Adequacy of Statutory Minimum Wages Directive 2022/2041, EU Directives on Standards for Equality Bodies 2024/1499 and 2024/1500, EU AI Act Regulation 2024/1689, EU Pay Transparency Directive 2023/970, EU Gender Balance on Boards Directive 2022/2381, EU Platform Workers Directive, and proposed Traineeship Directive.

Training and guidance on the new law was provided to Adjudication Officers and staff. The Division also supported colleagues with a range of reforms to the WRC E-complaint form, policy and related processes to ensure readiness for the new legislation.

Litigation and Dispute Resolution

Separate to the litigation work of Enforcements and Prosecutions, the Division represented the WRC in 13 High Court civil matters and was successful in two out of three judicial reviews directly against the WRC. Whilst occasionally the WRC is incorrectly impleaded or indirectly involved in litigation against its parent department, building on a trend over the last few years, in 2024 there was a significant reduction in litigation directly against the WRC.

In an *ex tempore* judgment in July 2024 *Riada Care Ltd T/A Glenashling Nursing Home JR 2024/814*, Hyland J refused permission to bring a judicial review against the WRC decision ADJ-43777, and was critical of the applicant on a number of grounds: failure to exhaust alternative remedies, walking out on a hearing before evidence was heard, and failure to have regard to the longstanding superior court jurisprudence against excessive formality which impedes access to justice before the WRC and courts alike. The central point in the judicial review was that the Adjudication Officer should not have agreed to amend the respondent name in circumstances where the trading name appeared in page 1 of the non-statutory WRC complaint form; the correct legal name was set out on page 3 of the form, all parties were on notice and no prejudice was caused.

In *Ammi Burke v. An Adjudication Officer and the Workplace Relations Commission (Respondents) and Arthur Cox LLP (Notice Party) [2024] IECA 105*⁸ the Court of Appeal upheld the judgment of Bolger J⁹ dismissing judicial review in the matter based on the conduct of the applicant. Noonan J emphasised the principle that “[t]he right of access to the court is not absolute and brings with it certain obligations. Parties who are not prepared to assume those obligations may find themselves forfeiting that right of access...” Costs were awarded to the WRC and Notice Party in a subsequent judgment.¹⁰

The Court of Appeal Burke judgment was cited in the WRC decision of *Adeba*¹¹ in which the Adjudication Officer concluded that she had no option but to dismiss the matter due to the egregious conduct of the applicant. She also relied on the WRC Adjudication Procedures¹² updated in 2024, and the WRC Hearing Arrangements Policy 2024 which emphasise the need for parties to behave with respect for each other, the AO and staff of the WRC.

HAP Litigation

In *McNamara v McCormack & Anor [2024] IEHC 593* Bolger J upheld the approach of the WRC Adjudication Officer in a rare Housing Assistance Payment (‘HAP’) Equal Status Acts statutory appeal on a point of law. She agreed that a landlord’s refusal to sign the tenant’s HAP forms constituted discrimination in breach of the Act and remitted the matter to the Circuit Court.

8 *Ammi Burke v. An Adjudication Officer and the Workplace Relations Commission (Respondents) and Arthur Cox LLP (Notice Party) [2024] IECA 105*

9 *Ammi Burke v. An Adjudication Officer, Workplace Relations Commission and Ors. [2023] IEHC 360*

10 *Ammi Burke v. An Adjudication Officer, Workplace Relations Commission and Ors. [2024] IECA 136*

11 *Mr Ayeyemi Adeba v ICTS Ireland Limited, ADJ-00049511, 30.9.2024*

12 *WRC Procedures Employment and Equality Complaints 16.9.2024*



Enhancing Accessibility

As part of the WRC's mandate to provide information to the public and facilitate effective access to justice in relevant employment and equality matters, the Division published an updated Remedies table breaking down the more than two hundred statutory complaints which lie to the WRC.¹³ Alongside an update to the Information for Practitioners, a Guide to Evidence for Lay Litigants was also published to complement the Witness Guidelines which are available in ten languages.

The WRC Postponement policy¹⁴ and Objection to Hearing Arrangements policy¹⁵ were updated in 2024 to provide parties with a longer timeframe in which to object to a listing, or to the way in which a hearing was arranged i.e. whether remote, in-person or a hybrid. Reasonable accommodations for disabled persons and other special measures were given greater prominence in the revised guidelines reflecting evidence provided by the WRC to the Oireachtas Select Committee on Disability Matters earlier in the year.

Data Protection

The Division's Data Protection Liaison Officer continues to support the WRC on information law and provides regular training and support to staff across the Divisions. WRC policies are kept under review in light of new jurisprudence and legal obligations in this fast-moving area of law, and the WRC liaises with the Department Data Protection Officer to ensure compliance.

Stakeholder Engagement

Externally, the Registrar met with the Council of Europe's European Council Against Racism and Intolerance ('ECRI') on WRC initiatives to provide access to justice in the area of equality, presented to Employment Lawyers Association of Ireland ('ELAI') on recent legal developments, taught on the Law Society's Judicial Skills' Diploma equality module, and engaged with EU colleagues as well as a number of domestic stakeholders in the area of human rights, equality and employment law. Internally, the Legal Division oversees the AO training programme and provided a number of internal information sessions for staff.

13 [WRC Remedies Table - Workplace Relations Commission](#), 31.7.2024

14 [Postponement Policy - Workplace Relations Commission](#), 1.1.2024

15 [Objections to Hearing Arrangements Guidelines - Workplace Relations Commission](#), 16.9.2024

Appendix

1



Work Programme 2024: Outcomes

Information and Customer Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Provide non-directive 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 2024	90% of queries dealt with at initial query	59,431 calls dealt with promptly and efficiently
	Co-ordinate the targeted participation of the WRC at employment law seminars, presentations, exhibitions, roadshows, webinars, etc.	Throughout 2024	Key events identified, targeted message deliver effectively and efficiently	51 events attended by IIED (16% increase on 2023)
	Utilise social media platforms to raise awareness of employment legislation, relevant decisions, WRC activities/remit and promote WRC redress mechanisms to the public	Throughout 2024	Increased awareness of the WRC services and information. Key events, days, campaigns, research and data identified and effectively publicised on social media. Increase in social media followers	Social media channels utilised to drive referrals to WRC website

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Efficient processing of complaints and applications to the WRC	All complaints processed in a timely and efficient manner and referred to the appropriate redress	Throughout 2024	All complaints received during 2024 processed efficiently with 90% of files created within 10 working days and respondent put on notice	7,316 complaints, representing 14,890 specific complaints, (+18%) processed. RPA assists to shorten processing times resulting in 94% of complaints acknowledged and respondents notified within 10 working days of receipt of complaints
Deliver Outreach and Communications Strategy	Work with Comms Unit to identify WRC activities (including web-based and remote outreach) which can be used to enhance efficiency and effectiveness of WRC generally	Throughout 2024	Increased awareness and understanding of the WRC, and functions, across industrial relations, employment rights, equality and equal status matters	Outreach events attended
	Initiate and deliver campaigns focussed on increasing awareness of WRC services and providing information on changes to legislation or new legislative developments to the public, employers and employees, and stakeholder groups as well as identified sectors and vulnerable groups	Throughout 2024	Greater awareness of WRC services	WRC carried out a campaign in changes to NMW, supported Inspection led campaigns and supported the Brazilian community as a vulnerable group. Support also provided to ELA led campaign in Road Transport
	Prepare bespoke targeted guides and templates on legislation for employees and employers, particularly relating to legislative change or new legislation	Throughout 2024	Guides and templates launched and being used and accessed	Several Information booklets updated and website frequently reviewed and updated

Inspection and Enforcement Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Promote and enforce compliance with employment law	Carry out risk and complaint-based inspections, with other State bodies where appropriate	Throughout 2024	4,500 workplace inspection cases completed	5,156 Inspection cases completed €2.1M wages recovered
	Institute legal action where compliance with Employment Rights and Employment Permit legislation is not achieved and action is approved by the Legal Proceedings Committee	Throughout 2024	All cases where compliance is not achieved will be considered for legal action	81% of prosecutions successful
	Issuing and processing of Compliance (as applicable) ¹⁶ and Fixed Payment notices and defend appeals to Compliance Notices	Throughout 2024	Notices issued appropriately and having effect. Appeals defended.	Twenty-eight Fixed Penalty Notices (ten in 2023) and thirty-seven Compliance Notices (thirty-four in 2023) issued in 2024
Focused targeting of non-compliant employers, sectors, regions	Risk selection arrangements for inspection to be used for case selection. These will include risk rating of closed cases, sectoral intelligence and complaints	Throughout 2024	50% of inspection cases will be focused on high-risk employers and sectors of interest	56% of inspections based on risk assessment
Enforce awards arising from decisions of Adjudication and Labour Court proceedings	Pursue civil enforcement of decisions and awards arising from decisions of Adjudication Officers and Labour Court in relation to adjudication and inspection activity and escalate to prosecution where appropriate	Throughout 2024	Decisions and awards pursued in manner that maximises efficiency and effectiveness	130 civil enforcement cases dealt with

¹⁶ See Labour Court decision (CNN194), Boots Retail (Ireland) Ltd.



Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Issue licences and enforce legislation in relation to Employment Agencies and the employment of Young Persons	Licenses processed and issued in an efficient and lawful manner	Throughout 2024	Applications processed within 21 days of receipt	1,063 Employment Agency Licences and 551 Child Licences processed
Co-operate with other enforcement agencies	Facilitate training, staff exchanges, joint inspections and sharing of appropriate data, review MoUs to ensure they are current, valid and in compliance with GDPR requirements	Throughout 2024	Successful activities underpinned by legislation and appropriate MoUs. Review and renew, if appropriate, all existing MoUs	232 inspections were carried out with An Garda Síochána (including Garda National Immigration Bureau and Garda National Protective Service) 242 joint inspections with officers of the Department of Social Protection 245 joint inspections with officers of the Revenue Commissioners 1 joint inspection with the RSA
Carry out targeted campaigns in the identified sectors	Campaigns involving both inspection and ICS carried out effectively and efficiently	Throughout 2024	Positively impact compliance and create/enhance awareness of relevant rights and duties	Targeted campaigns included NMW, Sea Fishing and EMPACT
Support information and education activities to improve compliance generally	Inspectors will support information and outreach activities carried out by Information and ICS, Communications Unit, and other WRC Divisions	Throughout 2024	Provide staff, briefing/guidance material, and relevant expertise	Co-operation, guidance and skills-sets provided
Cooperate with International agencies on areas of mutual interest	Work with partners such as the International Labour Organisation, the European Labour Authority, the European Platform for Undeclared work, EUROPOL	Throughout 2024	Attend all plenary sessions where designated as Irish member/delegate/expert, provide appropriate assistance to programmes	Positive input to European Labour Authority (ELA) management board. Attendance at ELA workshops and working groups (incl. Inspection and Information)

Conciliation, Advisory and Mediation Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
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 provide assistance in the maintenance of positive industrial and working relations	As and when required by clients throughout 2024	Maintenance of high success rate in the resolution of industrial relations disputes. This is a voluntary demand led service	Over 85% of disputes referred resolved
Work to expand client usage of relevant mediation services of WRC	Maintain and increase pre-adjudication mediation where required	Throughout 2024	Increase in cases successfully mediated to bring about a reduction in numbers advancing to adjudication process in rights-based claims	14% increase in pre-adjudication mediations with an increase of 19% in the number of cases resolved
	Formal rollout of Late Request Mediation (LRM) Service in conjunction with the Adjudication Service post review of 2023 pilot	Q1 2024	Reduction in postponement of adjudication hearings. Increase in volume of mediations Increase in settlements at mediation	57 Late Requests for Mediation received. 56% of LRM cases that proceeded to mediation were resolved
Chair and facilitate various 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 out in agreed terms of reference	Throughout 2024	Effective delivery, operation and conclusion of all issues raised in accordance with protocols and procedures with the agreement of all parties	All requests for assistance fully delivered
Improve site-specific workplace relations	Carry out reviews of industrial relations, chair joint working parties, facilitate resolution of individual disputes including referrals under the IR Act 2015	Throughout 2024	Effective, tailored programme delivery, high service user satisfaction, improved workplace relations	Assistance supplied as needed: 6 interventions concluded and 10 ongoing



Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Initiate a review of some of the established Codes of Practice	Carry out a full review of the Code of Practice on Access to Part-time Work and Employment (Miscellaneous Provisions) Act 2018 in consultation with stakeholders. In-depth review of a number of selected existing Codes of Practice, commencing with the Code of Practice on Victimisation	Q2 2024 and throughout 2024	Codes completed and updated	Drafting of a Code of Practice on Flexible and Remote Working was finalised in early 2024. A number of established Codes of Practice were reviewed in terms of updating terminology
Provide educational and workplace knowledge sharing programmes	Develop and deliver appropriate information on positive industrial relations principles and working relationships through facilitative workshops for employees and employers	Throughout 2024	Broader and better understanding of workplace issues and improved workplace relations	An increase of 10% in workshops delivered

Adjudication Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Continue to Process all complaints as quickly as possible.	Provide Adjudication Officers with full administrative support and provide relevant caselaw and appellate body and precedential decisions	Throughout 2024 and onwards	Oversee efficient processing of complaints from registration, through scheduling to issuing of decisions	Achieved and ongoing: 2,712 Decisions issued in 2024
	Fully utilise developments in relation to e-complaint platform and ICT portal	End Q4 2024	Incremental rollout of ICT improvements to complaint processing	Achieved and Ongoing: Rolled out September 2024 Continue to work with (BSS) and DETE ICT Unit
	In conjunction with Department of Enterprise, Trade & Employment, maintain appropriate administrative resourcing and monitor and review quantity and availability of adjudicators to ensure delivery capacity	Throughout 2024 and onwards	Fully resourced and utilised	Ongoing: Engagement with HR and PAS to fill vacancies
Dispose of "Multiple" referrals	Work with parties and representatives to identify how best to deal with "multiple" referrals in an efficient manner	Throughout 2024	"Multiple" cases disposed of	Ongoing: Engagement with parties to progress multiple referrals
Timely receipt of concise submissions	Assess review and develop action plan if required with DETE Liaison Unit	Throughout 2024	Decision made regarding any possible statutory instrument	Ongoing: Meeting and Decision sought from DETE regarding any possible statutory instrument setting timeframes for lodgement of submissions



Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Produce high quality decisions	The Director of Adjudication and Registrar will continue to circulate and update Adjudication Officers on relevant material and Adjudication Officer meetings will be held during the year to identify learning points, to improve the service provided to customers of the Adjudication Service	Throughout 2024	High quality decisions issue in a timely manner, subject to available resources Internally and externally recognised and delivered WRC adjudication standard	Achieved
Legislative amendments	Engage with DETE re potential legislative amendments to Workplace Relations Act	Throughout 2024	Appropriate legislative powers and amendments in place to support functions of WRC	Achieved
Assist with Outreach to the public, employers and employees, stakeholder groups, identified sectors and vulnerable groups	Where core work has been addressed and time and resources allow, AP AO s may work with ICS and Communications Unit to provide information on WRC activities generally	Throughout 2024	Increased understanding of the WRC's roles and functions across industrial relations, employment equality and equal status matters	Achieved
Pre-adjudication Mediation	AP Adjudication Officers will continue to work with CAM Division regarding the provision of pre-adjudication mediation services	Throughout 2024	Mediation Services delivered in conjunction with CAM Division	Achieved

Corporate, Strategy and Digital Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Maintain robust corporate governance framework in WRC	Oversee and monitor internal standards/ policies/procedures	Throughout 2024	Corporate governance in WRC in line with best practice	Robust corporate governance in place throughout 2024
Ensure WRC carries out statutory functions within budget	Oversee efficient and effective expenditure, monitor service demand and activity levels and liaise regularly with DETE in this regard	Throughout 2024	Work Programme achieved consistent with proper utilisation of budget allocation	Work Programme achieved within overall budget allocation
WRC has functional flexibility	Ensure that the WRC can respond quickly to shifting demand and resource patterns across the full range of its activities	Throughout 2024	WRC able to respond quickly to Divisional demand spikes and shifting resource patterns	WRC were agile in responding to demands during 2024
Manage the WRC risk-based strategic, business planning performance culture at all levels of the Organisation	Assist in 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 2024	WRC operating within coherent strategic and business plan framework. Statement of Strategy 2025-2027 submitted to the Minister	The WRC operated within coherent Risk & Business Planning frameworks during 2024. An extension of time for submitting the Strategy Statement 2025 to 2027 to the Minister has been agreed.
Enhance and inform the policy debate on workplace relations developments	In consultation with other Divisions identify areas of policy concern and input to policy formulation	Throughout 2024	Input provided and understood	Input provided as required
Maintain the WRC offices	Ensure that all WRC offices are maintained and can provide the full range of WRC services	Throughout 2024	Offices fully operational providing the full range of WRC services	All WRC offices fully operational in 2024
Stakeholder Conference	Hold stakeholder conference themed on the Research Project conducted in 2023	Q2 2024	Stakeholder Conference held	The Future of Work? Stakeholder Conference held in June 2024



Human Resources

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Resourcing	Work with DETE HR on staff capacity, succession planning, staff training, staff flexibility and the impact of blended working to ensure appropriate WRC staffing levels with the relevant skillset	Throughout 2024	WRC staffing properly resourced to the sanctioned complement of 214 staff. Business needs and career development needs supported	WRC worked with DETE in addressing staffing requirements throughout 2024
Employee Development	Work with DETE HR and other bodies to develop bespoke training for WRC staff, as required	As required in 2024	New training needs identified and training arrangements in place	WRC staff availed of a range of in-house and formal training including third level courses funded by the Department

ICT

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Maximise the use of ICT	Continue the roll-out WRC ICT Strategy 2022-2024	Throughout 2024	Strategy utilised	Strategy utilised with the delivery of further efficiencies in delivery of services
	Develop new ICT Strategy 2025-2027 when new Strategy Statement is published	Q4 2024 and Q1 2025	New Strategy in place In Q1 2025	Strategy in development, completion expected early 2025
Monitor ICT systems to ensure they facilitate the delivery of efficient and effective WRC services	Monitor, maintain, innovate and upgrade systems and software subject to resources as required	Throughout 2024	Easy to use ICT systems working efficiently and effectively	Systems monitored and improved as required
Cyber Security	Collaborate with DETE to ensure that the DETE IT systems provide robust ICT security for the WRC and DETE have appropriate policy and procedures	Throughout 2024	Robust Policies and Procedures in place	Regular engagement with DETE ICT Unit to ensure all risks are mitigated

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Cloud Migration and CRM upgrade	Build a new CRM platform in the cloud and migrate the existing CRM and its data to the new environment	Throughout 2024 and 2025	Project advanced in 2024	Project to be split into an initial project to move to Dynamics 9.1, and then a subsequent cloud move. Proposal for Dynamics 9.1 move received by Codec
eComplaint Form	Roll-out new eComplaint Form and promote among stakeholders	Q1 2024	eComplaint Form fully operational	eComplaint Form was launched in September 2024
	Ensure the new eComplaint Form is maintained and up to date	Throughout 2024	RPA Phase 2 complete with the Robot performing another task in the processing of complaints	Frequent changes were made to the new complaint form to reflect new legislation
Maximise technology to improve efficiencies and use of resources	Develop the next phase in the automation of processing complaints submitted and explore further potential uses for automation	Q2/Q3 2024		RPA Phase 2 launched in December 2024
Data Analytics: Use of data analytics solutions to better inform management decision making	Develop further dashboards for Adjudication Service. Create more useable information for Management Information Reports. Use more sophisticated analytics to better drive business decisions	Throughout 2024	Analytics fully utilised in decision making	Improved data analytics available and utilised
Communications	Utilise Communications Strategy to support the business objectives of the WRC	Throughout 2024	Strategy utilised to support the business objectives of Divisions	Strategy utilised
	In consultation with the relevant Divisions continue to proactively plan, deliver and measure WRC Communications content and campaigns	Throughout 2024	WRC content is preplanned, published and measured	Appropriate, regular content published throughout 2024
	Collaborate with DETE and other Government Communications Units	Throughout 2024	Participate in GIS Communications Network	Ongoing as required



Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Digital Media	Utilise Social Media Channels <ul style="list-style-type: none"> • X • LinkedIn • WRC.ie 	Throughout 2024	X, LinkedIn and WRC website all regularly and used to support business plans	Followers/ Website X + 8% LinkedIn + 50% Website -7%
	Work with stakeholders to ensure website is up to date and amend as necessary.	Throughout 2024	Website current, relevant and used	Website content reviewed regularly throughout 2024

Legal Affairs

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Provide timely, effective and robust legal advice on legal matters before, and involving, the WRC	Provide advice and representation to DG and all Divisions of the WRC so that they are supported	Throughout 2024	Robust legal services provided to WRC	Advice Provided
WRC legal service operating cost effectively and efficiently	Legal service to be provided with all internal structures, procedures, and business processes operating efficiently Information flows to and from Legal Division	Throughout 2024	Legal service fully functional	Legal services effectively and efficiently delivered
Provide appropriate legal training to staff and Adjudication Officers	Identify training needs and deliver to AOs and staff	Throughout 2024	Training delivered and AOs up to date on legal framework and jurisprudence underpinning complaints	Training delivered throughout 2024 and AOs and staff kept abreast of legal and jurisprudential developments across 2024
	Legal Division staff keep abreast of all new legal developments and comply with professional CPD obligations	Throughout 2024	Regular meetings between Legal, ICS and Adjudication	

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators	Outcomes
Continue to work with DETE to identify legal issues impacting on delivery of WRC's statutory remit	Identify key legislative priorities and assist progression where possible and liaise with DETE in context of consequences of Supreme Court constitutional challenge and other legislative reforms anticipated in 2024	Throughout 2024	Consulted with DETE re issues identified and progressed as appropriate	Key issues identified and discussed with regard to relevant areas of the Government's legislative programme
Assist DG and Divisions with the implementation of the Protected Disclosures Act.	Provide advice and training to all staff and management	Throughout 2024	All aware of their obligations under the PDA and familiar with reporting channels and the DG's Role as a Prescribed Person under the PDA	Information, Advice and Guidance to staff provided
Assist with reforms of website and complaint form	Contribute to improvement of WRC complaint form system and website structure	Throughout 2024	Revised WRC complaint form in place and website rationalised and content updated	Assistance provided with website and complaint form review and consequent updates
Contribute to keeping stakeholders informed of trends in complaints and decisions	Contribute to external analyses and review WRC decisions and emerging trends	Throughout 2024	Review Completed and Legal contribution to stakeholder awareness externally	Achieved
Deepen stakeholder networks domestically, at EU and international level to share best practice	Stakeholder engagement	Throughout 2024	Strong domestic and international networks established to share best practice and stay abreast of emerging legal trends in employment and equality law, and fair procedure for quasi-judicial decision-makers administering justice	Strengthened and managed appropriately
Adjudication Division supported in relation to new service models	Advise WRC in relation to new procedures and policies around new service delivery models	Throughout 2024	Robust, efficient systems in place to ensure WRC can provide quality continuity of service	Quality Advice Provided



Appendix

2

Convictions 2024

Employer	Trading As	Sector	Address	Legislation
K and U Ventures Limited	Shop Easi	Wholesale & Retail Trade	63 Lower Clanbrassil St, Dublin 8	Employment Permits Acts, 2003 and 2006
Keaven Bistro Limited	Top Nosh	Food Service Activities	Link Road Shannon	Workplace Relations Act, 2015
Ploysia Thai Massage Limited	Ploysai Thai Massage	Human Health & Social Work	3 Hanover Street Cork T12HF8A	Employment Permits Acts, 2003 and 2006
Jinrong Lin	Lemon Tree	Food Service Activities	Lemon Tree Blessington	Employment Permits Acts, 2003 and 2006
Rotary Concepts Limited	Rafterys Rest	Beverage Service Activities	Kilcolgan, Co Galway	Employment Permits Acts, 2003 and 2006
Jianyong Shi	East Star Asian Cuisine	Food Service Activities	Rathmoyle Rhode R35FT63	Employment Permits Acts, 2003 and 2006
Yilmaz Yiddiz	Portlaw Take Away	Food Service Activities	Portlaw Takeaway Georges Street Portlaw	Employment Permits Acts, 2003 and 2006
Locama Limited	Mario's	Food Service Activities	The Square Tuam, Co Galway	Organisation of Working Time Act, 1997
				Payment of Wages Act, 1991
Carleycon Ltd	Keanes Bar	Food Service Activities	Main St Oranmore, Co Galway	Employment Permits Acts, 2003 and 2006
Pal Takeaway Ltd	Pizza Max	Food Service Activities	Main St Glenties, Co Donegal	Employment Permits Acts, 2003 and 2006

Employer	Trading As	Sector	Address	Legislation
Galway MF Catering Ltd.	Vocho Tex Mex	Food Service Activities	19 Foster Street Galway	Employment Permits Acts, 2003 and 2006
Crowe & Hanly	Scran	Food Service Activities	114 Bohermore Bohermore Galway	Employment Permits Acts, 2003 and 2006
Asim Akhtar Rana	The Phoneshop	Wholesale & Retail Trade	The Phone Shop Unit 9B, Courtyard Shopping Centre Letterkenny	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
				Workplace Relations Act, 2015
Harry O'Donovan and Maura Kearins	Kindom Cleaners	Other Service Activities	Cools, Headford Killarney	Payment of Wages Act, 1991
Copa Jade Limited	Royal Jade	Food Service Activities	Main Street Castleblaney	Employment Permits Acts, 2003 and 2006
Patrick McKenna	Rua Restaurant	Beverage Service Activities	Murroe Village Limerick	Organisation of Working Time Act, 1997
Cove Brewers Ltd	The Cove Bar	Wholesale & Retail Trade	Dunmore Road, Waterford	Employment Permits Acts, 2003 and 2006
Abdel Senatour	A-Men Barbers	Hair & Beauty	28 Market Square Thomastown	Employment Permits Acts, 2003 and 2006
New Jade House Ltd	Jade House	Food Service Activities	35 Ballybricken Waterford	Employment Permits Acts, 2003 and 2006
Sheng Jie Ltd	Golden Jade	Food Service Activities	Golden Jade 1st Floor Uluru Dunmore Road Waterford	Employment Permits Acts, 2003 and 2006
Heng Hui Ltd	Heng Hui	Wholesale & Retail Trade	2 McCormack Centre Dublin Road Athlone	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Rahi Enterprises Ltd	Aroma Foodstore	Wholesale & Retail Trade	Unit 8 Westside Business Park Galway	Employment Permits Acts, 2003 and 2006



Employer	Trading As	Sector	Address	Legislation
Oranmore Autowash Limited	Oran Autowash	Other Service Activities	Station Road Carrowmoneash Oranmore Co Galway	Employment Permits Acts, 2003 and 2006
				Workplace Relations Act, 2015
Granville Boats Limited		Fishing	Ballinboula Dingle Co Kerry	Employment Permits Acts, 2003 and 2006
Fabios Golden Fry Limited	Golden Fry	Food Service Activities	1 Lower Grange Johns Park, Waterford	Employment Permits Acts, 2003 and 2006
Fresh halal Food Ireland Limited	Indian Palace Takeaway	Food Service Activities	51 Porters Road Coolmine Industrial Estate Dublin	Employment Permits Acts, 2003 and 2006
Shivam Catering Limited	Tasty Bites	Food Service Activities	Limerick Road Sixmilebridge, Co Clare	Employment Permits Acts, 2003 and 2006
Rocco Stone Ltd	McGettigans	Food Service Activities	9-11 Prospect Hill Galway	Employment Permits Acts, 2003 and 2006
Zareen Foods Limited	Poppadom Restaurant	Food Service Activities	34, O'Connell Street Sligo F91 V8WT	Terms of Employment (Information) Act, 1994 (as amended)
				Organisation of Working Time Act, 1997
				Payment of Wages Act, 1991
Zhu Yun Weng	Lemon Grass Asian Street Food	Food Service Activities	49 Market Street Cootehill	Employment Permits Acts, 2003 and 2006
				National Minimum Wage Act, 2000 (as amended)
				Organisation of Working Time Act, 1997
Messrs Clohessys Garage	Clohessys Garage	Wholesale & Retail Trade	Littleton Thurles	Workplace Relations Act, 2015

Employer	Trading As	Sector	Address	Legislation
Touch of Beauty Skin & Laser Limited	Touch Of Beauty Skin And Laser	Hair & Beauty	2 Carrolls Quay, Cork	Workplace Relations Act, 2015
Quint Ventures Ltd	Paddy Burkes	Food Service Activities	Main St Clarinbridge	Employment Permits Acts, 2003 and 2006
				Terms of Employment (Information) Act, 1994 (as amended)
				Workplace Relations Act, 2015
Rooco Restaurants Blackpool Limited	Roosters Piri Piri (Blackpool)	Food Service Activities	Unit 9, Blackpool Retail Park Blackpool T23 XF70	Employment Permits Acts, 2003 and 2006
Rooco Restaurants Limited	Roosters Piri Piri (Douglas)	Food Service Activities	4-5 Church Street Douglas, Cork	Employment Permits Acts, 2003 and 2006
MLY Food Limited	Chilli Asian Cuisine	Food Service Activities	Unit 2 G Crestfield Shopping Centre Glanmire Glanmire, Cork, Ireland	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Rearden's Of Washington Street Limited	Reardens	Food Service Activities	25/ 26 Washington Street Cork City T12 WNP8	Employment Permits Acts, 2003 and 2006
Avtar Limited	Taste of India	Food Service Activities	39 Lower Main Street Letterkenny, F92 NH60	Employment Permits Acts, 2003 and 2006
				National Minimum Wage Act, 2000 (as amended)
				Organisation of Working Time Act, 1997



Employer	Trading As	Sector	Address	Legislation
				Workplace Relations Act, 2015
Friendly Nails and Beauty		Hair & Beauty	Unit 2 Portmarnock Arcade Strand Road, D13RH59	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
				National Minimum Wage Act, 2000 (as amended)
Hareet Catering Limited	Pizza Max	Food Service Activities	Main Street Buncrana F93 N9XH	National Minimum Wage Act, 2000 (as amended)
Gurdev Limited	Taste of India	Food Service Activities	Malin Street Carndonagh F93 Y798	National Minimum Wage Act, 2000 (as amended)
Indian Orchard Limited	Spice Waves	Food Service Activities	Unit 5, Bundoran Retail Park Bundoran F94 X043	Workplace Relations Act, 2015
Keith Barrett	Lillie's Bar	Beverage Service Activities	James Connolly Street Ballina Co Mayo	National Minimum Wage Act, 2000 (as amended)
Holmd Foods Limited	The Flaming Wok Chinese Takeaway	Food Service Activities	Fermanagh Street Clones	Employment Permits Acts, 2003 and 2006
				National Minimum Wage Act, 2000 (as amended)
				Organisation of Working Time Act, 1997
Yummy Restaurant Ltd	Ken's Oriental Restaurant	Food Service Activities	1st Floor Dunkelin Street Loughrea	Employment Permits Acts, 2003 and 2006
Soba Asian Street Food Glanmire Limited	Soba Asian Street Food	Food Service Activities	6A Hazelwood Centre Hazelwood Glanmire	Employment Permits Acts, 2003 and 2006
Jose Prabha Restaurant Ltd	Spice India	Food Service Activities	7 Connaught Street Athlone	Employment Permits Acts, 2003 and 2006

Employer	Trading As	Sector	Address	Legislation
Fairgreen Fuel Limited	Inver Car Wash	Other Service Activities	Inver Car Wash Fairgreen Service Station Mulgrave Street	Employment Permits Acts, 2003 and 2006
Left Bank Bars Limited	Left Bank	Beverage Service Activities	The Parade Kilkenny	Employment Permits Acts, 2003 and 2006
Muhammad Altaf	King Kebab	Food Service Activities	142 Main Street Castleisland	Employment Permits Acts, 2003 and 2006
Bradan Scallop Limited		Fishing	Kilmore Quay, Co Wexford	Employment Permits Acts, 2003 and 2006
Roosters Cafe & Farm Shop Limited	Roosters Cafe	Food Service Activities	Eyre Square Galway	Employment Permits Acts, 2003 and 2006
Gurmeet Singh	Pizza Max	Food Service Activities	Carraroe, Co Galway	Employment Permits Acts, 2003 and 2006
Salvino Luiz De Deus Filho	Innovation Barbers	Other Service Activities	Bridge Street Gort	Employment Permits Acts, 2003 and 2006
Bray Car Wash & Valeting Centre Ltd	Bray Car Wash & Valeting	Other Service Activities	Adelaide Road, Bray A98TX36	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
				Terms of Employment (Information) Act, 1994 (as amended)
H & L Asian Street Food Limited	China Town	Food Service Activities	3A Tyrone Road Lismore Park Waterford	Employment Permits Acts, 2003 and 2006
Mamo Cafe Limited	Moonwok	Food Service Activities	2 Ardlo Manor Rantavan Mullagh Co Cavan	Employment Permits Acts, 2003 and 2006
				National Minimum Wage Act, 2000 (as amended)
				Organisation of Working Time Act, 1997
RR Recruitment Limited	RR Recruitment	Professional Services	Newmarket House Newmarket Street Kells A82 X279	Employment Permits Acts, 2003 and 2006

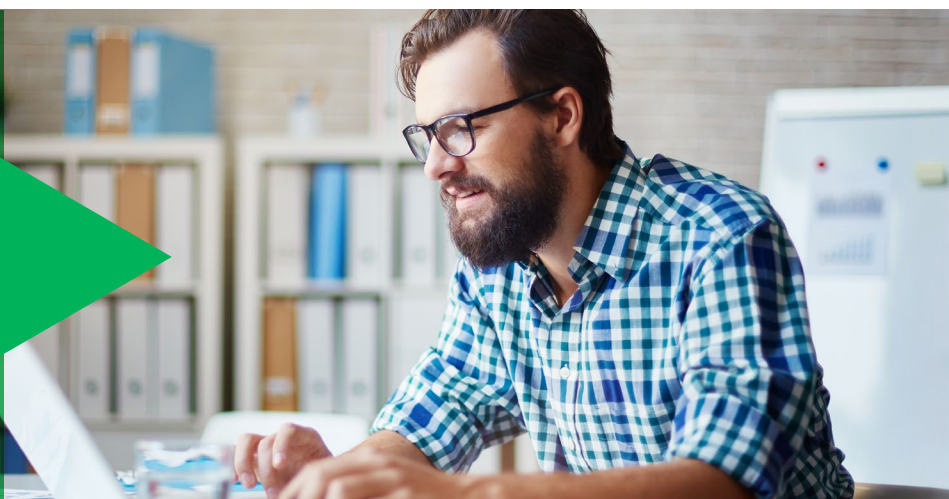


Employer	Trading As	Sector	Address	Legislation
Gnak Foods Limited	Pizza Max	Food Service Activities	72 Market Street Cootehill	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Pawan & Manish Ventures Limited	Apache Pizza	Food Service Activities	74 Market Street Cootehill Cavan	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Hafiz Traders Limited	Four Star Pizza Bun Bros	Food Service Activities	5-7 Main Street Clondalkin	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
				National Minimum Wage Act, 2000 (as amended)
Awad El Hanafi	Pizza Time	Food Service Activities	Abbey Court 3 The Square Tralee V92AY83	Employment Permits Acts, 2003 and 2006
Jackey Chang Limited	Jackey Changs	Food Service Activities	East End Ballybunion	Employment Permits Acts, 2003 and 2006
S.B. Castle Modular Ltd	Castle Group	Construction	Galway Technology Park Block 13 Galway	Employment Permits Acts, 2003 and 2006
Castle Ceilings & Partitions Ltd	Castle Group	Construction	Block 13 Galway Technology Park Galway	Employment Permits Acts, 2003 and 2006
Flamur Halili	Roma Takeaway	Food Service Activities	Market Square Drimna Kilrush	Employment Permits Acts, 2003 and 2006
Trung Thanh Pham		Hair & Beauty	6 Main Street Abbeylands Cavan H12N1KO	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Y and A Restaurant Limited	KO's	Food Service Activities	61 Main Street Cavan	Employment Permits Acts, 2003 and 2006

Employer	Trading As	Sector	Address	Legislation
Mucaí Yu	Noarks restaurant - Dungarvan	Food Service Activities	Noarks restaurant Units 25/26 Dungarvan Shopping Centre Dungarvan	Employment Permits Acts, 2003 and 2006
Mounthawk Inns Limited	O'Donnell's Bar And Restaurant	Food Service Activities	7 Baylands Tralee V92V2AO	Workplace Relations Act, 2015
Diondrea Nicosia	Little Italy	Food Service Activities	Little Itlay New Market Lane Killarney V93X9TD	Organisation of Working Time Act, 1997
				Workplace Relations Act, 2015
MF Wang Limited	Shamrock Chinese / Mizzoni's Pizza	Food Service Activities	56 Main St Macroon P12 TD240	Employment Permits Acts, 2003 and 2006
Hung Phung & Thu Ha Nguyen	MK Nails and Spa	Hair & Beauty	The Bawn Athlone Co Westmeath	Employment Permits Acts, 2003 and 2006
Donatello's Venture Holdings Limited	Donatello's Pizza	Food Service Activities	Distillery Walk Midleton Cork P25 F254	Employment Permits Acts, 2003 and 2006
Phoenix Education Limited	Direct English Ireland	Education	Ferry Lane, Popes Quay 8 Waggetts Lane Cork T23 HF61	Employment Permits Acts, 2003 and 2006
Van Hung Tran	Thumb and Toes Beauty Salon	Hair & Beauty	Austin Friar Street Mullingar	Employment Permits Acts, 2003 and 2006
				Organisation of Working Time Act, 1997
Qing Lin	Royal Star	Food Service Activities	5 Lower Main Street Kingscourt	Employment Permits Acts, 2003 and 2006
				National Minimum Wage Act, 2000 (as amended)
				Organisation of Working Time Act, 1997



Appendix 3



Notable WRC Adjudication Decisions 2024

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Overview

The following case summary Appendix provides an overview of some of the key legal issues arising in the decisions issued by Adjudication Officers (referred to as “AO” in the summaries) at the Workplace Relations Commission (“WRC”) during 2024. It is published as part of the WRC’s overall policy of transparency and accessibility. It seeks to give a convenient and informative overview of the wide range of legal issues considered in 2024. Decisions referred to here may have been subsequently overturned on appeal. No warranty, undertaking or guarantee is given as to their legal status. As regards the 2024 WRC decisions, the criterion for inclusion has been whether the issue is likely to be relevant and of interest to parties involved in cases before the WRC.

However, it should be noted that they merely represent a snapshot of the decisions published in 2024. This Appendix is published for the purposes of general information and accessibility only. It is not a statement of the law by or on behalf of the WRC: all readers are referred to the texts of the original decisions, which contain the only statements of the law made by the WRC or its staff. The case summaries are not, and should not be treated as, legal advice. In accordance with its statutory obligation to publish its decisions, the WRC has also made the full texts of its decisions and recommendations available on its website at www.workplacerelements.ie. The website is updated regularly and includes advanced search filters. It is hoped that it is a useful and practical resource for all users.

Unfair Dismissal

1. *Kieran Wallace (Liquidator) for Protim Abrasives Ltd (In liquidation) v Minister for Enterprise, Trade and Employment, ADJ-00043822*

Keywords

Protection of Employees (Employers Insolvency) Act 1984 – Directive 2008/94/EC on the protection of employees in the event of their employer being insolvent – Whether defined benefit pension scheme fell within s.7 – Whether Minister payable for unpaid relevant contributions remaining to be paid by the employer to the scheme.

Background

Protim Abrasives Ltd was established in 1957. The company was in the business of hardware supplies and had a specialised function in timber and wood maintenance and preservation.

The company operated a defined benefit pension scheme for its employees. A defined benefit scheme is a pension scheme that provides a promised benefit to employees based on (and with reference to) their years of service with an employer and, in most cases, based on their salary at date of retirement. It is intended to provide an anticipated level of pension for each retiring employee at a future date. A defined benefit pension scheme provides for a guaranteed income on retirement. A defined benefit pension scheme operates by periodically assessing the value of potential benefits for all past and currently employed members in aggregate. With a defined benefit scheme, the employer holds all of the risk associated with the employees’ retirement benefits.

The company experienced financial difficulty in 2009 and filed a petition for the appointment of an examiner on 9 September 2009. On foot of an instruction in July 2009 to conduct an analysis of the pension scheme, in line with the Trust Deed, the pension scheme Actuary wrote to the company on 15 September 2009, calculating how the deficit in the pension could be addressed, at a total figure of €3.7million. On 12 November 2009, the High Court ordered that the company be wound up and appointed the Complainant as liquidator.



On 13 November 2009, the Complainant triggered the relevant clause of the pension scheme which terminated the company's liability to the scheme. In February 2018, the Complainant applied for a payment under the Insolvency Payments Scheme in relation to unpaid contributions under s.7 of the Protection of Employees (Employers Insolvency) Act 1984 ("1984 Act"). The Insolvency Payments Scheme protects pay-related entitlements of employees whose employer has become legally insolvent. Section 7 of the 1984 Act allows a liquidator to make an application in respect of an occupational pension scheme. Where the liquidator can establish that on the date of insolvency there remained unpaid relevant contributions remaining to be paid by the employer to the scheme, the Minister shall pay into the assets of the occupational pension scheme the sum which, in the Minister's opinion, is payable in respect of the unpaid relevant contributions. The payment is paid out of the National Social Insurance Fund. The sum payable under s.7 shall be the lesser of the balance of relevant contributions remaining unpaid on the date on which the employer became insolvent and payable by the employer in respect of the period of 12 months ending on the day immediately preceding the date of insolvency or the amount certified by an Actuary to be necessary for the purpose of meeting the liability of the scheme on dissolution to pay the benefits provided by the scheme.

The Complainant ultimately sought €6.124million under s.7, as calculated by the Actuary as the contributions which were required to secure the full benefit entitlements of all the scheme members and which were payable as of 11 November 2009, the day before the liquidator was appointed.

On 3 August 2022, the Deciding Officer in the Redundancy and Insolvency Department, acting for the Respondent, refused the application on the basis that it did not meet the criteria in s.7(3) and on the basis of its own actuarial report stating that nothing was due. The Complainant challenged this refusal. The Complainant submitted that there was no statutory ceiling on what could be paid out under s.7. The Complainant submitted that within the 12-month period prior to insolvency, the relevant Actuary made two legitimate recommendations as to the necessary contributions which had to be paid by the Employer, in accordance with s.7.

The Respondent submitted that the Insolvency Payments Scheme does not necessarily provide for the payment of the entire deficit of a pension scheme from the social insurance fund – that sum may only be claimed if it is less than the sum of the unpaid employer contributions which fell due in the 12 months immediately preceding the date of the insolvency. The Respondent rejected the Complainant's assertion that here they were one and the same figure. It rejected that the entire deficit was the same as the unpaid contributions payable in the previous 12 months.

Findings

The AO noted that in order to succeed in a s.7 application, the Respondent had to be satisfied that an employer was insolvent, after October 1983, and that on the date of the insolvency, there remained unpaid relevant contributions remaining to be paid by the employer. The AO held that the appointment of the liquidator was conclusive evidence of insolvency.

The AO accepted that there was no upper limit in a s.7 application on what amount might become payable in respect of unpaid relevant contributions. Furthermore, the AO noted that there were no limits to the definition of an 'occupational pension scheme' in the 1984 Act. It did not exclude a defined benefit scheme.

The AO noted that from the terms of the Scheme, the Trustees could ask the Actuary to prepare a valuation report on the actuarial position of the pension scheme at any time but at least every three and a half years. The primary purpose of same was to recommend what contributions ought thereafter to be made to the fund. Nothing in the 1984 Act or the Deed of Trust precluded the making of a capital sum payment. Accordingly, the AO held that a capital sum payment falling to be paid by an employer in accordance with an occupational pension scheme had to be accorded the status of 'relevant contribution' for the purposes of the 1984 Act. The AO held that a distinction had to be made between a defined benefit pension scheme and a defined contribution pension scheme. In respect of the former, there was an expectation that, from time to time, the Trustees had to call on the employer to make a significant contribution to ensure the assets of the scheme were in line with liabilities. The AO was satisfied that it was incorrect to assert that only routine monthly payments could be defined as relevant contributions. One-off payments also had to be included.

The AO acknowledged that one-off payments of the magnitude under consideration had the effect of 'driving a coach and four through the legislation'; however, the Respondent was unable to point to a brake mechanism for not allowing this outcome. The AO held that the Redundancy and Insolvency Section had limited its understanding of the width of what might fall to be paid by an employer. Its interpretation of s.7 that any payment made had to be in the form of routine, periodic payments which were known or knowable in the relevant 12-month period was incorrect. This interpretation would exclude defined benefit scheme from s.7, which, the AO held, would be wholly unfair.

The AO accepted that she was obliged to read and consider the 1984 Act in line with Directive 2008/94/EC on the protection of employees in the event of their employer being insolvent. The Directive clearly operated to protect and enhance the interests of employees in insolvency situations, and the s.7 process could not be interpreted so that it failed to give effect to EU obligations. While the Respondent has asked for consideration of the need for limitations and balance, and while these concepts were contained in the Directive, the AO held that the 1984 Act did not set a financial ceiling, despite the fact that the Directive invited each Member State to set such limits in Article 4.

The AO accepted that in line with the terms of the pension scheme, the Actuary prepared a valuation report on the actuarial position of the scheme in July 2009, prior to the company going into examinership, and in anticipation of an end of year review with the Pension Authority. Accordingly, the AO held that for the purposes of a s.7 application, the sum of €3.7million was the relevant contribution which remained unpaid on the date of insolvency, and which was payable by the employer in the 12-month period preceding the date of liquidation. The AO reduced that sum by €876,000, the amount realised in the liquidation process and made available to the Trustees, finding that the Respondent should be the first person to have the benefit of this offset against any liability due to be paid out of the social insurance fund. Accordingly, the AO held that the Minister was liable to make a payment under s.7 of €2,824,000.

2. *Sharanjeet Kaur v. Bombay Bhappa Ltd t/a Bombay House, ADJ-00045992*

Keywords

Exploitative employment – Human Trafficking – Organisation of Working Time Act 1997 – Unfair Dismissals Acts 1977 to 2015 – Minimum Notice and Terms of Employment 1973 to 2005 – Payment of Wages Act 1991 – Employment Equality Acts 1998 to 2021 – National Minimum Wage Acts 2000 and 2015

Background

The Complainant, an Indian national, was approached while working in Malaysia in respect of a chef position in the Respondent's restaurant in Dublin. The Complainant obtained a work permit and arrived in Dublin in September 2021. She commenced working at the Respondent restaurant and was housed in accommodation with other employees. Her employment terminated in November 2022. The Complainant gave evidence of exploitive working conditions: she was required to wash dishes, clean the kitchen, prepare food for cooking, and pack takeaway orders. She gave evidence of 50-hour working weeks, limited breaks, no payment of annual leave or other statutory entitlements, as well as experiencing discrimination, harassment and sexual harassment on an almost daily basis. A garda in the Human Trafficking Investigation and Co-Ordination Unit gave evidence of having been notified of grave concerns concerning the Complainant in December 2022. She outlined that the Complainant was very traumatised and noted that a criminal investigation was ongoing.

Although representatives of the Respondent appeared at the hearing, they objected to the garda presence and applied for a private hearing. When this was denied by the AO, the Respondent left the hearing and did not present any evidence.



Findings

The AO first considered the cognisable period for the Complainant's complaints. Section 41(6) provides for a six-month time limit for bringing complaints to the WRC. However, s.41(8) provides that the AO can extend time for a maximum of 12 months where the AO is satisfied that the delay in bringing the complaint "was due to reasonable cause". The AO held that there was reasonable cause: the Complainant outlined a distressing catalogue of discrimination, harassment and sexual harassment and mistreatment while living under the constant threat of blackmail and deportation. Accordingly, the AO held that the cognisable period for the Complainant's complaints was 12 months from the date of referral.

The AO found all of the Complainant's complaints were well founded and awarded the following compensation:

- ▶ Failure to pay Sunday premium contrary to the Organisation of Working Time Act 1997 ("OWT"): the Complainant worked every Sunday and was not compensated for so doing. The AO held that the breach was at the serious end of the spectrum. Following the Labour Court decision in *Viking Security Ltd v Tomas Valentin DWT1489*, that compensation for Sunday premium should be time plus one-third for each hour worked, the AO awarded payment of €1,410 for financial loss and €2,500 (one month's pay) for breach of statutory rights.
- ▶ Failure to provide breaks contrary to the OWT: the Complainant gave uncontested evidence of having only a five-minute lunchbreak during the day. The AO noted that the right to rest breaks derives from EU law, and, therefore, the redress provided should not only compensate for economic loss sustained but must provide a real deterrent against future infractions. The AO held that the breach was at the serious end of the spectrum and awarded compensation of €10,000 (four months' pay).
- ▶ Failure to pay public holidays contrary to the OWT: the Complainant gave evidence that she had not received additional pay or time off in lieu for public holidays for the entirety of her employment. The AO awarded €345 for three public holidays during the cognisable period for financial loss suffered as well as €2,500 for breach of statutory rights.
- ▶ Failure to pay annual leave contrary to the OWT: under the Complainant's contract of employment she was entitled to 21 days of annual leave. The Complainant gave evidence that she never received paid annual leave. As the right to paid annual leave derives from EU law and the fact that the breach was at the serious end of the spectrum, the AO awarded €1,150 (two weeks' pay) for financial loss as well as €10,000 for breach of statutory rights.
- ▶ Breach of maximum working hours contrary to the OWT: the Complainant gave evidence that she worked nearly 50 hours every week. The AO, noting that the maximum number of weekly hours derives from EU law, awarded the Complainant €10,000 for breach of statutory rights.
- ▶ Unfair dismissal: the Complainant gave evidence that she was summarily dismissed at the end of her shift on 25 November 2022 when the Director of the Respondent told her not to come into work the next day. The AO held that there was no evidence that there was a justification for the dismissal, and, moreover, the Respondent had failed to follow fair procedures. The AO noted that the Complainant had mostly been in receipt of social welfare since her dismissal which had left the Complainant in a precarious and vulnerable situation and with considerable difficulty in sourcing alternative income to mitigate her loss. The Complainant had been out of work for approximately one year. The AO awarded €30,000 (one year's gross salary) to cover financial loss suffered by the Complainant as well as estimated future loss of income.
- ▶ Failure to comply with minimum notice contrary to the Minimum Notice and Terms of Employment Acts 1973 to 2005: the Complainant was entitled to one week's notice or payment in lieu of notice. The AO awarded €575 (one week's pay).

- ▶ Unlawful deductions from wages contrary to the Payment of Wages Act 1991: the Complainant gave evidence that the Director of the Respondent paid approximately €500 into her bank account each week, but, a number of days later, he would drive her to an ATM where she had to withdraw and give him €290 in cash. The AO directed the Respondent to pay €7,540 (€290 for each cognisable week).
- ▶ Discrimination, harassment and sexual harassment contrary to the Employment Equality Acts 1998 to 2021: the AO held that the Complainant, in uncontested evidence, outlined a distressing catalogue of discrimination, harassment and sexual harassment which she suffered on an almost daily basis for the entirety of her employment. The AO awarded the maximum compensation of two years' remuneration amounting to €60,000.
- ▶ Failing to pay the minimum wage contrary to the National Minimum Wage Acts 2000 and 2015: the Complainant gave evidence of working 50-hour weeks. Once the various payments and deductions were taken into account, she was paid approximately €4.46 per hour. The AO noted that the minimum hourly wage at the time was €10.50 and awarded arrears of €7,248.

In total, the Complainant was awarded €143,268.

3. *Matthew McGranaghan v. MEPC Music Ltd, ADJ-00037668*

Keywords

Employment status – Whether Complainant was employee or independent contractor – Unfair Dismissals Acts 1977 to 2015 – Organisation of Working Time Act 1997 – Payment of Wages Act 1991 – Terms of Employment (Information) Act 1994 to 2014 – Minimum Notice and Terms of Employment Acts 1973 to 2005

Background

The Complainant is a musician and, since 2013, played with the Michael English band as its resident fiddle player. The Complainant played approximately four gigs a week. He submitted that he was instructed on the music to play, received a uniform and was paid by cheque every Friday. He received dates three to six months in advance from the Respondent and turned down work only on two dates. The Complainant submitted that he was an employee of the Respondent, rather than an independent contractor and had raised this issue with the Respondent. During the Covid-19 pandemic, there was no work for the Complainant. In the summer of 2021, the Complainant was contacted to see if he was available to return. The Complainant stated that he would return as an employee. In September 2021, the Complainant received an email from the Respondent stating that it regretted his decision not to continue his services.

The Complainant brought a number of complaints alleging that he was an employee and that the Respondent had breached its obligations under the Organisation of Working Time Act 1997 (“OWT”), the Payment of Wages Act 1991 (“PWA”), the Terms of Employment (Information) Acts 1994 to 2014 (“TEI”) and the Minimum Notice and Terms of Employment Acts 1973 to 2005 (“MNTE”). The Complainant also submitted that he had been unfairly dismissed contrary to the Unfair Dismissals Acts 1977 to 2015 (“UDA”).

The Respondent denied that the Complainant was an employee. The Respondent submitted that from the beginning of the business arrangement, the Complainant made himself available for defined gigs as and when the Respondent was in a position to inform him of the gigs. He submitted an invoice at the end of each week to the company office wherein he indicated the number of gigs performed as a musician. The Complainant was responsible for and made tax returns with Revenue. He could never have been subject to a disciplinary hearing. There was no obligation on the Complainant to inform the Respondent of any unavailability, nor was there any consequences of absenteeism or failure to notify of unavailability. The Respondent submitted that the Complainant provided his services to other entities.



Findings

In determining the employment status of the Complainant, the AO considered the Supreme Court decision in *Revenue Commissioners v Karshan (Midlands) Ltd t/a Dominos Pizza* [2023] IESC 24 and the five questions set out:

1. Does the contract involve the exchange of wage or other remuneration for work?

The AO held that the Complainant's fee was a set amount for each gig or rehearsal in return for him providing his personal service of being the resident fiddle player for the band.

2. If so, is the agreement one pursuant to which the worker is agreeing to provide their own services, and not those of a third party to the employer?

The AO held that the Complainant provided his fiddle-playing services for the band as the resident fiddle player. In the very limited occasions where he was not available, a substitute was found to cover, who was paid directly. Substitution was an exception.

3. If so, does the employer exercise sufficient control over the putative employee to render the agreement one that is capable of being an employment agreement?

The AO held that the Complainant had no flexibility as to when the work was performed as gigs were scheduled in advance, he was told what music to play, he wore the band uniform, and he was instructed by the Respondent for all work-related matters.

4. If these three requirements are met the decision maker must then determine whether the terms of the contract between employer and worker interpreted in the light of the admissible factual matrix and having regard to the working arrangements between the parties as disclosed by the evidence, are consistent with a contract of employment, or with some other form of contract having regard, in particular, to whether the arrangements point to the putative employee working for themselves or for the putative employer.

The AO held that the facts of the case could not support the Complainant being self-employed based on all the circumstances of the arrangement.

5. Finally, it should be determined whether there is anything in the particular legislative regime under consideration that requires the court to adjust or supplement any of the foregoing.

The AO held that there was no particular legislation that required an adjustment or supplement to any of the questions. Accordingly, the AO held that the Complainant was an employee, and his employment was terminated on 22 September 2021.

The AO found in favour of the Complainant in respect of his multiple claims under the relevant legislation as follows:

- ▶ Failure to pay Sunday premium contrary to the OWT: the AO awarded compensation of €1,000.
- ▶ Failure to payment in lieu of notice of termination of employment contrary to the PWA: the AO awarded compensation of €4,480.
- ▶ Failure to provide annual leave contrary to the OWT: the AO awarded compensation of €5,000.
- ▶ Failure to pay public holiday entitlement contrary to the OWT: the AO awarded compensation of €1,500.
- ▶ Failure to provide a statement in writing of the terms of his employment contrary to the TEI: the AO awarded compensation of €500.
- ▶ Unfair dismissal contrary to the UDA: the AO awarded compensation of €26,880 (six months' salary).
- ▶ Failure to provide the statutory minimum period of notice on the termination of his employment or payment in lieu contrary to the MNTE: the AO awarded compensation of €4,480 (four weeks' notice).

4. *Gary Rooney v. Twitter International Unlimited Company, ADJ-00044246*

Keywords

Unfair Dismissals Acts 1977 to 2015 – Definition of dismissal – Whether failure to respond to communication constituted resignation – Unfair Dismissals (Calculation of Weekly Remuneration) Regulations 1977 (SI 287 of 1977) – Documentary Evidence Act 1925 – Whether performance bonus properly payable – Future loss – Loss attributable to dismissal

Background

The Complainant commenced employment with the Respondent in September 2013. At the date of termination, he worked as Director of Source to Pay. On 16 November 2022, the Respondent's entire workforce received an email from Elon Musk, who had taken over the Respondent, stating: "Going forward, to build a breakthrough Twitter 2.0 and succeed in an increasingly competitive world, we will need to be extremely hardcore. This will mean working long hours at high intensity. Only exceptional performance will constitute a passing grade. [...] If you are sure that you want to be part of the new Twitter, please click yes on the link below. Anyone has not done so by 5pm ET tomorrow (Thursday) will receive three months of severance." This email was followed by an FAQ document which did not set out severance terms. The Complainant did not click 'yes', and, on 18 November 2022, his access to the Respondent's systems and network was cut off. The following day, the Complainant received an automated email from the Respondent acknowledging his decision to resign and accept the voluntary separation.

The Complainant submitted that he had been unfairly dismissed contrary to the Unfair Dismissals Acts 1977 to 2015 ("UDA") and that a failure to click a box could not be considered a resignation. The Respondent submitted that the Complainant had resigned by not clicking 'yes' and relied on internal communications to demonstrate that the Complainant had a clear intention to resign by not clicking 'yes'. However, the Respondent confirmed that the only consideration in the decision to terminate the Complainant's access to his work the following day was the failure to click 'yes'.

Findings

The AO first considered whether the Complainant was dismissed or resigned. He stated that the internal communications had no relevance to the question of what brought about the termination of the Complainant's employment since they played no role in the termination of access to work. The AO noted that 'resignation' has been defined as follows: "When unambiguous words of resignation are used by an employee to an employer, and are so understood by the employer, generally it is safe to conclude that the employee has resigned." (Ryan, Redmond on Dismissal Law (Bloomsbury Professional, 2017), para. 22-22). The AO held that not clicking 'yes' could not by any reasonable standards be deemed to equate with the use of unequivocal or unambiguous words of resignation. Accordingly, the failure to communicate to the Respondent by clicking 'yes' was not capable of and did not constitute an act of resignation. Accordingly, the Complainant was dismissed. Since the Respondent had not put forward any substantial grounds justifying the dismissal, the AO held that the Complainant was unfairly dismissed.

The Respondent argued that the Complainant contributed 100% to his loss by failing to click 'yes', relying on s.7 of the UDA which provides for a reduction in compensation for certain reasons. While the AO accepted that the Complainant's dismissal and consequent loss could have been avoided by clicking 'yes', the Complainant could not be faulted or held responsible given the circumstances in which the email was sent. There was not sufficient time or information provided or made available for any prudent employee to make an informed decision, which was their contractual right. The AO noted that the choices available were vaguely and incompletely set out and required further information, time and the procurement of properly informed legal advice. Accordingly, the Complainant's failure to click 'yes' did not cause or contribute to the dismissal or to the loss.



Redress

The Respondent raised a preliminary point in relation to the necessity of proving the Unfair Dismissals (Calculation of Weekly Remuneration) Regulations 1977 (SI 287 of 1977) in compliance with s.4 of the Documentary Evidence Act 1925. Relying on the Supreme Court case in *Director of Public Prosecutions v Collins* [1981] ILRM 447, the AO held that the SI was long-established and well known and often cited in cases before the WRC, the Labour Court and the civil courts. As the Regulations set out in the SI were “so notorious, well established, embedded in judicial decisions, and susceptible of incontrovertible proof”, the AO held that he could not but take (the equivalent of) judicial notice of their making.

The Respondent disputed what made up the Complainant’s remuneration for the purposes of calculating the financial loss. The AO did not include a performance bonus, holding that it was not earned and was not properly payable for 2022 since there was no guarantee to any employee that they would receive the bonus simply by working a particular period. All entitlements for a particular year were based on the results at the end of the year. It was not disputed that no employee in the Respondent received a bonus in 2022. The AO did include equity grants/deferred cash consideration since the benefit arose by the mere fact of the Complainant’s employment. This benefit continued to be paid in a similar manner and in a similar amount to employees who remained in employment after the Complainant was dismissed.

The AO calculated the Complainant’s annual remuneration at €323,560. The Complainant obtained new employment in September 2023 but which paid less than his employment with the Respondent. The AO held that the Complainant had made appropriate efforts to mitigate. He was not obliged to take any job at any salary but rather to seek suitable alternative employment attracting an income as close as he could get to the overall compensation package he had enjoyed prior to dismissal. The AO took account of the Complainant’s losses prior to finding alternative employment (€188,741) and the losses to date of hearing in respect of the lower salary (€161,390). Finally, the AO also had regard to future losses (€200,000). The AO awarded €550,131 in total compensation

Employment Status & Contract for Services/Service

5. *Lauren McBride v FSR Atlantic Limited t/a Adhd Now, ADJ-00049238*

Keywords

Employment status – Contract for services – Contract of service – Payment of Wages Act 1991 – Organisation of Working Time Act 1997 – Terms of Employment (Information) Acts 1994 to 2014

Background

The Complainant applied for a position of Assistant Psychologist with the Respondent, an online platform which provides an online ADHD initial assessment, diagnosis and an optional follow-up plan. At interview, the Complainant advised that she would charge €30 an hour and would prefer full-time hours. The Respondent confirmed that she would be provided with 35 hours of work a week. The Complainant signed a contract for services on 8 October 2023 which required her to maintain a minimum availability of 10 hours per week on the platform. Ultimately, between 8 October 2023 and 3 November 2023, the Complainant was offered only eight hours’ work. She also received work for 45-minute sessions. She was paid a pro-rated rate of €22.50 for these sessions. The Complainant also submitted that she completed four hours of training for which she was not paid.

The Complainant brought claims under the Payment of Wages Act 1991 (“PWA”), the Organisation of Working Time Act 1997 (“OWT”)] and the Terms of Employment (Information) Acts 1994 to 2014.

The Respondent submitted that the Complainant was not an employee of the Respondent.

Findings

In respect of the claim under the PWA for unlawful deductions, the AO first considered whether the Complainant had a 'contract of employment' for the purposes of the Act. The AO noted that a 'contract of employment' is defined as a "contract whereby an individual agrees with another person to do or perform personally any work or service for a third person ... and the person who is liable to pay the wages of the individual in respect of the work or service shall be deemed for the purposes of this Act to be his employer". The AO was satisfied that the Complainant was engaged under a contract of employment as she had agreed with the Respondent to personally perform work for a third person (clients of the Respondent). In respect of the Complainant's complaint that did not agree to the pro-rating of the hourly rate, the AO held that the contract provided for "a rate of €30 per hour of work performed". Accordingly, the AO found that as the Complainant worked pro-rated hours, the full hourly rate was not properly payable. This complaint was not well founded.

The Complainant also complained about a deduction for time spent training. An employer is prohibited from making a deduction in respect of any service to the employee which is necessary to the employment under the PWA. The employer may only avail of an exception where the deduction is authorised by a contractual term. The AO held that the training constituted the provision of a service by the Respondent to the Complainant and that there was no contractual term permitting the Respondent to make this deduction; accordingly, the AO held that four hours' wages were properly payable to the Complainant. The AO directed the Respondent to pay €120 in compensation.

In respect of the complainant under the OWT, the AO noted that a 'contract of employment' is defined as including "a contract of service". Although the Complainant was engaged on a contract for services, the AO noted that it was not always the case that written contracts reflected the true nature of the employment. The AO considered the Supreme Court case of *Revenue Commissioners v Karshan (Midlands) Ltd t/a Dominos Pizza* [2023] IESC 24 and the five questions set out:

1. Does the contract involve the exchange of wage or other remuneration for work?

The AO held that the parties entered into a binding contractual agreement which involved the exchange of remuneration for work.

2. If so, is the agreement one pursuant to which the worker is agreeing to provide their own services, and not those of a third party to the employer?

The AO held that it was not contested that the Complainant agreed to provide her own personal services to the Respondent.

3. If so, does the employer exercise sufficient control over the putative employee to render the agreement one that is capable of being an employment agreement?

The AO was satisfied that the Respondent exercised sufficient control over the Complainant to render the agreement one that was capable of being an employment agreement. The Respondent directed the Complainant on when, what, and how the assessments were to be done. It solely determined how clients were to be assessed and the duration of the assessment, and the Complainant was required to use the Respondent's assessment tools for this purpose. She was not free to contract out the work or substitute another party for herself and had no control over the pro-rated hours. She was contractually required to maintain a weekly minimum of ten hours' availability on the platform. While the Complainant used her own laptop and was free to work from a location of her choice, the AO was satisfied that, in the round, the Respondent exercised a significant degree of control in relation to the place, time, and way the work was to be performed, and in relation to what the Complainant was to be paid for. The AO also noted that there was no element of economic risk for the Complainant: she had no opportunity to vary the level of profit derived from the work she performed, and there was no capacity for her to profit in any material way from her own skill.



4. If these three requirements are met the decision maker must then determine whether the terms of the contract between employer and worker interpreted in the light of the admissible factual matrix and having regard to the working arrangements between the parties as disclosed by the evidence, are consistent with a contract of employment, or with some other form of contract having regard, in particular, to whether the arrangements point to the putative employee working for themselves or for the putative employer.

Having considered the entire factual matrix, the AO held that the evidence pointed towards the Complainant being engaged under a contract of service.

The Complainant complained that she was not paid for 25% of the time she was required to be available for work that did not arise. Section 18 of the OWT regulates the use of 'zero-hour contracts'. Where a contract requires an employee to be available for a specified number of hours, even where they are not required to work, the employee is entitled to either 15 hours' pay or 25% of the contract hours whichever is the lesser. The AO was satisfied that the Complainant was required to make herself available for a minimum of ten hours a week as per her contract. Noting that the contract had not been terminated by either party in accordance with the provisions of the contract, despite the Complainant not being offered work after 3 November 2023, the AO calculated the minimum the Complainant ought to have been paid from the date of commencement of the contract to the date of the referral of the complaint. The AO awarded €435.60 in compensation.

Employment Equality Acts, 1998 to 2021

6. *Thandekile Sulo v Abbot Close Nursing Home Ltd ADJ-00050626*

Keywords

Employment Equality Acts 1998 to 2021 – Discrimination on ground of disability – Access to Employment – Reasonable accommodation

Background

The Complainant is HIV positive. In July 2023, she started work experience with the Respondent, a nursing home provider as part of a course in Health Care Support. Shortly after commencing, she was offered a job as Healthcare Assistant with the Respondent and signed a contract in July 2023 with a commencement date of 4 October 2023. The Complainant submitted that she completed a number of medical forms for the Respondent and was asked to obtain a report from an occupational health therapist. The Complainant sought advice from the Respondent on where she could find such a therapist and how to go about getting an appointment but received no guidance. The Complainant detailed numerous contacts with the Respondent by email seeking updates on her employment where the Respondent failed to follow up or give her any guidance and help. In October 2023, the Complainant attended for work and was told that she had to leave the premises immediately and that she could not finish her work experience. The Complainant contacted the Respondent by email on a number of occasions subsequent to this but received no response. The Complainant submitted that the completion of her work experience was delayed until she found an alternative nursing home in November 2023. The Complainant submitted a s.76 request for material information under the Employment Equality Acts 1998 to 2021 ("EEA") to the Respondent but received no response.

The Complainant claimed that she was discriminated against on the ground of disability in securing a job with the Respondent, in her conditions of employment and in the Respondent's failure to reasonably accommodate her. The Complainant also claimed that she had been dismissed for discriminatory reasons.

The Respondent denied the Complainant's claims and disputed her version of events, claiming that the Complainant never started employment because she had failed to provide references and other documents as per the recruitment policy. The Respondent denied that the Complainant was asked to leave the premises in October 2023.

Findings

The AO noted that the Respondent accepted that the Complainant had a disability for the purposes of the EEA.

In respect of the claim for discriminatory dismissal, it was accepted that the Complainant had a valid contract of employment. The contract provided for one month's notice of termination, which had not been provided. The Complainant had received no constructive engagement from the Respondent regarding her position between August and October 2023. The AO accepted that the Complainant had established facts which raised an inference of discrimination. The AO did not accept the Respondent's submission that the Complainant's failure to provide references and work permit prevented her from commencing work. The Complainant gave evidence that these documents were presented at her interview and to the HR Administrator at the time she signed the contract. The HR Administrator did not give evidence at the hearing nor was the personnel file presented. The AO held that the Complainant was treated less favourably, which resulted in her constructive dismissal due to the Respondent's conduct on the ground of her disability.

In respect of the failure to provide reasonable accommodation, the AO accepted that the Respondent failed to reasonably accommodate the Complainant by arranging a referral to an occupational health physician. The AO noted that there was considerable confusion as to what exactly the Respondent was seeking from the Complainant, but the Respondent did not offer any further clarification. The AO also held that obtaining an occupational health report would not be a disproportionate burden on the employer. The AO held that the Complainant had been treated less favourably due to the nature of her disability, which was different from that of a colleague who was referred to an occupational health doctor, as well as other colleagues who had been deemed medically fit to work.

In respect of the complaint of discrimination in getting a job, training and conditions of employment, the AO held that it was entirely reasonable for the Respondent to seek a fitness to work medical report. However, in this case, there was a lack of clear engagement by the Respondent with the Complainant on what exactly it required, and it was unclear why the Respondent did not refer the Complainant to an occupational health physician. The AO further did not accept the Respondent's reliance on the absence of references and a work visa. Having regard to case law providing that a respondent should provide cogent evidence to discharge the burden of proof in cases alleging discrimination on the ground of disability, the AO held that the Complainant, having made every effort to provide medical evidence of her fitness to work, was treated less favourably by the Respondent.

The AO further held that the failure to respond to the s.76 request compounded the Respondent's silence, lack of reasonable accommodation and barriers to the Complainant's access to employment.

The AO awarded €10,000 as compensation for discriminatory dismissal and €12,500 for the failure to provide reasonable accommodation and discriminatory treatment in access to employment.

7. Rachel Smyth v Metron Stores Limited t/a Iceland (in liquidation) ADJ-00047680

Keywords

Employment Equality Acts 1998 to 2015 – Discrimination on ground of gender – Pregnancy – Continuum of discrimination – Redress – Section 82(4) read in conformity with EU law – Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation – Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation



Background

The Complainant commenced employment with the Respondent in August 2020. At the time of the termination of her employment, she worked as a Junior Buyer. In February 2023, when the Complainant was seven months' pregnant, staff were informed that the Iceland brand had been bought and that there would be a TUPE transfer. She was informed that she would be relocated to 'Homesavers' in Tallaght, but a number of weeks later, she, and other staff, were laid off without notice. Around the same time, the Complainant noticed that the Respondent was advertising for a Junior Buyer role in 'Homesavers' in Tallaght. While on lay off, the Complainant attempted to contact the Respondent numerous times to confirm her employment status but received no response. The Respondent also failed to complete her maternity benefit forms when requested. The Complainant had to seek Jobseeker's Allowance before the Respondent completed the forms in August 2023. In September 2023, the Complainant was informed by a liquidator for the Respondent that she was being made redundant.

The Complainant submitted that she had been discriminated against on the ground of gender and penalised because of her pregnancy and that she had been harassed and victimised contrary to the Employment Equality Acts 1998 to 2021 ("EEA").

There was no attendance on behalf of the Respondent.

Findings

The AO noted that the Complainant's evidence was uncontested, and she provided clear and detailed information concerning the events, as well as a number of documents by way of corroboration.

The AO first considered the relevant timeframe. As the complaint form was submitted on 4 September 2023, the cognisable period ran from 5 March 2023 until 4 September 2023. However, the AO held, having regard to case law, that a continuum of discrimination had been established; accordingly, she considered the events from February 2023.

The AO noted that the Complainant was laid off without notice while she was seven months pregnant, while at the same time an equivalent role was advertised, and kept the Complainant completely uninformed as regards her employment situation. The Respondent also delayed in providing the necessary maternity benefit documentation which caused the Complainant considerable stress. Having regard to the case law that pregnant women are afforded special protection from adverse treatment and that the fact of pregnancy is itself sufficient to shift the burden of proof to the employer once the complainant has established less favourable treatment, the AO held the Complainant had established facts giving rise to an inference that she had been discriminated against by reason of her pregnancy. As the Respondent did not provide any evidence of rebuttal, the AO held that the Complainant was discriminated against on the ground of gender. However, the AO was not satisfied that there was any evidence of harassment or victimisation.

Section 82(4) of the EEA provides that the maximum amount which may be ordered by way of compensation shall be:

- (a) in any case where the complainant was in receipt of remuneration at the date of the reference of the case, or if it was earlier, the date of dismissal, an amount equal to the greatest of—
 - (i) 104 times the amount of that remuneration, determined on a weekly basis,
 - (ii) 104 times the amount, determined on a weekly basis, which the complainant would have received at that date but for the act of discrimination or victimisation concerned, or
 - (iii) €40,000,
- or
- (b) in any other case, €13,000.

The AO noted that at the time the complaint was referred, the Complainant was employed by the Respondent but was not in receipt of remuneration as she had been laid off. Accordingly, on a strict reading of s.82(4), the maximum award was €13,000. However, the AO considered Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation which clearly apply to people in employment. The Directives did not exempt any persons on lay off or not in receipt of remuneration. The AO also considered the obligation to interpret national law in conformity with EU law, and, accordingly, interpreted “in receipt of remuneration” to read “in receipt of remuneration and/or in employment”.

The AO awarded €51,000 in compensation (approximately 18 months’ pay) having regard to the Complainant’s evidence on the extent of the discrimination, the impact it had on her, and the length of time over which the discrimination occurred. The AO also had regard to the requirement, under EU law, for the sanction to have a deterrent effect.

Substitution/amendment of referral statutory provision for a complaint to WRC

8. *Noel Feeney v Oberstown Children Detention Campus ADJ-00050420*

Keywords

Workplace Relations Act 2015 – Substitution of referral statutory provision – Section 41(6) time limit – Jurisdiction to extend time

Background

The Complainant was employed by the Respondent until his retirement in August 2016. The Complainant brought a claim that he was entitled to payment in lieu of additional annual leave or privilege days provided for in a circular.

The Respondent raised two preliminary issues as to jurisdiction: first, the AO did not have jurisdiction under the legislation upon which the claim was brought (European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (SI No. 507 of 2006)); and second, the claim was out of time and statute barred as it had been referred outside of 12 months from the date of the alleged contravention.

The Complainant submitted that he had intended to refer the complaint under the applicable statute and that he was unaware of the circular until recently. He submitted that management had unfairly withheld payment and that time began to run from the date of his knowledge of entitlement to same.

Findings

The AO first considered whether it was possible to substitute the more applicable statute, the Payment of Wages Act 1991 (“PWA”). Having regard to the case law, the AO held that there is no bar to substituting or adding a statutory provision under which a complaint is referred, even if this changes the redress provisions. The AO held that as the WRC form is non-statutory, the general nature of the complaint may be set out via any representations to the WRC within the requisite time limit. The AO further held that the Respondent was well aware of the basis of the complaint and could not be prejudiced by the substitution. Accordingly, the AO substituted the regulations for the PWA.

In respect of the contention that the claim was statute barred, the AO held that the complaint was extremely vague without any concrete evidence of a contractual entitlement to additional annual leave or privilege days, or a precise sum claimed in lieu. However, the AO held that it was clear that any payment in lieu would have become due and owing before or on the Complainant’s retirement in August 2016, which was the date of the last possible contravention. The wording of s.41(6) of the Workplace Relations Act 2015 is very specific and does not make provision for referral of a complaint from the date of knowledge or where a delay in referring a complaint was due to a misrepresentation by an employer. Accordingly, there was no jurisdiction to extend time or investigate the complaint.



Statutory Sick Leave

9. *Ann Britton v Amcor Flexibles Ltd ADJ-00050138*

Keywords

Sick Leave Act 2022 – Whether employer's scheme more favourable than statutory scheme – Reference period – No entitlement to sick pay in first 12 months of employment

Background

The Complainant commenced employment with the Respondent in April 2023. Under the terms of the Respondent's sick pay scheme, employees were entitled to ten days' of paid sick leave in a 12-month period after completing 12 months' service. The scheme also involved a waiting period of three days. On 2 February 2024, the Complainant commenced five days of sick leave. She was informed that she was not entitled to any benefit under the Respondent's scheme as she did not have 12 months' service. Furthermore, she would not be paid statutory sick pay under the Sick Leave Act 2022 since the Respondent's sick pay scheme was more favourable than the statutory scheme. The Complainant sought illness benefit from the Department of Social Protection, but this was denied on the basis that she was to receive sick pay for the first five days from her employer and social welfare illness benefit would not be paid until the sixth day.

The Complainant submitted a complaint to the WRC claiming that she was entitled to statutory sick pay of five days.

The Respondent claimed that the payment terms from its scheme were vastly superior to those in the statutory scheme. Having regard to the factors set out in s.9(2) in determining which scheme was more favourable, although the Respondent accepted that the statutory scheme was more advantageous in respect of the period of service required before sick leave was payable and the waiting period, it submitted that the period for which sick pay was payable and the amount of sick leave payable were more favourable. The Respondent submitted that its scheme provided for ten days' sick pay in a 12-month period, significantly greater than statutory sick pay. Furthermore, the amount of sick leave payable was well in excess of the 70% under the statutory scheme.

In respect of the reference period for the scheme, the Respondent accepted that there no reference period within its scheme but submitted that the reference period in the Act and the scheme was equally favourable at 12 months. The Respondent submitted that the fact that an employee did not fall within the scope of its scheme did not make the scheme less favourable.

Findings

The AO held that the concept of a reference period was crucial to deciding this complaint. The Respondent contended that a 12-month period was the appropriate reference period as it was the same as the reference period in the statutory scheme. However, the AO held that the Respondent was seeking to go outside the reference period of weeks 1 to 50 as expressed in the Complainant's contract and to import into the reference period benefits from future periods of 12 months for which she had not yet qualified. The AO held that the inference from this submission was that benefits in future years could be used to decide that the benefits of the employer's sick pay scheme was better overall and, accordingly, justified no payment at all during the reference period. Such an approach would have the effect of undermining the concept of a reference period as a key test in the legislation. The AO further noted that it was regrettable that the Act was not more precise about what constituted a reference period. The AO had regard to the removal by the Department of Social Protection of any entitlement to a state illness benefit until the sixth day in 12 months, which implied that the Department presumed that a worker would receive a payment for at least five days in any reference period. The AO noted that the effect of the competing interpretations of the Act was that the Complainant was worse off when she was ill in the first 52 weeks of her employment than if the Act had never been introduced.

The AO held that to be properly assessed for comparison purposes, there had to be activity in the reference period and the benefits had to be those which applied in the reference period. During the 12-month period specified in the contract, the Respondent scheme provided no period of sick payment for the Complainant. Accordingly, the Respondent could not claim that the amount payable was better than the Act overall.

The AO awarded €1,000 in compensation to the Complainant.

Request for Remote Working

10. *Alina Karabko v Tiktok Technology Ltd* ADJ-00051600

Keywords

Work Life Balance and Miscellaneous Provisions Act 2023 – Code of Practice for Employers and Employees on the Right to Request Flexible Working and the Right to Request Remote Working – Right to request remote working arrangement

Background

The Complainant commenced work with the Respondent as a Core Operations Specialist in January 2022. While the Complainant's contract provided that her normal place of work was Dublin, due to the Covid-19 pandemic, all employees were working remotely. From June 2022, the Respondent brought in a Return to Work policy which gradually required employees to return to the office three days a week with two days working from home. The Complainant was granted a discretionary exception to work remotely full time. In July 2023, the Respondent announced a planned return to the office for all employees not already mandated to return, effective from October 2023. Exceptions would be considered only where providing reasonable accommodation in respect of a disability.

In March 2024, the Complainant submitted a request for fully remote work stating that it would reduce her daily commute and carbon footprint (the Complainant lived 2.5 hours' drive from the workplace); it would improve her quality of life; and there was a lack of suitable accommodation in Dublin for her and her cat. The Respondent acknowledged receipt of the request and advised that an extension of time would be necessary to consider it. Two employees of the Respondent considered the request but ultimately refused it stating that the hybrid work model promoted three days of in-person collaboration in the office and two days of remote work. It noted that while some duties could be performed from home, there were other essential parts of the job that had to be performed from the office, such as team collaboration and knowledge sharing for continuous upskill and performance.

The Complainant submitted a complaint under the Work Life Balance and Miscellaneous Provisions Act 2023 ("2023 Act") claiming that the Respondent did not consider her application for fully remote working arrangements in accordance with the 2023 Act and the Code of Practice for Employers and Employees on the Right to Request Flexible Working and the Right to Request Remote Working ("Code of Practice"). The Complainant submitted that the Respondent completely disregarded her needs when deciding on her request; and the Respondent did not consider the request in an object, fair and reasonable manner.

The Respondent submitted that it had acted in accordance with its obligations under the 2023 Act as it diligently assessed the Complainant's application for fully remote work in good faith and made a decision for valid objective reasons, having weighed up both the needs of the business and the needs of the Complainant.

Findings

The AO considered the relevant provisions of the 2023 Act. Section 20 provides that an employee may request approval for a remote working arrangement and sets out how such a request may be made. Section 21 provides that an employer who receives such a request must consider the request having regard to a number of criteria and to respond not later than four weeks after receipt. Practical guidance for employers and employees on how to make and handle requests for remote working is provided in the Code of Practice. Section 27 provides that the AO cannot investigate the merits of a decision made by an employer where a request for remote working has been refused or where a request has been granted but is not in line with the employee's preferred pattern.

The AO held that the issue was whether the Respondent complied with s.21 when considering the Complainant's request. Section 21 places three distinct duties on an employer; first, s.21(1)(a) requires an employer to consider the request having regard to its needs, the employee's needs and the requirements of the Code of Practice. The AO held that it was clear from the evidence that the request was treated very seriously by the Respondent.



On receipt of the request, two members of staff of the Respondent, one from HR and the other a manager from the Complainant's operational area, met on a number of occasions to consider the request in detail. According to their evidence, they studied both the 2023 Act and the Code of Practice, they examined the Complainant's request, and they referred to the Respondent's business plans. The Complainant's line manager said that taking all of the relevant factors into account, the decision was made to refuse the Complainant's request to work remotely on a fulltime basis. Accordingly, the AO held that the Respondent had complied with its obligations under s.21(1)(a).

The second and third duties imposed by the Act require the employer to deal with a request within four weeks of receipt (s.21(1)(b)), while s.21(2) provides for an extension of the consideration period of up to eight weeks. The AO noted that the Respondent acknowledged receipt of the request within four weeks and notified her that it required an extension of time to adequately consider the request. The Respondent issued a decision in writing within this time. Accordingly, the AO held that the Respondent had complied with its obligations under s.21(1)(b) and 21(2).

The AO concluded that the Respondent did not breach s.21 of the Act, and, therefore, the complaint was not well founded.

Equal Status Act Cases

11. *Irfanullah Refah v Mr Aidan Corless ADJ-00049805*

Keywords

Equal Status Acts 2000 to 2018 – Discrimination on ground of race – Discriminatory message

Background

The Complainant is an Afghan national who came to Ireland in August 2017 seeking asylum. He was granted refugee status in August 2018. From February, the Complainant entered into a tenancy agreement with the Respondent. The Complainant submitted that he had maintenance problems in the dwelling and regularly informed the Respondent, through an intermediary, of these issues, but there was no follow up. The Respondent issued two termination notices in or around June 2023 but these were deemed invalid. In July 2023, in response to a message from the Complainant in relation to repairs, the Respondent stated that the Complainant was staying in the dwelling illegally and: 'You need to be sent out of this country instead of trying to claim from the government. We need to check what papers you used to gain entry here.' The Complainant submitted that he was shocked and extremely concerned receiving such a message from his landlord. His fear was particularly heightened given the circumstances under which he had been forced to flee Afghanistan. In September 2023, the Complainant sent an ES1 form to the Respondent setting out his belief that the message sent constituted both discrimination on grounds of race and harassment.

The Respondent disputed the Complainant's evidence in respect of the tenancy agreement, submitting that the flat had been rented to a third party who let the Complainant stay there. The Respondent believed that the Complainant was staying in the dwelling illegally. The Respondent accepted that he had sent the message in frustration but stated that the message was not meant as discriminatory. The Respondent submitted that he was not proud of the message and apologised for it.

The Complainant brought a complaint to the WRC that he was discriminated against and harassed by the Respondent on the grounds of race.

Findings

The AO noted that the Complainant must first establish facts upon which discriminatory treatment can be inferred, whereafter it falls to the Respondent to prove that the treatment was not discriminatory. The Complainant must also identify a comparator, i.e. pointing to how a person who does not have the protected characteristic would be treated in a comparable situation.

The AO held that the Complainant had identified a hypothetical Irish tenant of the Respondent as a comparator. In respect of the prima facie case, the AO held that the message from the Respondent reflected a negative view of immigrants as coming to Ireland without the necessary permission in order to access benefits. The AO held that the Respondent was attempting to use the imbalance between his position as someone who was familiar with Irish societal norms and that of the Complainant, an immigrant from a very different background, in an attempt to upset, frighten and intimidate the Complainant. Accordingly, the AO accepted the contention that an Irish person in a similar situation to the Complainant would not have been subjected to the same treatment.

The AO held that neither the Respondent's contrition nor his sense of frustration in any way lessened the detrimental impact of the message due to the blatant racism expressed therein. Accordingly, the message constituted an act of discrimination.

In respect of the claim for harassment, the AO held that since it was well settled that the same set of facts could not be relied upon to support more than one complaint, the complaint had been disposed of.

The AO awarded compensation of €10,000.

12. A Minor (Case taken by her Father) vs The Ladies Gaelic Football Association ADJ-00046477

Keywords

Equal Status Acts 2000 to 2018 – Discrimination on ground of disability – Reasonable accommodation – Age dispensation policy in sport

Background

The Complainant has cerebral palsy. She was a member of her local Gaelic Football club, and, since the age of seven, she had been permitted to play with a younger age group in light of her disability as she was smaller than her peers and ran at a much-reduced speed. However, in April 2022, at the first under-12 match of the season, when the Complainant was 13 years' old, she was told that she could not play the match as she was over age. The County Board stated that the Complainant could no longer play competitive games with her team, but she could continue training with the team. In February 2023, a meeting was arranged to discuss the Complainant's options for the 2023 season. The club proposed that the Complainant take a supportive role with the under-14 team, but this was rejected by the Complainant who wanted to play in competitive games. The Complainant submitted that she was discriminated against on grounds of age and disability contrary to the Equal Status Acts 2000 to 2018 ("ESA") as the club had failed to reasonably accommodate her disability.

The Respondent submitted that the complaint was out of time since the issue arose in April 2022 while the complaint was submitted in June 2023. The Respondent also submitted that the Complainant, as a minor, could not invoke the age ground under the Acts which provides that treating a person under the age of 18 less favourably shall not be regarded as discrimination on the age ground (s.3(3)).

The Respondent denied that it had discriminated against the Complainant. The Respondent submitted that the maintenance of necessary rules around age levels and eligibility were essential for its legitimate aim of encouraging and fostering ladies' football.



Findings

The AO was satisfied that the complaint was not out of time since the alleged act of discrimination was an ongoing one. Evidence showed that the Complainant still retained current membership of her club but was barred from competing at the under-12 level. However, the AO held that the Complainant could not bring a complaint on the basis of the age ground, having regard to s.3(3) of the ESA.

In respect of the disability ground, the AO held that the Complainant must first establish a *prima facie* case of discrimination, i.e. that she had a disability and that she was subject to discriminatory treatment in that she was not afforded reasonable accommodation. The AO accepted that the Complainant's disability was a key factor in the Respondent's decision and, accordingly, the Complainant had made out a *prima facie* case.

The AO held that the Respondent had not thereafter proven that the discrimination was objectively justified. The Respondent came up short in the manner in which it withdrew the reasonable accommodation that had already been enjoyed by the Complainant, when she was previously allowed to play with an age group one or two years behind her due to her restricted movement and smaller size. Having regard to the Supreme Court decision in *Nano Nagle v Daly* [2019] IESC 63, the AO noted that the test was one of reasonableness and proportionality when evaluating what reasonable accommodation measures had been considered, and the onus was on the Respondent to show that it had fully considered the reasonable accommodation question. In this case, the AO held, the club implied that an insurance and other risk assessment would be carried out. There was no evidence that this had been done. The AO held that a decision was made to withdraw the reasonable accommodation based on misapprehensions only, without any medical or insurance advice, about the danger the Complainant could pose both to herself and other players on the pitch. This did not satisfy the test.

The AO accepted that naivety was at play here rather than any malicious intent, but awarded €5,000 in compensation for the effects of the discrimination, having regard to the principle of proportionality and that the award should be dissuasive. The AO also directed the Respondent to introduce an age dispensation policy for children with a disability in underage levels up to, and including, under-12 level, within six months of the decision.

13. *A Member of the Roma Community v A Supermarket* Adj-00050944

Keywords

Equal Status Acts 2000 to 2018 – Discrimination on ground of race – Membership of the Roma community – Discrimination on ground of membership of the travelling community – Denial of service – Inference from failure to respond to ES1 form

Background

The Complainant is a member of the Roma community. On 5 October 2023, he went to purchase a number of items in the Respondent's supermarket. When he approached the till, he was told by staff that he was barred, and he was refused service. The Complainant complained that this was racism and called the gardaí. The Respondent disputed the Complainant's version of events and submitted that the Complainant was abusive to staff following which he was told to leave the shop. Staff of the Respondent gave evidence of this and stated that they did not know that the Complainant was a member of the Roma community.

The Complainant sent an ES1 form to the Respondent by registered post and sought retention of CCTV footage, the staff rota and other information. There was no response from the Respondent. The Complainant had proof of delivery, but the Respondent denied that it had received the form. The Complainant was provided with CCTV of the aftermath of the incident but not before this point.

The garda who attended the incident gave evidence and provided his statement. The statement noted that the garda was informed by the staff that the Complainant was barred and that, when told so, he became aggressive and started calling them racist.

Findings

The AO first considered s.27 of the Equal Status Acts 2000 to 2018 which allows the AO to draw inferences from the failure to reply to an ES1 form and/or the failure to supply information. The AO held that the Respondent's account of non-receipt of the relevant documents was implausible. The proprietor of the supermarket also owned the adjoining Post Office but accepted in cross-examination that he had made no further enquiry with employees when informed that the documents had been sent. The AO concluded that the Respondent did receive the ES1 form and was fully notified. The Respondent also failed to retain the full CCTV footage, although the proprietor admitted having been in possession of it. The Respondent failed to give a cogent reason as to why part of the footage was wiped. The AO held that the missing CCTV footage was a relevant and vital piece of evidence that was in the exclusive knowledge of the Respondent. Accordingly, the AO inferred that the non-release of the footage shifted the burden of proof to the Respondent as it had the means or knowledge to dislodge the inference of discrimination.

Having found that there was an inference of discrimination, the onus fell on the Respondent to prove that there was no discriminatory treatment. The AO noted that the parties were fundamentally in dispute about the circumstances in which the incident arose. However, the AO preferred the evidence of the Complainant, noting that while he had also been inconsistent in aspects of his testimony, the account provided by the Respondent was illogical and unconvincing in several key aspects: the unconvincing denial of receipt of registered post; the deletion of the most crucial piece of CCTV evidence; the inconsistency in a staff member's account of the Complainant's initial approach to the till compared to her written statement; and the fact that the garda statement contradicted the Respondent's account. The AO was satisfied that the denial of service was based on a stereotype associated with persons of Roma heritage.

The AO concluded that the Complainant had established a prima facie case of discrimination based on refusal of service on the grounds of being a member of the Roma community and that this was not satisfactorily rebutted by the Respondent. The subsequent ejection from the shop constituted harassment. Having regard to the Complainant's evidence of humiliation suffered in front of his young daughter, which the AO considered to be a serious aggravating factor, the AO awarded €6,000 in compensation for the effects of the prohibited conduct, having regard to the principle of proportionality and that the award should be dissuasive.

14. A Worker v. An Employer, ADJ-00051951

Keywords

Industrial Relations Acts 1946 to 2019 – Unfair dismissal – Less than 12 months' service – Lack of fair procedures – Dismissal during probation

Background

The Worker was employed as a Business Support Manager by the Respondent, a company engaged in the provision of catering services on a contract basis. The Worker was dismissed during his probationary period. As the Worker did not have the required 12 months' service under the Unfair Dismissals Acts 1977 to 2015, this claim was brought under the Industrial Relations Acts 1946 to 2019.

The Worker submitted that his contract provided for a probationary period of six months. He submitted that his performance reviews were tick-box exercises and he was never advised that he was not performing or that his job was at risk. The probation was extended for another two months, but the Complainant submitted that he was told that this was only a formality to get him up to speed and provide supports. Two weeks later, the Complainant was dismissed. He was not provided with reasons for his dismissal.

The Respondent submitted that it became apparent that the Worker was not suitable for the role, and the decision to dismiss was fair in the circumstances.



Findings

The AO noted that probation reviews should be conducted in order to offer feedback on the employee's performance and to highlight areas where improvement was required. An employer should explain to an employee that they may be at risk of failing their probation if their performance does not meet the required standard. The AO further held that the fact that a worker is on probation did not negate their entitlement to fair procedures. On the basis of the evidence, the AO held that there was no assessment of performance by the Respondent in such a manner as to provide for a performance improvement plan with clear goals and reviews and no formal indication of the support that would be provided. Further, the Worker was dismissed with immediate effect and received nothing in writing outlining the reasons for dismissal. The AO concluded that it was unreasonable and unfair of the Respondent to terminate employment two weeks after probation had been extended for two months without any warning, any right to appeal, or any right to be accompanied. The handling of the dismissal breached the Worker's right to fair procedures and natural justice. Accordingly, the AO recommended the Respondent pay €2,600 to the Worker, having regard to the relatively short duration of the employment relationship and the fact that the Respondent paid six weeks' pay to the Complainant at termination.

Appendix 4

Legislation by which complaints may be submitted to the Adjudication Service

(Employee Involvement) Regulations, 2007 (S.I. No. 259 of 2007)

(S.I. No. 157 of 2008)

A sectoral employment order within the meaning of Chapter 3 of Part 2 of the Industrial Relations (Amendment) Act, 2015

Adoptive Leave Act, 1995

An Employment Regulation Order under S.42C (inserted by S.12 of the Industrial Relations (Amendment) Act 2012) of the Industrial Relations Act, 1946

Automatic Enrolment Retirement Savings System Act, 2024

Carer's Leave Act, 2001

Central Bank (Supervision and Enforcement) Act, 2013

Charities Act, 2009

Competition Act, 2002

Consumer Protection Act, 2007

Criminal Justice Act, 2011 noting that the Criminal Justice (Corruption Offences) Act 2018 is part of Schedule 1 of the 2011 Act

Employees (Provision of Information and Consultation) Act, 2006

Employment (Collective Redundancies and Miscellaneous Provisions) & Companies (Amendment) Act, 2024

Employment Equality Acts, 1998

Employment Permits Act, 2024

Employment Regulation Orders 2022

Equal Status Act, 2000

European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations, 2004 (S.I. No. 494 of 2004)

European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation)

European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003 (S.I. No. 131 of 2003) (other than Regulation 4(4)(a))

European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009 (S.I. No. 377 of 2009)

European Union (reporting, Analysis and Follow- up of Occurrences in Civil Aviation) Regulations 2020 (S.I. 195/2020) in relation to a complaint of a contravention of Article 16(9) of EU regulations 376/2014

European Union (Transparent and Predictable Working Conditions) Regulations 2022

Further Education and Training Act, 2013

Gender Pay Gap Information Act, 2021

Health Act, 2004

Industrial Relations Acts, 1990

Inland Fisheries Act, 2010

Maritime Area Planning Act, 2021

Maternity Protection Act, 1994

Minimum Notice and Terms of Employment Act, 1973

National Asset Management Agency Act, 2009 Chemicals Act, 2008

National Minimum Wage Act, 2000

Organisation of Working Time Act, 1997

Parental Leave Act, 1998

Payment of Wages (Tips and Gratuities) Act, 2022

Payment of Wages Act, 1991

Pensions Acts, 1990

Property Services (Regulation) Act, 2011

Protected Disclosures (Amendment) Act, 2022

Protected Disclosures Act, 2014

Protection of Employees (Employers' Insolvency) Act, 1984

Protection of Employees (Fixed-Term Work) Act, 2003

Protection of Employees (Part-Time Work) Act, 2001

Protection of Employees (Temporary Agency Work) Act, 2012

Protection of Employment Act, 1977

Protection of Young Persons (Employment) Act, 1996

Protections for Persons Reporting Child Abuse Act, 1998

Redundancy Payments Acts, 1967

Registered employment agreement within the meaning of Chapter 2 of Part 2 of the Industrial Relations (Amendment) Act, 2015

Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations, 2006 (S.I. No. 623 of 2006)

Regulation 20(1) of the European Communities (European Cooperative Society)

Regulation 39(1) of the European Communities (Cross-Border Mergers) Regulations, 2008

Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012 (S.I. No. 36 of 2012)

Regulation 6 of European Communities (Protection of Employment) Regulations, 2000 (S.I. No. 488 of 2000)

Regulations, 2006 (S.I. No. 507 of 2006)

Safety, Health and Welfare at Work Act, 2005

Terms of Employment (Information) Act, 1994

The Gender Pay Gap Information Regulations 2022

The Sick Leave Act, 2022

The Work Life Balance and Miscellaneous Provisions Act, 2023

Transnational Information and Consultation of Employees Act, 1996

Unfair Dismissal Acts, 1977

Explanatory Note

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

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

Section 41 of the Workplace Relations Act 2015 creates a common procedure for the presentation of complaints and the referral of disputes under various pieces of employment legislation to the Director General of the WRC.

The individual employment enactments under which a person can present a complaint or refer a dispute to the Director General of the WRC in accordance with the provisions of Section 41 are listed in Schedule 5 of the Workplace Relations Act, 2015.

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

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



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

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

The legislative basis for the referral of complaints to the Director General of the WRC under Section 44 the Pensions Act 1990 arises from Part VII of that Act (the relevant provisions of Part VII of the Pensions Act 1990 have been amended by Section 82 of the Workplace Relations Act 2015).

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

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

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

Appendix

5

Complaints submitted to the WRC by Legislation

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Section 8 of the Unfair Dismissals Act, 1977	1,936
Complaint seeking adjudication by the Workplace Relations Commission under Section 6 of the Payment of Wages Act, 1991	1,867
Complaint seeking adjudication by the Workplace Relations Commission under Section 27 of the Organisation of Working Time Act, 1997	1,650
Complaint seeking adjudication by the Workplace Relations Commission under Section 77 of the Employment Equality Act, 1998	1,408
Complaint seeking adjudication by the Workplace Relations Commission under Section 7 of the Terms of Employment (Information) Act, 1994	1,172
Complaint seeking adjudication by the Workplace Relations Commission under Section 13 of the Industrial Relations Act, 1969	1,129
Complaint seeking adjudication by the Workplace Relations Commission under Section 21 of the Equal Status Act, 2000	636
Request for an investigation by a Workplace Relations Commission Inspector under the Payment of Wages Act, 1991	605
Complaint seeking adjudication by the Workplace Relations Commission under Section 12 of the Minimum Notice & Terms of Employment Act, 1973	550
Complaint seeking adjudication by the Workplace Relations Commission under Section 39 of the Redundancy Payments Act, 1967	545
Complaint seeking adjudication by the Workplace Relations Commission under Section 13 of the Industrial Relations Act, 1990	409
Request for an investigation by a Workplace Relations Commission Inspector under the Organisation of Working Time Act, 1997	316
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Protected Disclosures Act, 2014	271
Investigation by an Inspector under the Payment of Wages Act, 1991	239

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Section 28 of the Safety, Health & Welfare at Work Act, 2005	193
Complaint seeking adjudication by the Workplace Relations Commission under Section 14 of the Protection of Employees (Fixed-Term Work) Act, 2003	172
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 10 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003 (S.I. No. 131 of 2003)	155
Complaint seeking adjudication by the Workplace Relations Commission under Section 11A of the Protection of Employment Act, 1977	140
Complaint seeking adjudication by the Workplace Relations Commission under Sick Leave Act, 2022	122
Request for an investigation by a Workplace Relations Commission Inspector under the National Minimum Wage Act, 2000	122
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 18 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012 - S.I. No. 36/2012	111
Complaint seeking adjudication by the Workplace Relations Commission under Section 24 of the National Minimum Wage Act, 2000	110
Complaint seeking adjudication by the Workplace Relations Commission under Section 45A of the Industrial Relations Act, 1946	110
Complaint seeking adjudication by the Workplace Relations Commission under Section 18 of the Parental Leave Act, 1998	76
Complaint seeking adjudication by the Workplace Relations Commission under Section 23 of the Industrial Relations (Amendment) Act, 2015	64
Request for an investigation by a Workplace Relations Commission under the Terms of Employment (Information) Act, 1994	59
Complaint seeking adjudication by the Workplace Relations Commission under Section 16 of the Protection of Employees (Part-Time Work) Act, 2001	49
Complaint seeking adjudication by the Workplace Relations Commission under Section 7 of the Terms of Employment (Information) Act, 1994.	47
Complaint seeking adjudication by the Workplace Relations Commission under Section 81E of the Pensions Act, 1990 as amended by the Social Welfare (Miscellaneous Provisions) Act, 2004	43
Request for an investigation by a Workplace Relations Commission Inspector	41
Complaint seeking adjudication by an Adjudication Officer under Section 27 of the Work life Balance and Miscellaneous Provisions Act, 2023	33
Complaint seeking adjudication by the Workplace Relations Commission under Section 25 of the Protection of Employees (Temporary Agency Work) Act, 2012	32
Complaint seeking adjudication by the Workplace Relations Commission under Sections 30 and 31 of the Maternity Protection Act, 1994	29
Request for an investigation by a Workplace Relations Commission Inspector under the European Communities (Protection of Employment) Regulations, 2000	28
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 15 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations, 2006 - S.I. No. 507 of 2006	27

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Part 14 Section 103(55M) of the Health Act, 2007	26
Complaint seeking adjudication by the Workplace Relations Commission under Section 86 of the Employment Equality Act, 1998	26
Complaint seeking adjudication by the Workplace Relations Commission under Section 18A of the Organisation of Working Time Act, 1997	19
Complaint seeking adjudication by the Workplace Relations Commission under Section 20(1) of the Industrial Relations (Amendment) Act, 2015	18
Complaint seeking adjudication by the Workplace Relations Commission under Section 19 of the Carer's Leave Act, 2001	17
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Employment Permits Act, 2024	14
Request for an investigation by a Workplace Relations Commission Inspector under the Terms of Employment (Information) Act, 1994	12
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 8 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009-SI No. 377 of 2009	11
Complaint seeking adjudication by the Workplace Relations Commission under Section 9 of the Industrial Relations (Miscellaneous Provisions) Act, 2004	10
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 3 of the Employees (Provision of Information & Consultation) Act, 2006	9
Complaint seeking adjudication by the Workplace Relations Commission SI No. 494 of 2004 and Clauses 6 of the EC (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009-SI No. 377 of 2009	6
Complaint seeking adjudication by the Workplace Relations Commission under Section 41 of the Workplace Relations Act, 2015	6
Complaint seeking adjudication by the Workplace Relations Commission under Section 9 of the Protection of Employees (Employers' Insolvency) Act, 1984	6
Request for an investigation by a Workplace Relations Commission Inspector under the Protection of Young Persons (Employment) Act, 1996	6
Complaint seeking adjudication by the Workplace Relations Commission under Section 18 of the Protection of Young Persons (Employment) Act, 1996	5
Complaint seeking adjudication by the Workplace Relations Commission under Section 23 of the Parent's Leave and Benefit Act, 2019	5
Complaint seeking adjudication by the Workplace Relations Commission under Part 3 Section 20 of (European Cooperative Society) (Employee Involvement) Regulations, 2007	4
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Criminal Justice Act, 2011	4
Complaint seeking adjudication by the Workplace Relations Commission under Section 4 of the Protection of Persons Reporting Child Abuse Act, 1998	4
Complaint seeking adjudication by the Workplace Relations Commission under Section 62(2) of the Charities Act, 2009	4
Complaint seeking adjudication by the Workplace Relations Commission under Section 67(5) of the Property Services (Regulation) Act, 2011	4



Legislation cited as Redress Act for Adjudication	Total
Complaint for adjudication by the Workplace Relations Commission under section 85C of the Employment Equality Act, 1998	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations, 2006	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 4(1) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations, 2020	3
Complaint seeking adjudication by the Workplace Relations Commission under Section 8(1) of the European Communities (Working Conditions of Mobile Workers Engaged in Inter-Operable Cross-Border Services in the Railway Sector) Regulations 2009 - S.I. No. 3	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule III of the Competition Act, 2002-2010	2
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 5 of the Central Bank (Supervision and Enforcement) Act, 2013	2
Complaint seeking adjudication by the Workplace Relations Commission under Section 26 of the Chemicals Act, 2008	2
Complaint seeking adjudication by the Workplace Relations Commission under Section 32 of the Adoptive Leave Act, 1995	2
Complaint seeking adjudication by the Workplace Relations Commission under Section 6(1) of the Prevention of Corruption (Amendment) Act, 2010	2
Request for an investigation by the Workplace Relations Commission under the Organisation of Working Time Act, 1997	2
Complaint seeking adjudication by the Workplace Relations Commission under Section 24 of the National Minimum Wage Act, 2000	1
Complaint seeking adjudication by the Workplace Relations Commission under Section 27 of the Paternity Leave and Benefit Act, 2016	1
Complaint seeking adjudication by the Workplace Relations Commission under Section 35 of the Further Education and Training Act, 2013	1
Other/Not Specified	151
Total	14,890



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission