

Workplace Relations Reform

Quarterly Newsletter

Issue No. 1, 2012



An Roinn Post, Fiontar agus Nuálaíochta
Department of Jobs, Enterprise and Innovation



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Minister publishes Blueprint for Reform

The Minister launched a [Blueprint Document](#) on 5th April setting out a clear path for the delivery of the remainder of the Reform Programme. This provides a further opportunity for interested parties to provide feedback and comment.

The Minister had already engaged in a consultation process in August/September, 2011 when he invited views on how the reform objectives could be achieved in a manner that best serves the users of the State's workplace relations services. A total of 67 consultation responses to last year's consultation were received from a broad range of organisations and individuals.

The Blueprint sets out in more detail the structures and processes that the Minister intends to legislate for and establish from the end of 2012. The Blueprint together with any observations received will inform the drafting of the Workplace Relations (Reform) Bill which will give effect to the reform and which is intended to be enacted in the Autumn of this year.

The legislation will provide for the orderly wind down of the LRC, NERA, the EAT and the Equality Tribunal and the transfer of all the services of the LRC, NERA and the Equality Tribunal together with the first instance functions of the EAT and the Labour Court to the Workplace Relations Commission. The appellate functions of the EAT will be amalgamated into a reconfigured Labour Court.

All first instance complaints will be made to the Workplace Relations Commission where three options for resolving complaints will be available - early resolution, inspection and adjudication. All appeals will be to the Labour Court with the only further appeal to the High Court on a point of law.

New Structures

The Workplace Relations Reform Programme will deliver a two tier structure by merging the activities of the National Employment Rights Authority, the Labour Relations Commission, the Equality Tribunal and the first instance functions of the Employment Appeals Tribunal and Labour Court into a new Body of First Instance to be known as the Workplace Relations Commission. The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court.

Reform Mission

The reform will deliver a modern, user-friendly world class workplace relations system that will provide significant benefits for its users and society as a whole and make a significant contribution to better business regulation, employee relations and public service reform.

Second Release of Single Complaint Form is launched

70% of all Workplace Relations complaints are now submitted using the Single Complaint Form

Workplace Relations Complaint Form

Workplace Relations Customer Services, Department of Jobs, Enterprise and Innovation, O'Brien Road, Carlow

Please use the tab key when navigating through this form. A red asterisk (*) signifies a mandatory field.

Complainant's Details

Title: * [] Firstname: * [] Surname: * []

If Complainant is a Company or Representative Body - Insert Name: []

Complainant's Address : * []

Address 2: []

Address 3: []

Address 4: []

Contact Number: [] E-mail: []

Fax Number: [] Position Held: * []

Nationality: * []

PPS Number or Employer Registered Number : * []

Employment Details

Date of Commencement: [] Date of Notice received (if applicable): [] Date Employment ended (if applicable): []

DD/MM/YYYY DD/MM/YYYY DD/MM/YYYY

My Work Address: []

Address 2: []

Address 3: []

Address 4: []

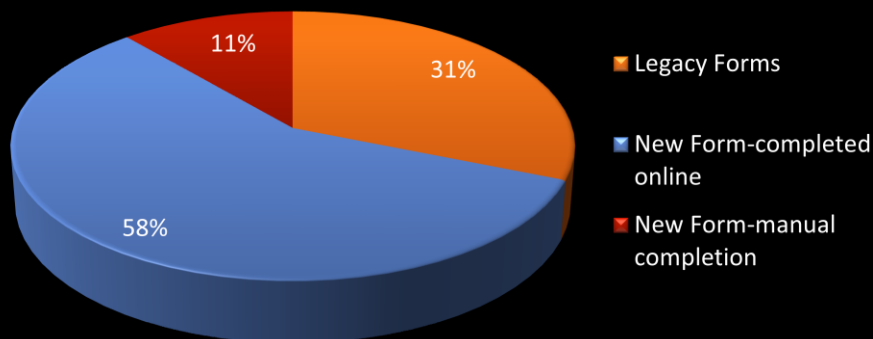
Single Complaint Form a key to reform

A **Single Complaint Form** dealing with over 100 first instance complaints and replacing over 30 forms previously in use was launched on 1st January, 2012. Some 70% of all complainants in the year to end March, 2012 used the new form. A second release of the Form, reflecting feedback received from users and stakeholders, was released on www.workplacerelements.ie on 29th March, 2012.

Legacy forms (i.e. the 30 or so complaint forms in use prior to January, 2012) comprised some 54% of all forms used in January, 2012. This had fallen to 27% and 16% in February and March respectively.

Work has commenced on the development of a version of the Single Complaint Form which can be submitted online (the current version is downloaded online, completed on PC, printed down and submitted by post). The online form will be available later this year. The design of a Complaints Register which will capture complaints details submitted online is also well underway.

Complaints by Form Type Jan-March 2012



Feedback on the Form may be submitted by email to the Workplace Relations Reform Office: Email WRProjectOffice@djei.ie

Single Contact Portal

Workplace Relations Customer Services (WRCS) dealt with some 3,600 workplace relations complaints in its first quarter of operations.

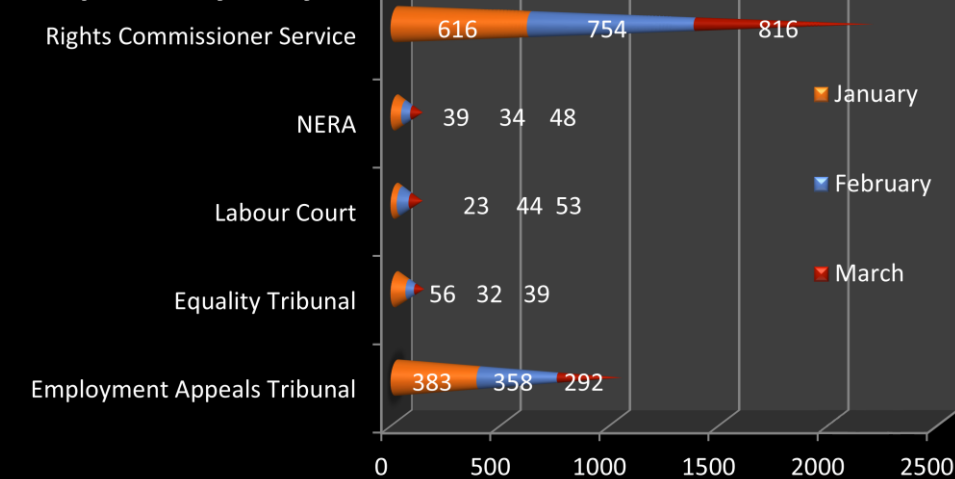


Efficiency and value for money

The Single Contact Portal (working title "Workplace Relations Customer Services", or WRCS) commenced operations on 1st January, 2012. The WRCS provides a single point of entry into the workplace relations system for information and complaints.

Complaints are now acknowledged and the employer is also notified within five working days on average of the complaint being lodged. Prior to the introduction of the WRCS this process was taking up to eight months in some cases. This prompt notification increases the likelihood of employers and employees resolving issues sooner. The introduction of this service has also assisted in reducing the backlog for Rights Commissioner hearings and as a result there is now no backlog for Rights Commissioner hearings.

Complaints by Body Jan-Mar 2012



Referrals to Bodies

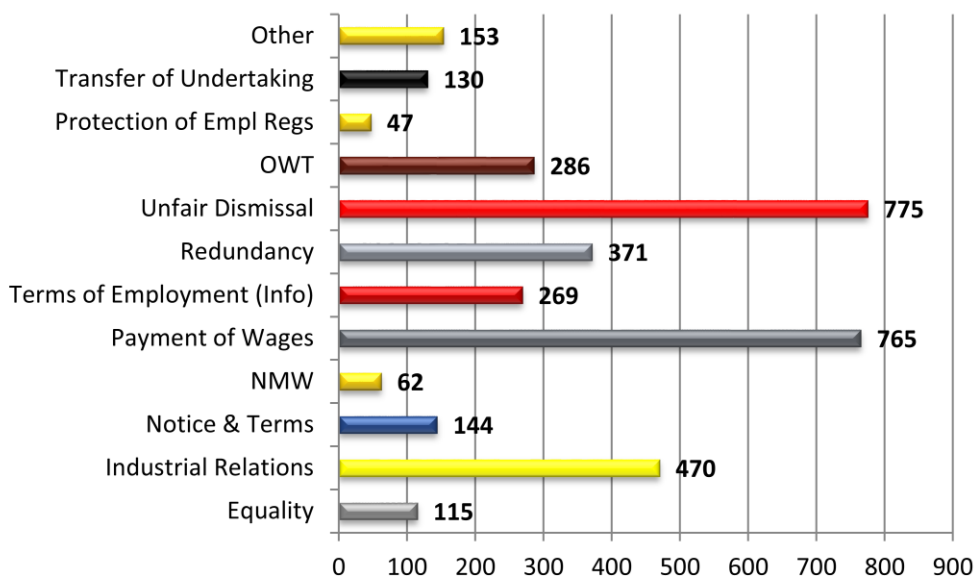
The WRCS receives and registers first instance complaints and refers these to the relevant adjudication body. 3,587 complaints were received by the WRCS in the first quarter of 2012.

61% (2,186) of all complaints were referred to the Rights Commissioner Service (RCS) and 29% (1,033) of all complaints were referred to the Employment Appeals Tribunal (EAT). 127 complaints were handled by the WRCS on behalf of the Equality Tribunal.

Over 1,000 complaints were received each month during the first quarter, 1,117 (January), 1,222 (February) and 1,248 (March).

Unfair Dismissal and Wages dominate complaints

Breakdown by Legislation of Complaints to WRCS-year to 31/3/2012



Complaints Profile

Unfair dismissal and wages each comprised some 21% of complaints submitted to the WRCS in the first quarter of 2012.

13% (470) of complaints related to IR (individual) issues while redundancy and working hours complaints remained prominent at 10% (371) and 8% (286) respectively.

65% of all unfair dismissal complaints were made to the Rights Commissioner Service and 35% to the EAT).

Workplace Relations Website (<http://www.workplacelrelations.ie>)

Interim Website

The current Workplace Relations website was launched on 4th January 2012 with the aim of providing an interim web presence while the overall process of reforming the workplace relations machinery of the State is progressing.

The aim of the website is to provide a single source of information regarding rights and obligations under employment, industrial relations and employment equality legislation. It also sets out the resolution and redress options available where disputes or potential contraventions arise.

Further Development

The interim website will continue to develop to fully reflect the on-going reform of workplace relations structures and processes pending its replacement with a newly-designed site.

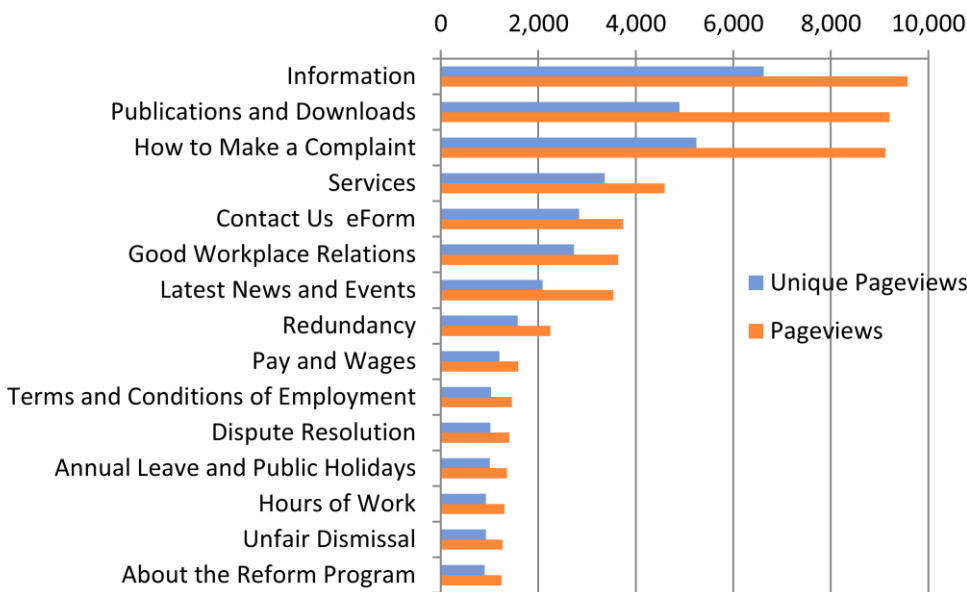
Work has already commenced on the design and development of the new website and an **Invitation to Tender** in this regard will be published in Quarter 2 of this year. The new website, which will serve both the Workplace Relations Commission and the Labour Court, will, while also replacing the existing websites of the five Workplace Relations Bodies, reflect the reform vision and over time host fully interactive services.

Statistics

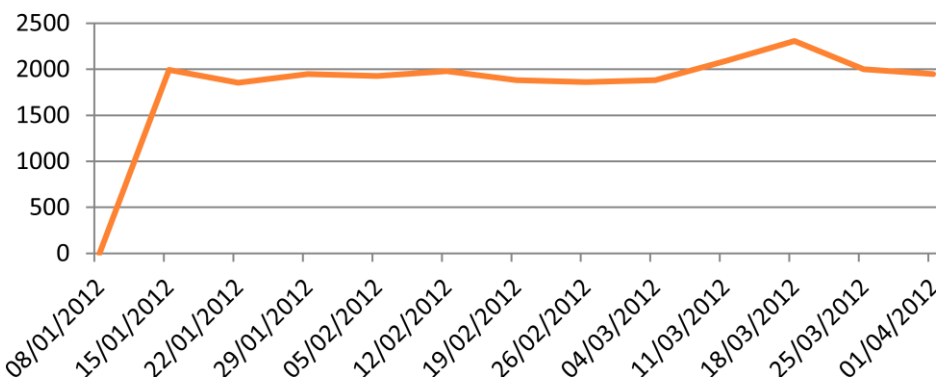
In the first 3 months since its launch the website has attracted over 23,500 visitors, of whom over 15,200 (or 64.7%) were new users. This represents an average weekly total of over 1,800 visits.

The total number of page views in the same period came to just under 99,000. The average user therefore accessed 4.2 pages per visit. Apart from the Home page, the most popular pages visited were the general Information page and the Publications & Downloads Section of the site.

Top 15 Pages Viewed (excl. Home Page)



Total Visits per Week





Early Resolution Service

The objective of the Early Resolution Service (ERS) is to seek resolution of workplace relations complaints as an alternative to either a formal hearing by the EAT, Rights Commissioner Service, Labour Court or Equality Tribunal or a NERA inspection. Responses to the consultation process initiated by the Minister in 2011 indicated a strong consensus that early intervention in order to resolve disputes is desirable.

The potential benefits arising from the creation of the Early Resolution Service include:

- Early and timely intervention,
- Minimisation of the need to proceed to formal hearings and inspections,
- Enhanced capture of invalid and inadmissible complaints,
- The provision of an alternative method of dispute resolution,
- Leveraging at an early stage the expertise, skills and knowledge which currently reside within the Workplace Relations Service in order to efficiently and effectively resolve disputes,
- Contributing towards the simplification of access to and navigation of the employment dispute resolution processes,
- Generating efficiencies and savings in terms of staff input and associated administrative costs.
- Reducing costs for employers and employees

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Pilot Service

A pilot Workplace Relations Early Resolution Service will commence operations on 14th May, 2012. Case Resolution Officers, selected from within the Department of Jobs, Enterprise and Innovation, underwent initial training in February and March. The Service commenced a pre-pilot development phase in March.

How the Service will work

All first instance complaints/referrals to the Rights Commissioner Service, the EAT, the Labour Court or NERA, are received and registered by the Workplace Relations Customer Services of the Department of Jobs, Enterprise and Innovation. The ERS will offer an early intervention in a selection of these cases. Complaints selected for ERS will be assigned to a Case Resolution Officer. Participation in the process will be voluntary.

A Case Resolution Officer will contact the parties or their representatives within a day or two leading, hopefully, to a solution that both sides find acceptable instead of going to a formal adjudicative hearing or inspection. Case Resolution Officers will not impose solutions, but will explore the issues involved and try to help settle differences in a way that is acceptable to the parties concerned.

The Case Resolution Officer will:

- Explain the early resolution process leading, hopefully, to agreement by both sides to become involved.
- Help establish the facts at issue and discuss the options that are open.
- Help each party to understand how the other side views the case and explore with them how it might be resolved without a formal hearing/inspection.
- Discuss any proposals that either side has for a settlement.

Deliberations during the process will remain confidential to the parties and the Case Resolution Officer.