



An Coimisiún um Chaidreamh san Áit Oibre  
**Workplace Relations Commission**

## **Freedom of Information Publication Scheme**

Freedom of Information Unit  
Workplace Relations Commission  
April 2016

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## Introduction

This Publication Scheme - a guide to the functions, records, rules and practices of the Workplace Relations Commission (WRC) - is compiled in accordance with Section 8(2) of the Freedom of Information (FOI) Act 2014. The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals. It also includes certain exemptions affecting the information held by some bodies, including the WRC. The relevant provision is set out in Schedule 1 Part 1, and provides that section 6 (which specifies the bodies coming under the Act) does not include certain records held or created regarding the provision of Conciliation or Mediation services, provision of the Rights Commissioner Services, Advisory services and meetings of Joint Industrial Councils.

The WRC undertakes to treat as confidential any information provided to it in confidence by individuals or others, subject to the WRC's obligations under law, including the FOI Act. The WRC will consult with you before making a decision on any FOI request received involving sensitive information that you may have supplied concerning the general administration of the Office.

However, other records can be released under the Act on request. This information may be disclosed in response to a request under the terms of the FOI Act 2014 where the public interest value of releasing such information is deemed to outweigh the right to privacy. To maximise transparency and minimise the effort for citizens in accessing the available information, the WRC has a policy of publishing as much information as possible on its website at [www.workplacerelations.ie](http://www.workplacerelations.ie). The following pages set out the information the WRC can, in law, make available, and how to access that information.

An e-version of the Scheme is available on the WRC's website [www.workplacerelations.ie](http://www.workplacerelations.ie) from April 2016 and a printed version will be available for viewing during normal office hours at the WRC offices throughout the country.

### **Dublin**

Workplace Relations Commission,  
Tom Johnson House,  
Haddington Road,  
Dublin 4  
D04 AE64

### **Carlow**

Workplace Relations Commission  
O'Brien Road  
Carlow  
R93 W7W2

### **Cork**

Workplace Relations Commission  
Central Park House  
Central Park Road  
Cork  
T12 WK72

### **Shannon**

Workplace Relations Commission  
Suite 2A, Level 200  
Building 4000  
Atlantic Avenue  
Westpark Business Campus  
Shannon  
Co Clare

### **Sligo**

Workplace Relations Commission,  
Marino House  
Finisklin Business Park  
Sligo  
F91 W1 WX

## **A. Information about the Workplace Relations Commission**

### **Who we are and what we do**

Organisational information, structures, locations and contacts

### **Establishment of the Workplace Relations Commission**

The Workplace Relations Commission (WRC), was established under the Workplace Relations Act 2015 on 1<sup>st</sup> October 2015 and brought together the functions of the Labour Relations Commission (LRC), the National Employment Rights Authority (NERA), the Equality Tribunal, and the first instance functions of the Employment Appeals Tribunal (EAT). The legislation also assigns to the WRC responsibility for the promotion and improvement of industrial and employment relations generally.

### **Roles, responsibilities and functions**

The main functions of the WRC are to:

- Provide an impartial, timely and effective suite of Conciliation, Mediation and Facilitation Services in order to assist Employers and Workers (and/or their representatives) in their efforts to resolve disputes by agreement,
- Promote the improvement of workplace relations, and the maintenance of good workplace relations,
- Provide an Adjudication Service which holds hearings where both parties are given an opportunity to be heard by an Adjudication Officer and to present any evidence relevant to a complaint. The Adjudication Officer will then decide the matter and give a written decision in relation to the complaint. The decision, which will be communicated to both parties and published<sup>1</sup>, will
  - (a) Declare whether the complainant's complaint was or was not well founded,
  - (b) Require the employer to comply with the relevant provision(s),
  - (c) Require the employer to make such redress as is just and equitable in the circumstances,
- Promote and encourage compliance with relevant employment legislation,
- Provide guidance in relation to compliance with Codes of Practice,
- Conduct reviews of, and monitor developments, in workplace relations generally,
- Conduct or commission relevant research and provide advice, information and the findings of research to Joint Labour Committees and Joint Industrial Councils,
- Advise the Minister for Jobs, Enterprise and Innovation in relation to the

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<sup>1</sup> Other than information that would identify parties to the Decision.

application of, and compliance with, relevant legislation, and to

- Provide information to the public in relation to employment legislation (other than the Employment Equality Act)<sup>2</sup>.

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

The various Units within the WRC support these aims and details of the various functions are available on the WRC website.

The records falling under the Act include records relating to:

- Administration files
- Personal information on personal case files
- Procurements and contracts
- Accommodation
- ICT
- HRM (including training and development of staff)
- FOI Applications
- Data Protection issues
- Liaison with the Department of Jobs, Enterprise and Innovation.

### **Governance/Management arrangements**

The governance of the WRC is pursued in accordance with its establishing legislation and the relevant guidance issued by Department of Finance and Department of Public Expenditure and Reform, including:

- The Corporate Governance Standard for the Civil Service
- Public Financial Procedures, Department of Public Expenditure and Reform
- The Role and Responsibilities of Accounting Officers, a Memorandum for Accounting Officers, Department of Public Expenditure and Reform, 2011 and any other relevant circulars or instruction issued by the Department of Finance or the Department of Public Expenditure and Reform from time to time.

As with all public bodies, the WRC is bound by legislation, regulations and EU Directives. The budget of the WRC is granted via the Department of Jobs, Enterprise and Innovation who oversee the procedures of the WRC in dealing with expenditure. Liaison with the

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

Department and regular audits, either by the Department's Internal Audit Unit or by the Comptroller and Auditor General ensure that governance arrangements are observed.

### **Annual Report**

The Annual Report of the WRC must be presented to the Minister for Jobs, Enterprise and Innovation each year and laid before the Oireachtas. It is published on the WRC website.

The Report sets out the achievements of the WRC, the challenges it may have faced in a given year, the inputs and outputs of its work, the staffing levels and arrangements within the Office, and also sets out certain obligatory reports such as compliance with the Prompt Payment of Accounts Act, the workings of the FOI Act and Data Protection Act.

### **Organisation and Pay/Grading Structures**

The WRC comprises a multi-disciplinary team. The WRC is organised into five operational divisions. While each has distinct functional responsibilities, there is a substantial degree of co-operation and interaction between the divisions. These are:

- Corporate & Advisory
- Conciliation, Facilitation & Mediation
- Registrar/Legal Services
- Adjudication Services
- Compliance & Enforcement Services

The Commission is staffed by 180 permanent employees who are civil servants and part of the staffing establishment of the Department of Jobs, Enterprise and Innovation. They are supplemented by a further 29 Adjudication Officers who are contracted to assist the Adjudication Service on a case-by-case basis. The appointments of the latter are for a five year period.

## High Level Organogram

Director  
General

Chief  
Operations  
Officer

Corporate & Advisory Services	Conciliation, Facilitation & Mediation Services	Registrar/Legal Services	Adjudication Services	Compliance & Enforcement Services
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Pay scales for public servants are available publicly in Circular 8/2013 available at the Department of Public Expenditure and Reform website ([www.per.gov.ie](http://www.per.gov.ie)). The full-time equivalent numbers of staff falling into each pay-scale are available in the Annual Report of the WRC.

### Location and contact details

The WRC can be contacted at:

<b>Information and Customer Service</b> Workplace Relations Commission O'Brien Road Carlow R93 W7W2  <b>Tel:</b> 059 9178990 <b>Lo-call:</b> 1890 80 80 90 * <b>(09.30 - 17.00, Monday to Friday)</b> <b>Fax:</b> 059 9178909  <a href="mailto:foi.wrc@workplacerelations.ie">foi.wrc@workplacerelations.ie</a>	Workplace Relations Commission Tom Johnson House Haddington Road Dublin 4 D04 AE64  <b>Tel:</b> 01 6136700 <b>Lo-call:</b> 1890 220 227 <b>Fax:</b> 01 6136701
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### **Details Memoranda of Understanding**

Each year a Memorandum of Understanding, setting out the standards and services expected of WRC and the Department of Jobs, Enterprise and innovation, is agreed between the Director General and the Department.

### **Customer Charter**

The WRC has developed a Customer Charter, together with procedures for receiving feedback and complaints relating to Customer Service. The relevant documents and information are available at the WRC website.

## **B. Services Provided**

### **The services we offer**

Details of functions and services that the WRC provides

The overall objective of the WRC is to deliver a world-class workplace relations service and employment rights framework that serves the needs of employers and employees and provides maximum value for money. The following services are provided by the WRC.

### **Advisory Service**

The Advisory Service provides advice and assistance to employers, employees and trade unions in situations where there is no trade dispute. It helps employers and employees to develop positive working relationships and mechanisms to solve problems. One of its services is preventive mediation, advising on grievance procedures and structural change. It has also published codes of practice including Grievance and Disciplinary Procedures and Procedures for addressing Bullying in the Workplace. Twelve such Codes have been promulgated to date, under the aegis of the then Labour Relations Commission.

The Advisory Service promotes good practice in the workplace by assisting and advising organisations in all aspects of industrial relations in the workplace. It engages with employers, employees and their representatives to help them develop effective industrial relations practices, procedures and structures.

The Service also facilitates joint management/staff forums to work through issues of mutual concern; for example workplace change or difficult industrial relations issues. The Service provides good practice training workshops on a variety of aspects of the employment relationship including the operation of workplace procedures and, through a facilitative process, can assist organisations to implement them. In addition, the Advisory Service commissions and publishes research on current industrial relations themes.

It also facilitates a procedure to help management and employee representatives to resolve disputes in situations where negotiating arrangements are not in place and where collective bargaining fails to take place.

### **Training**

The WRC offers training on a variety of aspects of the employment relationship, including workplace procedures, communications, the negotiation process, dignity in the workplace and support in the management of workplace change. Such training is tailored

to the needs of individual workplaces.

Programmes are delivered either, on a stand-alone basis, or as a module in an organisation's own training programme.

Individual programmes are:

- Developed to suit the particular needs of every organisation and to accommodate the grievance/disciplinary/dispute arrangements in place.
- Designed to meet the needs of front-line managers whose role demands excellent people management skills and a good understanding of workplace conflict prevention and dispute resolution mechanisms.
- Designed to meet the needs of employees and employee representatives whose role demands a good understanding of workplace conflict prevention and dispute resolution mechanisms.

### **Conciliation Service**

The Conciliation Service provides a timely delivery of a flexible, responsive service designed to meet the needs of employers and their employees to resolve disputes when they have failed to reach agreement during their own previous negotiations. The substantial majority of cases referred to conciliation are settled. If no agreement is reached then, if the parties wish, the dispute may be referred to the Labour Court.

Conciliation is a voluntary process in which the parties to a dispute agree to avail of a neutral and impartial third party to assist them in resolving their industrial relations differences. The Workplace Relations Commission provides a conciliation service by making available Industrial Relations Officers of the Commission to chair 'conciliation conferences'. These officers are sometimes referred to as 'IROs' or as 'Conciliation Officers'. Conciliation conferences are basically an extension of the process of direct negotiations, with an independent chairperson present to provide advice, steer the discussions and explore possible avenues of settlement in a non-prejudicial fashion. Issues are often complex and require a strong commitment by officers and all parties over a protracted period of time. Participation in the conciliation process is voluntary, and so too are the outcomes. Solutions are reached only by consensus, whether by negotiation and agreements facilitated between the parties themselves, or by the parties agreeing to settlement terms proposed by the Conciliation Officer.

The Industrial Relations Officer treats as confidential all information received during the course of conciliation.

The conciliation process is informal and non-legalistic in its practice. The parties are free to represent themselves or be represented by trade unions or by employer

organisations. The Commission is of the view that the process does not require legal representation of either party at conciliation meetings.

The Service in recent years, due to the three Public Service Agreements now has a significant involvement in public service/civil service disputes. A high proportion being on an *ad hoc* basis.

### **Chairing of Negotiating Fora**

As well as chairing meetings of the National and the individual Sectoral Oversight Groups established under the National Public Service Agreements since 2010, the Conciliation Service also provides Chairpersons to a range of Negotiating fora i.e. National Mechanical Contracting Forum, the Electrical Contractors Forum, the Health Service National Joint Council, the Teachers Conciliation Council, the Local Authority National Council, Construction Industry Forum as well as others. Officers also Chair all Joint Labour Committees (JLCs).

### **Education and Training Boards (ETB) and Association of Community and Comprehensive Schools Appeals Procedures**

Officers of the Conciliation Service also act as Independent Appeal Officers under the provisions of the Codes of Practice for Dealing with Complaints of Bullying, Harassment, Sexual Harassment and Grievance and Disciplinary procedures within designated education divisions.

### **Early Resolution Service/Mediation Early Resolution Service**

The Early Resolution Service (ERS) is one of the complement of mediation services operated by the Commission. This is primarily a telephoned based service whereby in certain instances, complainants may be offered the assistance of the Early Resolution Service where all parties have indicated consent to participate in this mediation process.

Case Resolution Officers of the Service offer quick, neutral and impartial third-party assistance to help resolve disputes through mediation without the need for a formal hearing or inspection. If a complainant or respondent does not wish to use the service, or if the dispute is not resolved by the service, the complaint is sent without any delay to the Adjudication Service.

### **Mediation**

The objective of the Mediation Service is to provide an alternative dispute resolution process to that of a formal adjudication hearing in respect of claims involving breaches of employment and equality rights.

Where parties indicate their acceptance to participate in this process, a mutually

convenient meeting will be arranged. This is a voluntary system and parties can withdraw their consent to continue their involvement in the mediation process and proceed to Adjudication at any stage. The service is an informal operation in which the Mediator remains neutral and impartial with no power to impose a resolution. The service aims to help parties try to reach a mutually acceptable settlement.

Any settlement reached at mediation is legally binding and may be enforced on application to the District Court.

### **Workplace Mediation Service**

The Workplace Mediation Service provides a tailored response to particular types of issues and disputes emerging in workplaces. It is particularly suitable to address workplace disputes involving individual or small groups who are experiencing interpersonal differences, conflicts and difficulties working together. This service is delivered by a team of mediators drawn from the Conciliation and Advisory Services and is managed by the Conciliation Service.

This confidential service gives employees and employers in dispute an opportunity to work with a mediator to find a mutually agreed solution to the problem. Workplace mediation is a voluntary process which requires the agreement of both sides to participate in the service and to work towards a solution to the problem.

The aim of the process is to allow each person involved in the dispute the opportunity to be heard and to work with the other party to reach a solution. It is a flexible process which may involve joint meetings or meetings with the mediator alone, depending on the particular situation.

Typically, the types of situations that are dealt with by the Mediation Service include:

- a working relationship that has broken down, or
- issues having arisen from a grievance and disciplinary procedure.

If no agreed solution is reached the mediator assists the participants decide how best to proceed.

### **Adjudication Service**

The Adjudication Service investigates disputes, grievances and claims that individuals or small groups of workers make under the employment legislation listed in *Schedule 5* and under a number of other Acts, i.e. Employment Equality, Pensions and Equal Status legislation, the Unfair Dismissals Act, the Redundancy Payments Act, and the Protection of Employees (Employers' Insolvency) Act 1984.

The Workplace Relations Act 2015 provides that a complaint or dispute must be referred within 6 months of the alleged contravention of the legislation (different time limits apply for complaints under the Redundancy Payments Acts and the Equal Status Acts). The Adjudication Officer may extend the time limit by up to 6 months if there was a reasonable cause for delay. There are specific provisions for calculating limitation period for certain legislation.

While the adjudication officer generally conducts an inquiry, the Director General may decide to deal with the complaint by written submissions only, unless either party objects within 42 days of being so informed.

At the inquiry both parties have an opportunity to be heard and present any relevant evidence. The hearings are held in private. The adjudication officer makes a decision in accordance with the relevant law and the decision is given to the parties in writing. Such decisions are published on the internet in a manner that does not identify the parties.

A decision of an Adjudication Officer may be appealed to the Labour Court within 42 days. This time limit can be extended if the Labour Court is satisfied that there were exceptional circumstances causing the delay.

## **Inspection and Enforcement Services**

### **Inspection**

The Inspection Services and Enforcement Services monitor employment conditions to ensure compliance with and, where necessary, the enforcement of employment rights legislation. This includes redress for the employees concerned and payment of any unpaid wages arising from breaches of employment rights. The Inspection Services have the power to carry out employment rights compliance inspections in relation to the following legislation:

- Organisation of Working Time Act 1997
- Payment of Wages Act 1991
- Protection of Young Persons (Employment) Act 1996
- National Minimum Wage Act 2000
- Parental Leave Acts 1998 and 2006
- Redundancy Payments Acts 1967–2012
- Employment Agency Act 1971
- Protection of Employment Act 1977–2007
- Protection of Employees (Employers' Insolvency) Acts 1984–2003
- Carer's Leave Act 2001
- Employees (Provision of Information and Consultation) Act 2006
- Employment Permits Acts 2003–2014

Inspectors visit places of employment and carry out investigations on behalf of the Commission in order to ensure compliance with employment-related legislation. In certain circumstances, the Labour Court may request that an inspector carry out investigations on its behalf. Such investigations involve, but are not confined to, examining books, records and documents related to the employment, and conducting interviews with current and former employees and employers.

Inspectors may enter premises at reasonable times, interview employers and employees, take statements, examine and take copies of records and initiate legal proceedings. If necessary, inspectors may be accompanied by other inspectors or the Gardaí. They may apply to the District Court for search warrants.

Inspectors are also empowered to work in Joint Investigation Units with the Department of Social Protection and the Revenue Commissioners, and to exchange information with these bodies.

Where breaches of legislation have been found, an Inspector may, depending on the section of legislation involved, issue either a Compliance Notice or a Fixed Payment Notice to an employer, or, if the matters are offences under legislation, to recommend prosecution of the employer by the WRC.

#### *Compliance Notice*

A Compliance Notice:

- states the grounds on which the inspector is satisfied that a contravention of legislation has taken place
- requires the employer to do or refrain from doing such act(s) as are specified in the notice, and by such date as is specified
- contains information regarding the bringing of an appeal against the notice, including the manner in which an appeal may be brought.

Where an inspector is satisfied that the employer has complied with the compliance notice, he/she will serve a notice to the employer to that effect.

#### *Fixed Payment Notice*

Where a Workplace Relations Inspector has reasonable grounds for believing that a person has committed an offence under certain specified legislation (see below), he/she may give to that person a Fixed Payment Notice stating that -

- the person is alleged to have committed that offence,
- the person may, within 42 days from the date of the notice, make payment of the prescribed amount, which should be accompanied by the notice, to the

#### Commission

- the person is not obliged to make the specified payment, and
- no prosecution in respect of the alleged offence(s) will be initiated if the payment is made during the 42 day period.

A Fixed Payment Notice may be issued for offences under the following pieces of legislation which may attract a fixed payment notice:

- Section 11 of the Protection of Employment Act 1977 (€2,000),
- Section 4(4) of the Payment of Wages Act 1991 (€1,500),
- Section 23 of the National Minimum Wage Act 2000 (€1,500).

A person who receives a Fixed Payment Notice may, within 42 days of the date of the Notice, make a payment to the Commission of the amount specified in the Notice. If the payment is made within that period, no prosecution will be instituted against such a person. However, failure to make payment against a Fixed Payment Notice will cause a prosecution to be instituted by the WRC in the Courts.

#### Prosecution

The WRC is empowered under certain employment legislation to bring summary prosecutions against employers who are alleged to be in breach of that legislation. The Workplace Relations Act provides that, where a person is convicted of an offence under it, the court must order that person to pay the WRC the costs and expenses incurred by it in relation to the investigation, detection and prosecution of the offence, unless the court is satisfied that there are special and substantial reasons for not doing this.

These offences are under:

- Sections 22 and 35 of the National Minimum Wage Act, 2000,
- Section 2 of the Payment of Wages Act, 1991,
- Sections 27, 41, 72, and 73 of Workplace Relations Act, 2015,
- Section 25 of the Organisation of Working Time Act, 1997,
- Sections 3, 4, 6, 6, 10, 12 & 15 of Protection of Young Persons Act, 1996, and
- Sections 2, 18, 22, 23, 25 & 27 of the Employment Permits Acts 2003–2014.

However, this requirement to pay costs and expenses does not apply to the offence of refusing or failing to pay compensation when ordered to do so by the District Court, when that court is enforcing a decision of an adjudication officer or the Labour Court.

#### **Information, Customer Service and Central Processing**

The Unit provides information on rights and entitlements under employment legislation and processes and registers complaints and applications to the WRC.



This is done through:

- the provision of information relating to employment rights, equality and industrial relations matters by means of a telephone service manned by experienced Information Officers,
- the design and production of informational booklets, leaflets and other literature relating to employment rights, industrial relations and equality,
- the processing of complaints and applications to the WRC,
- the provision of information to relevant parties regarding the status of complaint and dispute referrals, and
- the management of the Workplace Relations website.

### **Registrar/Legal Advisor**

The Registrar/Legal Advisor to the WRC sources and provides high quality and timely legal services and advice to the Director General, Adjudicators and staff and ensures that legally robust procedures and systems are in place throughout all activities of the Commission. In this regard, it may be necessary, on occasion, to source specialist legal advices on specific issues.

Additionally, the Registrar/Legal Advisor;

- manages all aspects of legal matters that arise from time to time in the context of the operation of the WRC,
- ensures that the legal training needs of all members of staff are fully met,
- ensures that the Director General and staff are kept informed of relevant legal and legislative developments which impact on the work of the WRC,
- monitors Labour Courts Appeals and informs Adjudicators and staff of the outcomes where appropriate, and
- provides a specialised database and library facility for Adjudicators and staff.

### **Corporate Division**

The WRC Corporate Division maintains a sound and effective corporate culture and governance framework across the WRC; in this regard, the Division is responsible for the corporate services functions of the WRC, including overall corporate governance, budgets, business planning, risk and information management, human resource strategy and policy, ICT, supporting the work of the Divisions, servicing the Director General and the Board, financial management and facilities management in a number of locations and the provision of a shared service arrangement to the WRC and the Labour Court. In addition, the Corporate Division has the primary liaison function in terms of Departmental operational and policy communications.

The Guide to the Workplace Relations Commission is available on the WRC website at [https://www.workplacerelations.ie/en/Publications\\_Forms/WRC-Quick-Guide-Booklet-Eng-.pdf](https://www.workplacerelations.ie/en/Publications_Forms/WRC-Quick-Guide-Booklet-Eng-.pdf)

## **C. Decision Making process for major policy proposals**

### **How we make decisions on policies**

Decision Making processes and records of decisions

WRC, where appropriate, will publish consultation documents on its website. Stakeholders will be invited to make submissions and guidance published. All such consultations documents and guidance will be made available on the WRC website.

## **D. Financial Information**

### **What we spend**

Financial information relating to income and expenditure

The WRC receives funding to carry out its functions from the Department of Jobs, Enterprise and Innovation. This funding which covers all the costs in running the WRC is identified as a separate subhead in the Department's Vote.

### **Financial statements**

Details of each year's expenditure will be published in the WRC Annual Report, with a breakdown under the various headings. WRC does not have a Capital Expenditure allocation. Annual Reports will be available on the WRC website by June following year end.

### **Payments or Purchase Orders for goods and services**

In addition to publishing the financial statement each year in the Annual Report, the WRC is also required to publish all payments over the amount of €20,000. These payments will be published on the WRC website. The website will be updated quarterly with these details from January 2017.

There are numerous smaller payments made each year by the WRC in the course of its administration. The following section on Procurement provides further details on expenditure by the WRC.

## **E. Procurement**

### **How we spend**

Information relating to how we procure goods and services

WRC incurs expenditure in several different ways. Where central contracts are in place (e.g. procurement by the Office of Government Procurement, the Office of Public Works (OPW), or the Department of Jobs, Enterprise and Innovation), these contracts are taken up by the WRC. Outside of those central contracts, the WRC also procures goods and services on its own behalf.

### **Procurement policies**

The WRC has a policy of obtaining the best value for money in all of its procurements. Any large contracts will be entered into following public procurement procedures, and such Requests for Tender will be published on the e-Tenders website ([www.etenders.gov.ie](http://www.etenders.gov.ie)). The contracts awarded following such exercises will be notified on the e-Tenders website too.

Smaller expenditure on goods or services is undertaken in accordance with the guidelines for Public Expenditure, by way of obtaining quotations for the goods or services in question. In all cases where the WRC procures goods or services, the most economically advantageous option is chosen. This means that, while cost is an important factor, in some cases other criteria may be more heavily weighted according to the requirements of the WRC. In this way, real value for money is assured.

### **Tender competitions on the eTenders website**

Details of any tender competitions and contracts awarded will be published on the e-Tenders website and also on the WRC Website.

### **Public contracts awarded including contract type, contractor, value, award date, duration and brief description (tabular format) over €10k for ICT and over €25k for other contracts**

Where publication of contract details will not compromise the WRC's work, the details of public contracts entered into by the WRC will be published on the WRC Website quarterly.

## **F. FOI Disclosure Log and Other Information to be Published Routinely**

### **Other information**

#### **FOI Disclosure Log**

Details of disclosures under FOI (other than personal details) will be published on the WRC website under Customer Services/Freedom of Information. The information will be listed under the title “FOI Disclosure Log”. Where records are not released, the request will be noted but no records will be published.

#### **Reports**

The Annual Report of the WRC will be published on the WRC website, under Publications and Statutory/Annual Reports and Reviews. The first WRC Annual Report is due for publication in June 2016. Further information may also be found under the Publications heading. The Annual Report of the WRC will contain information on the work of the WRC, including the outcomes of our casework and the Court decisions relating to the WRC’s work. It will also include the details of the staffing levels of the WRC and the financial outturn each year. Certain information that the WRC is published also in the Annual Report, such as our performance under the Prompt Payments Act, Freedom of Information Act, Data Protection Act, and Official Languages Act.

In respect of 2016, from January 2017 the WRC will also publish, on a quarterly basis, all payments made that exceed €20,000. This information will be found on the WRC website under About the WRC/Finance and Procurement.

#### **Frequently requested information**

The information most frequently requested of WRC relates to case records, which do not fall under the Act. Requesters should satisfy themselves as to the validity of their request before making a formal request under the Freedom of Information Act 2014.

## **G. How to make a Freedom of Information Request**

Before making a request, remember that only certain records fall under the Act. The Freedom of Information Act 2014 includes certain exemptions affecting the information held by some bodies, including the WRC. The relevant provision is set out in Schedule 1 Part 1, and provides that section 6 (which specifies the bodies coming under the Act) does not include certain records held or created regarding the provision of Conciliation or Mediation services, provision of Rights Commissioners Services, Advisory services and meetings of Joint Industrial Councils. That is records in connection with:

- k) the Equality Tribunal, insofar as it relates to records concerning the provision of mediation services under the Employment Equality Acts 1998 to 2011, the Equal Status Acts 2000 to 2012 or the Pensions Acts 1990 to 2012, where parties to the process are participating in a voluntary capacity to try to settle such disputes;
- (s) the Labour Relations Commission, insofar as it relates to records concerning—
  - (i) the provision of conciliation or mediation services by the Commission relating to trade dispute resolution, where parties to the process are participating in a voluntary capacity to try to settle such disputes,
  - (ii) the provision of the Rights Commissioner Service relating to disputes under the Industrial Relations Acts 1946 to 2012 where parties to the process are participating in a voluntary capacity to try to settle such disputes; and any decisions and recommendations made relating to such disputes,
  - (iii) the provision of advisory services where it is not of a general or generic nature but is particular to specific parties, or
  - (iv) meetings of Joint Industrial Councils relating to dispute resolution;

To make a request for information under the Freedom of Information Act, your request must be made in writing to:

**Workplace Relations Commission  
Tom Johnson House  
Haddington Road  
Dublin 4  
D04 AE64**

or by email to [foi.wrc@workplacelrelations.ie](mailto:foi.wrc@workplacelrelations.ie) and must:

- (a) state that the request is made under the Freedom of Information Act,
- (b) contain sufficient particulars in relation to the information concerned to enable the record to be identified by the taking of reasonable steps, and
- (c) if access is required in a particular form or manner, specify the format or manner of access required.

While not necessary, providing a phone number where you may be contacted during office hours will facilitate any clarifications required in fulfilling your request. All reasonable assistance will be afforded to you in assisting you with your request. Within two weeks your request will be acknowledged - if the records requested are not held by WRC you will be informed as to the relevant body or bodies and your request will be transferred to that body or bodies.

Within four weeks a decision on your request will be made and you will be informed of the decision. If an extension of this time is required you will be informed. If a decision has not been made, and if no extension of time has been notified to you, then the request is deemed to have been refused and you may seek a review of such refusal.

No charge is made for making your request, but you may be charged for the search for and retrieval and copying of the record concerned, where such search and retrieval, and the making of a schedule of such records, is time-consuming. No fee applies where the record concerned contains personal data about you.

- There is a minimum threshold of €101 below which no search, retrieval and copying fees can be charged. Once the charge reaches €101, full fees apply;
- There is a cap of €500 on the amount of search, retrieval and copying fees that can be charged;
- There is a further upper limit on estimated search, retrieval and copying fees at €700, above which an FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the search, retrieval and copying fees below the limit;
- The fee for internal review is €30 (€10 for medical card holders and their dependants); and
- The fee for appeals to the Information Commissioner is €50 (€15 for medical card holders and their dependants).