

## WORKPLACE RELATIONS COMMISSION

### POSTPONEMENT GUIDELINES

#### Introduction

In particular circumstances, it may become necessary for a party to request that the scheduled date to hear a complaint be postponed. Please bear in mind that postponements have the potential to impact on other parties and on the efficient and effective use of the resources of the Workplace Relations Commission ('WRC'). As such, the WRC considers all applications for postponement carefully with due regard to the rights of the parties to fair procedures and reasonable expedition in having a scheduled complaint heard.

These guidelines set out the parameters of such consideration. The WRC reviews the operation of postponement guidelines regularly and these guidelines supersede those published in July 2021. **These guidelines apply from 1 January 2024 to all applications received.**

#### Overview

'Postponements' are sought in advance of the hearing date. An application made on the day of the hearing is referred to as an 'adjournment' application. An adjournment application is subject to the "exceptional circumstances and substantial reasons" test and, further, an applicant must set out why a postponement request was not made in advance instead.

Where these guidelines refer to another 'party', that term shall also include multiple complainants or multiple respondents as arises from time to time, and any requirement for notice or consent applies to all other parties in a case.

Requests which meet the criteria of *Postponement Process 1* below are straightforward and generally granted as matter of course. Requests under *Postponement Process 2* below 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.

Please note that the WRC retains discretion over all postponement decisions. It is not sufficient for the parties to turn up with proposals to postpone. The policy below should be followed.

## **Postponement Process 1 (Early Applications Made with the Consent of All Parties)**

Applications received by the WRC **within 10 working days** starting from the date of the hearing notification letter, **accompanied by the written consent of the other party**, are generally automatically granted. For example, *Party A receives a letter dated Monday 1 March from the WRC listing their hearing for a date on which they have been selected for jury duty. In such cases, they must seek and obtain the consent of party B to postpone, and then must email the WRC with a copy of that consent seeking a postponement of the hearing date no later than 17.00 on Friday 12 March. Note that in this example Monday is day 1.*

Applications made **later than 10 working days** from the date of the hearing notification letter and/or applications made **without the consent** of the other party are considered and dealt with under *Postponement Process 2* set out below.

Applications for postponements should be made by submitting a request and supporting documentation to the dedicated email address: **postponements@workplacerelements.ie** Such applications should be made in the format set out in the **Appendix** to these guidelines.

**All applications must be made on notice to the other party.**

Parties will be notified of the outcome of the application as early as possible. Unless and until a party receives confirmation that the hearing has been postponed, the hearing will proceed as scheduled.

**Applications submitted under Process 1 are limited to one application per party, per case.**

## **Postponement Process 2 (eg Early Applications Without Consent or Late Applications)**

When applications for a postponement are made to the WRC **without the other party's consent**, or where the application does not fall to be considered under Process 1 above, the reasons behind the application should be furnished together with any relevant supporting documentation at the time of the application.

Supporting documentation might include medical certificates, a death notice, proof of jury duty, or evidence of flight bookings including proof that they were booked before the hearing was scheduled, etc. If the application centres on a witness's unavailability, a brief submission is required regarding the relevance of the witness's evidence to the case. Note this is a suggested, non-exhaustive list of circumstances and these may not be sufficient to justify a postponement; each case turns on its individual facts.

Subsequent to receipt of a postponement application:

1. The WRC will notify the other party of the postponement application and the reasons furnished. Submitted supporting documentation is generally not shared with the other party.
2. Where time permits, the other party will be given **2 working days** to furnish comments on the application by way of email to [postponements@workplacereleations.ie](mailto:postponements@workplacereleations.ie).
3. At the conclusion of these **2 further working days**, the WRC Adjudication Services will process the request having regard to all comments received.
4. Written notification of the outcome of the postponement request will be sent by WRC Adjudication Services to all parties.
5. In all applications under Postponement Process 2, the WRC will consider whether there are “**exceptional circumstances and substantial reasons**” evidenced.
6. In some unusual circumstances such as a compelling application or imminent hearing date, the WRC may not be in a position to notify and/or consult with all parties. For example, if the application is made close to the hearing date the WRC may make a decision on the postponement out of necessity on the basis of information supplied by the applicant, without consulting the other party.
7. Where a postponement or adjournment application has been refused, a new application will not be considered unless **supported by new relevant facts not previously available to the applicant**. Those new facts must be clearly set out in the new application.

All applications for postponements should be made by submitting a request and supporting documentation to the dedicated email address: [postponements@workplacereleations.ie](mailto:postponements@workplacereleations.ie)  
Applications should be made in the format set out in the **Appendix**.

## Appeals of Postponement Refusals

**Where an appeal of a postponement decision is made less than 5 working days before the date of the hearing, the appeal will usually be dealt with by the Adjudication Officer on the day of the hearing.**

In other circumstances where time permits, where an application for a postponement is refused, the applicant may request an appeal of the refusal. The appeal is a paper-based appeal decided by an Adjudication Officer.

The application for an appeal must be made within **2 working days** of the date of the relevant decision refusing the postponement request.

Such appeals should be directed to [postponements@workplacerelations.ie](mailto:postponements@workplacerelations.ie) with "Postponement Appeal Request" in the subject line and **other parties should be copied on that email.**

Subsequent to receipt of such an application:

1. The Adjudication Officer assigned to consider the appeal may write to both parties, in which circumstances and time permitting, the other party will be afforded **2 working days** to email any submissions on the appeal to the WRC.
2. When appeals to postponement decisions are being considered, the WRC will consider whether there are "**exceptional circumstances and substantial reasons**" evidenced.
3. A decision will issue to the parties as soon as possible thereafter.

A party remains free to make a fresh adjournment application to the Adjudication Officer at the hearing itself but subject to the "**exceptional circumstances and substantial reasons**" test. If an application is necessary please bear in mind that seeking changes to scheduled hearings can have a serious impact on other parties and cause delays to parties receiving a timely resolution of their case in addition to the public expense of rescheduling WRC hearings.

The WRC Privacy Statement is set out at: [Data Protection - Workplace Relations Commission](#)

**APPENDIX: WRC Postponement Application Form**

Email to: [postponements@workplacerelements.ie](mailto:postponements@workplacerelements.ie) and copy in the other parties

|   |  |
|---|--|
| Name:   |  |
| Complainant or Respondent:  |  |
| Adjudication File reference number:   | ADJ-000                                |
| Hearing Date:   |  |
| Has this matter been previously listed/part-heard?  |  |
| Is this the first application for a postponement by this party? If not, provide details of previous application and set out new facts and the reasons those facts were not available on the last occasion |  |
| Is this being sought under Process 1 (i.e within 10 working days of date of hearing notification letter, and with consent of every other party).  |  |
| Date consent of other party sought:   |  |
| Has the other party consented to the application:   |  |
| Reasons for the application (provide detail):<br><br>(If witness unavailability is the issue explain relevance of that witness's evidence and list other witnesses)                                       |  |
| List documents relied on:<br><br>(Attach to your email/correspondence   | 1. _____ -<br>2. _____ -<br>3. _____ - |

Note: All documentation relied on including consent of the other parties, medical certificates which explain how a condition is relevant to request, death certificate, evidence of travel and proof of its having been booked before the hearing was listed etc. must be attached.