



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Getting Ready for Your WRC Hearing

A plain English guide for Complainants

What to expect before, during and after the hearing

1. Introduction

This guide explains what to expect when you make a complaint to the WRC and prepare for a hearing. It is for information only. **It is not legal advice.**

The WRC gets a high number of calls. It cannot give legal advice or tell you what you should do in your case.

Most WRC hearings are held in public. In most cases, the final decision also includes the names of both parties.

2. Useful information before filing a complaint

- When you file a complaint for adjudication, you are the “Complainant”. Like any legal process, you may win or lose your case.
- Adjudication hearings are usually held in public. Members of the public and the media may attend.
- When the decision is issued, your name is usually published. The other party’s name is usually published too.
- All adjudication decisions are published on the WRC website. It is a good idea to read some decisions before you file your complaint so you understand the process and the type of information included.
- Published decisions are often reported in newspapers, on radio, on television and in podcasts.
- Most employment and equality hearings are public because of the principle of open justice. Only a small number of cases are heard in private or published without names, and this usually happens only in special circumstances.

3. Check that you are filing the right type of complaint

3.1. Employment Rights Cases

File a complaint if you are, or were, an employee, or if you applied for a job. The WRC can hear complaints under many different employment laws.

TIME LIMITS: In most cases, you must file your complaint within six months of the problem happening. In some cases, this can be extended to 12 months if you have reasonable cause (i.e. good reason) but you must ask for that extension at the hearing. Redundancy payment cases have different time limits.

READ: Check the time limits and the legal rules that apply to your complaint on the Irish Statute Book website www.irishstatutebook.ie or see ‘The Revised Acts’ on The Law Reform Commission’s website <https://revisedacts.lawreform.ie/revacts/intro>

USE: Use the meanings in the law when describing your complaint. For example, words like “discrimination” have a specific legal meaning and may not mean the same as unfair treatment in everyday language.

3.2. Equal Status Cases

File a complaint under the Equal Status Acts 2000–2018 if your complaint is about getting goods, services, accommodation (HAP), education or similar services as a customer or member of the public.

CHECK: Did you send an **ES1 form** to the Respondent within two months of the alleged incident and wait one month for a reply? If not, did you otherwise notify the Respondent about what happened?

NOTE: You must send the ES1 form, or otherwise notify the Respondent, before you file your complaint with the WRC.

READ: Check the time limits and the legal rules of the Equal Status Act 2000-2018 on the Irish Statute Book website www.irishstatutebook.ie or see ‘The Revised Acts’ on The Law Reform Commission’s website <https://revisedacts.lawreform.ie/revacts/intro>

USE: Use the meanings in the law when describing your complaint. For example, words like “discrimination” have a specific legal meaning.

3.3. Industrial Relations Matters

A trade dispute can only exist if there is or was an employment relationship.

These hearings are held in private.

The Respondent (employer/former employer) has 21 days to object after you file the complaint. If they object in time, the WRC cannot hear the trade dispute.

The hearing is informal. There is no formal evidence, no witnesses and no oath or affirmation.

The Adjudication Officer gives a recommendation, not a binding decision. This is different from employment rights or equal status decisions, which can be enforced.

The published recommendation does not name the parties.

4. Filing a WRC complaint form

- ✓ In most cases, you must file your WRC complaint **within six months**.
- ✓ If you are making an Equal Status complaint, you usually must send an ES1 form to the Respondent **within two months of the alleged incident** and **before** you file your WRC complaint.
- ✓ Fill in every part of the complaint form that applies to you.
- ✓ Make sure you use the **correct legal name** for the Respondent.
- ✓ Tick every box that applies to your complaint and read the guidance notes carefully.
- ✓ If you need any support to take part in the process, put this in the special facilities section of the complaint form. Say if you need an interpreter.
- ✓ Give a clear summary of the facts on your complaint form. Include the main details of your complaint so the Respondent understands the case they have to answer. If you try to add new claims later, you may be outside the time limit.
- ✓ If you are open to pre-adjudication mediation, tick the box on the complaint form.
 - Mediation is a voluntary and private way for both sides to try to settle the case with help from a WRC Mediation Officer. If the case does not settle, it goes on to adjudication.
 - The WRC mediation service is free and confidential. If both sides agree to use it, it can be a quicker way to resolve the dispute.
 - If mediation does not resolve the complaint, it will move on to adjudication.
- ✓ After you file your complaint, the WRC will acknowledge it, give it an ADJ number, and send a copy to the Respondent. **Use the ADJ number in all future contact with the WRC.**
- ✓ Only you, as the Complainant, can withdraw your complaint. The Respondent cannot withdraw it for you.
- ✓ You can withdraw your complaint at any time before the hearing, or during the hearing itself. To withdraw your complaint, write to the WRC.

5. Preparing for your hearing

5.1. Good to know

- ✓ Be clear about what happened in your case and the main points you want to make.
- ✓ Check the law that applies to your complaint. Helpful sources include: The Irish Statute Book website www.irishstatutebook.ie or 'The Revised Acts' on The Law Reform Commission's website <https://revisedacts.lawreform.ie/revacts/intro> as well as the WRC's own website with a list of the most commonly cited case authorities [Frequently](#)

[Cited Authorities - Workplace Relations Commission](#) and the information available through FLAC, IHREC, Citizen's Advice, and Community Law and Mediation websites.

- ✓ Use the legal definitions in the law that applies to your case. Words such as discrimination, victimisation and harassment have specific meanings in law.
- ✓ Gather the documents that support your case, such as payslips, your contract, policies, letters and relevant emails.
- ✓ **Print** your documents. Do not rely on having them only on your phone, because your phone should be turned off during the hearing.
- ✓ Identify any witnesses you need to support your case.

5.2. Things to consider

- ✓ For each complaint, work out which side has to prove the case. That side usually speaks first at the hearing.
- ✓ The standard of proof in WRC cases is the balance of probabilities. This means the Adjudication Officer decides what is more likely than not to have happened.
- ✓ The side that has the burden of proof must prove its case on the balance of probabilities.
- ✓ Get legal or other advice if you need it.
- ✓ Read the WRC's guide to evidence for lay litigants here: [WRC Fact Sheet on Evidence for Lay Litigants](#)
- ✓ If you are open to pre-adjudication mediation and did not tick the box on the form, contact the WRC as soon as possible and quote your ADJ number.
- ✓ Think about whether you would be willing to settle the case if an offer is made.

5.3. Useful information

- ✓ Check the maximum amount of compensation that can be awarded under the law that applies to your complaint.
 - **Example:** If a law sets the maximum award at two years' remuneration, a person earning €10,000 a year could receive up to €20,000, while a person earning €250,000 a year could receive up to €500,000.
- ✓ Read WRC decisions under the same law as your complaint. They can help you understand what has to be proved, the strengths and weaknesses of similar cases and the range of awards that may be made.

Note: The WRC does not award legal costs. If you use a lawyer, you usually have to pay your own legal fees even if you win. You should ask your lawyer to explain their fee structure clearly under section 150 of the Legal Services Regulation Act 2015 if it has not been made clear to you in advance.
- ✓ If either side appeals the decision to the Labour Court, the case may be heard again from the start (de novo). In some cases, a further appeal to the High Court may be possible on a point of law, although this only happens in a tiny minority of cases.

6. When you get the hearing date

- ✓ Act quickly when you receive your hearing date. **Don't delay!**
- ✓ Check that your witnesses are available on the hearing date and at the hearing time.
- ✓ If you need to delay the hearing, you should apply within 10 working days of receiving the hearing date letter, ideally with the agreement of the other side. You'll need to fill out the WRC form and follow the steps in the [Postponement Policy](#).
- ✓ Late or opposed postponement requests are only granted in exceptional circumstances.
- ✓ The WRC decides whether the hearing will be in person or remote. If you want to object to the hearing arrangements, please first read [Objections to Hearing Arrangements Guidelines - Workplace Relations Commission](#)
- ✓ If you want to object to the hearing format, or ask for a witness to appear remotely, make the request within **the first 10 working days after you receive the hearing date letter**.
- ✓ **Copy everything you send to the WRC to the other side.**
- ✓ For postponement applications made by the other party, you may be given a general summary of the reason for the postponement application, rather than the content of the document.

7. Submissions

- ✓ Your submission should include a short summary of the facts, the law you rely on and the key documents that support your case. These may include your contract, handbook, relevant policies, payslips, letters and emails.
- ✓ If your submission is large, contact the WRC at pru@workplacerelements.ie. The WRC can send you a ShareFile link so you can upload it.
- ✓ Send your submission and documents to the WRC **at least 15 working days before the hearing and copy them to the other side.**
- ✓ A legal submission is not evidence. It is your chance to explain your case and why you believe you should succeed.
- ✓ The WRC website includes a list of commonly cited cases that may be useful.
- ✓ If you use AI to help prepare your submission, check everything carefully. You are responsible for what you submit. Please read [Guidance for Parties on the Use of AI before WRC - Workplace Relations Commission](#)

8. At the hearing

8.1. Good to know

- ✓ You can represent yourself, or someone can represent you, such as a legal representative, union representative or advocate.
- ✓ In public hearings, you can usually bring someone with you for support.

8.2. General

- ✓ Arrive early and make sure the people attending with you are ready.
- ✓ Be on time for the hearing.
- ✓ Sign the attendance sheet. This helps the Adjudication Officer organise the hearing and supports health and safety procedures.
- ✓ Dress appropriately for the hearing.
- ✓ Speak and behave respectfully throughout the hearing. In exceptional cases, a hearing may be ended because of disrespectful conduct. See for example ADJ-00049511 - *Ayeyemi Adeba v ICTS Ireland Ltd*.
- ✓ If you plan to use many documents, you should bring 4 organised paper copies for the Adjudication Officer, one for the other side, one for the witness and one for yourself. Make sure each copy has an index (a list of what is included) and that all the pages are numbered.
- ✓ You will be reminded to turn off your mobile phones. It is an offence to record a remote hearing without the permission of the Adjudication Officer under section 11(7) of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020.

8.3. What happens at the hearing

- ✓ You must explain your case out loud at the hearing.
- ✓ The hearing is similar to a civil court hearing, but it is usually a little more flexible and informal.
- ✓ A hearing often includes preliminary issues, opening statements, evidence from witnesses, questions from the other side and closing comments.
- ✓ As the Complainant, you will usually give evidence under oath or affirmation. The other side can question you about your evidence.
- ✓ “Burden of proof” simply means who has to prove their case: for example, in equality cases the Complainant must first show facts suggesting discrimination; in constructive dismissal cases the Complainant (who resigned) must usually prove their claim; while in unfair dismissal cases the Respondent (employer) must prove the dismissal was fair.
- ✓ If you attend remotely and want to swear an oath, you must provide the holy book yourself. You can also choose to make an affirmation instead.

8.4. Public Hearings

1. Most WRC hearings are held in public. A hearing will be held in private only if the Adjudication Officer decides there are special circumstances.
2. Examples of special circumstances include:
 - cases involving a minor;
 - circumstances where a party has a disability or medical condition, which they do not wish to be revealed;
 - cases involving issues of a sensitive nature such as sexual harassment complaints;
 - cases involving a protected disclosure where there is an issue of the disclosure being made in confidence;
 - cases involving a judge;
 - cases where a legal obligation prevents parties being named e.g. *in camera* family proceedings in the background to a WRC complaint;
 - cases involving an international protection applicant;
 - or cases which could result in a real risk of harm to a party if the hearing is held in public, or if the parties are named in the decision.
3. Even if both parties want the hearing to be private, that does not automatically mean it will be. The Adjudication Officer decides this based on the law and the facts of the case.

8.5. Evidence

- ✓ Evidence is usually given out loud at the hearing.
- ✓ The other side can question you about your evidence. This questioning helps test the evidence and gives you a chance to respond to the other side's version of events.
- ✓ Your witnesses can also be questioned by the other side. You may be able to question the other side's witnesses.
- ✓ The Adjudication Officer may ask questions of both sides and their witnesses.
- ✓ Written or spoken submissions are not evidence.

9. After the hearing

- ✓ Some period of time after the hearing, the Adjudication Officer will issue a written decision. In most cases, both parties will be named, the decision will be published on the WRC website and it may be reported in the media.
- ✓ After the hearing ends, you usually cannot send more documents or written evidence unless the Adjudication Officer allows it in exceptional circumstances.
- ✓ Either side may appeal the decision. Equal Status decisions are appealed to the Circuit Court. Most other WRC decisions are appealed to the Labour Court.

10. Useful WRC links

Decisions and Recommendations: [Search](#)

Core procedures: [WRC Procedures for All Cases - Workplace Relations Commission](#)

Hearing guidance: [Guidance Note for a WRC Adjudication Hearing - Workplace Relations Commission](#)

Witnesses: [WRC Witness Guidelines - Workplace Relations Commission](#)

Postponements: [Postponement Policy - Workplace Relations Commission](#)

Authorities: [Frequently Cited Authorities - Workplace Relations Commission](#)

Remedies: [WRC Remedies Table - Workplace Relations Commission](#)

AI use: [Guidance for Parties on the Use of AI before WRC - Workplace Relations Commission](#)

Employment, labour and equality law: [WRC Guide to Employment Labour and Equality Law - Workplace Relations Commission](#)

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This guide is intended as general information only and may be updated periodically. Readers should check the WRC website for the most current procedural guidance.