

Access to Mediation

Step 1: When completing the online Adjudication Services complaint form, you need to select the option to avail of the Mediation service.

Step 2: The WRC may contact the respondent to see if they are willing to engage in Mediation.

Step 3: If both parties agree to Mediation, and the complaint is subsequently selected for Mediation, the WRC will decide on the approach to be taken (Telephone Mediation or Face-to-Face Mediation).

Step 4: In the case of Telephone-based Mediation, the mediator will contact the complainant and respondent. In the case of Face-to-Face Mediation, the WRC will contact the parties to arrange a date and location to suit the parties.

Please Note: Access to the Mediation Service for Employment Rights/Unequal Treatment and Discrimination cases is dependent on submitting a claim to the Adjudication Service.

For Further Information

For full details of all the Workplace Relations Commissions' services or to lodge a complaint, please visit www.workplacerelations.ie.



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Mediation

A Users Guide

WRC

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What is Mediation?

The Workplace Relations Commission provides a Mediation Service for the resolution of complaints referred under Employment Rights legislation, where such complaints have been referred to the Adjudication Service, thus eliminating the need for the parties to have their complaint adjudicated on. Mediation is a form of alternative dispute resolution (ADR) in which a neutral third person helps the parties achieve a voluntary resolution of a complaint.

Under Section 39 of the Workplace Relations Act, 2015, where a complaint has been made to the Adjudication Service (excluding any claims lodged under the Redundancy Payments or Industrial Relations Acts), the claim may be selected for Mediation by the Director General of the Workplace Relations Commission (WRC) with a view to resolving the issues without recourse to formal Adjudication proceedings.

Types of Mediation

The Mediation Service of the WRC is staffed by experienced Mediators. When a complaint is selected for Mediation, two separate approaches can be adopted to deliver the service.

When a case is selected for Mediation, the WRC will decide on the approach to be taken:

Telephone-Based Mediation:

This is used when the complaint is relatively straightforward. The mediator will communicate by telephone with the complainant and respondent, and work with the parties to find an acceptable solution. Telephone-based Mediation is very effective and significantly reduces the costs of resolving the complaint for both parties.

Face-To-Face Mediation:

Where the complaint is more complex, the mediator will meet directly with the complainant and respondent, in an effort to find a resolution.

Why Choose Mediation?

1. **Speed:** Reaching a settlement through Mediation is quicker, cheaper, and less stressful for all concerned, than proceeding to an Adjudication.
2. **Cost:** Mediation cuts the cost for both, the complainant and respondent, as it reduces the amount of time and expense associated with protracted conflict.
3. **Confidential Process:** Mediation is a completely voluntary and confidential process. The independent mediator discusses the issues with both parties in order to help them reach a better understanding of each other's position and underlying interests. Without taking sides, the mediator will encourage the parties to come to an agreement that is acceptable to both sides.
4. **Control:** The outcome of the Mediation process remains in the control of the parties. Therefore, any agreement reached must be acceptable to both sides.
5. **Legally Binding:** The agreement reached through Mediation is legally binding, and can be enforced through the Courts.



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