

WRC Policy Regarding Unreasonable Service User Interaction with WRC Staff

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The Workplace Relations Commission ('WRC') handles annually over 20,000 employment and equality matters for adjudication or mediation, 60,000 customer information line matters and 5,000 workplace inspections, amongst other core work engaging with members of the public. Whilst, in the majority of cases, service users interact with the WRC in a very positive manner, we appreciate that some may be frustrated or distressed due to circumstances and that, from time to time, this will manifest in how they interact with the organisation.

As per the [WRC's Customer Charter](#)¹, each member of our staff is committed to managing such interactions professionally, courteously and empathetically and is trained accordingly. However, this does not mean that we expect our staff to tolerate behaviour by service users that is abusive, offensive, discriminatory, threatening or, due to the frequency of contact, accounts for a disproportionate amount of time and resources that could be spent more effectively dealing with other cases. This issue is particularly relevant at a time where resources are at a premium and demand for the WRC's services is unprecedented.

Unreasonable Conduct

Unreasonable conduct can be defined as comprising one or more of the following non-exhaustive set of indicators:

Unreasonable Persistence: Persistence with a complaint that has already been processed by a WRC Division and a determination has issued. The persistence may be manifested in different ways; for example, insisting that the case be looked at again, repeatedly re-framing the same complaint to present it as a fresh complaint, or persevering with an argument that has earlier been addressed by the WRC on more than one occasion.

Unreasonable Demands: Demanding an outcome or approach that is unrealistic or disproportionate. Examples include repeated demands for investigation of a matter that is outside the remit of the WRC, seeking a remedy that is outside the range of possible remedies available to the party, unreasonably seeking priority over other service users, or unreasonably attempting to direct the WRC as to how to exercise its functions.

Unreasonable Lack of Co-operation: Examples include repeatedly not identifying the issues clearly², presentation of often unnecessary and/or voluminous material while sometimes expecting almost instantaneous responses.

Threatening Behaviour: Such behaviour includes rude, aggressive or discriminatory conduct³, threats of violence, or other abuse of WRC staff (whether received verbally or in writing directly or through social media), or threats of self-harm⁴

¹ www.workplacerelations.ie/en/contact_us/customer-service-charter/

² This is without prejudice to the WRC duty to make reasonable accommodations per section 4 Equal Status Acts 2000-2018. The WRC will provide reasonable assistance to those service users requiring additional help.

³ Discrimination is defined in the Employment Equality Acts 1998-2015 and includes third party harassment of staff under section 14A EEA by eg a service user on any of the nine protected 'discriminatory grounds' (age, sexual orientation, gender, disability, family status, civil status, race, colour, nationality, ethnic or national origins, membership of the Traveller community).

⁴ Where threats of self-harm are received staff will encourage the caller to seek help from family, GP, out of hours GP, Samaritans, emergency services or their local emergency department.

How We Will Manage Such Behaviour

1. When we consider that an individual's behaviour is unreasonable, we will set out why we find their behaviour unreasonable and we will ask them to change it.
2. Where it might be of assistance, we will consider possible adjustments to our service which may help the service user focus their interactions more constructively and avoid unreasonable behaviour into the future.
3. Where the unreasonable behaviour continues, we will take action to restrict the service user's contact with the WRC.
4. Any restrictions imposed will be appropriate and proportionate and in accordance with fair procedure.
5. The non-exhaustive list of options we may consider are:
 - a) requesting contact in a particular form (for example posted letters only, or communications through an agreed third party);
 - b) requiring contact to take place with a named officer;
 - c) restricting telephone calls to specified days and times;
 - d) restricting access to the WRC offices;
 - e) terminating an abusive phone call;
 - f) asking the service user to enter into an agreement about their future conduct;
 - g) terminating all contact with the service user where the behaviour shows no signs of abating; and
 - h) see below for the additional framework relating to WRC workplace inspections.
6. The decision to restrict access to our offices will normally only be taken after we have reviewed the service given by WRC to the particular service user. Such a decision will be taken by the Director General of the WRC with due regard to any reply from the service user.
7. As per stage 1 above, we will write to tell the individual that we believe their behaviour is unreasonable and what action we propose to take. However, where the behaviour is so extreme that it threatens the immediate safety and welfare of themselves, the WRC staff or others, we will consider other options, for example, reporting the matter to the Garda Síochána or instigating legal action. In such cases, we may not be in a position to give the person prior warning of that action.
8. Regardless of the behaviour, our staff will act respectfully to the person and impartially with regard to the complaint. The [WRC Complaints procedure](#)⁵ remains available to the service user.

WRC Workplace Inspections

Our booklet *An Employers guide to WRC Inspections*⁶ details what to expect during the course of a WRC inspection. Unreasonable conduct during an inspection, where it includes for example non-cooperation or obstruction, can amount to a criminal offence.

⁵ www.workplacelrelations.ie/en/contact_us/customer-services-complaints-procedure/

⁶ www.workplacelrelations.ie/en/publications_forms/employers_guide_to_inspections.pdf