



WRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Annual Report 2025



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Workplace Relations Commission

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2025 Annual Report

Presented to the Minister of State at the
Department of Enterprise, Tourism and
Employment in accordance with sections
23(1) and 23(3) of the Workplace
Relations Act, 2015.

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Director General's Foreword



Audrey Cahill | *Director General*

In an economy where employment is at an all-time high, our work has never been more essential, nor the demand for efficient, high-quality outputs more critical. We have a responsibility to ensure that our services protect and safeguard workers and employers, ensuring that there are well known appropriate standards and good practices in our workplaces - this cannot be understated.

2025 marked the first decade of the Workplace Relations Commission.

As we conclude this momentous year, I have the pleasure of presenting the Annual Report of the Workplace Relations Commission (WRC) to the Minister of State at the Department of Enterprise, Tourism and Employment.

We took the opportunity in 2025 to look back on some of our key contributions to our purpose over the last ten years across our key services. In that decade

- › we answered over 574,500 phone calls to our Infoline
- › we recovered nearly €20 million in unpaid wages
- › held over 39,500 Adjudication hearings
- › supported in nearly 14,000 collective engagements which in turn, in the collective dispute resolution context, impacted 7 million workers across the decade
- › had over 35 million individual interactions with our services

We embarked on our next phase by completing a planned Organisation Capability and Efficiency Review. This assisted us greatly in clarifying the direction that we needed to take with our new 3-year strategy.

The Strategy [“A Decade of Impact – A Future of Fair Work and Equality”](#) was published on 24 July 2025 and reaffirms our commitment to championing fairness, dignity, and equality in Irish workplaces. It builds on a decade of progress and is shaped by the evolving world of work, societal expectations, and importantly the needs of the people we serve.

In a year marked by both complexity and change, the team demonstrated resilience by capitalising on opportunities through a unified commitment to our vision and clear alignment with our values.



Key operational outputs 2025

It has been another busy, high performing year for the team at the WRC. Demand and output have continued to increase steadily since our establishment. Some of the key 2025 outputs in summary:

- › Over 64,600 callers were helped by our Information and Customer Service staff when looking for information on employment, equality, or industrial relations matters and there were over 4.7m pageviews of our website.
- › WRC staff across all divisions attended over 70 outreach events involving a range of stakeholders including trade union and employer conferences, secondary schools and Local Enterprise Offices, and presentations to specific stakeholder groups. These events are a very useful and important method of engaging with the public to provide information on WRC services.
- › Some 5,596 workplace inspection visits took place with the Inspectorate placing a strong emphasis on sectors including National Minimum Wage, a Seasonal Workers campaign, Commercial Sea Fishing and an EMPACT Labour Exploitation campaign; €1,578,924 was recovered in unpaid wages.
- › Through our Conciliation Service over 700,000 workers were encompassed in the resolution of industrial relations disputes in both the public and private sectors.
- › The WRC pre-adjudication mediation service delivered a total of 1,034 pre-adjudication mediation sessions in 2025, which is a 16% increase compared to 2024.
- › A total of 7,727 hearings were scheduled in 2025, compared to 9,054 in 2024, representing a 15% decrease, 4,289 adjudication hearings were held and 2,506 decisions were issued in 2025 compared to 4,779 in 2024.
- › The WRC completed a review of the Code of Practice on Access to Part-Time Working (S.I. No. 8 of 2006) and made its recommendations to the Minister during 2025. The updated Code was published in February 2026.
- › To reflect a growing trend of parties using AI to draft submissions and to highlight the need for human oversight to safeguard against risks, the Legal Division published a Guide on Use of AI before the WRC.
- › Separate to the litigation work of Enforcements and Prosecutions, the Legal Division represented the WRC in 15 Superior Court civil matters.

Some Highlights in 2025

I had the pleasure, with our colleagues in the Labour Relations Authority (LRA) in Northern Ireland of co-hosting the Annual International Industrial Relations Agencies Summit on behalf of the WRC in October. Our colleagues from the United Kingdom, Australia, New Zealand and South Africa attended a series of conferences over the course of a week. Whilst we have some differences in our agencies and their set up, the key purpose for all organisations is to prevent, manage and resolve workplace conflict.

The trends across agencies were similar with increasing demands for services and increasing complexity in the cases coming through.

We also celebrated the 10th anniversary of the amalgamation of the four bodies that established the Workplace Relations Commission in 2015, recognising that despite the significant reform that the organisation undertook, at the heart of the organisation lies a clear and enduring purpose, which is to uphold fairness, dignity, and balance in workplaces. Through our work, the organisation supports a workplace environment where rights are protected, responsibilities are understood, and disputes are resolved with independence, integrity, and respect.

I continued to meet and engage with a broad range of our stakeholders, Department representatives and members of staff throughout the year. This work is particularly important to me in order that I continue to humanise our organisation and move towards increased dispute prevention strategies and services as we evolve in our new Knowledge, Information and Advisory (KIA) Division.

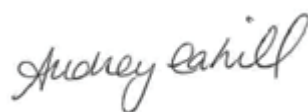
Our 10th Anniversary was the opportune time to recalibrate our values and ensure that our next strategy provides strong foundations for our next decade.

The opportunities are rich for the coming years, our next era is heavily focussed on providing accessible information, early resolution services, and impartial adjudication, while harnessing digital and AI opportunities to improve our reach and ability to serve.

I would like to thank all of our staff for their commitment in 2025, as we managed the churn through retirements and staff changes that occurred through promotion and mobility. The commitment and dedication of our people enabled us to deliver our services consistently. I welcome all of you that joined us in 2025, and I look forward to working with you all again in 2026.

The support of the Advisory Board of the WRC this year has, as always, been invaluable on many levels. Whilst we will see some change in 2026 on the board, we look forward to their continued engagement and advice as the year progresses.

We are grateful to have had the opportunity to benefit from Dr David Begg as our Chairman for the last 5 years. I would like to thank him for his time, wisdom and unwavering dedication to the WRC during that time. His encouragement, high professional standards, and generosity to me personally since I took up the post will be missed. We wish him every success in his next chapter.



Director General

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Key Achievements



64,648

Infoline
Calls



4,700,000

Website
Views



Social Media
Followers:

LinkedIn:

27,800



€1,578,924

Unpaid Wages
Recovered



5,596

Workplace
Inspection
Visits



10,559

Complaint
Applications
Received



4,289

Adjudication
Hearings Held



2,506

Decisions
Issued



Conciliation Success
Rate continues
to be above

85%



1,034

Pre-adjudication
Mediations
Delivered



73

Total Outreach
Events



Project to introduce
AI through an internal
Chatbot facility



10 year anniversary
WRC report highlighting
50 employment and
equality cases



Collective Dispute
Resolution impacting
700,000 workers

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Workplace Relations Commission (WRC)

Establishment of the Commission

The Workplace Relations Commission (WRC) was established on 1 October 2015 under the Workplace Relations Act 2015 bringing 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.

Functions of the WRC

The functions of the Workplace Relations Commission are to:

- › adjudicate on employment and equality complaints and disputes
- › provide conciliation, pre-adjudication mediation and other voluntary dispute resolution services to assist in the resolution of individual and collective disputes and maintain industrial peace
- › monitor employment conditions to ensure compliance with and (where necessary) enforcement of employment rights legislation
- › provide information on employment legislation, and process employment agency and protection of young persons (employment) licences
- › provide advisory services to employers, employees and their representatives

Additional functions set out in section 11 (1) of the Workplace Relations Act 2015 include:

- a) promoting the improvement of workplace relations, and maintenance of good workplace relations,
- b) promoting and encouraging compliance with relevant enactments,
- c) providing guidance in relation to compliance with codes of practice approved under Section 20 of the Workplace Relations Act 2015,
- d) conducting reviews of, and monitor developments as respects, workplace relations,
- e) conducting or commissioning research into matters pertaining to workplace relations,
- f) providing advice, information and the findings of research conducted by the Commission to joint labour committees and joint industrial councils,
- g) advising and apprising the Minister in relation to the application of, and compliance with, relevant enactments, and
- h) providing information to members of the public in relation to employment
- (i) attend meetings outside the State relating to employment law matters and industrial and workplace relations upon the request of the Minister.

Board of the Commission

The Board of the Workplace Relations Commission is an advisory board responsible for the preparation and submission of the Commission's Strategy Statement and annual Work Programme, in consultation with the Director General.

The Board comprises the Chairperson and eight ordinary members appointed by the Minister for Enterprise, Tourism and Employment as provided for in the Workplace Relations Act 2015.

Of the eight ordinary members of the Board appointed by the Minister, two represent the interests of employees; two represent the interests of employers; one represents the interests of bodies who seek to promote equality in the workplace; and three have experience and expertise in relation to workplace relations, resolution of disputes in the workplace, employment law or equality law.

The Board has two statutory functions, which are:

- › in consultation with the Director General, to prepare and submit a three-year Strategy Statement to the Minister setting out the WRC's planned strategy for the next three years in accordance with section 21(1) of the Workplace Relations Act 2015; and
- › to prepare, in consultation with the Director General (DG) of the WRC, an annual Work Programme for the forthcoming year for the approval of the Minister

The Board met on four occasions during 2025 in WRC Head Office, Lansdowne House, Dublin.

In accordance with the Ethics in Public Office Act, 1995, and the Code of Practice for the Governance of State Bodies 2016, Board members are required to provide a Statement of Interest to the Secretary General of the Department of Enterprise, Tourism and Employment.

In line with their obligations, Board members furnish statements of interests each year to the Secretary General. In addition, Adjudication Officers and Workplace Relations staff members holding designated positions comply with the regulations. The Chairperson and members of the Board are not in receipt of any fee in connection with the performance of their duties as Board members.



Dr David Begg
Chairperson



Ethel Buckley



Stephen Driver



Judith Fitzgerald



Sinead Gogan



George Maybury



Brendan McGinty



Barry O'Brien



Virginija Petrauskaite

Senior Leadership Team

The Senior Leadership Team comprises the Director General and the WRC Divisional Directors:



Director General

Audrey Cahill



Director of Adjudication Services and Strategic Projects

David Small



Director of Conciliation, Facilitation and Mediation Services

from 22nd April 2025

Sylva Langford



Director of Inspection and Enforcement Services

John Kelly



Director of Corporate, Strategy and Digital Services

Tracey Murphy



Director of Adjudication Services

from 24th March 2025

Fiona O'Dea



Registrar and Director of Legal Services

Gwendolen Morgan



Director of Knowledge, Information and Advisory Services

from 19th May 2025

Enda Murphy

Budget and Staffing

The WRC is an office of the Department of Enterprise, Tourism and Employment and is funded from the overall Departmental vote.

The WRC's budget for 2025 totalled €21,119m.

Figure 1 : WRC Budget 2025

Pay	€17,559m
Non-Pay	€3,560m
Total	€21,119m

At the end of 2025, the Commission had a staff allocation of 241 permanent employees who are civil servants and part of the staffing complement of the Department of Enterprise, Tourism and Employment. Additionally, the WRC draws from a panel of independent service providers who provide adjudication services on a case-by-case basis.

In common with many public service bodies, the Commission continued to experience a level of staff turnover during 2025, driven by internal mobility across the wider civil service, promotional opportunities, and retirements. While turnover presents ongoing challenges for the continuity of specialised functions, the organisation worked closely with the Department's Human Resources Division to implement timely recruitment and backfilling measures. The sustained reduction in the vacancy rate throughout the year reflects these efforts.

Figure 2: WRC staffing at the end of 2025

Grade (and equivalents)	Total Staff
Director General	1
Registrar	1
Director	5
Solicitor	3
AP/AO	31
HEO	30
EO	96
Clerical Officer	72
Service Officer	2
Total	241

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Service Reports

4.1 A reflection from the Director of Adjudication Services 2015 - 2025

As I prepare to retire from the role of Director of Adjudication Services, I wish to acknowledge the privilege of leading a national adjudication service over the past decade. The WRC plays a critical role in Irish society, supporting individuals and businesses in resolving disputes where agreement cannot be reached otherwise.

The year 2025 marked the tenth anniversary of the Workplace Relations Commission, which was celebrated at WRC conferences in October. Since my appointment as Director of Adjudication Services, when the WRC was established on 1 October 2015, the adjudication function has undergone significant change. Key developments include the introduction of remote and hybrid hearings, which ensured continuity of service during the COVID-19 pandemic and enabled participation by witnesses based abroad.

A further major development followed the Supreme Court's 2021 decision in *Zalewski*, which confirmed that the WRC and Labour Court are Article 37 bodies with limited judicial powers. This required adjudication hearings to default to a public format, with the administration of oaths or affirmations, and the publication of decisions naming the parties, while retaining adjudication officers' discretion to anonymise decisions or hold hearings in private where necessary.

The increasing use of artificial intelligence in submissions also prompted the Commission to publish guidance in 2025. This guidance emphasises that parties remain responsible for their submissions and outlines the risks associated with inaccurate or unreliable AI-generated material.

Throughout the past decade, the WRC has maintained a strong focus on listening to stakeholders and improving service delivery.

During my final year at the WRC, I continued to work with the Department of Enterprise, Tourism and Employment on several strategic projects on behalf of the WRC, including initiatives related to the continued enhancement of the adjudication services. These projects will continue to advance in 2026.

I leave the WRC with fond memories of the past ten years.

It has been a privilege to serve you.



David Small

*Director of Adjudication
Services and Strategic Projects*

4.2 Knowledge, Information and Advisory Services

Director of Knowledge, Information and Advisory Foreword

The Workplace Relations Commission's Knowledge, Information and Advisory Division (KIA Division) was established in 2025 following an internal restructuring of services. The Division brings together the long-established Information and Customer Services and Advisory Services functions, consolidating their expertise to strengthen the WRC's strategic focus on dispute prevention.

The Division provides impartial and non-directive information on the role and activities of the WRC, employment legislation and available redress mechanisms, while also ensuring the efficient processing of complaints and applications. In addition, it develops and disseminates a wide range of informational resources aimed at improving public awareness and understanding.

Advisory Services form a core element of the Division's work, including the conduct of industrial relations audits, the provision of workplace knowledge development and education programmes and the development of Codes of Practice.

The KIA Division aims to prioritise dispute prevention through targeted training, outreach initiatives and active engagement with stakeholders. Key strategic priorities include the establishment of a Stakeholder Engagement Forum and the implementation of a comprehensive Outreach and Education Strategy.

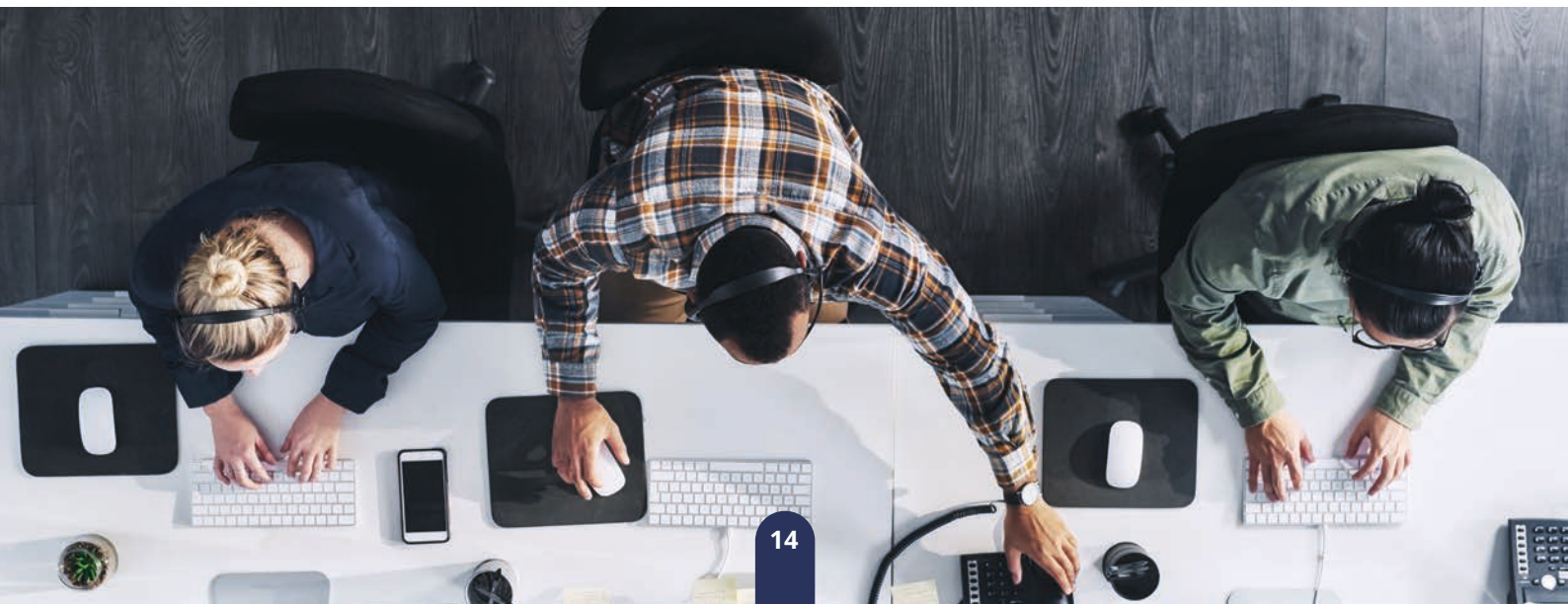
In parallel, the Division is advancing the modernisation of service delivery through increased digitalisation and automation. Planned initiatives include the development of an interactive online learning platform, tailored training programmes and the introduction of chatbot technology to improve accessibility and responsiveness.

Collectively, these initiatives are expected to support the successful integration of the KIA Division, enhance education and awareness across the employment relations landscape, and contribute to a reduction in workplace disputes.



Enda Murphy

*Director
Knowledge, Information and
Advisory Division*



Information and Customer Service

The Information and Customer Service (ICS) Unit of the WRC is responsible for:

- › Processing all complaint applications received by the WRC for Adjudication / Mediation,
- › Managing submissions of documentation in support of complaints,
- › Providing impartial information on legislation governing employer obligations, employee's employment rights, employment equality, equal status obligations of service providers, industrial relations and employment permits to both employees and employers.

Information on employment rights, employment permits, equality and other workplace legislation is provided through:

- › An Infoline operated by experienced Information Officers (0818 80 80 90),
- › The WRC website (www.workplacerelations.ie),
- › An Online Enquiry Form on the WRC website,
- › Tailored outreach presentations to stakeholders,
- › General and targeted outreach,
- › The Infoline also provides status updates to parties on complaints referred for Adjudication and on Employment Permit queries.

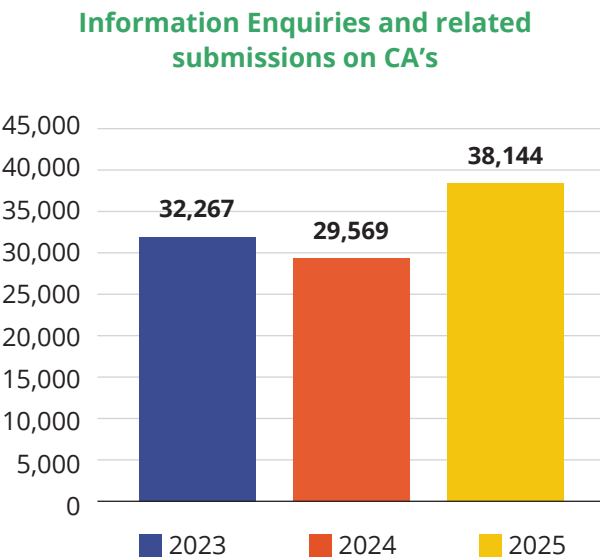
In 2025, the Information and Customer Service Unit witnessed an increase of 9% in the volume of telephone calls dealt with while website pageviews also increased by 10%.

42 Outreach activities were carried out by the KIA Division in 2025 while Complaint Applications increased significantly by 44% (7,316 in 2024 to 10,559 in 2025). The emergence of new and more complex areas of dispute, and heightened awareness of statutory rights and obligations were among the factors that contributed to the substantial increase in complaint applications received by the Commission in 2025.

KIA's Information and Customer Service Unit (ICS) is responsible for the provision of impartial information on employment rights and equality legislation to customers who contact the WRC via the Online Enquiry Form on the WRC website.

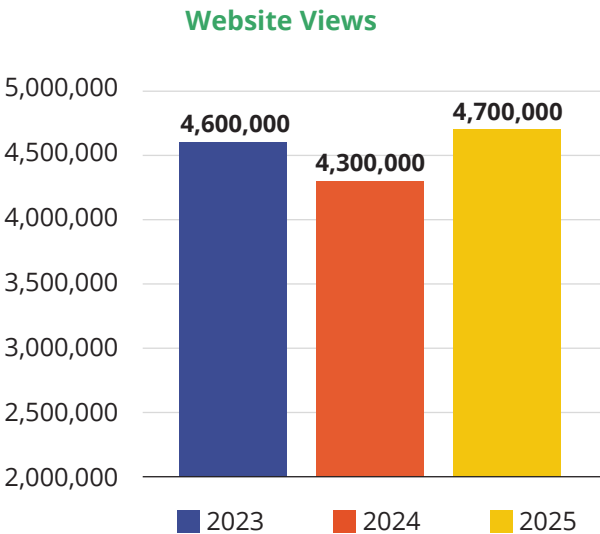
ICS also manages the receipt, exchange and processing of statements, evidence and other documentation submitted in support of Complaint Applications (CAs). Details on the volume of Information Enquiries received via the online 'contact us' form on the website and the number of related submission emails received are set out in the table below:

Figure 3: Information Enquiries and related submissions on CA's



ICS is responsible for the accuracy of the information on employment rights and equality legislation available on the WRC's Website.

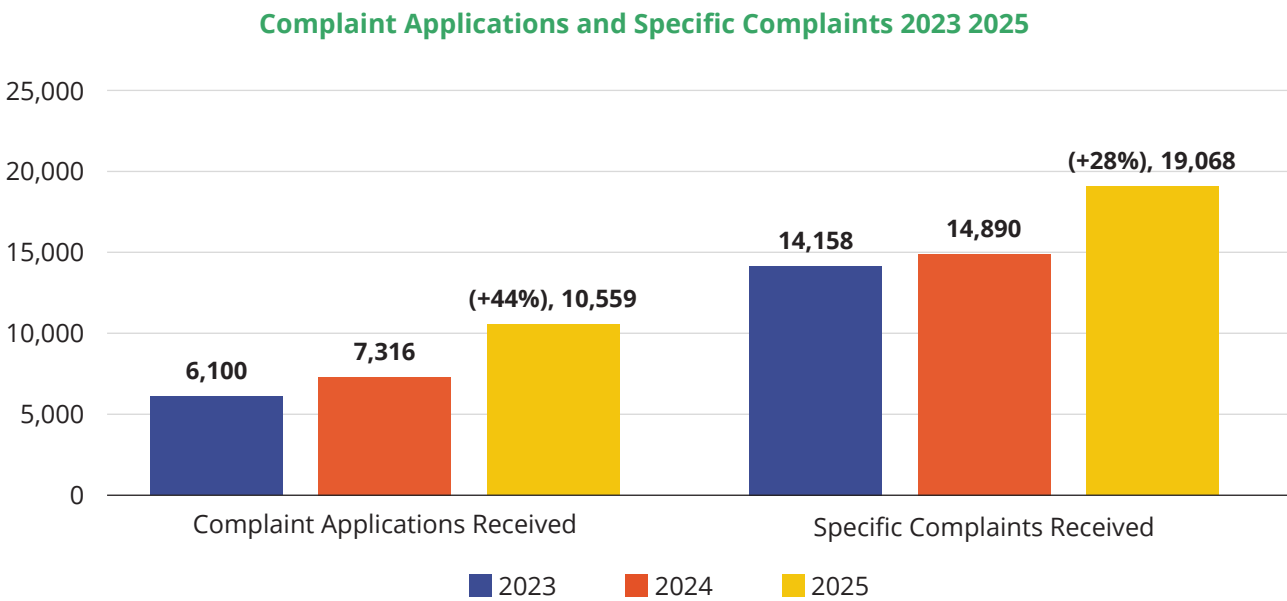
Figure 4: Website Views



Complaints Received 2025

Over the course of 2025, the WRC received 10,559 Complaint Applications representing 19,068 individual complaints, which is an average of 2 individual/specific complaints per complaint application, which must be initially processed and managed by KIA Division’s Information and Customer Services Unit. This represents a 44% increase of Complaint Applications whilst the individual complaints increased by 28% compared to 2024 as a Complainant can make more than one complaint on a Complaint Application.

Figure 5: Complaint Applications

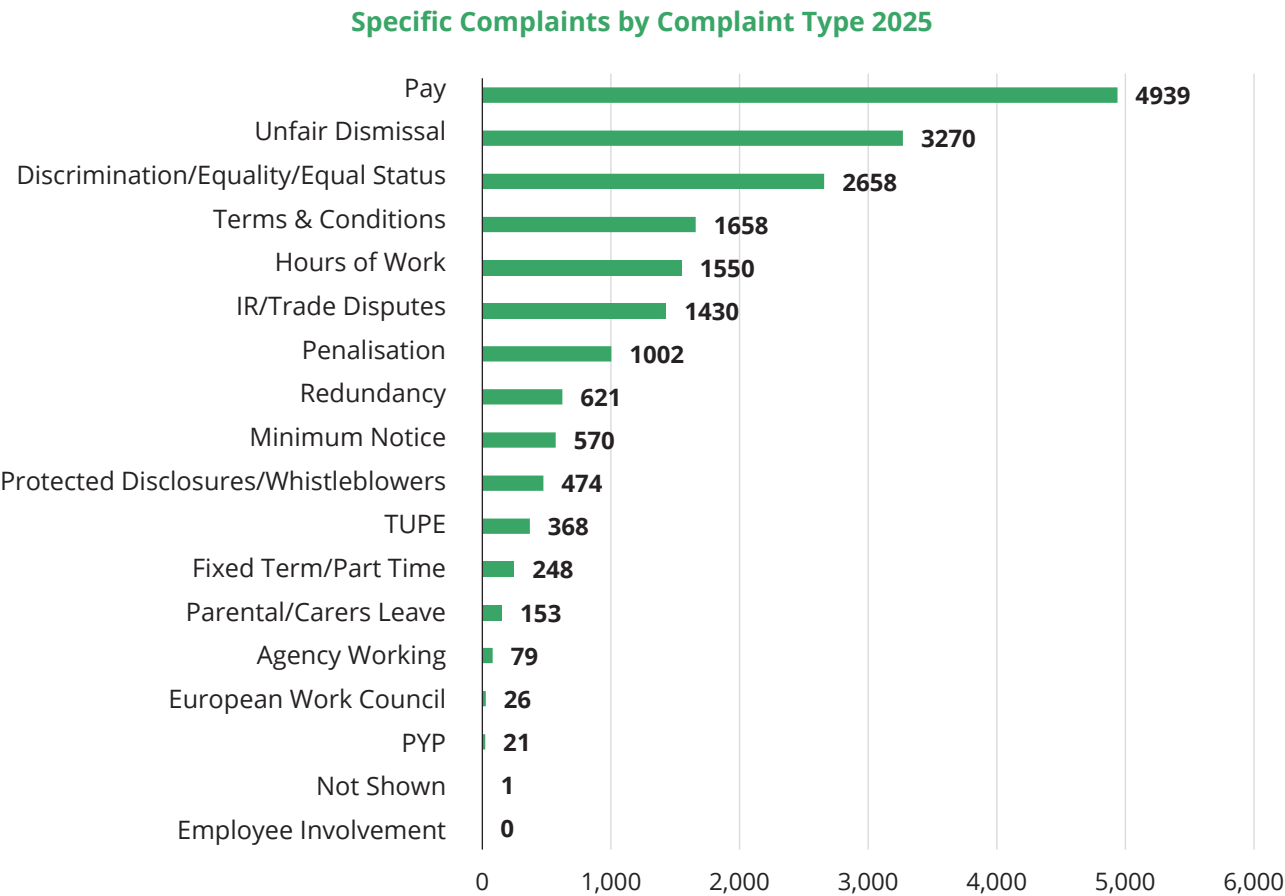


Of the 19,068 specific complaints in 2025:

- 26% relate to Pay issues
- 17% relate to Unfair Dismissal
- 14% relate to Discrimination/Equality/Equal Status
- 9% relate to Terms and Conditions of Employment
- 8% relate to Working Time
- 8% relate to Trade Disputes/IR issues

Whilst the number of Complaint Applications received rose significantly, the breakdown mirrored the distribution recorded in 2024, with the most prevalent issues that year relating to pay (27%), followed by Unfair Dismissals (15%), Discrimination, Equality & Equal Status (14%), Working Time and Terms of Employment (9%), and Trade Disputes (8%).

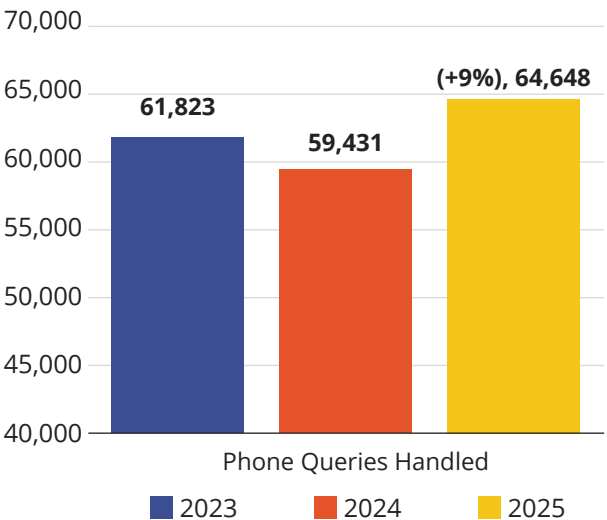
Figure 6: Specific Complaints by Complaint Type 2025



Calls to Information and Customer Service Infoline

The number of telephone queries addressed increased by 9% in 2025 (64,648) in comparison to 2024 (59,431).

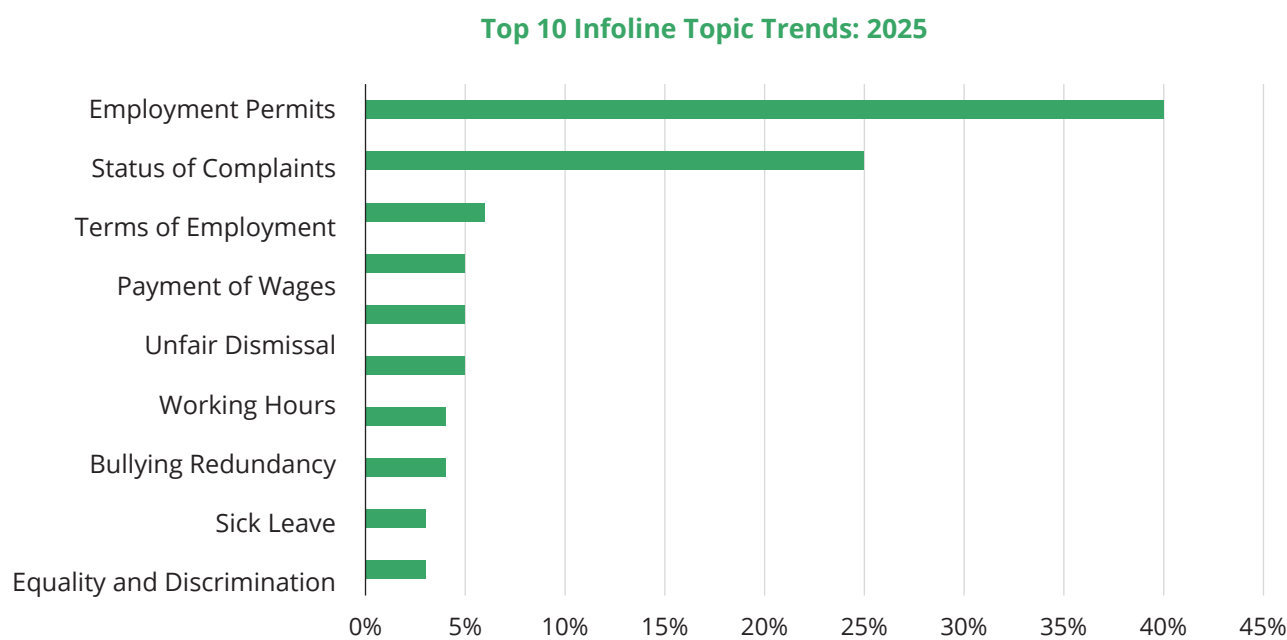
Figure 6a: Infoline Calls 2023 -2025



Information on Employment Permits was provided to 40% of callers in 2025, an increase on 2024 that reflects heightened engagement with the newly introduced modernised cloud-based Employment Permits online system and the broader digital-transformation programme underway across the permits process.

Other common topics dealt with during the year were the status of complaints submitted to the WRC (25%), queries on unfair dismissal (5%) and redundancy (4%). The figure below illustrates topics on which the Infoline provided information to callers in 2025.

Figure 7: Top 10 Infoline Topic Trends: 2025



The type of callers ICS dealt with in 2025 is set out below. Employees comprise over three-quarters of all callers. Employer callers account for 16% of calls, while calls from representative bodies (employees and employers) accounts for 3% of calls dealt with.

Figure 8: Caller Type 2025

Caller Type 2025	%
Employee	79%
Employer	16%
Employee Representative Body	2%
Employer Representative Body	1%
Citizens Information Centre & Media	1%
Other	1%

Knowledge, Education & Outreach Strategy Services

The Information and Customer Service Unit plays an integral role in the overall Outreach Programme of the WRC. Various information channels are utilised to provide comprehensive and relevant information to stakeholders and the general public. Examples of information provision include:

- › Presentations to various groups on employment legislation
- › Attendance at exhibitions
- › Provision of information booklets, leaflets and other literature
- › Social media
- › The WRC website
- › Information and training sessions (including activities with Local Enterprise Offices)

In 2025, the Information and Customer Services Unit attended 42 events (including schools and colleges, enterprise bodies, business and employee representative bodies and State bodies). Continuing from 2024, targeted activities were also conducted in the educational sector to create awareness amongst younger persons. This included outreach in secondary schools across the country.

Figure 9: Breakdown of Outreach Activities 2023-2025

Outreach Activities 2023 - 2025	
2023	44
2024	51
2025	42

Campaigns and other activities

During 2025 work continued in updating and improving the content of the WRC website, together with various publications. In 2025 the KIA Division also participated in and supported WRC and the European Labour Authority (ELA) campaigns and activities.

2025 Outreach also included:

- › Awareness raising of changes in the National Minimum Wage
- › Supporting Inspection Services in their various campaigns

The WRC hosted a delegation from the Cypriot Ministry for Labour Relations on the 2nd and 3rd of December 2025. This Study Visit was facilitated by the KIA Division in conjunction with the ELA as part of its capacity building initiatives to support labour authorities within the EU. The purpose of the event was to exchange information, experience and best practice between the WRC and colleagues from Cyprus in relation to the employment rights and industrial relations structures in both jurisdictions.



Pictured: Audrey Cahill (Director General), Enda Murphy (Director of Knowledge, Information and Advisory Services), Maria Aristidou, Antigoni Koullourou, Efi Iacovou and Klairi Panayiotou (Cypriot Ministry for Labour Relations).



Pictured: Monika Dineen (Irish National Liaison Officer ELA), Edel Muldowney (Inspection and Enforcement Services), Maria Aristidou, Antigoni Koullourou, Efi Iacovou and Klairi Panayiotou (Cypriot Ministry for Labour Relations).

Advisory Service

The Advisory Service works with employers, employees and their representatives, in non-dispute situations to promote, develop and implement effective industrial relations practices, procedures and structures that best meet the parties' needs. The Advisory Service is independent, impartial and experienced in industrial relations practice and theory. The WRC, in discussion with the parties, will tailor assistance to individual workplace requirements. This assistance is confidential and free of charge. The service assists employers and employees in building positive working relationships and works with them to ensure that they continue to maintain effective problem-solving mechanisms into the future.

In order to assess the nature and depth of the problems being experienced in an organisation, the Advisory Service will in the first instance conduct an in-depth assessment of the workplace and identify particular areas of concern as well as recommendations to improve the industrial relations culture. As a second step, the Advisory Service will work with the organisation to implement any recommendations made and to support both the employer and the employees and their representatives in improving practices and procedures and in building a stronger working relationship.

The Advisory Service completed 5 new reviews during 2025 and continued to work with 14 other organisations post review in relation to facilitating improvement in workplace engagement.

Codes of Practice

The WRC Advisory Service develops Codes of Practice to give guidance and set out what it believes to be best practice in good industrial relations. The Commission undertook a public consultation on the Code of Practice on Access to Part-Time Work (S.I. No. 8 of 2006) to seek views on whether there is a need to update the Code. The Commission concluded its work on the review of the Code of Practice in 2025 and made its recommendations to the Department.

The Commission noted the enactment of the Employment (Contractual Retirement Ages) Bill 2025 in December 2025. In accordance with the statutory framework, under which the Minister may issue a direction requiring the Commission to prepare and submit a Code of Practice, the Commission will undertake this work upon receipt of such a direction.

4.3 Inspection and Enforcement Services

Director of Inspection and Enforcement Foreword

The Inspection and Enforcement Division (IED) of the WRC is the enforcement and regulation arm of the Commission. It is responsible for activities such as workplace inspections, prosecutions, enforcement of awards and licensing of employment agencies and of children working in the arts, cultural and commercial spheres. The inspectorate is a decentralised service, with offices in Dublin, Carlow, Cork, Ennis and Sligo covering all of the country.

The overall performance levels of the Division in 2025 across our metrics remain at high levels. Compliance Notices issued for 2025 increased by 35% to 50. Prosecutions dealt with have climbed from 175 in 2024 to 223 in 2025, an increase of 27%. Child Employment licences issued increased by 12% and enforcement cases concluded have also increased by 64%. The number of complaints received by the inspectorate also increased by 34%, from 1,217 in 2024 to 1,637 in 2025.

Sectors such as Food Services Activities and Hair and Beauty sectors remain relatively high non-compliant sectors, whereas the Wholesale and Retail Trade, while also in the three highest representative sectors inspected, has a low non-compliant level. Sectors indicating mid to high non-compliance include Agriculture, Arts, Entertainment & Recreation and Meat Processing. The inspectorate was also involved in campaigns in the fishing sector, EMPACT Labour Exploitation and Global Chain week of Action on Labour Exploitations and National Minimum Wage campaigns.

The Division also continues work with other State bodies in joint inspections; these are the Revenue Commissioners, An Garda Síochána, Department of Social Protection (DSP), Road Safety Authority (RSA), as well as working with international bodies such as the European Labour Authority (ELA) and International Labour Organisation (ILO).

Recruitment of inspectors remains a challenge with 16 Inspector vacancies outstanding at the end of 2025 (3 Inspector Team Managers and 13 Inspectors). This is not an issue confined to the WRC and is an issue across both the civil and public service spheres, where recruitment and retention challenges are to the fore. The WRC, in co-operation with DETE and Public Jobs, are currently working to fill all vacancies.



John Kelly

*Director
Inspection and Enforcement
Division*

Inspection and Enforcement Services

Figure 10: Inspection and Enforcement Service Activity 2023 - 2025

Key Metrics	2023	2024	2025
Employers Inspected	4,727	5,156	5,145
Employers in breach of employment law obligations	2,221	2,108	1,775
Unpaid Wages Recovered (€)	€1,950,601	€2,158,870	€1,578,924
Number of Specific Complaints Received	957	1,217	1,637
Total Number of Workplace Inspection visits	6,519	6,217	5,596

The WRC Inspectorate carries out workplace inspections, covering all workplace sectors, to ensure that employers operate in compliance with employment law and that all employees are in receipt of all their legal rights.

Inspections can be carried out on either an announced or unannounced basis. Inspectors are legally empowered to enter any workplace, and it is a criminal offence for any person to obstruct or provide misleading information to an inspector.

As part of the inspection process, an inspector will engage with employers and will verify the employer's compliance with the relevant employment law.

The inspection process involves:

- › an examination of an employer's employment-related books and records,
- › an interview of the employer or employer representative,
- › interviews of employees.

During an inspection, the inspector will provide relevant information to employers. If an employer is found to be non-compliant, the inspector will assist employers to become compliant.

The WRC Inspectorate may also carry out inspections involving other enforcement and regulatory bodies of the State, including An Garda Síochána, Revenue Commissioners, Department of Social Protection, Road Safety Authority, and other State actors.

Inspections in 2025

WRC Inspection activity is generally aimed at employment sectors where a risk of non-compliance has been identified or where previous non-compliance has been detected. These can be through intelligence or information provided to the WRC and by other bodies or persons (including other State bodies) or in response to specific complaints received regarding alleged non-compliance by specific employers.

In 2025, 5,145 inspection cases were closed and of these, 1,775 were found to have contraventions of employment law. These cases involved 5,596 individual workplace inspection visits which uncovered 6,571 specific contraventions of legislation.

Most employers inspected are compliant or become compliant during the inspection process. Employers who fail to become compliant may be subject to enforcement action, including prosecution.

The year 2025 saw a significant increase in the enforcement of employment legislation falling under the remit of the WRC. 223 prosecutions were conducted, of which 183 resulted in successful outcomes, giving rise to an 82% success rate. This was up from 175 prosecution in 2024 which resulted in 141 successful outcomes and a 81% success rate. Overall, there was an increase of 27.5% in the number of prosecutions brought before the Courts by the WRC in 2025. This was a substantial increase on 2024 and can be attributed to a number of factors, including:

- › The length of time for cases going through the Courts has been reduced due to an increase in the numbers pleading guilty as opposed to defending a case and it going to a full hearing.
- › In mid-2024, we entered into new legal services agreements which led to an expansion of the legal supports available to the WRC, which resulted in more timely prosecution of cases.
- › The Courts closed for substantial periods during Covid and, combined with the fact that we were unable to obtain sufficient evidence for criminal cases during Covid, there was a knock-on effect causing a reduction in cases brought in the two years after.

Other enforcement options available to WRC Inspectors are Fixed Payment Notices (twenty-three issued in 2025) and Compliance Notices (fifty issued in 2025).

Figure 11: Court Prosecutions Outcomes 2025¹

Outcomes	Number
Convicted	78
Probation Act	7
Charitable Donations	24
Probation & Charitable Donations	70
Bench Warrant Issued	4
Withdrawn	11
Dismissed	1
Struck Out	6
Decision not to Prosecute	10
Unable to Prosecute	12

Joint Inspections 2025

The WRC Inspectorate has wide ranging powers to exchange information with other State bodies and carries out inspections with other State enforcement bodies where such joint operations would enhance the effectiveness of the participating bodies.

In 2025, some 290 inspections were carried out with An Garda Síochána (including Garda National Immigration Bureau and Garda National Protective Service).

WRC Inspectors also carried out 236 joint inspections with officers of the Department of Social Protection and 311 joint inspections with officers of the Revenue Commissioners and 3 with the Road Safety Authority (RSA).

As can be seen in the chart below, joint inspections involving State enforcement bodies are an increasing tool to detect and eliminate non-compliance. This is reflective of increased joint inspection activity, in particular, regarding risk-based inspections.

Figure 12: Joint Inspections 2023 – 2025

Agency	Garda	DSP	Revenue	RSA
2023	95	262	157	0
2024	232	242	245	1
2025	290	236	311	3

¹ See full details of prosecutions in Appendix 2.

Sources of Inspection Cases

Figure 13 below illustrates the main sources for WRC inspections concluded in 2025. Nearly half of cases (2,415) were based on risk assessments carried out by the WRC. Sectoral campaigns involved 1,232 cases and 1,079 resulted from direct complaints to the inspectorate. Other sources include referrals from partners such as An Garda Síochána, the Revenue Commissioners, Department of Social Protection and other public bodies.

Figure 13: Sources for WRC Inspection 2025 Cases

Source	Referrals
Agency Licensing Referral	1
Anonymous Complaint	40
Border Management Unit (BMU)	12
Campaign	1232
Complaint	1079
DBEI EP Referral	213
Department of Justice	16
Department of Social Protection	15
Enforcement Unit	3
Garda	51
Protected Disclosures Complaint	5
Posted Workers Directive	7
Referral	25
Revenue Commissioners	31
WRC Risk Assessment	2415

2025 Inspection Activity and Outcomes by Employment Sector

The details of inspection activity in 2025 are set out in Figure 14. It should be noted that the incidence of breaches of employment law reflects non-compliance detected in respect of the employers inspected and may not represent the sector overall.

Figure 14: Inspection Activity and Outcomes by Employment Sector

Sector	Cases	No in Breach	Incidence of Breach %	Employees	Unpaid Wages
Accounting & Financial Services	25	2	8%	2,649	€0
Activities of Households as Employers	3	1	33%	177	€1,886
Administration & Support	45	8	18%	5,082	€149
Advertising & Marketing	12	1	8%	88	€0
Agriculture	68	40	59%	1,240	€26,789
Aquaculture	2	2	100%	18	€2,850
Arts, Entertainment & Recreation	96	40	42%	2,103	€33,563
Beverage Service Activities	203	84	41%	1,801	€149,121
Construction	298	60	20%	3,789	€151,297
Contract Cleaning	45	10	22%	145,697	€14,424
Education	38	10	26%	5,336	€5,469
Electrical Contracting	20	6	30%	282	€5,574
Employment Placement Agencies	15	4	27%	1,457	€658
Equine Activities	4	2	50%	317	€0
Fishing	61	4	7%	74	€0
Food Service Activities	1,591	659	41%	17,766	€345,648
Hair & Beauty	464	182	39%	1,845	€31,347
Hotels	132	44	33%	6,993	€47,149
Human Health & Social Work	226	64	28%	43,728	€140,747
Information & Communications	46	12	26%	309	€3,307
Legal Services	2	0	0%	2	€0
Manufacturing	65	20	31%	3,714	€9,626
Meat Processing	9	5	56%	1,646	€377
Mechanical Eng. Building Services	22	3	14%	809	€2,921
Mining & Quarrying	1	1	100%	4	€150
Other Accommodation	8	3	38%	28	€1,305

Other Service Activities	59	26	44%	1,506	€157,693
Postal & Courier Services	3	1	33%	62	€0
Professional Services	91	35	38%	812	€10,084
Public Administration	12	0	0%	9	€0
Real Estate Activities	4	2	50%	28	€0
Security	51	13	25%	2,632	€55,283
Transport	116	52	45%	9,855	€143,834
Travel & Tour Operators	8	2	25%	430	€471
Veterinary & Animal Health Services	9	2	22%	345	€0
Water Supply, Sewerage & Waste Remediation	10	1	10%	54	€1,350
Wholesale & Retail Trade	1,281	374	29%	16,967	€235,854
TOTALS	5,145	1,775	34%	279,654	€1,578,924

Civil Enforcement of Adjudication Awards

Under Section 43 of the Workplace Relations Act 2015, an employee, or the Commission, on behalf of an employee, may apply to the District Court seeking an order directing an employer to comply with a decision of an Adjudication Officer. In 2025, some 106 civil enforcement cases were dealt with by the Civil Enforcement Section of the WRC. In 19 cases, the employer, following intervention by WRC enforcement staff, paid the adjudication award before the application for a court order had to be taken. This resulted in recovery of awards amounting to €144,726 for employees. In 5 additional cases, the employer paid the adjudication award after the civil order issued, resulting in recovery of awards amounting to €22,248. In total, €166,974 in adjudication awards was recovered for employees.

An employer who fails to comply with an order of the District Court in relation to a decision of an Adjudication Officer may face prosecution under Section 51 of the Act. Three such cases were referred for prosecution in 2025 and are currently ongoing.

38 applications for civil enforcement did not meet the WRC criteria for enforcement through the court while a further 20 applications were not legally enforceable (eg, investigations carried out under S.13 of the 1969 Industrial Relations Act). Other applications submitted were not successful due to a number of factors, including:

- › applications received where the employer was no longer trading,
- › inability to contact the employer or where the employer demonstrated inability to pay.

Civil Enforcement of Adjudication Awards

Outcome	2023	2024	2025
Award paid before Civil Order	26	13	19
Award paid after Civil Order issued	2	0	5

Inspection Campaigns
National Minimum Wage

The WRC carries out an annual campaign in January aimed at highlighting the changes to the National Minimum Wage (NMW) in that year. The purpose of the 2025 campaign was to create awareness of the NMW increase while also conducting inspections to ensure compliance with the new rates. The focus of the campaign was principally small and medium sized enterprises that employ some or all of their staff on the NMW.

The inspections carried out during the campaign identified that 101 employers were compliant and a further 178 became compliant as a result of the campaign. Furthermore, 3 employers were prosecuted, and €62,082 of unpaid wages returned to employees

Commercial Sea Fishing

The Commercial Sea Fishing sector continued to be a focus of WRC inspections throughout 2025. Inspections were carried out on large and small commercial fishing vessels to monitor compliance with employment rights and employment permit legislation. Checks were carried out to ensure that non-EEA fishers and all other employees on the vessels were receiving their statutory entitlements under employment legislation.

These inspections were generally unannounced and followed up by full announced inspections where additional records for review were required.

In the period from 2021 to the end of 2025, the WRC carried out 309 fisheries inspections (see Figure 15 below). It is encouraging to see from the trend in Figure 16 that compliance in this sector has significantly improved in more recent years.

Figure 15: WRC Fishing Vessel Inspections 2021 to end 2025

2021	2022	2023	2024	2025	Total
55	35	88	55	76	309

Figure 16: Outcomes of Fisheries Inspections 2021 - 2025

Year	Total Contraventions	Employers in Breach	Prosecutions
2021	42	17	5
2022	24	9	2
2023	55	25	4
2024	13	6	3
2025	8	7	2



Wild Atlantic Way Campaign

A Seasonal Workers' campaign targeting the hospitality sector was conducted in a number of regions in June. WRC Inspectors carried out unannounced visits to 39 individual businesses resulting in the detection of 54 contraventions. In total, 106 employees were interviewed over the course of the campaign.

EMPACT

EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a security initiative led by EU Member States to identify, prioritise, and address threats posed by organised and serious international crime. The WRC participates in EMPACT Joint Action Days (JADs) focused on labour exploitation and human trafficking, working collaboratively with labour inspectorates and police forces across Europe.

In 2025, the EMPACT Labour Exploitation Campaign consisted of seven Joint Action Days held between 20 – 28 September. During this period, inspectors carried out risk-based inspections nationwide, targeting employers in the agricultural sector which included livestock, fruit, and vegetable farms. In addition, focus was also on the broader services sector, such as nail bars, massage shops, car washes, restaurants, and takeaways.

The campaign involved close co-operation between WRC Inspectors, the Department of Social Protection, the Revenue Commissioners and An Garda Síochána, including the Garda National Protective Services Bureau and the Garda National Immigration Bureau.

Throughout the week, 148 inspections were carried out resulting in 103 employers found to be in breach of employment legislation, with a total of 259 contraventions detected. 537 employees were interviewed over the course of the inspections.

Co-operation with other Member States

With support from the European Labour Authority (ELA), the WRC also hosted delegations from Malta and Finland during the EMPACT campaign. These visits provide an observational learning opportunity for the representatives of visiting delegations and allow for an exchange of information, experience and best practice between the WRC Inspectors and the delegates.

* The Maltese delegation participated in a study visit that included accompanying WRC Inspectors and members of the Human Trafficking Investigation and Coordination Unit (HTICU) on a joint inspection at a livestock farm.

* The Finnish delegation participated in a Concerted Joint Inspection (CJI) that involved an onsite unannounced compliance inspection at a fruit and vegetable farm.



Pictured left to right: John Kelly, John Doheny, Audrey Cahill, Liz Amond, Olivia Harris, Tapio Holopainen, Milla Hirvonen and Noora Mattsson



WRC Inspectors with colleagues from An Garda Síochána, accompanied by members of the Finnish Delegation

European Labour Authority Supported Activity

Throughout 2025, the WRC continued its active engagement in seminars, meetings, and workshops organised by the ELA. The ELA provides ongoing support to labour inspectorates across Member States, particularly in terms of capacity building, promoting compliance in areas of significant labour mobility, and strengthening efforts to detect and address undeclared work.

The Director of Inspection Services represents Ireland on the Management Board of the ELA. In addition, staff from the Inspection Division represent the WRC at ELA meetings and relevant Working Groups, where appropriate. These provide Ireland with an opportunity to participate and contribute to the Authority's strategy and oversight of the Authority's activities. They also provide Ireland with an opportunity to avail of training and to build networks across the membership of the Authority.

Ireland is also supported through a Bratislava based Irish NLO (National Liaison Officer), Monika Dineen. The NLO provides an operational presence within the ELA and provides a source of information and a direct means of feedback regarding the ELA's operational focus.

During the year, the WRC participated in a number of Concerted Joint Inspections (CJIs) and Study Visits facilitated by the ELA. CJIs are designed to reinforce cooperation and enhance information sharing between Member States and provide a structured platform for collaboration involving labour inspectorates, social security institutions, police, customs, and revenue authorities. This multidisciplinary approach improves the effectiveness, consistency, and cross-border alignment of labour law enforcement within the EU.

In 2025, the WRC hosted two delegations from Finland as part of CJIs. As previously mentioned, the WRC hosted the Finnish delegation during the week of EMPACT while the second delegation focused on the Domestic Care Sector, with particular emphasis on WRC inspection planning and operational practices.



Nuala Breen, Fidelma Hardiman, Audrey Cahill, Jenny Poltonen and Niina Maki

WRC Inspectors also took part in CJI in Cyprus and Lithuania, where the focus was on the transport sector. These engagements provided Inspectors with valuable insights into roadside inspection practices, knowledge that can be applied directly to inspections conducted in Ireland.

The WRC hosted a delegation from Malta for a study visit. This visit involved detailed discussions on shared inspection priorities and operational approaches, as well as a practical site visit to observe the conduct of joint inspections.



Pictured with Audrey Cahill, Director General, are Mary Grace Cassar and Diane Vella Muscat from Malta

WRC Inspectors continued to participate in the ELA's Modular Training Programme on posted workers. This programme provides an overview of the Posting of Workers Directive and the Enforcement Directive, examining the various forms of labour mobility within the EU and exploring the current challenges experienced by Member States in this area.

Licensing of Employment Agencies and Employment of Children

The WRC, on behalf of the Department of Enterprise, Tourism and Employment (DETE), processes applications for employment agency licences and licences for the employment of children in the arts and entertainment sector.

Employment Agency Licencing 2025

All Employment Agencies operating in the State must hold a licence to carry on its business. The WRC accepts and processes applications for employment agency licences on behalf of the Department of Enterprise, Tourism and Employment and also carries out inspections to ensure that agencies operate in compliance with the Employment Agency Act, 1971. Employment Agency licences are renewable on an annual basis.

In 2025, 1,040 Employment Agency licences were issued under the Employment Agency Act, 1971, a slight decrease of 2.16% on 2024, which was 1,063.

Licences authorising the Employment of Children

The WRC is also responsible for the issue and processing of licences authorising the employment of children by employers engaged in cultural, artistic, sports or advertising work. This is carried out also on behalf of the Department of Enterprise, Tourism and Employment.

Licences for the employment of children set out conditions under which the children may be employed, governing general conditions of employment, parental consent, child supervision, education arrangements, and the maximum working times and minimum breaks appropriate to each child or group of children employed.

In 2025, 615 licences were issued authorising the employment of 1,342 such children. Demand for these licences was up in 2025 on the 551 licences issued in 2024.

Figure 17: Licences issued to children to work in specific areas

2023	2024	2025
632	551	615

4.4 Conciliation, Facilitation and Mediation Services

Director of Conciliation, Facilitation and Mediation Foreword

2025 has been a milestone year for the Conciliation, Facilitation and Mediation Services and gives us an opportunity to not only record our work throughout the year but also to look back on the impact of 10 years of service. This year marked a decade since the transfer of collective dispute resolution services from the former Labour Relations Commission to the Workplace Relations Commission, as well as our new function of delivering mediation for cases before adjudication under the Workplace Relations Act 2015. For the first time since the establishment of the WRC, we delivered over 1,000 mediations to parties and resolved over 1,800 specific complaints made under employment and equality legislation. We also facilitated collective dispute resolution for issues impacting over 700,000 employees across the year.

The Division is front and centre in facilitating meaningful service user-led solutions to complex industrial relations and employment law disputes in both the collective and individual space, demonstrating that informal, confidential, voluntary and mutually agreed solutions delivered when they are needed most is the best and preferred solution for workplace dispute resolution.

I am pleased to present to you the work of the Division throughout 2025.



Sylva Langford

*Director
Conciliation, Facilitation and
Mediation Services Division*

Conciliation, Facilitation and Mediation Services

The Conciliation, Facilitation and Mediation Services (CFMS) Division delivers an impartial, timely and effective suite of dispute resolution services following a breakdown in local level discussions or in circumstances where the Commission believes it can assist employers and employees to mutually agree solutions, processes and/or structures to develop and maintain positive workplace and industrial relations. In 2025, the Commission continued to provide services to both private and public sector organisations to assist them in resolving disputes that encompassed over 700,000 workers.

Collective Dispute Resolution Conciliation

In 2025, CFMS through its Conciliation Service continued to play an active role in assisting parties in the resolution of industrial relations conflicts in both the public and private sectors. The Commission brokered agreements and progressed disputes across multiple sectors of the economy.

Many of the cases in which the Commission provided assistance are already in the public domain including the HSE, Ryanair, the Local Authority Sector, School Secretaries and Caretakers, the National Ambulance Service, Dublin Fire Brigade, Manor Farm, the Irish Times, multiple Local Authorities, Medtronic, Shannon Heritage, Bord na Mona Recycling, MSD, Novum Overseas, Viatris, Boxmore Plastics, Pobal, Grant Engineering, Tente, Ireland West Knock Airport, Mayo University Hospital, Procon Pumps, Newbridge Silverware, AIB and Bank of Ireland.

As in previous years, the Service also continued to provide significant assistance to healthcare and community workers across various Section 39 and other agencies that provide health services on behalf of the State.

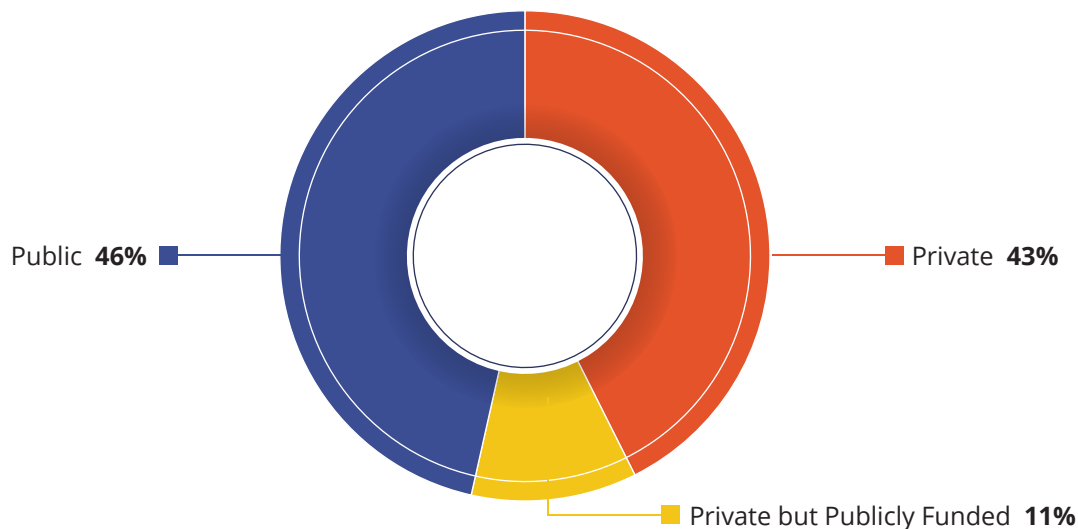
540 collective referrals in relation to 616 matters in dispute were received in 2025, of which 54% of referrals related to private sector employers while 46% related to public sector employers. Within the number of private sector cases, 59 of these were from private employers who receive State funding and represented 11% of the overall number of cases referred for conciliation.

Certain sectors were responsible for a much higher rate of referrals in 2025 as can be seen by 33% of all referrals coming from the Human Health and Social Work Activities sector, 16% from the Manufacturing sector, 13% from Public Administration and Defence; Compulsory Social Security sector, and 10% from the Transportation and Storage sector.

Figure 18: 2025 Conciliation Referrals by NACE Sector

2025 Conciliation Referrals by NACE Sector	
A - Agriculture, Forestry and Fishing	1%
B - Mining and Quarrying	0.5%
C - Manufacturing	16.5%
D - Electricity, Gas, Steam and Air Conditioning Supply	1%
E - Water Supply; Sewerage, Waste Management and Remediation Activities	0.5%
F - Construction	1%
G - Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	3%
H - Transportation and Storage	10%
I - Accommodation and Food Service Activities	3%
J - Publishing, Broadcasting, and Content Production and Distribution Activities	0.5%
K - Telecommunication, Computer Programming, Consulting, Computing Infrastructure and Other Information Service Activities	0.5%
L - Financial and Insurance Activities	1%
M - Real Estate Activities	0%
N - Professional, Scientific and Technical Activities	0.5%
O - Administrative and Support Service Activities	1%
P - Public Administration and Defence; Compulsory Social Security	13%
Q - Education	8%
R - Human Health and Social Work Activities	33%
S - Arts, Sports and Recreation	1%
T - Other Service Activities	5%
U - Activities of Households as Employers and Undifferentiated Goods - and Service-Producing Activities of Households for Own Use	0%
V - Activities of Extraterritorial Organisations and Bodies	0%
TOTAL	100%

Figure 19: Breakdown of Conciliation Referrals by Employer Type

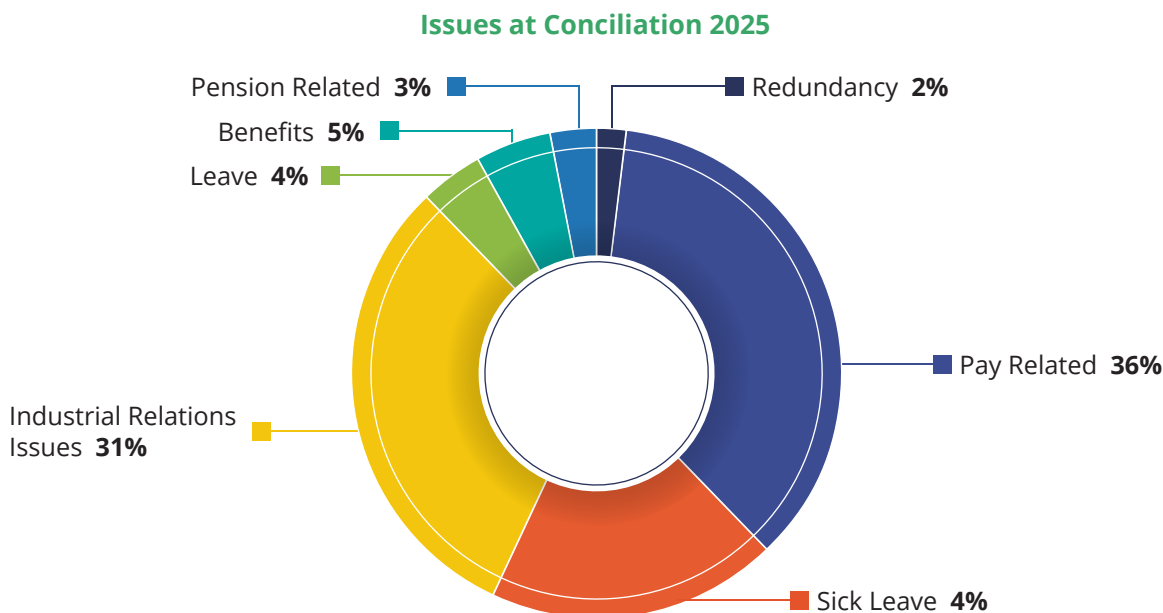


Issues at Conciliation 2025

More broadly, requests for conciliation continued to reflect a similar pattern and range of issues to those referred in the two preceding years, with issues referred encompassing:

- › Pay-related issues (36%)
- › Organisational structure such as rosters, restructuring, staffing, shift work etc. (19%)
- › Industrial relations issues such as change to terms and conditions of employment, grading, productivity, outsourcing etc. (31%)
- › Types of Leave (4%)
- › Benefits such as bonuses, service pay, sick pay, staff incentives, expenses etc. (5%)
- › Pension-related issues (3%)
- › Redundancy (2%)

Figure 20:Types of Disputes at Conciliation in 2025



Pay-related issues continue to be the most common form of dispute issues referred to conciliation, although this is down by 8% compared to 2024. Industrial relations issues such as grading, job evaluation, union/management agreements, changes to conditions of employment etc are again the second most common dispute issue referred to conciliation, up 7% from 2024. The third most common issue, organisational structure

– encompassing such issues as restructuring, rosters, staffing levels, change in work practices, recruitment etc - is almost identical compared to 2024 when it accounted for 20% of all referrals. It is however worth considering these referrals in the context of employer type which can show significant differences between the most common issues being referred by the private sector and by the public sector in 2025.

Figure 21: Types of Disputes at Conciliation in 2025 by Public Employer

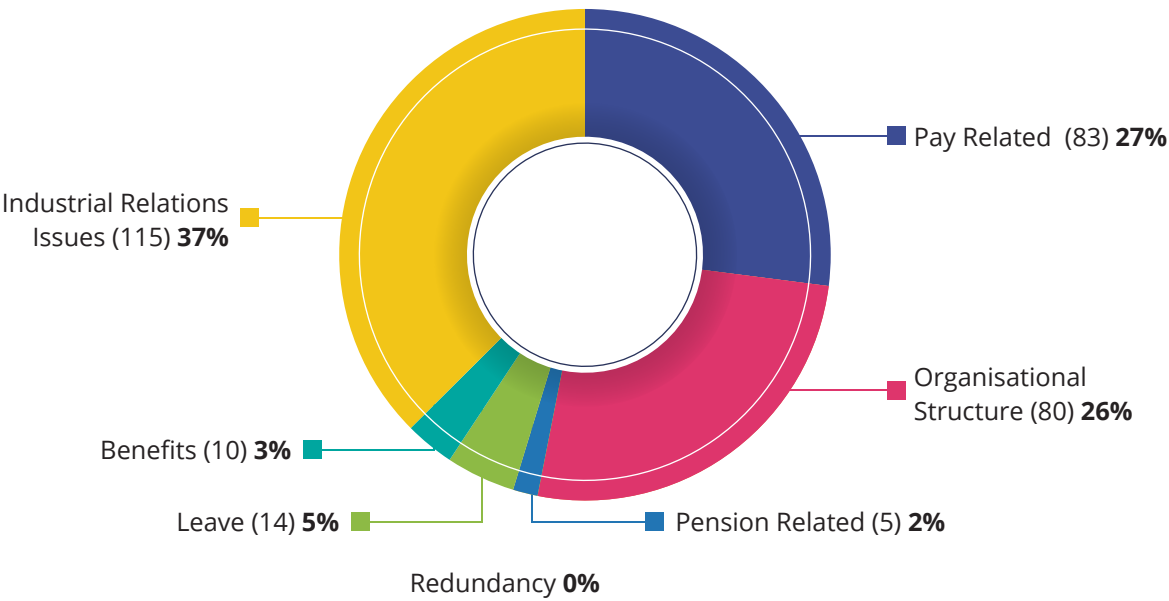
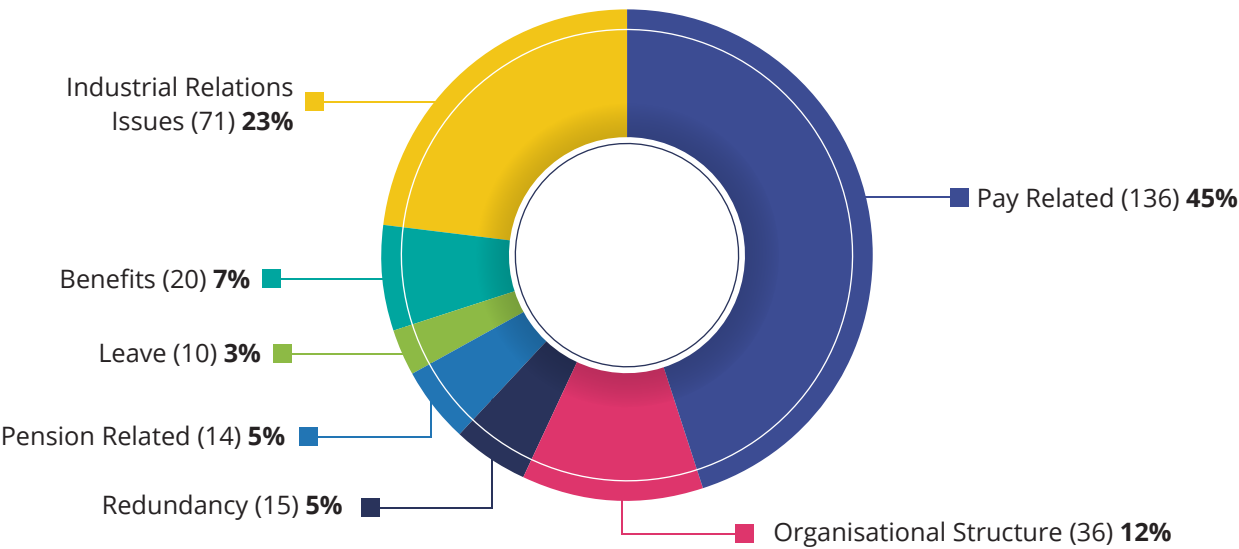


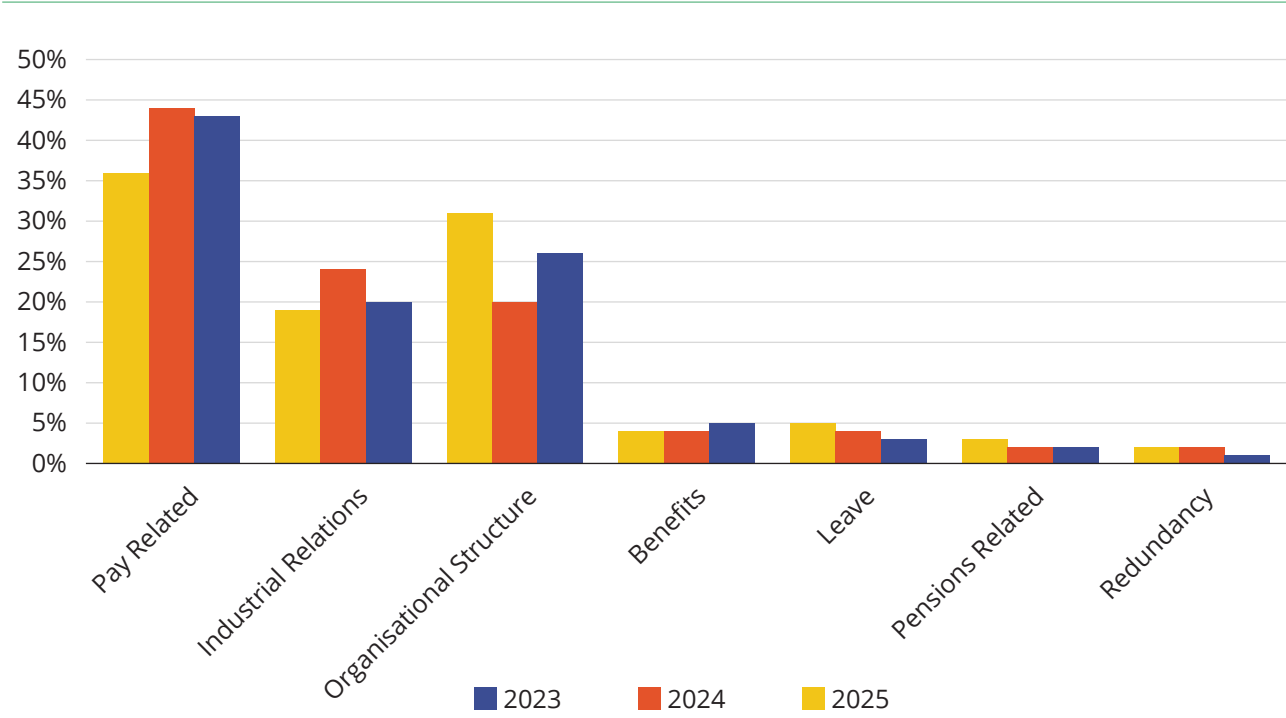
Figure 22: Types of Disputes at Conciliation in 2025 by Private Employer including Private but Publicly Funded Employer



When comparing the types of dispute issues referred by employer type, it is interesting to note that pay and industrial relations are the two most common forms of dispute referred to the Commission in both the public sector and the private sector, with pay-related issues accounting for almost half of all referrals made in the private sector compared to just over one quarter of

referrals made in the public sector. In the case of the public sector this may in large part be due to the Public Service Agreement which includes general pay rounds over the lifetime of the agreement and prohibits cost-increasing claims. As a result, other related issues, not falling under the pay category, may emerge in the public sector.

Figure 23: Dispute Issues at Conciliation 2023-2025



The above figures show variety in the rates at which certain dispute issues were referred to the Commission over the past three years. While it is difficult to determine definitively why certain issues are higher or lower in any given year, it is likely that there is a cyclical nature to dispute issues, particularly pay-related issues as pay agreements are often agreed for a period of two to three years. It will be worth monitoring this figure in future to see if it returns to its 2023 level. However, a higher rate of referrals for other issues could impact the overall percentage of pay-related issues referred for conciliation.

Overall, the success rate of the Conciliation Services continues to be above 87%. Of the 541 referrals to conciliation in 2025, 67 were subsequently referred to the Labour Court. In many of the cases referred on to the Labour Court for a recommendation, the conciliation process played a significant part in reducing the differences between the parties, thereby refining the issues requiring a definitive recommendation from the Court.



Louise Shally, Robert O'Leary, Mary Dooley, Una Cronin, Shane O'Connor, Sylva Langford, Finbarr Kiely, Marie Flynn, Sean Manley and Amanda Downes.



Amanda Downes, Robert O'Leary and Mary Dooley

Facilitation

An integral part of the work of Conciliation, Facilitation and Mediation Services is offering assistance by means of facilitated discussion. This work encompasses facilitating the Public Sector talks, chairing Oversight Groups within the Public Service Agreement Framework, together with the provision of Chairpersons to a range of other negotiation fora, for example the Health Service National Joint Council, the Teachers' Conciliation Council, and a range of Joint Industrial Councils such as Construction and Electrical, and Joint Labour Committees. In this regard, Conciliation Officers chaired 108 such meetings in 2025.

The CFMS Division chaired three Joint Labour Committees during 2025 which resulted in facilitated agreements for four Employment Regulation Orders (ERO) in 2025. These were subsequently sent to the Labour Court for adoption, and given statutory effect by the Minister for Enterprise, Tourism and Employment. The ERO fixes minimum rates of pay and conditions of employment for workers in specified business sectors. Employers in those sectors are then obliged to pay wage rates and provide conditions of employment not less favourable than those prescribed. These apply to the Contract Cleaning sector, the Security sector, and the Early Learning and Childcare sector. Approximately 109,000 workers are covered by these EROs.

Advisory

In May 2025, the Advisory Service of the WRC, which was previously a part of this service, moved from the Conciliation, Advisory, and Mediation Services Division to the Knowledge, Information and Advisory Services Division. This reconfiguration of services was carried out in line with the key strategic ambitions identified in the Commission's Strategy Statement 2025-2027.

10 Years of Collective Dispute Resolution under the auspices of the Workplace Relations Commission - A Look Back

The functions of the former Labour Relations Commission (LRC) transferred to the Workplace Relations Commission with the enactment of the Workplace Relations Act in October 2015.

Now that the WRC has been established for 10 years, it is timely to look back over some key trends which have emerged in collective dispute resolution over the past 10 years.

As can be seen in Figure 24, Pay and Benefits have, for each year of the WRC's existence, been the most common dispute issue referred for conciliation, averaging 43% of issues in dispute over this 10-year period. This is followed by Industrial Relations issues which have accounted for 25% over the past 10 years, and Organisational Structure issues which have accounted for 22% of all referrals for conciliation over this time. The remaining dispute issues relating to Leave, Pensions, and Redundancies have each accounted for approximately 3% each year over this period.

Figure 24: Dispute Issues at Conciliation 2016-2025

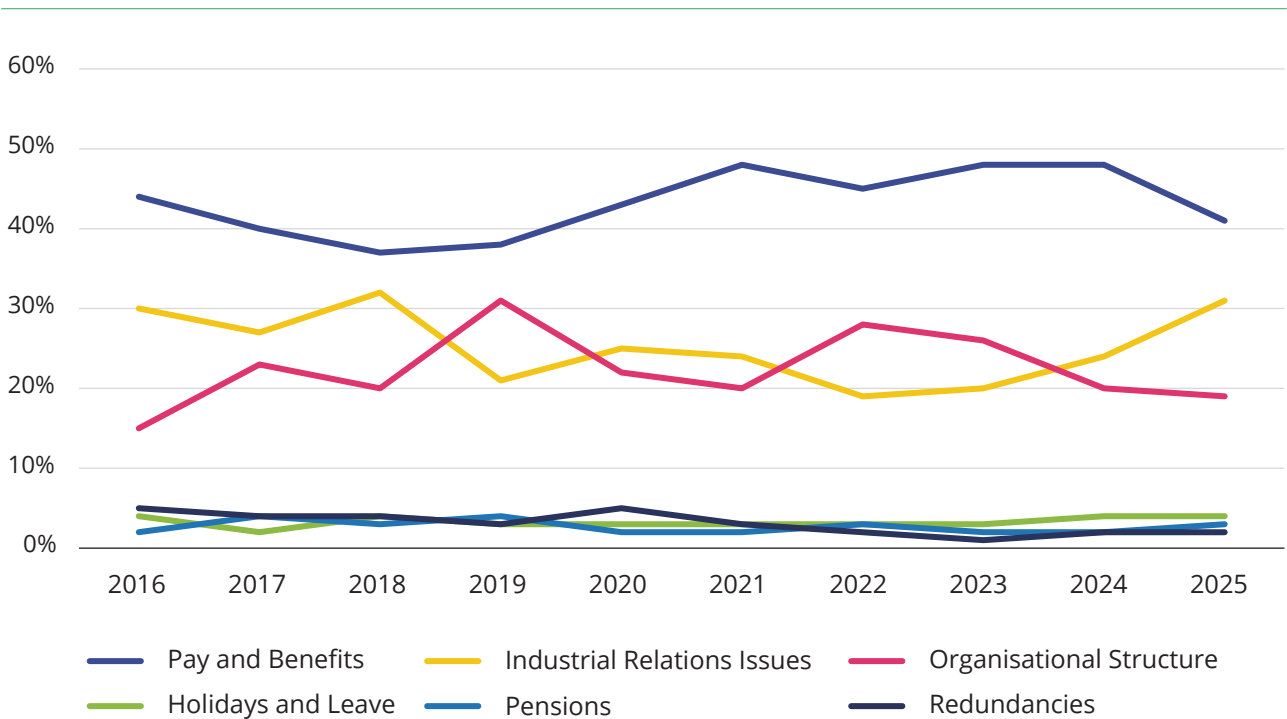
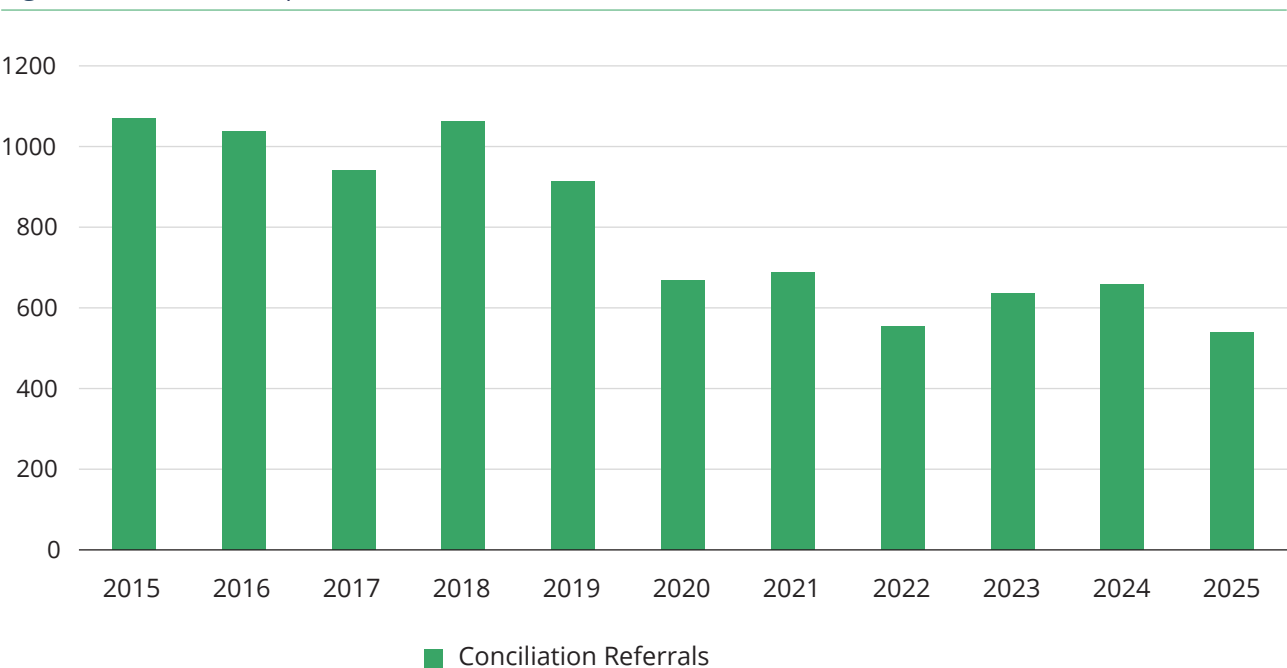


Figure 25: Collective Disputes referred to the WRC 2015 - 2025



In terms of the number of collective disputes, records from the last 10 years show that there was a marked reduction in referrals to the WRC in 2020 coinciding with the Covid 19 pandemic, compared to previous years. Rolling lockdowns took place from March 2020 until April 2022 when restrictions were permanently lifted, which impacted on the number of parties seeking third party assistance with collective dispute resolution during that time. While there has been an uplift in parties seeking conciliation services post-restrictions, the number of disputes referred has not returned to a pre-Covid level.

A ten-year review of the cases and employments from where disputes were referred provides some explanation for the reduction and suggests that there may be cumulative parallel factors. The Commission also conducted a selection of qualitative interviews with stakeholders who are regular users of conciliation services to provide some context to emerging trends.

The data indicates that a number of employments that regularly used the WRC for collective dispute resolution prior to 2020 have not referred any disputes in subsequent years or have significantly reduced the number of disputes referred. Feedback from stakeholders indicates that the pandemic related lockdowns and work from home mandates forced parties to refocus efforts on resolving disputes directly at local level which has improved industrial relations in those locations, thereby reducing the need to refer onwards for assistance from the WRC. Additionally, stakeholders have observed that many employees are more content with being facilitated to work from home and therefore unlikely to raise industrial relations issues, with the additional knock-on effect of not being present in a shared workspace with other colleagues thus minimising the scope for industrial relations issues to arise or gain traction in terms of the escalation of disputes.

Parallel to the impact of the pandemic, a small number of employments who engaged regularly with the services of the WRC were in the process of establishing internal dispute resolution structures, in some cases with the WRC providing independent chairmanship, which were established then formally during the pandemic. One such example is the Irish Rail Joint Industrial Council, which had 32 referrals to it in 2024 (source: Irish Rail Annual Report 2024) that previously would have been referred to the Commission. A third reason for a reduction in dispute referrals from the private sector is the closure of a small number of large employers who would previously have utilised conciliation services as part of their dispute resolution mechanisms. There have also been some structural changes within specific sectors which has seen the amalgamation of employers. A good example of this would be in the third level education sector where a number of institutions have merged into one single entity, reducing the number of employers even though headcount remains the same.

The cumulative effect of the above, as well as likely unknowable factors, has meant that the number of collective disputes referred to the WRC sits at just above approximately 50% compared to pre-Covid times. At the same time, the number of employees impacted by disputes referred for collective conciliation remains the same as pre-Covid levels, as both the number of people in employment and trade union members encompassed by collective bargaining increases year on year.



Individual Dispute Resolution

Mediation Provided under Section 39 of the Workplace Relations Act 2015

The Commission provides statutory mediation under Section 39 of the Workplace Relations Act 2015 where an individual has referred an employment or equality complaint for adjudication, and both parties have agreed to participate in discussions to attempt to resolve the matter before a hearing takes place. Pre-adjudication mediation is confidential, and any agreement reached is legally binding on the parties. Engaging in mediation allows the parties to explore and agree solutions in a non-adversarial and creative manner.

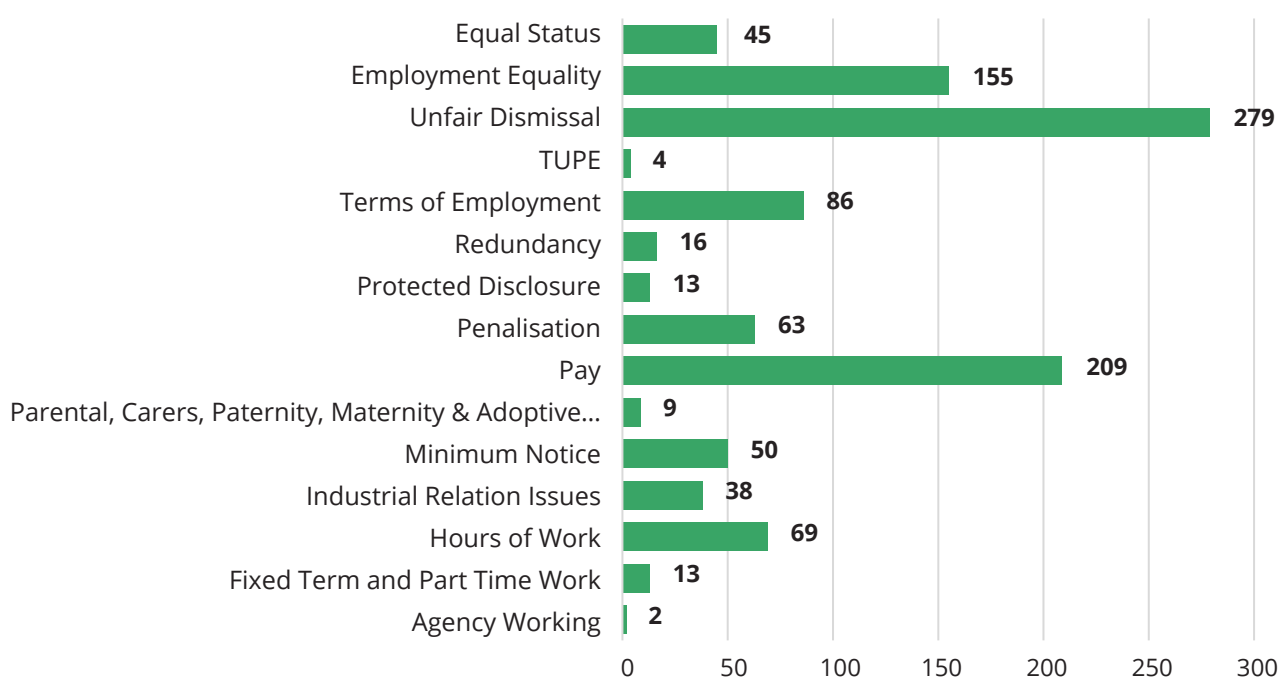
Mediation may take place in person, by email and over the phone, or virtually, depending on the complexity and circumstances of the issue and the willingness of all parties to engage.

Pre-adjudication mediation continued to grow during 2025. A total of 1,034 mediations took place in 2025. This was the first time over 1,000 mediations were conducted in a single year since the establishment of the Workplace Relations Commission in 2015. This figure of 1,034 mediations is a 16% increase compared to 2024, and a 32% increase compared to 2023.

In total, 2,950 cases were selected for mediation during 2025. 574 mediations ended in resolution, leading to an overall resolution rate of 54% for the year (59% in 2024 and 56% in 2023). In addition to these resolved complaints, a further 515 cases were later withdrawn after the parties had engaged with the mediation team but before an adjudication hearing took place. Mediation Services operates on the basis that parties engage in mediation to resolve all complaints the Complainant has before the WRC and therefore it is worth noting that while there were 574 resolved mediations, a total of 1,052 specific complaints were resolved through mediation, and a further 814 specific complaints were resolved after parties engaged with mediation services. This represents a total of 1,866 specific complaints concluding before an adjudication hearing took place following intervention from mediation services.

As can be seen in Figure 26, of all the complaints resolved to mediation in 2025, almost one third fell into one of three categories – Unfair Dismissal, Pay, and Employment Equality.

Figure 26: Specific Complaints Resolved by Mediation in 2025 by Complaint Area



The resolution rate for telephone mediation, which facilitates resolution of less complex employment rights complaints, was 69% in 2025. The resolution rate for face-to-face mediation (in-person and virtual combined) was 50%, similar to the 2024 rate of 53%. In-person mediation is provided for in all equality cases and more complex employment rights complaints such as unfair dismissal or protected disclosure cases.

Reasons Mediation Did Not Proceed

As discussed above, there were 2,950 cases selected for mediation in 2025. One third of cases that were referred to mediation did not take place due to either one of the parties being unwilling to proceed to mediation or not responding to an invitation to participate.

Figure 27: Reasons Cases Did Not Proceed to Mediation

Number of New Mediation Cases	2950
Not Suitable	223
Complainant Not Willing to Proceed	211
Respondent Not Willing to Proceed	357
Complaint Withdrawn from WRC	149
Unable to Agree Dates	58
No response from Respondent	388
Complaint Withdrawn prior to Mediation	149
Parties engaged in local discussions	16
No Show - Respondent	2
No Show - Complainant	7
No Show - Both Parties	0
TOTAL	1560

10 Years of Mediation under Section 39 of the Workplace Relations Act 2015 – A Look Back

October 2025 saw the 10th anniversary of the commencement of the Workplace Relations Act 2015 and a decade of case resolution without reference to an adjudication officer, as defined under section 39 of the Act. In that time, there has been significant change in not only the volume of cases resolved by mediation, but also how mediation is delivered and how it is reported.

In late 2020, mediation services implemented a new case management system which significantly improved the service's data collection and analysis capabilities. It also facilitated the development of more accurate and tangible reporting methods, and we adapted our metrics to reflect this. From 2021 onwards, a "resolved case" is defined as a case where the parties have engaged in talks facilitated by a Mediation Officer that has resulted in a signed mediation agreement, in line with section 39(4) of the Act. An "unresolved case" is defined as a case where the parties have engaged in talks facilitated by a Mediation Officer that has not resulted in resolution and the Mediation Officer has informed both the parties and the Director General of that outcome in writing, in line with section 39(5) of the Act.

This does mean that when looking back on published data prior to 2021, a degree of recalibration is required when comparing datasets. For example, where the 2018 WRC Annual Report reports "1,844 interventions taking place", this figure is comparable to the 2025 figure of 2,950 cases selected for mediation, and not the 1,034 mediations that took place. The 1,034 mediations that took place in 2025 all have either a mediated agreement or a letter confirming an outcome of no resolution against them. This metric was not used in 2018 and therefore we do not have an appropriate comparator.

As reported in previous annual reports, a full review of the delivery model of mediation under section 39 of the Act was undertaken in 2022 which resulted in a number of changes to the service. The most impactful change was delivering mediation in relation to all unfair dismissal and complex employment law complaints in a face-to-face environment, where previously they had taken place through telephone mediation. This single intervention, along with the impact of changes post the Zalewski Supreme Court decision, has seen the take up and resolution rates of mediation increase, year on year.

The introduction of the new case management system in 2021 has allowed us to accumulate a rich dataset of 5 years to observe this growth.

Figure 28 below shows both the increase in number of new cases referred and selected for mediation, and the number of mediations that have taken place.

Figure 28: New Mediation and Completed Mediation Cases 2025 v Previous Years

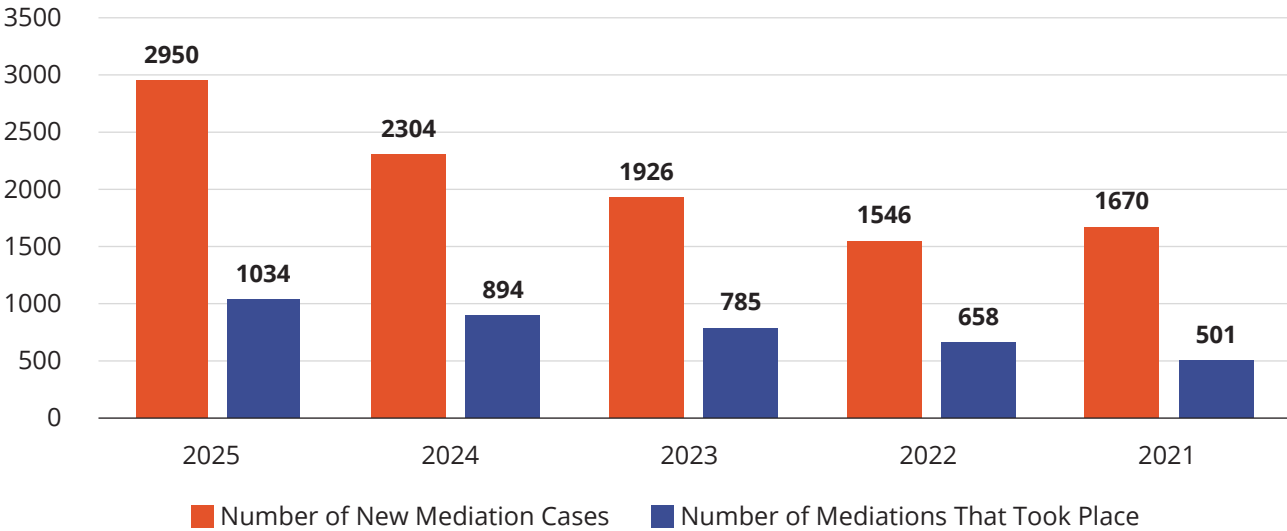


Figure 29: Impact of Mediation Services on Adjudication Services 2021 – 2025

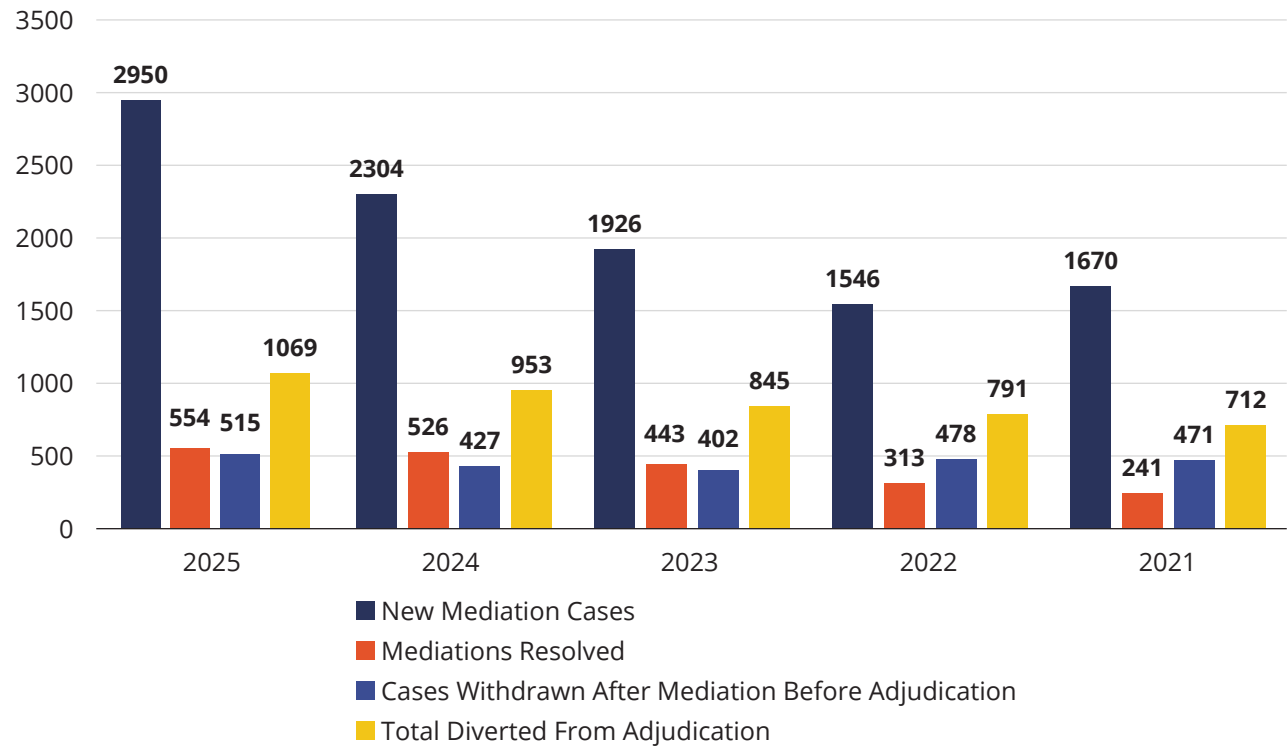


Figure 29 above shows the year-on-year growth of the number of new mediation cases, the number of cases resolved by mediation, the number of cases subsequently withdrawn following engagement with the mediation service, and finally the cumulative cases diverted from adjudication services before a hearing took place following a mediation services intervention.

Figure 30: Overall Resolution Rates at Mediation 2021-2025

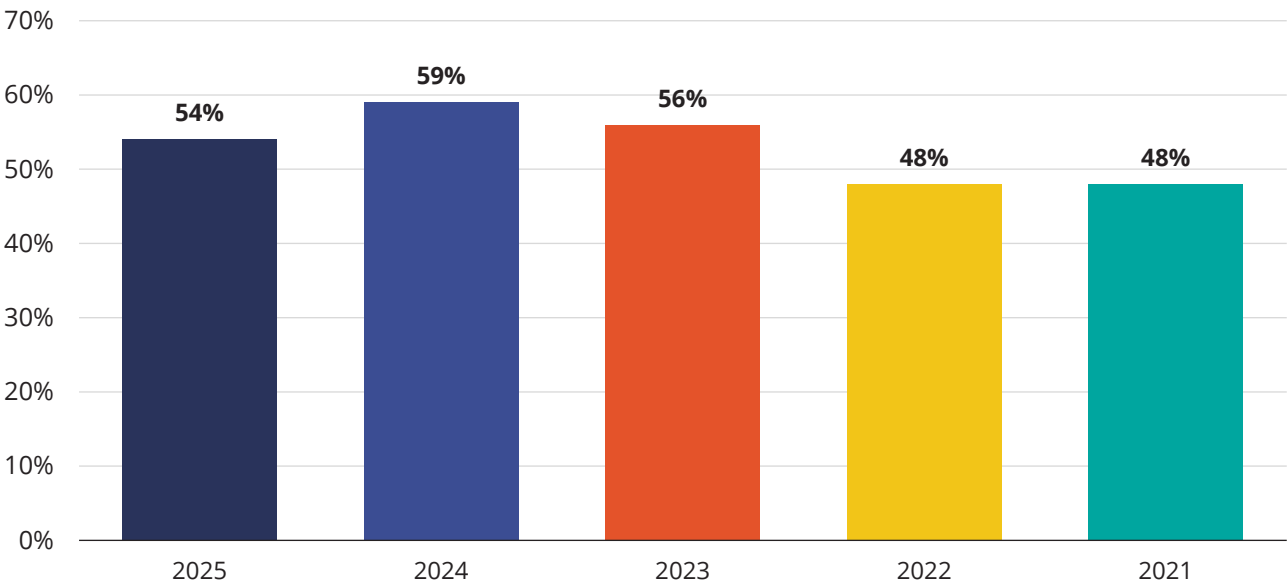


Figure 30 demonstrates the effect of the changes to the mediation service delivery model in mid-2022. Resolution rates have jumped positively since the changes were implemented, evidencing that the methods of delivery are now a “better fit” for the complaints assigned.

Figure 31: Breakdown of Resolution Rates by Delivery Type 2021-2025

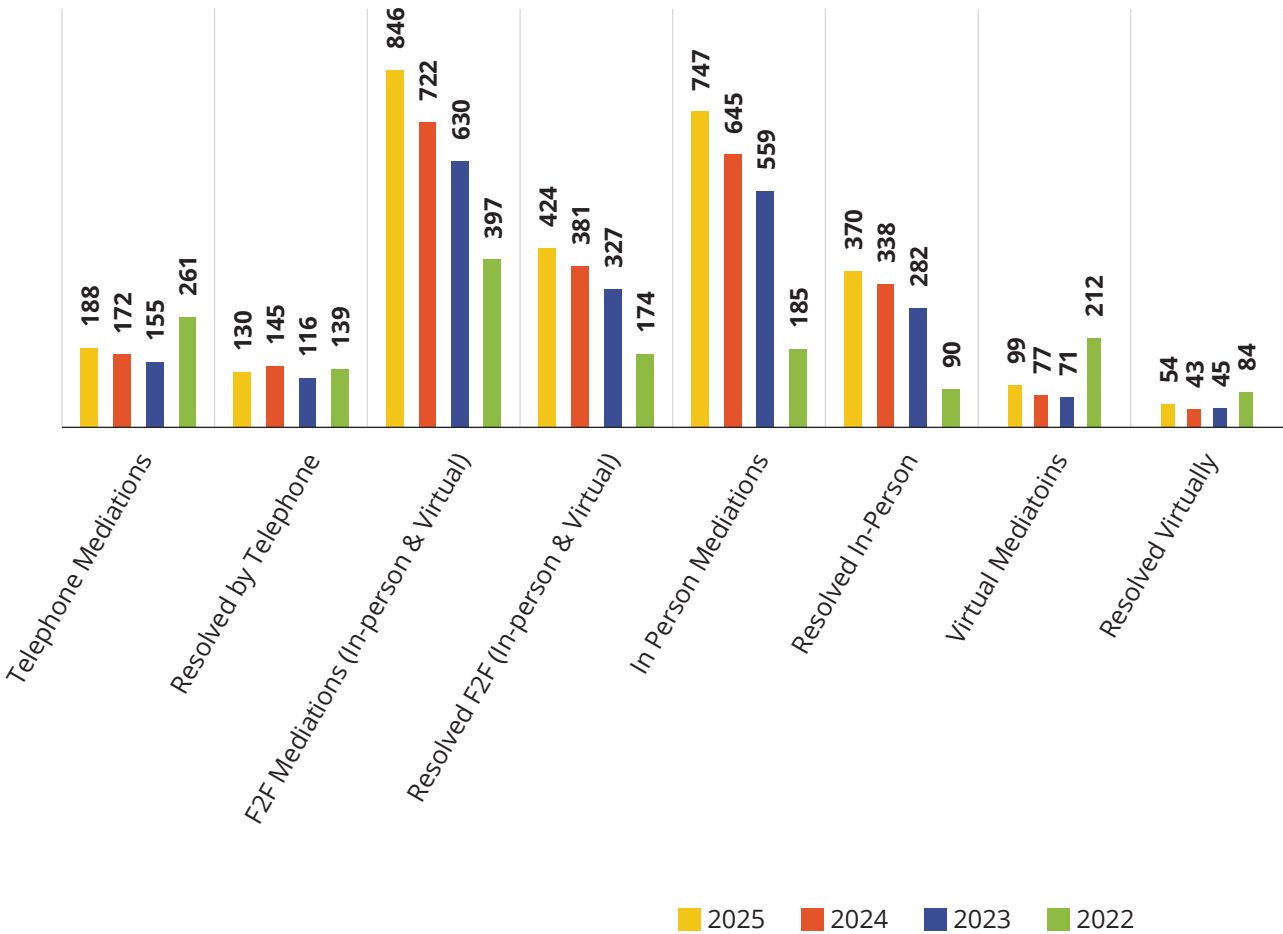
Resolution Rates 2021–2025

	2025	2024	2023	2022	2021
Resolution Rate at Mediation	54%	59%	56%	48%	48%
Telephone Resolution Rate	69%	84%	75%	53%	48%
F2F Resolution Rate	50%	53%	52%	44%	46%
In-Person Resolution Rate	50%	52%	50%	49%	N/A
Virtual Resolution Rate	55%	56%	63%	40%	N/A

The resolution rate for telephone mediation was 69% in 2025. The resolution rate for face-to-face mediation (in-person and virtual combined) was 50%, similar to the 2024 rate of 53%. Face-to-face mediation is provided for in all equality cases and any complaints taken under unfair dismissals legislation, as well as any other cases that appear complex in nature.

The overall resolution rate at mediation has remained consistently over 50% the past three years whether the mediation was conducted via telephone, in person, or virtually.

Figure 32: Breakdown of Results by Mediation Delivery Type 2022 – 2025



During 2025, the Division also undertook a discrete research project examining the mediation process in more detail including representation at mediation and its impact or otherwise on outcomes and settlement types. This research will be published in the first half of 2026.

Workplace Mediation

Workplace mediation provides a prompt, confidential and effective remedy to workplace conflicts, disputes and disagreements on an ad-hoc basis. Typically, it caters for disputes involving individuals or small groups of workers. Examples of situations where workplace mediation can be beneficial include interpersonal differences, conflicts and difficulties between colleagues working together, the breakdown of a working relationship, and issues arising from a grievance and disciplinary procedure, particularly before a matter becomes a disciplinary issue. Workplace mediation is a non-statutory service provided by the WRC on an ad hoc basis and subject to resources. A total of 17 workplace mediations took place in 2025.

4.5 Adjudication Services

Director of Adjudication Services Foreword

I am pleased to present an overview of the Adjudication Services Division's activities during 2025, a year in which the Division continued to deliver a fair, efficient and accessible adjudication service despite sustained and increasing demand and significant operational pressures on the adjudication system.

The year saw a substantial rise in complaint applications, with 44% increase in applications received, while specific complaints rose by 28%. Consequently, there was a 30% increase in the number of adjudication files created. This growth in demand occurred against a backdrop of declining hearing throughput, reflecting ongoing capacity pressures within the system.

Notwithstanding these challenges, the Division continued to deliver strong performance with the median timeframe from hearing to decision issuance standing at 39 working days, reflecting continued focus on timely decision making.

A total of 2,506 adjudication decisions and recommendations were issued during the year. While this represents a reduction compared with 2024, it is reflective of the increased complexity of cases. Throughout 2025, the Division remained focused on ensuring that decisions are comprehensive, well-reasoned and consistent with the principles of fair procedures and natural justice.

In response to the operational challenges, the Division continued to drive capacity and process improvements that enhanced scheduling efficiency, improved clarity for users of the service and supported greater consistency and fairness in case management.

Overall, the Division's performance in 2025 demonstrates a continued commitment to delivering a robust and resilient adjudication process, effectively adapting to rising demand and increasing case complexity. This strong foundation will be essential as the Division prepares for 2026, when several strategic challenges are expected to shape the operating environment, including sustained growth in complaint volumes, heightened case complexity influenced by evolving legal requirements and ongoing pressure on hearing and processing capacity.



Fiona O'Dea

*Director
Adjudication Services Division*

Introduction

The Adjudication Services Division investigates disputes, grievances and claims made by individuals and groups under employment, equality and equal status legislation

All Decisions and Recommendations are published on the WRC website.

Adjudication Files

In 2025, the WRC received 10,559 complaint applications. Applicants frequently submit multiple specific complaints in a complaint application, such as separate claims for pay and terms and conditions of employment. In 2025, 8,690 adjudication files were created. This represents a 30% increase compared to 2024 when 6,678 adjudication files were created.

All individual complaints must be processed, managed, heard and decided on, if they proceed to a full hearing.

Multiples

A *multiple* refers to a complaint application that has been categorised as a Class Action complaint.

In 2025, of the 10,559 complaint applications submitted, 300 were identified as multiples, representing 3% of all applications. However, despite the rise in overall volumes of complaint applications, the number of multiple complaints increased only marginally, from 279 in 2024, resulting in a proportional decrease from 4% of all applications in 2024. This indicates that while general complaint activity grew substantially, Class Action related complaints grew at a slower rate.

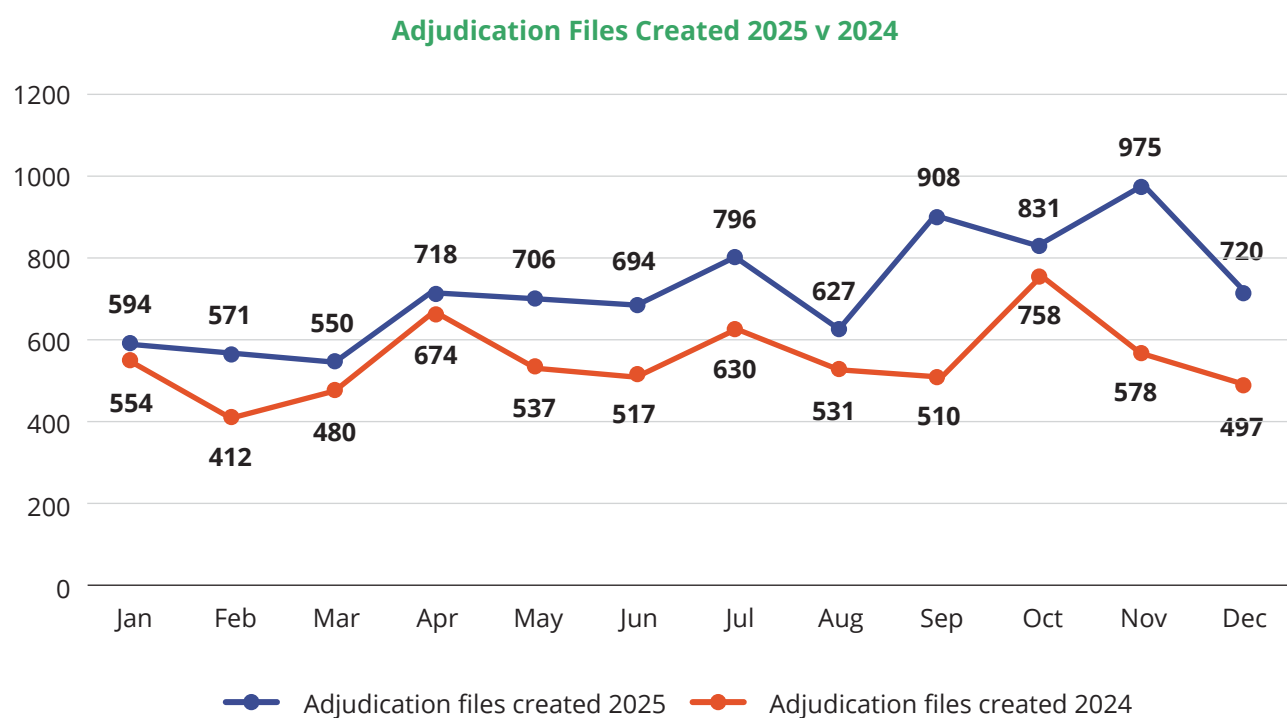
Out of Time

In 2025, 350 complaint applications were deemed out of time, accounting for 3% of all applications received that year. This represents a 2 percentage point reduction compared with 2024, indicating a lower proportion of late submissions year on year.

Hearings

A total of 7,727 hearings were scheduled in 2025, compared with 9,020 in 2024, representing a 14% decrease year on year. Over the same period, 4,289 adjudication hearings were held, down from 4,768 in 2024, a 10% reduction.

Figure 33: Adjudication Files Created 2025 v 2024



The WRC notes a clear pattern that hearings are increasingly taking longer or requiring additional days. This is primarily driven by the growing complexity of cases; the late lodgement of submissions or documentation immediately prior to hearings; more extensive and detailed cross examination under oath; and the need for adjournments. These factors continue to place upward pressure on the time required to progress cases and on overall hearing capacity within the adjudication system.

The WRC continues to accommodate hearings in person, hybrid and remotely, with an average distribution of 60% in person and 40% hybrid/remote, ensuring flexibility for users while maintaining service accessibility.

The growth in demand for adjudication services occurred against a backdrop of declining hearing throughput, highlighting significant capacity pressures within the system. This is further evidenced by the sustained increase in the median

calendar days from receipt of complaint to first hearing throughout 2025. As illustrated in the graph overleaf, median waiting times rose steadily from 133 days in January to 174 days by December, demonstrating a clear upward trend. In contrast, 2024 showed a consistent downward trajectory, with median times falling from 161 days in January to 133 days in December.

The widening gap between the two years points to a system operating under sustained strain, where scheduling delays accumulate over the year and ultimately extend the time it takes for complaints to progress to hearing.

Figure 34: Hearings held by month

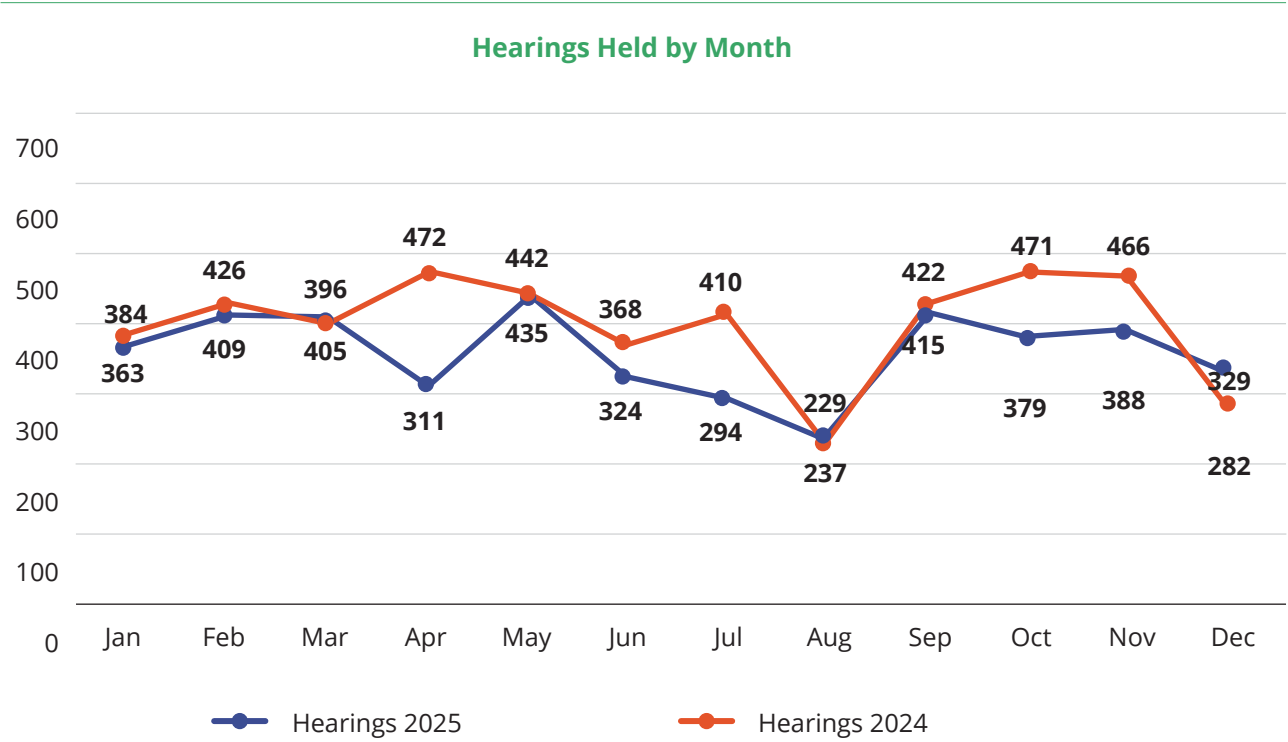
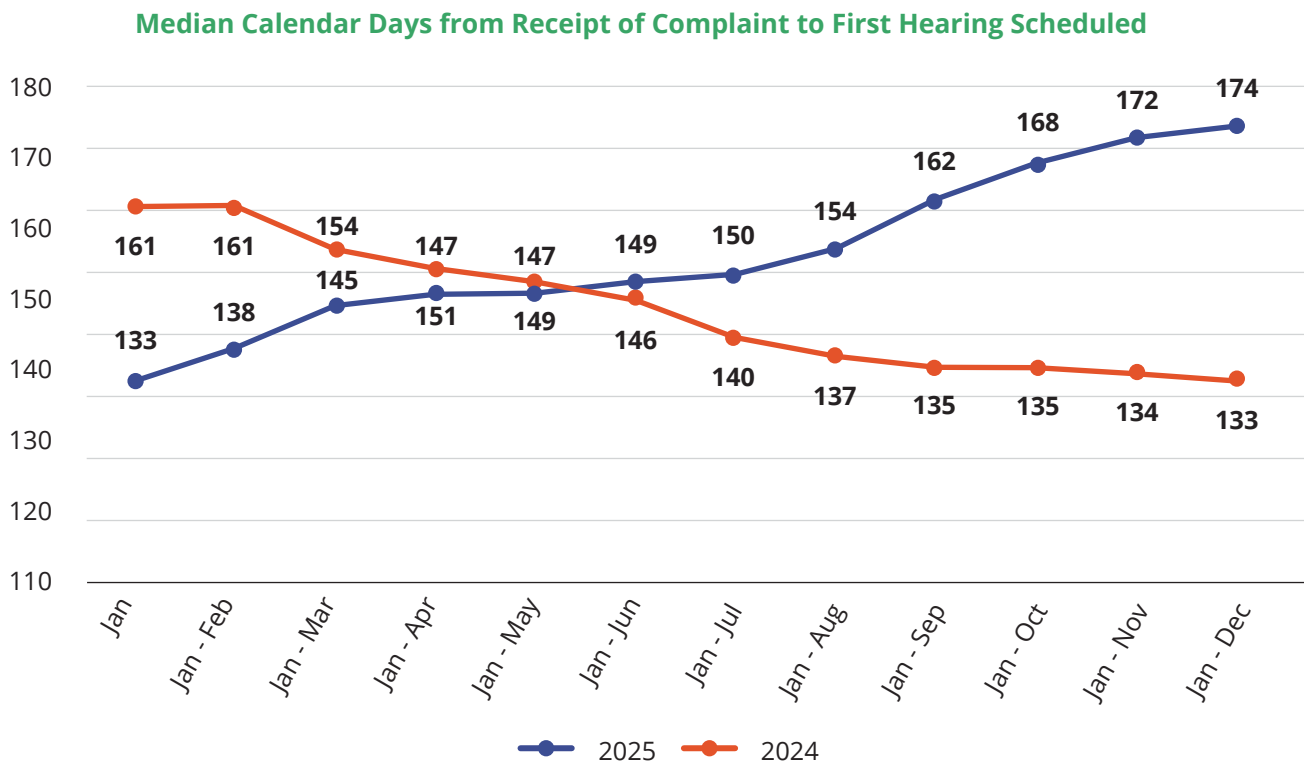


Figure 35: Median calendar days of hearings scheduled



Postponements

In certain circumstances, it may be necessary for either party to request a postponement of a scheduled hearing. The WRC considers all postponement applications carefully, with due regard to the rights of both parties to fair procedures and to a reasonable and timely hearing of the complaint.

There are two distinct processes for submitting a postponement application.

- **Postponement Process 1:** Postponement applications received within 10 working days of the hearing notification and accompanied by the written consent of the other party are automatically granted.
- **Postponement Process 2:** Applications submitted outside this 10 day period fall under Postponement Process 2 and are assessed against the test of “exceptional circumstances and substantial reasons.” Such requests will generally not be granted unless they are supported by appropriate evidence and a clear explanation of how the test is met. The WRC retains full discretion in the determination of all postponement applications.

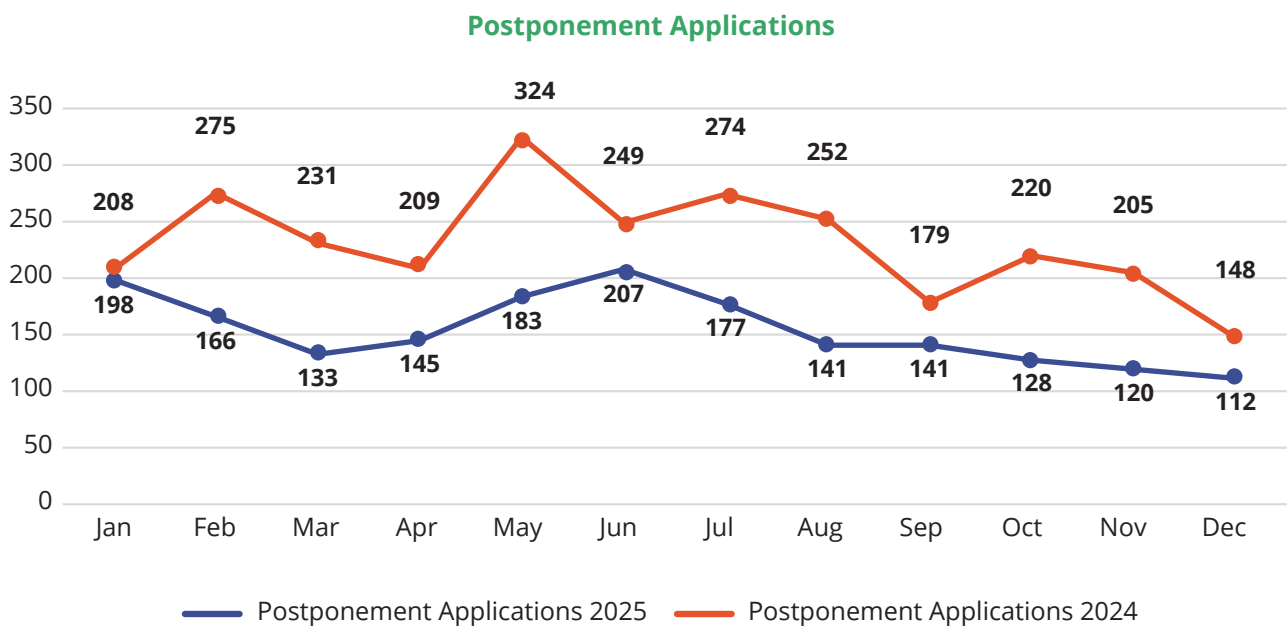
In 2025, the Adjudication Services Division recorded a reduction in applications for postponements, receiving 1,878 applications, compared with 2,788 in 2024, a 33% decrease. This represents a welcomed development given that postponements can carry a significant service delivery cost for the WRC.

Most postponement applications were processed under Postponement Process 2, accounting for 84% of all applications, while 16% were assessed under Postponement Process 1. A total of 295 applications were submitted under Process 1 representing a 34% decrease in Process 1 applications compared with 2024 where 448 had been received.

Most postponement requests were attributed to representatives’ unavailability, with the remainder relating to illness or pre-arranged foreign travel.

Despite the introduction of advanced scheduling and the continued operation of the Postponement Process 1 policy, challenges remain with late postponement requests continuing to disrupt hearing schedules and resource planning. These late applications place additional pressure on the Division’s operational capacity and require ongoing focus to mitigate their impact.

Figure 36: Postponement Applications



Objection to Hearing Arrangements

In 2024 new guidelines for objections to hearing arrangements were introduced, providing a formal mechanism for parties to object to the scheduled format of adjudication hearings, whether held in-person or remotely via Webex. By law, the WRC retains the authority to determine whether a hearing will proceed in-person or by remote means.

Focusing specifically on data relating to objections to hearing arrangements, a total of 137 were recorded, of which 87 concerned objections to remote hearings.

Interpreters

Interpreters are an integral facility that provides equal access to WRC services. Where the provision of an interpreter has been requested for an adjudication hearing, the WRC acts upon the request, adding no cost to the parties. During 2025 there was a decrease of 7% in the numbers of interpreters required for hearings compared to 2024. In 2025, the provision of interpreters supported over 500 hearings. The top 3 language requests for interpretation were for Polish, Portuguese and Spanish.

Referrals under Employment Equality Act 1998

In 2025, 1,492 complaints were referred under the Employment Equality legislation citing 1,995 grounds of discrimination - more than one ground of discrimination can be made on the individual complaint. This was an increase of 30% on complaints received compared to 2024.

Disability, Race and Gender remained the three most frequently cited grounds in complaints referred under the Employment Equality Act to the WRC. The Disability ground accounted for the highest proportion of referrals at 31%, marking a 52% increase on 2024. This was followed by Gender (20%) and Race (19%).

Figure 37: Grounds under which complaints were referred under the Employment Equality Act 1998 for 2023-2025

Ground under which a complaint can be referred	2023	2024	2025	% Difference 2024-2025
Age	176	218	189	-13%
Civil Status	55	72	54	-25%
Disability	331	410	622	+52%
Family Status	183	177	233	+32%
Gender	322	318	394	+24%
Member of the Travelling Community	18	23	17	-26%
Race	272	302	372	+23%
Religion	47	48	63	+31%
Sexual Orientation	54	49	51	+4%
TOTAL	1458	1617	1995	+23%

Referrals under the Equal Status Act 2000

In 2025, 708 referrals were received under the Equal Status Act 2000, citing 1,158 specific grounds - more than one ground of discrimination can be made on the individual complaint. This represented an increase of 15% compared to the referrals received in 2024 and an increase of 6% when viewing the grounds of discrimination cited.

Referrals citing the ground of Disability increased by 53% in 2025 compared with 2024, making it the most frequently raised discrimination ground and accounting for 25% of all grounds referred for adjudication under the Equal Status Act.

The second most common referral was on the ground of Race. Significant increases were also recorded under the grounds of Gender and Family Status, which rose by 49% and 36% respectively.

Figure 38: Grounds under which complaints were referred under the Equal Status Act 2000 for 2023-2025

Ground under which a complaint can be referred	2023	2024	2025	% Difference 2024-2025
Age	37	56	64	+14%
Civil Status	38	42	54	+29%
Disability	170	192	293	+53%
Family Status	68	59	80	+36%
Gender	65	73	109	+49%
Member of the Travelling Community	132	245	105	-57%
Race	105	215	236	+10%
Religion	30	58	60	+3%
Sexual Orientation	15	31	26	-16%
Accommodation	73	118	131	+11%
TOTAL	733	1089	1158	+6%

Referrals under the Pensions Act 1990

In 2025, 56 specific complaint applications were received under the Pensions Act 1990, which represented an increase of 30% compared to 2024.

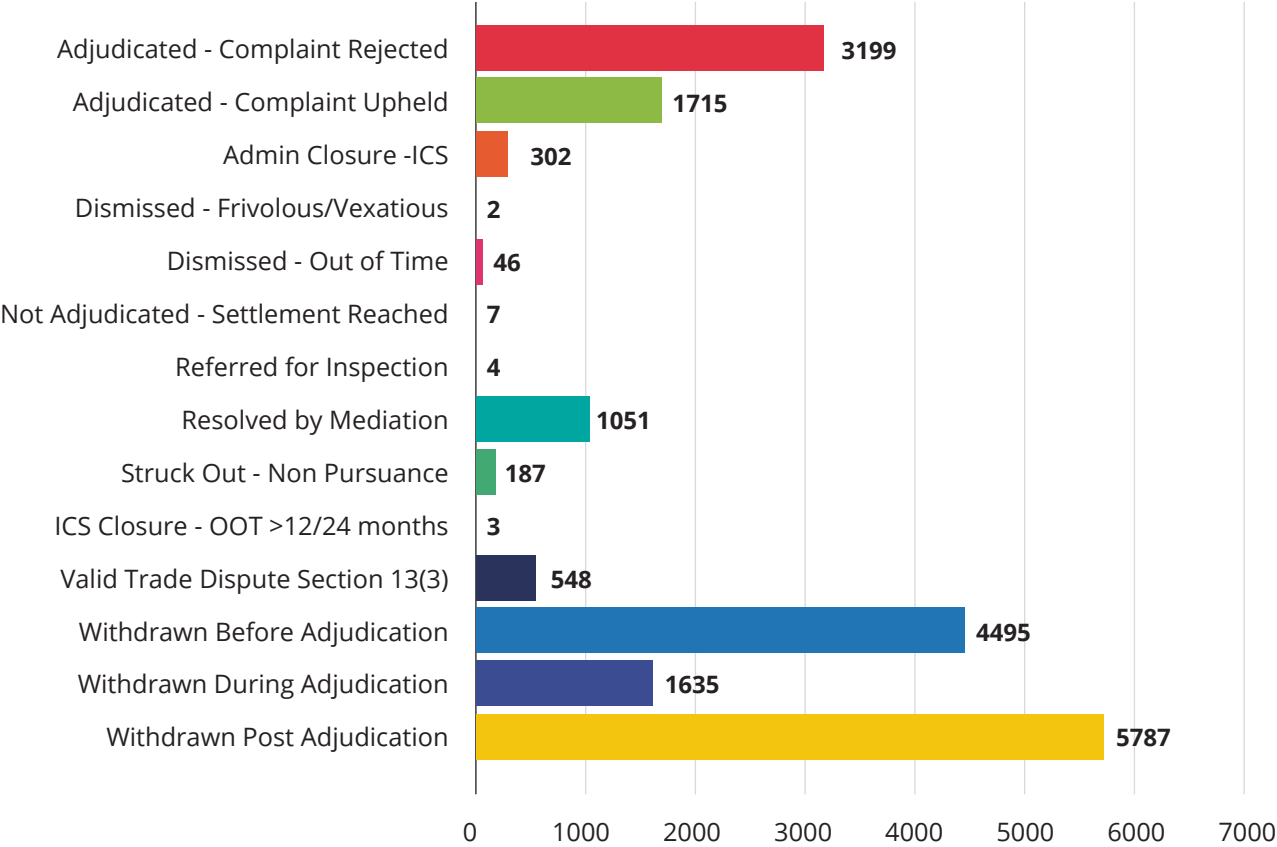
Outcome of Specific Complaints Closed

In 2025, the Adjudication Services Division closed 18,981 specific complaints, including complaints received in previous years. This is a 7% increase on cases closed in 2024. Notably, 63% of complaints were withdrawn before, during or post adjudication hearing.

This pattern demonstrates the significant level of preparatory and scheduling effort that must be undertaken even for cases that do not ultimately proceed to a final outcome.

Figure 39: Outcome of specific complaints closed in 2025

Breakdown by Outcome of Specific Complaints closed in 2025

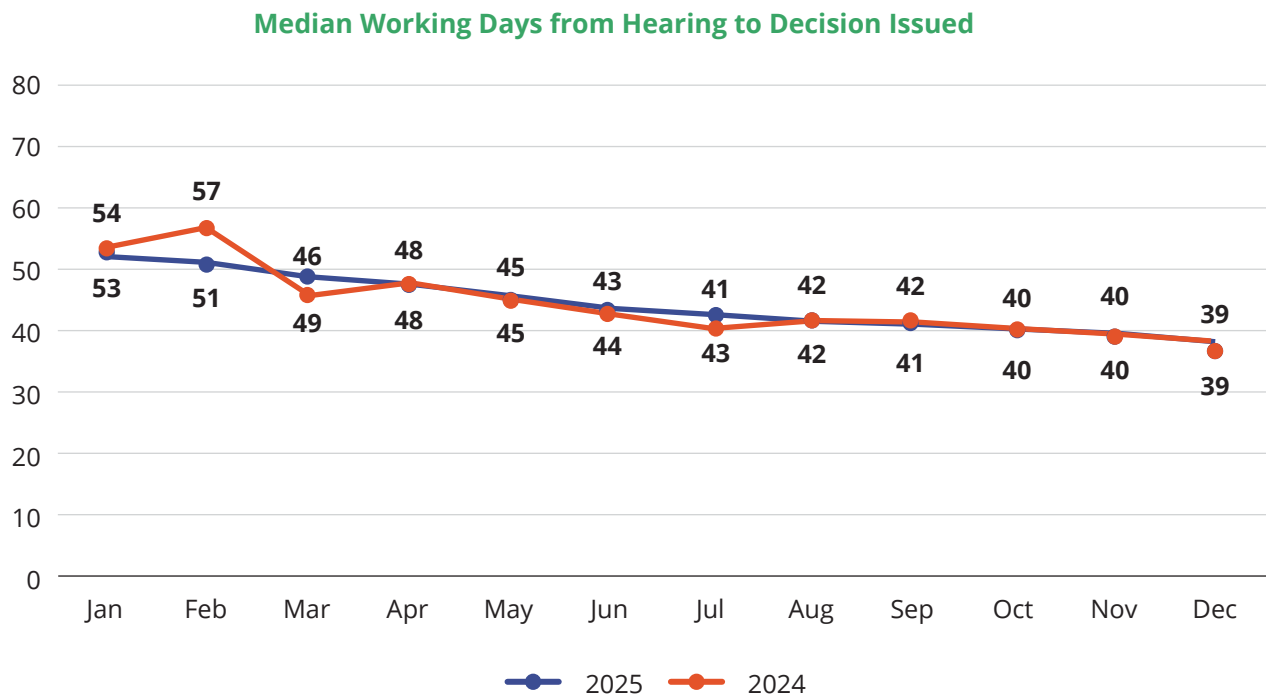


Decisions

In 2025, the WRC issued 2,506 Decisions and Recommendations, representing a substantial volume of work delivered by the Division. This reflects a slight decrease from the 2,712 decisions issued in 2024, influenced by operational factors and resourcing changes over the period.

The WRC's median target is to issue decisions within 40 working days of the hearing. In 2025, the Division achieved a median timeframe of 39 working days, remaining within target and demonstrating continued efficiency in decision issuance despite evolving operational demands.

Figure 40: From Hearing to Decision issued to date*



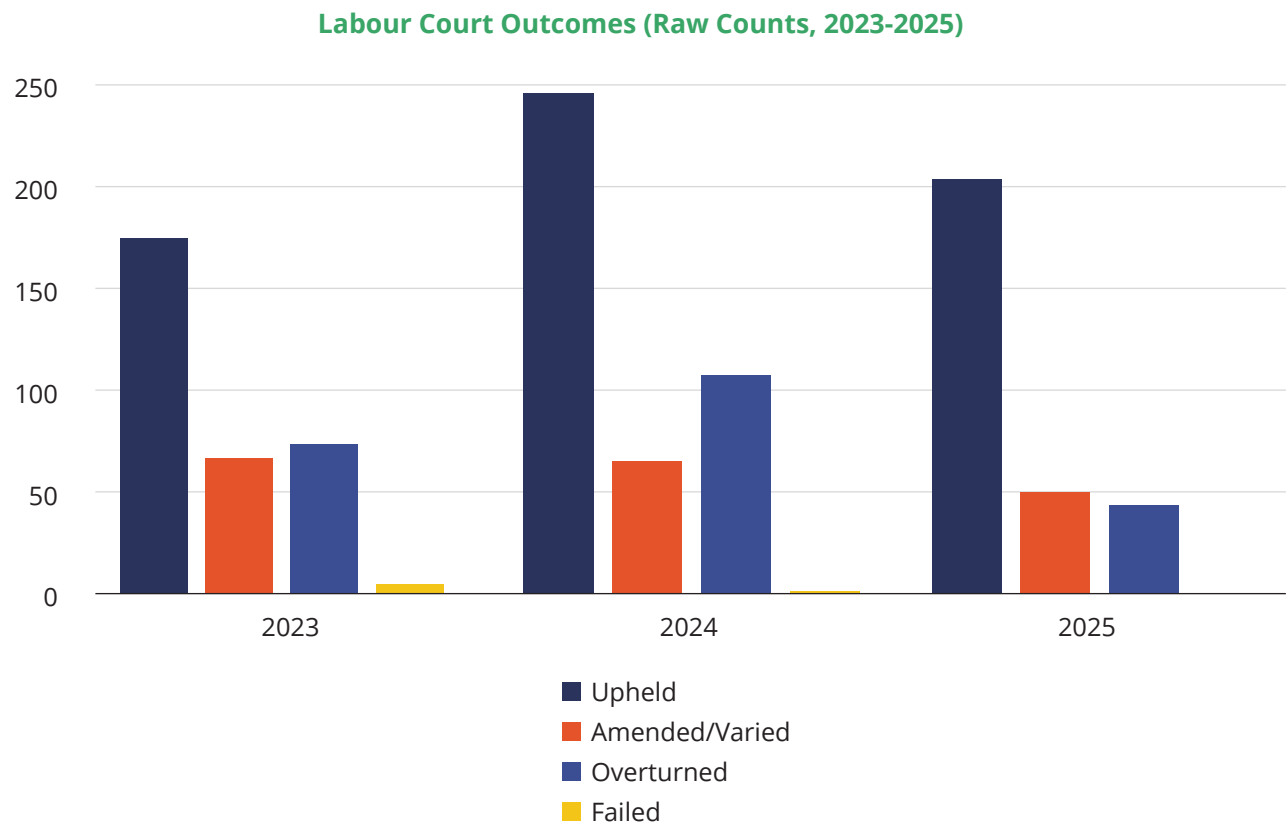
* Data shown are cumulative totals for 2025 (1 January–31 December).

Labour Court Decisions on WRC Appeals

While appeals to the Labour Court are heard *de novo*, the rate at which WRC decisions are overturned on appeal is used as a proxy indicator for the quality of WRC decision making and its adherence to fundamental quasi judicial principles.

The WRC was notified of 300 Decisions/ Recommendations issued by the Labour Court in 2025 relating to appeals of the WRC Decisions/ Recommendations. Of these 68% (205) were upheld, 17% (50) were varied and 15% (45) were overturned.

Figure 41: Labour Court Outcomes 2023- 2025



4.6 Corporate, Strategy and Digital Services Division

Director of Corporate, Strategy and Digital Services Division Foreword

It is a privilege to present an overview of the Corporate, Strategy and Digital Services Division's work during a year marked by reflection, collaboration, and meaningful progress across the Workplace Relations Commission.

In early 2025, the Division oversaw the commencement of an Organisational Effectiveness and Efficiency Review to identify opportunities to strengthen the WRC's efficiency and effectiveness as demands on its services continue to grow. The Review offered a clear picture of current delivery pressures, acknowledged the substantial improvement work already underway, and reflected the strong commitment to those we serve across all Divisions and services of the WRC. It also identified further areas to support the organisation's continued evolution.

A key recommendation was the need for a detailed Business Process Review, the preparation for which was led by Corporate, Strategy and Digital Services, culminating in the issuing of a request for tender in December 2025. The Review also validated the WRC's strategic direction, including the development of the three-year Digital Strategy and initiatives to enhance organisational culture, workforce resilience, and service excellence.

These insights, together with staff engagement sessions facilitated and helped shape the WRC's fourth Strategy Statement. Corporate, Strategy and Digital Services also supported the Director General's refresh of our organisational values and launched the first WRC Values and Recognition Programme in July 2025. In October, marking 10 years of the WRC, the Division led the coordination and delivery of a three-day staff and stakeholder event - including the co-hosting on of the International Delegation of Industrial Relations Agencies with our colleagues in the Labour Relations Agency - that reflected on the achievements of the WRC to date and explored priorities for the future.

Looking ahead, the Division will continue to drive enhancements in service delivery through continuous improvement and further digitalisation thereby ensuring services remain modern and accessible and responsive.



Tracey Murphy

*Director
Corporate, Strategy and Digital
Services Division*

Governance

The WRC must ensure that its activities and resources are applied in the most efficient and effective manner, in compliance with governance requirements. This includes regular ongoing monitoring of progress against business plans, regular review of the risk environment and, where necessary, action to mitigate potential risks.

The Corporate, Strategy and Digital Services Division (CSDSD) provides key resources and facilities support for the WRC in the delivery of its statutory objectives. The Division is responsible for corporate governance, budgets, business planning, risk, digital business solutions, website and social media, internal communications, health and safety, liaising with the Department's HR unit on WRC staffing, supporting the work of the Divisions, providing financial management and facilities management across all five WRC locations, and providing secretariat support to the Director General, the Board of the WRC, and the Senior Leadership Team.

Organisational Effectiveness and Efficiency Review

External Consultants were engaged in early 2025 to conduct an Organisational Effectiveness and Efficiency Review. The Review examined opportunities to improve efficiency and effectiveness, ensuring the WRC continues to deliver high-quality services amid increasing demand.

The engagement provided a comprehensive assessment of current service delivery, highlighting operational pressures, transformation opportunities, and affirmed a strong appetite for change across the organisation. It also confirmed a deep commitment to public service across all divisions.

Several priority actions were identified, including the need for a detailed business process review, for which a request for tender was issued in December 2025. The Review also affirmed the WRC's strategic direction, particularly in relation to the development of its three-year Digital Strategy and initiatives to strengthen workforce resilience and organisational culture.

Insights from this Review, together with staff engagement activities held in Autumn 2024, directly informed the development of the WRC Strategy Statement.

Strategy Statement 2025–2027 - A Decade of Impact, A Future of Fair Work and Equality

The WRC's Strategy Statement 2025 – 2027 "A Decade of Impact, a Future of Fair Work and Equality" was launched by the Minister of State for Small Business, Retail and Employment, Alan Dillon T.D. in July 2025. This is the WRC's fourth Strategy Statement and while its statutory purpose and the services it provides remain unchanged, the Strategy Statement sets objectives designed to respond agilely to the changing and challenging economic, social and statutory environment.



The strategic framework is built around four interlocking pillars to ensure the WRC continues to protect workers rights, resolve disputes, empower people with knowledge and strengthen the WRC's capabilities through continuous improvement.

This strategy, which was informed through a deeply consultative process, is rooted in the lived realities of the work of the WRC and the evolving needs of its service users. It positions the WRC to lead confidently into the next decade – promoting fair and inclusive workplaces, enforcing employment rights, and fostering constructive industrial relations across Ireland.

Our Vision; 2025 and beyond, reflects the WRC's aspiration to contribute to a society where everyone, regardless of background or circumstance, can thrive in an environment that respects their rights and supports their potential.

As the WRC marks its 10th year, the Strategy provided an opportunity to reaffirm the WRC's commitment to championing fairness, dignity, and equality in Irish workplaces. The next phase of the Strategy builds on a decade of progress and is shaped by the evolving world of work, societal expectations, and importantly the needs of those we serve.

It is important that the strategic direction of the WRC must include proactive engagement with emerging labour dynamics, support for inclusive employment practices, and adaptive frameworks to maintain industrial harmony in a fast-evolving growing economy.

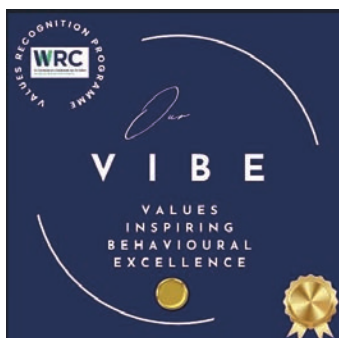
Our People

Values Inspiring Behavioural Excellence

As part of the Strategy Statement development, the WRC reviewed and refreshed its organisational values to ensure alignment with its strategic priorities.

These values – Trust and Integrity, Independence and Impartiality, Efficiency and Innovation, and Equality and Fairness – that we share across our organisation, guide how the WRC engages with stakeholders, supports teams and serves the public.

To embed these values in daily work, the WRC launched its first Values Recognition Programme in July 2025. Our Values Inspiring Behavioural Excellence (VIBE) programme celebrates individuals and teams who consistently demonstrate organisational values, reinforcing a culture of excellence, collaboration, and integrity across all levels of the organisation in their day-to-day work and interactions.



Staffing and Workforce Development within the WRC

The Division provides essential support to staff of the WRC in the delivery of its statutory functions. Since the establishment of the WRC, staffing levels have increased in line with rising demand and service expansion. The overall WRC staff resources stood at 241 at the end of 2025

Through close collaboration with the Department's Human Resources Division, the vacancy rate reduced from a high of 19% in 2024 to 14% by the end of 2025, despite ongoing staff turnover during the year. Significant progress was made in filling outstanding vacancies to support service delivery and plans are in place to reduce this further throughout 2026.

The WRC continued to support its workforce through the further embedding of its blended working policy, promoting work-life balance while maintaining effective service delivery. As a front-line public service organisation, staff are required to attend the office for a minimum of three days per week, with higher attendance requirements applying to certain roles to meet operational and business needs. The WRC remains committed to equal opportunities employment, and workforce policies are subject to ongoing review to ensure alignment with high-performing public service standards.

Staff Engagement and Learning & Development

To ensure the WRC continues to build an agile and skilled workforce equipped and supported to carry out their roles with confidence, it supported the training and development for all its teams throughout 2025. Additionally, several staff members completed third-level academic programmes funded by the Department in areas aligned with the WRC's strategic priorities, such as, Advanced Diploma in Judicial and Quasi-Judicial Decision-Making, Advanced Diploma in Applied Employment Law, Diploma in Employment Law, Certificate in Public Management, Honours Bachelor Law (LL.B), Bachelor of Law, Master of Arts - Leadership and Strategy, and Advanced Diploma in Employment Law.

Supporting Staff Wellbeing: Civil Service Employee Assistance Service Workshops

The Division engaged extensively with teams across the WRC to better understand staff experiences and support needs. Feedback from teams, managers, and individuals highlighted the importance of supporting staff wellbeing, particularly in challenging customer-facing roles.

In response, the WRC entered a new partnership with the Civil Service Employee Assistance Service (CSEAS) to deliver tailored workshops focused on building resilience and promoting self-care. These workshops were designed to help staff manage day-to-day workplace challenges, including difficult circumstances and customer interactions.

All WRC staff were invited to participate, and by the end of 2025, over 170 staff across all five offices had attended one of these sessions. Feedback was overwhelmingly positive, with strong interest expressed in further self-care initiatives.

Enhancing Customer Communication Skills

Bespoke training sessions titled “Communication Techniques for Challenging Customer Situations” were developed by the Corporate Services Division and delivered by the Institute of Public Administration (IPA) to front-line staff across all offices.

This practical programme equips staff with essential communication skills, including empathetic listening, building rapport, and managing challenging interactions in a structured and strategic manner. The training supports staff in developing behavioural communication techniques that enhance customer service delivery and professional confidence.

Staff and Stakeholder Conference and International Industrial Relations Agencies Summit

October marked a significant milestone with the hosting of a three-day event that showcased the WRC’s mission and values in practice. Ten years on since the establishment of the WRC on 1st October 2015 following the amalgamation of the Labour Relations Commission, Rights Commissioner Service, the Employment Appeals Tribunal, the Equality Tribunal and NERA. The WRC convened a staff and stakeholder event to reflect on the decade and focus on the future.

This event coincided with Ireland co-hosting the International Industrial Relations Agencies Summit with our colleagues in the Labour Relations Authority (LRA), Northern Ireland. The yearly summit is a gathering of the first instance dispute resolution State Agencies of the United States, Canada, Australia, New Zealand, South Africa, United Kingdom, Northern Ireland, and the Republic of Ireland where senior leaders of each organisation exchange information, discuss topical issues in their country and compare trends with other member countries.

The events commenced with a staff-focused event promoting collaboration and engagement through team-building activities, knowledge-sharing sessions, and a panel discussion highlighting staff expertise and professionalism. Minister Burke, T.D. Minister for Enterprise, Tourism and Employment opened the afternoon session where the WRC hosted more than 170 stakeholders from across government, employer organisations, trade unions and representative bodies. This was followed by a thought-provoking fireside chat on ‘Thriving through Work’, a panel session on equality and presentations from Cosmin Boianguiu of the European Labour Authority and Murray Furlong of Australia’s Fair Work Commission.

Participants reflected on a decade of achievement and considered future priorities through a series of multimedia presentations including, *Past, Present, and Future* and divisional showcases that highlighted the evolution, impact, and future direction of the WRC. The Director General expressed her appreciation to all involved and handed over to the Secretary General who provided closing remarks.

The second event opened with remarks from Minister Alan Dillon, Minister of State for Small Business, Retail and Employment, along with contributions from the Chairman and the Director General. The programme included two thematic panel discussions. The first, “Key Milestones in the Creation of the WRC and Impact Stories from That Time,” brought together individuals central to the establishment of the WRC to reflect on its foundation and early successes. The second panel, “Conflict Resolution in Practice – The View from the Chair,” featured four past and present Directors of Conciliation, who shared insights from their experience leading this key function within the organisation.

Bill Roche, Professor of Industrial Relations and Human Resources at the UCD School of Business, provided an evidence-based overview of the industrial relations landscape before and after the enactment of the Workplace Relations Act, highlighting significant achievements during this period of reform. Nicki Perfect, formerly of Scotland Yard, drew on her background as a hostage and crisis negotiator to offer perspectives on the critical skills required in communication, negotiation and managing high-pressure situations.

The event facilitated strong engagement among WRC staff, departmental colleagues, external stakeholders and international partners. Throughout these interactions, the commitment to public service that underpinned the formation of the WRC was clearly evident in the dedication of current staff. This shared purpose reflects the solid foundations on which the organisation will continue to build as it prepares to meet emerging opportunities and challenges over the coming decade and beyond.



Minister Peter Burke TD, Minister for Enterprise, Tourism and Employment, Dr David Begg, Chairperson to the Board of the WRC, Audrey Cahill, Director General, WRC, Minister Alan Dillon TD, Minister of State at the Department of Enterprise, Tourism and Employment and Ambassador Cosmin Boiangiuu, Executive Director of the European Labour Authority



WRC Staff Panel: Andrew Heavey, Maura O'Donoghue, Mary Coyle, Anne Byrne, Leonard Carrigan and Teresa Rea



*Panel Discussion: **Equality in the Workplace – ‘What Still Needs to Change?’** Moderated by Ingrid Miley, exploring the current state of workplace equality, with an emphasis on inclusive practices, and remaining challenges in achieving true workplace equity, with: Enda Murphy, Director, KIA Division, WRC, Liam Herrick, Chief Commissioner of the Irish Human Rights and Equality Commission, Siobhán McKenna, Equality, Diversity & Inclusion Policy Lead, Department of Public Expenditure, Infrastructure, Public Service Reform & Digitalisation and Derval McDonagh, CEO, Inclusion Ireland*



Murray Furlong, Fair Work Commission, Australia



Declan Hughes, Secretary General, Department of Enterprise, Tourism and Employment



Fireside Chat to outline how work contributes to purpose and ensures that a continued passion for learning and participation is enabled, with: Lucy Corcoran, Self-Advocate, Catherine Redmond, Office Manager, Coughlan White & Partners and Sinead Heneghan, CEO, Learning & Development Institute.



Asanda Mgaga, The Commission for Conciliation, Mediation and Arbitration, South Africa, Cameron Morajane, The Commission for Conciliation, Mediation and Arbitration, South Africa, Andrew Dallas, Ministry of Business, Innovation and Employment, New Zealand, Sylva Langford, Director, Conciliation, Facilitation and Mediation Division, WRC, Audrey Cahill, Director General, WRC, Mark McAllister, Labour Relations Authority, Northern Ireland, Justice Adam Hatcher, Fair Work Commission, Australia, Stuart Gee, Acas, United Kingdom, Murray Furlong, Fair Work Commission, Australia and Simon Sanders, Ministry of Business, Innovation and Employment, New Zealand



Minister Alan Dillon TD, Minister of State at the Department of Enterprise, Tourism and Employment



Lucy Corcoran and Audrey Cahill



Panel: Conflict Resolution in Practice - the view from the Chair. Sylda Langford, Director of Conciliation, Facilitation and Mediation Services, WRC, Kevin Foley, Former Chairman of the Labour Court, Raymond McGee, Former Deputy Chairman, Labour Court and Anna Perry, Former Acting Director General and Director of Conciliation, WRC



David Small, Director, WRC



Audrey Cahill, Director General, WRC



Panel Discussion: The First Chapter: Building the Organisation Moderated by Ingrid Miley. A look at key milestones in the creation of the WRC and impactful stories from that time, with: Kieran Mulvey, Former Director General of the WRC and LRC, Ger Deering, Ombudsman and Information Commissioner for Ireland and Richard Bruton, Former Minister for Enterprise and Employment.



Gwendolen Morgan, Registrar and Director, WRC, Mark McAllister, Labour Relations Authority, Northern Ireland, Fiona O'Dea, Director, WRC, Simon Sanders, Ministry of Business, Innovation and Employment, New Zealand, Andrew Dallas, Ministry of Business, Innovation and Employment, New Zealand, Justice Adam Hatcher, Fair Work Commission, Australia, Murray Furlong, Fair Work Commission, Australia, David Small, Director, WRC, Stuart Gee, Acas, United Kingdom, Sylda Langford, Director, WRC, Asanda Mgaga, The Commission for Conciliation, Mediation and Arbitration, South Africa, Enda Murphy, Director, WRC, Audrey Cahill, Director General, WRC, Tracey Murphy, Director, WRC, Louise O'Donnell, Chair of the Labour Court, Cameron Morajane, The Commission for Conciliation, Mediation and Arbitration, South Africa and Maxine Orr, Industrial Tribunals & Fair Employment Tribunal, Northern Ireland.

Digital and Business Solutions

In 2025, the WRC continued to focus on enhancing its digital capability and improving the quality and efficiency of services provided to users. Consultation to develop a new Digital Strategy commenced with a focus identifying and scoping priority projects for 2026–2028, aimed at delivering significant organisational improvements and operational efficiencies.

During 2025, the WRC also advanced work exploring and preparing a request for tender to upgrade its Customer Relationship Management (CRM) system. A project scope was agreed with the Department's ICT Unit to transition directly from the current system to a cloud-based platform. A request for tender will issue for this project during 2026. The move to the cloud will enable greater flexibility, access to a wider marketplace of integrations, and provide an opportunity for future development of an authenticated user portal where service users can log in and track the progress of their applications without needing to contact the WRC directly.

Phase 1 of the Robotic Process Automation (RPA) project continued to produce strong results during 2025, freeing staff for more public-facing duties and reducing processing times for complaint applications. RPA Phase 2 was fully implemented in early 2025 and has further decreased the time required to issue scheduling and postponement letters to complainants and respondents. Both phases have been highly successful, and work took place throughout 2025 to identify additional areas where further RPA phases could provide meaningful support and will be further explored as part of the development of the Digital Strategy.

Artificial Intelligence

Globally and nationally, 2025 marked a significant year in the evolution of Artificial Intelligence (AI), with organisations across all sectors exploring how new technologies could streamline operations and free up valuable resources. While these advancements offer substantial potential, the WRC recognises the importance of adopting a balanced and responsible approach, ensuring any innovations align with best practice and avoid the risks highlighted in industry case studies.

With the needs and confidence of the public at the forefront, the WRC aims to maintain a secure, stable and reliable platform for innovation. For this reason, the WRC will not act as an early adopter of emerging technologies but will continue to robustly evaluate and assess new developments where they have the potential to enhance service delivery.

In line with this approach, the WRC has commenced work on developing an internal AI-powered chatbot designed to support staff onboarding and assist in responding to public queries. The chatbot will be trained exclusively on WRC documentation to ensure accuracy, consistency, and the integrity of all information provided. Subject to successful internal implementation, a public-facing version will be developed for service users.



Communications and Outreach

Website

The WRC website is a vital source of information and an interface with the WRC for service users, particularly in relation to updates on service delivery models and employment rights, both generally, and aligned to legislative changes.

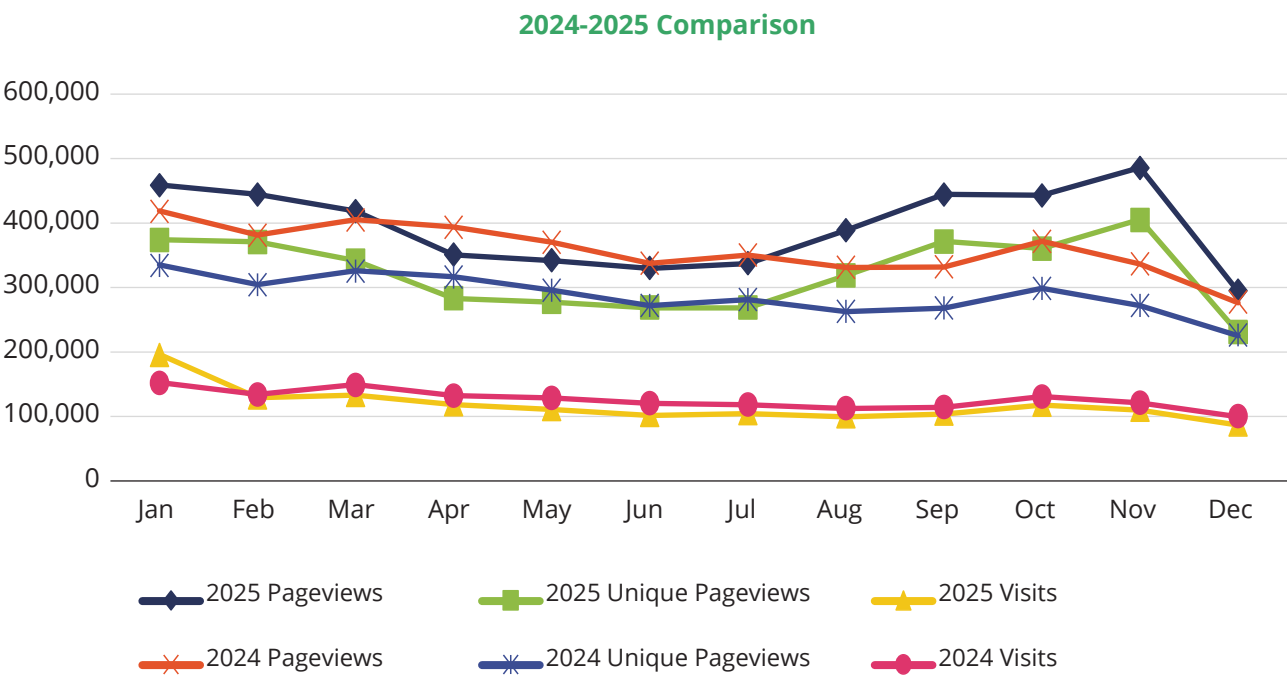
In 2025, the WRC website had 4,740,602 pageviews, a 10% increase on the previous year. Visitors to the website decreased by 6.5% to 1,415,761 visitors.

The website provided the appropriate vehicle to communicate legislative changes, such as the increase in the National Minimum Wage, matters relating to absences from work during extreme weather events, the latter reaching over 60k pageviews during Storm Éowyn in January. Other key messages and high volume pageviews included updates to the Construction Sector SEO and Contract Cleaning ERO in addition to weekly links to the latest Decisions & Recommendations.

The WRC website is regularly reviewed to ensure that it complies fully with all web standards in terms of the structure, layout and content and that it follows web standards laid out by the World Wide Web Consortium (W3C) and the Irish National Disability Authority.

The National Disability Authority carried out an in-depth review of the WRC in 2025 and identified some minor issues in relation to accessibility. All issues identified have been resolved or are in the process of being resolved.

Figure 42: WRC website pageviews 2024-2025



Social Media

Throughout 2025, the WRC social media channels were used to share employment and equality related information and legislative updates with the public. The reach of these platforms

increased during the year, currently the WRC_IE X (formerly Twitter) account has more than 3,330 followers and the WRC LinkedIn account has more than 27,800: an increase over the year of 3% and 16% respectively.

Continuous Improvement Office – 2025 Overview

The Continuous Improvement Office (CIO) was established in August 2025, marking a significant milestone in the WRC's organisational development. Its creation delivers on key recommendations of the Organisation Capability, Capacity and Efficiency Review and aligns with the WRC's strategic ambition to build a modern, data-informed and agile organisation.

Following the appointment of the WRC's first Head of Continuous Improvement (CI), the CIO was formally established and developed its inaugural High-Level Continuous Improvement Action Plan. This plan sets out short, medium, and long-term actions. Short-term actions focus on establishing CI governance, building foundational structures, organising data, aligning people, and preparing for broader transformation. Medium-term actions concentrate on moving from analysis to delivery, while long-term actions address the strategic horizon through a review and reset of the long-term vision. Together, these actions provide the structured framework needed to embed continuous improvement practices across all WRC functions.

A core priority in 2025 was the initiation of the Business Process Review (BPR). The CIO prepared and published a procurement competition through the appropriate OGP framework, ensuring transparency and value for money. The BPR will examine end-to-end WRC services and produce redesign options that streamline processes, reduce duplication and strengthen readiness for future digital transformation. Another key priority in 2025 was the commencement of foundational work to advance the development of a digital workforce, with a strong emphasis on enhancing AI literacy across the organisation.

To build clarity and visibility for staff and stakeholders, the CIO also developed a new branding and identity, establishing a recognisable umbrella for all improvement initiatives.

The CIO's establishment and foundational work in 2025 provide the crucial platform for a sustained, organisation-wide transformation programme that will continue into 2026 and beyond.

Governance and Compliance

Official Languages Acts, 2003 and 2021

During 2025, the WRC ensured that commitments made in relation to the provision of services in the Irish language under the Official Languages Acts were delivered. A range of documents were published on the website in the Irish Language including the WRC Strategy Statement 2025-2027 and the WRC Annual Report 2024. In accordance with the Official Languages (Amendment) Act 2021, content published on the WRC social media channels X and LinkedIn were also in accordance with the Official Languages (Amendment) Act, 2021 provided in Irish.

Protected Disclosures Acts, 2014 to 2022

As a public body, the WRC is required under Section 22 of the Protected Disclosures Acts, 2014 to 2022 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures.

Further to this requirement, the WRC confirms that 161 external reports were received as alleged Protected Disclosures during 2025.

All reports were acknowledged within the timeframe specified in the legislation. In each case, the outcome was communicated to the individual.

Following initial assessment, 18 submissions were deemed not to be a protected disclosure, and the correspondent was informed of this in each case and the case was closed.

A total of 77 submissions were forwarded to the relevant Division of the WRC for further action following initial investigation, and the Protected Disclosure case was closed. 10 cases were referred to the Office of the Protected Disclosures Commissioner or other more appropriate bodies.

13 cases were closed due to insufficient data provided initially and no further input received when requested from the discloser.

The remaining cases were responded to and given information on how to access the complaints procedure.

No cases remain “open” (under initial assessment or pending further input from discloser). No internal reports were received by the WRC during 2025.

Under SI 367/2020 Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020 the Director General is designated as a ‘prescribed person’ pursuant to Section 7 of the Act.

Public Sector Equality and Human Rights Duty

As an Office of the Department of Enterprise, Tourism and Employment (DETE), the WRC coordinated and prepared its Public Sector Duty Equality and Human Rights Assessment 2025 with the DETE. This assessment was prepared in accordance with Section 42 of the Irish Human Rights and Equality Commission Act 2014, which places a positive duty on all public bodies to have due regard to human rights and equality in the performance of their functions. Public bodies must assess relevant human rights and equality issues, address them through strategic planning, and report on progress annually. This assessment process identified the human rights and equality issues relevant to staff and service users across both the Department and its offices, including the Workplace Relations Commission (WRC).

The WRC is committed to meeting these obligations and to fostering a culture of inclusion, fairness, dignity, and respect for all staff, stakeholders, and service users. Ensuring equal access to services and supporting staff to reach their full potential remain key priorities. The WRC upholds fair procedures, the right to privacy, and equal treatment in all aspects of its work.

The WRC continues to work proactively to safeguard the dignity and welfare of its staff, promote equality of opportunity, and encourage a respectful and participatory workplace culture. Internal policies are regularly reviewed to ensure compliance with best practice and to support the effective delivery of services to the public.

Health, Safety and Risk Management.

Throughout 2025, the WRC Corporate Services team, in collaboration with the Department of Enterprise, Tourism and Employment, worked to review, maintain, test and update Building Emergency Plans and risk registers for each of the 5 WRC locations in Dublin, Carlow, Cork, Ennis and Sligo, to ensure the ongoing safety, health and wellbeing of WRC staff, stakeholders and service users who use WRC facilities.

Accessibility and Inclusion

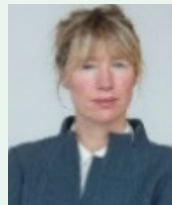
The WRC is committed to providing information and services which are fully accessible to as many people as is reasonably possible. We will ensure that all our public spaces and meeting rooms comply with occupational and safety standards and, as part of this, facilitate access for people with disabilities and others with specific needs. The WRC is experiencing an increase in requests for support from the WRC Access Officer. During 2025 engagements took place with many service users and several advocacy groups covering issues about individual access support and generalised training and support for WRC staff in areas such as Irish Sign Language, visually impaired persons, (braille), Neurodivergence, (JAM training and voice-to-text support), breastfeeding facilities, and the use of plain English.

It is a regular occurrence that the WRC provides language interpreters for service users who do not have English as their first language.

4.7 Legal Division

Registrar and Director of Legal Division Foreword

The Legal Division's core objective is to advise the WRC in relation to its wide range of functions from adjudication to inspection and enforcement, conciliation, mediation, research and information provision so that legally robust systems are in place throughout all activities of the WRC. It also provides relevant EU, administrative, company, employment and equality law updates and support to Adjudication Officers and staff.



Gwendolen Morgan

*Registrar and Director
Legal Services Division*

Legal Division 2025 Overview

Anniversary Case report

In October 2025, as part of the WRC's tenth anniversary and to reflect the journey the WRC has come on since its establishment in 2015 and the expansion of rights and remedies over the decade, the Division published a report highlighting 50 cases demonstrating the span of employment and equality matters now before the WRC:

[Ten year anniversary case report.](#)

Guidance on AI before the WRC

The WRC's approach to the use of AI by litigants was recently summarised as follows in the *Ryanair* case²: *"While I'm not particularly concerned about whether the Complainant used AI or not I am clear that parties making submissions to the WRC have an obligation to ensure that their submissions are relevant and accurate and do not set out to mislead either the other party or the Adjudication Officer."* In dismissing that complaint, the Adjudication Officer criticised the wasting of time on *"citations that were not relevant, mis-quoted and in many instances, non-existent"*. Reflecting these concerns, the Division published a [Guide on the Use of AI](#) before the WRC to reflect a growing trend of parties using AI to draft submissions and to highlight the need for human oversight to safeguard against risks.

New Legislation

2025 continued the trend of new rights and responsibilities in the employment, equality and industrial relations spheres, some EU and some domestic in origin. The Division was involved in supporting colleagues across the WRC to prepare for the new legal rights coming into effect including those around the Automatic Enrolment Retirement Savings System Act 2024 and the penalisation provision which commenced on 1 January 2026.

In relation to the EU Artificial Intelligence Act, in 2025 the WRC was designated as a Market Surveillance Authority ('MSA') in relation to employment matters alongside the Health and Safety Authority and thirteen other bodies. With the deadline for transposition currently August 2026 the Division has participated in the Department's cross-departmental working groups (the MSA Working Group and AI Implementation Legislation subgroup) and the EU's AI Board Annex III High-risk AI subgroup, with a view to establishing the parameters of the new legislation to ensure maximum effect in practice.

The Division was also involved in the Department's right to request remote working statutory consultation process. Work also continues on the WRC's designation under the Criminal Justice (Sexual Offences and Human Trafficking) Act 2024 and EU Regulation 2024/3015 on Prohibiting Products made with Forced Labour.

² *Oliveira v. Ryanair* DAC ADJ-00055225

³ [Guidance on the use of AI tools to prepare material for submission to the WRC - Workplace Relations Commission](#)

Jurisprudence under the Protected Disclosures (Amendment) Act 2022 continues to evolve as cases referred increase exponentially. The Gender Pay Gap Information Regulations 2022 expanded to cover smaller employers from November 2025 and together with the Pay Transparency Directive these are likely to generate more cases.

Over the horizon, further changes beckon in 2026 around the protection of employees in insolvency circumstances, in the area of pension and mandatory retirement ages with the Employment (Contractual Retirement Ages) Act 2025, along with proposed changes in domestic equality law. In relation to the Equality (Miscellaneous Provisions) and Family Leaves Bill 2025 the WRC was invited to make a submission to the Joint Oireachtas Committee on Equality and Children as part of its pre-legislative scrutiny.

As Ireland prepares to take over the EU Presidency in July 2026, the Division advised on emerging EU legislation including the EU Adequacy of Statutory Minimum Wages Directive 2022/2041, EU Directives on Standards for Equality Bodies 2024/1499 and 2024/1500, EU AI Act Regulation 2024/1689, EU Pay Transparency Directive 2023/970, EU Gender Balance on Boards Directive 2022/2381, EU Platform Workers Directive 2024/2831, the European Works Councils proposed Directive 2025, and the proposed Traineeship Directive.

Training and guidance on the new law was provided to Adjudication Officers and staff. The Division also supported colleagues with a range of reforms to WRC policy and related processes to ensure readiness for the new legislation.

Litigation and Dispute Resolution

Separate to the litigation work of Enforcements and Prosecutions, the Division represented the WRC in 15 Superior Court civil matters. It should be noted that the WRC is often incorrectly impleaded or indirectly involved in litigation against its parent Department, but each case must nevertheless be carefully analysed on its own merits and lessons learnt where relevant.

Information Governance

The Division's Data Protection Liaison Officer continues to support the WRC on information law and provides regular training and support to staff across the Divisions. WRC policies are kept under review in light of new jurisprudence and legal obligations in this fast-moving area of law, and the WRC liaises with the Department's Data Protection Officer to ensure compliance.

Stakeholder Engagement

In February, the Registrar was invited to speak at the Council of Europe as an Expert on AI and Human Rights in the Employment sphere as part of the drafting working group on the Council's Framework Convention on AI and Human Rights 2025, the first internationally binding treaty in the area.

The Registrar participated in the Department's inaugural Employment Law Review Group attending working groups over the year. She also presented to the Employment Lawyers Association of Ireland ('ELAI') on recent developments at the WRC, taught on the Law Society's Judicial Skills' Diploma equality module, and the Division staff engaged with Eurofound, ERA, ILO and EU colleagues as well as a number of domestic stakeholders in the area of equality and employment law.

Internally, the Legal Division oversees the AO training programme and provided a number of internal information sessions for staff. The Division engages with colleagues across the WRC to streamline processes and assist with quality assurance and the digitalisation and efficiency agenda.

Appendix

1

Work Programme 2025: Outcomes

Information and Customer Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Provide non-directive information on WRC activities generally, employment legislation and redress mechanisms through a variety of delivery formats	Provide a high quality accessible, customer-focused and user-friendly response to telephone, email, white mail and other employment rights enquiries	Throughout 2025	90% of queries dealt with at initial query	64,648 calls dealt with promptly and efficiently (9% increase on 2024)
	Co-ordinate the targeted participation of the WRC at employment law seminars, presentations, exhibitions, roadshows, webinars, etc.	Throughout 2025	Key events identified, targeted message deliver effectively and efficiently	42 events attended
	Utilise social media platforms to raise awareness of employment legislation, relevant decisions, WRC activities/remit and promote WRC redress mechanisms to the public.	Throughout 2025	Increased awareness of the WRC services and information. Key events, days, campaigns. research and data identified and effectively publicised on social media. Increase in social media followers	Social media channels utilised to drive referrals to WRC website

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Efficient processing of complaints and applications to the WRC	All complaints processed in a timely and efficient manner and referred to the appropriate redress	Throughout 2025	All complaints received during 2025 processed efficiently with 90% of files created within 10 working days and respondent put on notice	10,559 complaints, representing 19,068 specific complaints, (44% increase on 2024) processed. 73% of complaints acknowledged and respondents notified within 10 working days of receipt of complaints
Deliver Outreach and Communications Strategy	Work with Comms Unit to identify WRC activities (including web-based and remote outreach) which can be used to enhance efficiency and effectiveness of WRC generally	Throughout 2025	Increased awareness and understanding of the WRC, and functions, across industrial relations, employment rights, equality and equal status matters	42 Outreach events attended
	Initiate and deliver campaigns focussed on increasing awareness of WRC services and providing information on changes to legislation or new legislative developments to the public, employers and employees, and stakeholder groups as well as identified sectors and vulnerable groups	Throughout 2025	Greater awareness of WRC services	Supported Inspection led campaigns including changes to NMW
	Prepare bespoke targeted guides and templates on legislation for employees and employers, particularly relating to legislative change or new legislation	Throughout 2025	Guides and templates launched and being used and accessed	Several Information booklets updated and website frequently reviewed and updated

Advisory Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Improve site-specific workplace relations	Carry out reviews of industrial relations, chair joint working parties, facilitate resolution of individual disputes including referrals under the IR Act 2015	Throughout 2025	Effective, tailored programme delivery, high service user satisfaction, improved workplace relations	Assistance supplied as needed: 5 new reviews completed and work continued with 14 other organisations post review
Initiate a review of some of the established Codes of Practice	Carry out a full review of the Code of Practice on Code of Practice on Part-Time Work and draft a revised version,	Q2 2025 and throughout 2025	Codes completed and updated	Review of the Code of Practice completed in 2025 and revised Code submitted to the Minister for approval
Provide educational and workplace knowledge sharing programmes	Develop and deliver appropriate information on positive industrial relations principles and working relationships through facilitative workshops for employees and employers	Throughout 2025	Broader and better understanding of workplace issues and improved workplace relations	This area of work was suspended during 2025 due to staff vacancies within Advisory Services

Inspection and Enforcement Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Promote and enforce compliance with employment law	Carry out risk and complaint-based inspections, with other State bodies where appropriate	Throughout 2025	4,500 workplace inspection cases completed	5,145 workplace inspection cases completed €1,578,924 unpaid wages recovered
	Institute legal action where compliance with Employment Rights and Employment Permit legislation is not achieved and action is approved by the Legal Proceedings Committee	Throughout 2025	All cases where compliance is not achieved will be considered for legal action	223 prosecutions completed with 183 successful outcomes (82% success rate). An increase of 27.5% on 2024 in the number of prosecutions taken
	Issuing and processing of Compliance (as applicable) and Fixed Payment notices and defend appeals to Compliance Notices	Throughout 2025	Notices issued appropriately and having effect. Appeals defended.	50 compliance notices and 23 FPN's issued
Focused targeting of non-compliant employers, sectors, regions	Risk selection arrangements for inspection to be used for case selection. These will include risk rating of closed cases, sectoral intelligence and complaints	Throughout 2025	50% of inspection cases will be focused on high-risk employers and sectors of interest	47% of inspections based on risk assessment Complaints received by the Inspectorate increased by 34%, from 1,217 in 2024 to 1,637 in 2025
Enforce awards arising from decisions of Adjudication and Labour Court proceedings	Pursue civil enforcement of decisions and awards arising from decisions of Adjudication Officers and Labour Court in relation to adjudication and inspection activity and escalate to prosecution where appropriate	Throughout 2025	Decisions and awards pursued in manner that maximises efficiency and effectiveness	106 civil enforcement cases dealt with
Issue licences and enforce legislation in relation to Employment Agencies and the employment of Young Persons	Licenses processed and issued in an efficient and lawful manner	Throughout 2025	Applications processed within 21 days of receipt	1,040 Employment Agency Licences issued and 615 Child Licences processed

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Co-operate with other enforcement agencies	Facilitate training, staff exchanges, joint inspections and sharing of appropriate data, review MoUs to ensure they are current, valid and in compliance with GDPR requirements	Throughout 2025	Successful activities underpinned by legislation and appropriate MoUs. Review and renew, if appropriate, all existing MoUs	290 inspections were carried out with An Garda Síochána (including Garda National Immigration Bureau and Garda National Protective Service) 236 joint inspections with officers of the Department of Social Protection 311 joint inspections with officers of the Revenue Commissioners 3 joint inspections with the RSA
Carry out targeted campaigns in the identified sectors	Campaigns involving both inspection and ICS carried out effectively and efficiently	Throughout 2025	Positively impact compliance and create/enhance awareness of relevant rights and duties	Targeted campaigns included NMW, Seasonal Workers in Hospitality Sector, Commercial Sea-Fishing and EMPACT
Support information and education activities to improve compliance generally	Inspectors will support information and outreach activities carried out by Information and ICS, Communications Unit, and other WRC Divisions	Throughout 2025	Provide staff, briefing/guidance material, and relevant expertise	Co-operation, guidance, training and skills-sets provided
Cooperate with International agencies on areas of mutual interest	Work with partners such as the International Labour Organisation, the European Labour Authority, the European Platform for Undeclared work, EUROPOL	Throughout 2025	Attend all plenary sessions where designated as Irish member/delegate/expert, provide appropriate assistance to programmes	Positive input to European Labour Authority (ELA) management board. Attendance at ELA meetings, workshops and working groups. Enhanced activities with ELA CJIs and Study Visits

Conciliation, Facilitation and Mediation Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Provide timely, effective and efficient conciliation service and ensure demand is met whilst maintaining delivery of all services	Provide conciliation in an appropriate timeframe to facilitate resolution of industrial relations disputes. Proactively engage with service users to provide assistance in the maintenance of positive industrial and working relations	As and when required by clients throughout 2025	Maintenance of high success rate in the resolution of industrial relations disputes. This is a voluntary demand led service	Over 85% of disputes referred resolved
Work to expand client usage of relevant mediation services of WRC	Maintain and increase pre-adjudication mediation where required	Throughout 2025	Increase in cases successfully mediated to bring about a reduction in numbers advancing to adjudication process in rights-based claims	16% increase in pre-adjudication mediations with an overall resolution rate of 54%
Chair and facilitate various industrial relations and statutory fora in both the private and public sector	Facilitate discussions in a timely fashion. Assist parties deal with all issues in accordance with procedures and operations as set out in agreed terms of reference	Throughout 2025	Effective delivery, operation and conclusion of all issues raised in accordance with protocols and procedures with the agreement of all parties	All requests for assistance fully delivered

Adjudication Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Continue to Process all complaints as quickly as possible.	Provide Adjudication Officers with full administrative support and provide relevant caselaw and appellate body and precedential decisions	Throughout 2025 and onwards	Oversee efficient processing of complaints from registration, through scheduling to issuing of decisions	Achieved and ongoing: 2,506 Decisions issued in 2025
	In conjunction with Department of Enterprise, Trade & Employment, maintain appropriate administrative resourcing and monitor and review quantity and availability of adjudicators to ensure delivery capacity	Throughout 2025 and onwards	Fully resourced and utilised	Ongoing: Engagement with HR and PAS to fill vacancies
Dispose of “Multiple” referrals	Work with parties and representatives to identify how best to deal with “multiple” referrals in an efficient manner	Throughout 2025	“Multiple” cases disposed of	Ongoing: Engagement with parties to progress multiple referrals
Timely receipt of concise submissions	Assess review and develop action plan if required with DETE Liaison Unit	Throughout 2025	Decision made regarding any possible statutory instrument	Ongoing: Despite complexities, continued exploration of a possible statutory instrument setting timeframes for lodgement of submissions
Produce high quality decisions	The Director of Adjudication and Registrar will continue to circulate and update Adjudication Officers on relevant material and Adjudication Officer meetings will be held during the year to identify learning points, to improve the service provided to customers of the Adjudication Service	Throughout 2025	High quality decisions issue in a timely manner, subject to available resources Internally and externally recognised and delivered WRC adjudication standard	Achieved

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Legislative amendments	Engage with DETE re potential legislative amendments to Workplace Relations Act	Throughout 2025	Appropriate legislative powers and amendments in place to support functions of WRC	Achieved
Assist with Outreach to the public, employers and employees, stakeholder groups, identified sectors and vulnerable groups	Where core work has been addressed and time and resources allow, AP AO s may work with ICS and Communications Unit to provide information on WRC activities generally	Throughout 2025	Increased understanding of the WRC's roles and functions across industrial relations, employment equality and equal status matters	Achieved
Pre-adjudication Mediation	AP Adjudication Officers will continue to work with CAM Division regarding the provision of pre-adjudication mediation services	Throughout 2025	Mediation Services delivered in conjunction with CAM Division	Achieved

Corporate, Strategy and Digital Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Maintain robust corporate governance framework in WRC	Oversee and monitor internal/policies/ procedures	Throughout 2025	Corporate governance in WRC in line with best practice	WRC Corporate team managed all governance requirements in line with statutory obligations
Ensure WRC carries out statutory functions within budget	Oversee efficient and effective expenditure, monitor service demand and activity levels and liaise regularly with DETE in this regard	Throughout 2025	The Work Programme was delivered, aligned with the effective and appropriate use of allocated resources.	Oversight of WRC Pay and non-pay expenditure throughout 2025 to manage within allocation
Continuously adjust plans and resource allocation to respond quickly to changing demands	Ensure the WRC remains equipped to respond rapidly to changing demand and resource requirements across all areas of activity	Throughout 2025	WRC to respond quickly to Divisional demand spikes and shifting resource patterns	Respond to demands quickly
Manage the WRC risk-based strategic, business planning performance culture at all levels of the organisation	Assist in monitoring implementation of the WRC Strategy and Work Programme Record Risks and report on remedial action	Throughout 2025	WRC operating within coherent strategic and business plan framework. Statement of Strategy 2025-2027 submitted to the Minister 2026 Work Programme submitted to the Minister	WRC Risk Register updated as required Regular monthly reports provided to WRC senior leadership team (SLT) Work Programme approved by Minister
Resourcing	Collaborate with DETE HR to ensure the appropriate WRC staffing assignments with the required skills	Throughout 2025	Staff vacancies filled with the required skill set	WRC staffing needs met

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Re-imagine Induction Programme	Initial induction on first day where possible and formal Induction Course within 3 months	Throughout 2025. Initial induction meeting on first week and WRC formal induction within 3 months	New staff supported and welcomed during their induction	Induction programme delivered to the satisfaction of all new staff
External Consultants engaged to undertake an Organisational, Effectiveness and Efficiency Review	Work with the consultants to identify areas for improvement	Q1 2025	Highlight areas where efficiency and effectiveness could be improved And opportunities for future transformation	Organisational Review completed
Co-hosting the Annual International Industrial Relations Agencies Summit with the LRA in Northern Ireland	Collaborate with the LRA in organising, supporting and holding the Summit in Dublin	Q4 2025	Manage schedules, stakeholders, and resources to support the smooth execution of the event.	Successful and insightful event delivered
Staff and Stakeholder Conference held to mark 10 years of the WRC	Lead and deliver the coordination and delivery of a three-day staff and stakeholder event	Q4 2025	Reflect on the achievements of the WRC to date and explore priorities for the future	Positive, thought provoking 3 days that generated strong engagement and valuable learning.
Establish the Office of the Continuous Improvement Officer (CIO)	Identify CIO Officer with the required skills and ability	Q3 2025	CIO Office set up and resourced	Continuous Improvement Office was established in August 2025 with the appointment of the CIO Officer
A detailed Business Process Review (BPR) to be carried out	Identify and agree on BPR parameters, issue RFT	Q4 2025	Request for Tender (RFT) drafted and published in line with civil service procurement requirements	Request for tender issued in December 2025

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Continue to use Technology to ensure Digital Enhancement	Engage with DETE to progress Digital Transformation	Throughout 2025	Maintain strong relationships with DETE ICT to manage and support delivery of new and enhanced digital systems.	Digital and business solutions were maintained and enhanced throughout 2025 including enhancement to RPA
Monitor ICT systems to ensure they facilitate the delivery of efficient and effective WRC Services	Monitor, maintain, innovate and upgrade systems and software subject to resources as required	Throughout 2025	Efficient and effective ICT systems	Upgrade of RPA Audit of WRC website with NDA Ongoing Change of Control of Business System enhancements

Legal Affairs

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Provide timely, effective and robust legal advice on legal matters before, and involving, the WRC	Provide advice and representation to DG and all Divisions of the WRC so that they are supported	Throughout 2025	Robust legal services provided to WRC	Advice provided
WRC legal service operating cost effectively and efficiently	Legal service to be provided with all internal structures, procedures, and business processes operating efficiently Information flows to and from Legal Division	Throughout 2025	Legal service fully functional	Legal services effectively and efficiently delivered
Provide appropriate legal training to staff and Adjudication Officers	Identify training needs and deliver to AOs and staff	Throughout 2025	Training delivered and AOs up to date on legal framework and jurisprudence underpinning complaints	Training delivered throughout 2025 and AO's and staff kept abreast of legal and jurisprudential developments across 2025
	Legal Division staff keep abreast of all new legal developments and comply with professional CPD obligations	Throughout 2025	Attend seminars on legal developments and professional CPD courses	Seminars attended and all professional CPD obligations complied with
Continue to work with DETE to identify legal issues impacting on delivery of WRC's statutory remit	Identify key legislative priorities and assist progression where possible and liaise with DETE in context of consequences of Supreme Court constitutional challenge and other legislative reforms anticipated in 2025	Throughout 2025	Consulted with DETE re issues identified and progressed as appropriate	Key issues identified and discussed with regard to relevant areas of the Government's legislative programme

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators	Outcomes
Assist DG and Divisions with the implementation of the Protected Disclosures Act.	Provide advice and training to all staff and management	Throughout 2025	All aware of their obligations under the PDA and familiar with reporting channels and the DG's Role as a Prescribed Person under the PDA	Information, Advice and Guidance to staff provided
Assist with reforms of website and complaint form	Contribute to improvement of WRC complaint form system and website structure	Throughout 2025	Revised WRC complaint form in place and website rationalised and content updated	Assistance provided with website and complaint form review and consequent updates
Contribute to keeping stakeholders informed of trends in complaints and decisions	Contribute to external analyses and review WRC decisions and emerging trends	Throughout 2025	Review Completed and Legal contribution to stakeholder awareness externally	Achieved
Deepen stakeholder networks domestically, at EU and international level to share best practice	Stakeholder engagement	Throughout 2025	Strong domestic and international networks established to share best practice and stay abreast of emerging legal trends in employment and equality law, and fair procedure for quasi-judicial decision-makers administering justice	Strengthened and managed appropriately
Adjudication Division supported in relation to new service models	Advise WRC in relation to new procedures and policies around new service delivery models	Throughout 2025	Robust, efficient systems in place to ensure WRC can provide quality continuity of service	Quality Advice Provided

Appendix

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Convictions 2025

Employer	Trading As	Sector	Address1	Legislation
Square Plate Limited	West Ring Restaurant	Food Service Activities	N 17 Business Park Tuam	Organisation of Working Time Act 1997
				Workplace Relations Act 2015
The Granny's Kitchen Limited	The Granny's Kitchen	Food Service Activities	Unit 3 Greenfield Business Park Gortboy Newcastle West	Employment Permits Acts 2003 and 2006
SADIQUE AHMED CHOWDHURY	Eastern Food Stores	Wholesale & Retail Trade	Unit 5 The Plaza College St Cavan	Employment Permits Acts 2003 and 2006
				National Minimum Wage Act 2000 (as amended)
Frank Hogan		Transport	46 Clonile Old Cratloe Road Limerick	Workplace Relations Act 2015
Alaa Mohamed Elbahlawan	TX Car Wash	Other Service Activities	Oran Town Centre Oranmore	Employment Permits Acts 2003 and 2006
KCL Foods Limited	Poppadom Takeaway Restaurant	Food Service Activities	54 New Road Clondalkin Dublin 22	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
				National Minimum Wage Act 2000 (as amended)

Employer	Trading As	Sector	Address1	Legislation
Ross Byrne	Silvers Barber Shop	Hair & Beauty	18 Dublin Road Longford N39 H489	National Minimum Wage Act 2000 (as amended)
				Payment of Wages Act 1991
				Organisation of Working Time Act 1997
Lemon Hand & Foot Spa Ltd	Lemon Hand & Foot Spa	Hair & Beauty	4 Egan Business Centre Upper Dargle Road Bray	Employment Permits Acts 2003 and 2006
Bengal Spice Limited	Saffron Indian Cuisine	Food Service Activities	Main Street Cashel	Employment Permits Acts 2003 and 2006
Senjoy Food Limited		Food Service Activities	Main Street Rahardrum Virginia Co Cavan	Employment Permits Acts 2003 and 2006
Virginia Fine Foods Limited	Indian Tandoori	Food Service Activities	Main Street Virginia Co Cavan	Employment Permits Acts 2003 and 2006
Back to Black Limited	Back to Black Limited	Other Service Activities	Curraduff Newmarket P51AH02	Employment Permits Acts 2003 and 2006
Inna Gafurova	La Vita Hair & Beauty	Hair & Beauty	75 O' Connell Street Ennis	Employment Permits Acts 2003 and 2006
Master Pastries Limited		Food Service Activities	Unit 6 Moynehall Cavan H12K8W5	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
YI TING LIMITED	Asian Massage	Hair & Beauty	14a Peter Street Drogheda	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
				National Minimum Wage Act 2000 (as amended)

Employer	Trading As	Sector	Address1	Legislation
Gourmet Kebab Limited	Mazar	Food Service Activities	5 Peter Street Drogheda	Employment Permits Acts 2003 and 2006
				National Minimum Wage Act 2000 (as amended)
Brendan Walsh, Gerard Foley		Fishing	Grange Arthurstown New Ross Y34Y795	Employment Permits Acts 2003 and 2006
E and Z Catering Limited	Pizza Max	Food Service Activities	8 Stockwell Lane Downtown Drogheda Drogheda A92 Y018	Employment Permits Acts 2003 and 2006
Yiyi Asian Chinese Takeaway Limited	Six Happiness Chinese Takeaway	Food Service Activities	Main Street Bettystown Co Meath	Employment Permits Acts 2003 and 2006
Arif Been Aziz	Chilli Peppers	Food Service Activities	4 O'Niell Crowley Quay Fermoy P61V308	Employment Permits Acts 2003 and 2006
Polarside Limited	Portobello Bar	Wholesale & Retail Trade	South Richmond Street Dublin 8	Employment Permits Acts 2003 and 2006
Raymond Forte	Raymondos Takeaway - New Ross	Food Service Activities	11 North Street New Ross	National Minimum Wage Act 2000 (as amended)
				Organisation of Working Time Act 1997
				Payment of Wages Act 1991
Brazil Mix Foods Ltd		Wholesale & Retail Trade	Unit 3 Chapel St Ballyjamesduff	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Why Not Salon	Artisan Suites	Hair & Beauty	109 North Main Street Wexford Y35X7PH	Organisation of Working Time Act 1997

Employer	Trading As	Sector	Address1	Legislation
Soba Asian Limerick Limited	Soba	Food Service Activities	15 Upper William Street Limerick	Workplace Relations Act 2015
Brightrock Foods Limited	The Buttery	Food Service Activities	10 Bedford Row Limerick	Employment Permits Acts 2003 and 2006
Pu Lin Limited	Xin Garden Chinese/ Golden Chopsticks	Food Service Activities	Unit 10 The Countess Shopping Centre Park Rd Killarney V93 F959	Employment Permits Acts 2003 and 2006
Little Big Man Limited	Yeah Burgr	Food Service Activities	41 Watergate Street Navan	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Rao Foods Ltd	My Masala	Food Service Activities	Clane Shopping Centre Main Street Clane	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Wing Sze Trading Ltd	Food Guru	Food Service Activities	Main Street Maynooth	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Pleasure Dome Entertainment Limited	Meadow View Inn	Food Service Activities	Dublin Road Cavan	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Rasoi Limited		Food Service Activities	2 Fields Terrace Ranelagh	Employment Permits Acts 2003 and 2006
June Murphy Small Wonders Creche	Small Wonder Creche & Pre School	Other Service Activities	Raheenagurren East Gorey Co Wexford	Organisation of Working Time Act 1997

Employer	Trading As	Sector	Address1	Legislation
				Workplace Relations Act 2015
Sumitra O'Shea	Ban Thai Massage	Human Health & Social Work	2/3 Lavitts Quay Cork	Employment Permits Acts 2003 and 2006
				National Minimum Wage Act 2000 (as amended)
				Organisation of Working Time Act 1997
Jin Hongying Limited	Tír na Rí	Food Service Activities	Main Street Dingle V92 H61V	Employment Permits Acts 2003 and 2006
Valentin Burca	Vali Carwash	Wholesale & Retail Trade	Dublin Road Cavan	Employment Permits Acts 2003 and 2006
				Workplace Relations Act 2015
Shaawz Diner Limited	Shake Dog Restaurant	Food Service Activities	115 O' Connell Street Limerick	Employment Permits Acts 2003 and 2006
Albatros Eateries Ltd	Poppy Seed	Food Service Activities	Clarinbridge Co Galway	Employment Permits Acts 2003 and 2006
Saboor Sheezad Global Ltd	Global Food Bar	Food Service Activities	1 Upper Dargle Rd Bray Co Wicklow	Organisation of Working Time Act 1997
Pawel Ciszewski	Cork Cleaning	Contract Cleaning	19E Carrolls Yard Douglas Street T12 W30	Workplace Relations Act 2015
Imperial Hotel Lisdoonvarna Company Ltd	Imperial Hotel	Hotels	Main Street Lisdoonvarna	Employment Permits Acts 2003 and 2006
Chilli Lounge Limited	Chilli Lounge	Food Service Activities	32 Main Street Cavan Town	Employment Permits Acts 2003 and 2006
Pham Thi Ngoc Tuyen	T&T Nail & Spa	Hair & Beauty	24 Florence Road Bray A98F2P7	Employment Permits Acts 2003 and 2006

Employer	Trading As	Sector	Address1	Legislation
KBS Property Management Ltd	O'Donnells Bar & Restaurant	Food Service Activities	The Diamond Milltown Donegal Town F94 AK51	Workplace Relations Act 2015
T & M Cuisine Limited	Pizza Max	Food Service Activities	2-3 Main Street Bundoran F94 WF65	Terms of Employment (Information) Act 1994 (as amended)
				National Minimum Wage Act 2000 (as amended)
				Organisation of Working Time Act 1997
				Organisation of Working Time Act 1997
Michael Kelly	The Auld Triangle	Beverage Service Activities	Barrack Street Loughrea Co Galway	Organisation of Working Time Act 1997
L and L Ocean Palace Chinese Takeaway Limited	Gem Chinese Takeaway	Food Service Activities	Unit 8A Blackcastle Shopping Centre Navan	Employment Permits Acts 2003 and 2006
La Tana Limited	La Tana	Food Service Activities	Barrack Street Cork T12YTK4	Employment Permits Acts 2003 and 2006
Ginger Beauty & Foot Spa Limited	Ginger Beauty & Foot Spa	Hair & Beauty	10/12 Malahide Road Clontarf Dublin 3	Employment Permits Acts 2003 and 2006
Yu Hua Chen	Rose Garden Takeaway	Food Service Activities	Church Street Clara	Employment Permits Acts 2003 and 2006
Mile Tree Farms Ltd		Agriculture	Mile Tree Clonmel	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Rayco Solutions Ltd		Other Service Activities	Ballinvunna Kilmuckridge Gorey	Employment Permits Acts 2003 and 2006

Employer	Trading As	Sector	Address1	Legislation
				National Minimum Wage Act 2000 (as amended)
Kyoto Japanese Restaurant Tralee Limited	Kyoto Japanese Restaurant	Food Service Activities	11 Denny Street Tralee V92YFH0	Organisation of Working Time Act 1997
Soon Lee Limited	Jumbo Malaysian Restaurant	Food Service Activities	Shortcastle Street Mallow	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
				Workplace Relations Act 2015
The Dao Noodle Box Limited	Noodle Box	Food Service Activities	39 West Street Drogheda	Employment Permits Acts 2003 and 2006
Agron Kurtulaj	A Clean Car Wash & Valet	Other Service Activities	Level 2 Scotch Hall Car Park Drogheda A92 W271	Employment Permits Acts 2003 and 2006
Andrea Ziflai	Diamond Car Wash & Valeting Center	Wholesale & Retail Trade	Railway Road Birr	Employment Permits Acts 2003 and 2006
DLD Restaurants Limited	Roosters Piri Piri	Food Service Activities	24/25 South Mall Cork	Employment Permits Acts 2003 and 2006
Lema Foods Limited	Macari's	Food Service Activities	Castletymon Shopping Centre Tallaght	Employment Permits Acts 2003 and 2006
Ricky Fox	Quay Street Barbers - New Ross	Hair & Beauty	Quay Street New Ross Co Wexford	Payment of Wages Act 1991
				Organisation of Working Time Act 1997
				Workplace Relations Act 2015
				Workplace Relations Act 2015

Employer	Trading As	Sector	Address1	Legislation
Independent Consultant Engineering Limited	IC Engineering Ltd	Construction	John Paul Hemming The Brook Ballyknockan, Blessington W91X R44	National Minimum Wage Act 2000 (as amended)
				Workplace Relations Act 2015
				Payment of Wages Act 1991
Alan Barry	Barry Alan Plumbing & Heating Gas Services	Construction	24 Weston Park Ballea Park Carrigaline Co Cork	Organisation of Working Time Act 1997
				Workplace Relations Act 2015
River Shore Retail Limited	Select Asia	Food Service Activities	St Patricks Woolen Mills Douglas Cork	Employment Permits Acts 2003 and 2006
Fitz Developments Limited	Fitz Developments	Construction	1 Knockveagh Close Seskin Bantry	Organisation of Working Time Act 1997
				Workplace Relations Act 2015
KLN One Limited	KL Nails Beauty & Spa	Hair & Beauty	Ardee Road Carrickmacross	Employment Permits Acts 2003 and 2006
Ying Meng	Lily Garden Chinese Restaurant	Food Service Activities	St Mary's Road Edenderry	Employment Permits Acts 2003 and 2006
J & I New Ventures Limited	Apache Pizza	Food Service Activities	57 Main Street Macroom Co Cork	Employment Permits Acts 2003 and 2006
Windsor Surprise Limited	Rochestown Park Hotel	Hotels	Rochestown Road Douglas	Employment Permits Acts 2003 and 2006
CLG Food Limited	New China Garden	Food Service Activities	Newbury Hotel Dominick Street Mullingar	Employment Permits Acts 2003 and 2006

Employer	Trading As	Sector	Address1	Legislation
				Organisation of Working Time Act 1997
Abdullah Guc & Gokhan Tasdemir	Star Turkish Barber	Hair & Beauty	Main Street Ballincollig Cork	Employment Permits Acts 2003 and 2006
Wabisabi Restaurant Limited	Wabisabi Sushi and Noodles Bar	Food Service Activities	89/90 Oliver Plunkett Street Cork	Employment Permits Acts 2003 and 2006
Taka Catering Ltd	Shake Dog	Food Service Activities	Shake Dog Main Street Bray	Employment Permits Acts 2003 and 2006
Wei Kun Wei	Hair Vision	Hair & Beauty	Hair Vision 104a Main Street Bray	Employment Permits Acts 2003 and 2006
				Organisation of Working Time Act 1997
Troys Abattoir Limited	Troy Meats	Meat Processing	Rathnure Dalystown Mullingar	Employment Permits Acts 2003 and 2006
Duc Le Cong & Ngoc Ho My Au	V Nails & Spa	Hair & Beauty	Unit 3 Hanover Square Kennedy Avenue Carlow	Employment Permits Acts 2003 and 2006
Keanesbb Limited	Little Richards,The Bus Bar	Food Service Activities	98 Strand Street Skerries	Employment Permits Acts 2003 and 2006
Bromec Mechanical Ltd		Construction	Labane Ardrahan H91D596	Workplace Relations Act 2015
Ruan Fuel Supplies Limited	Ruan Fuel Supplies	Other Service Activities	Ruan Village Co Clare	Employment Permits Acts 2003 and 2006

Appendix

3

Notable WRC Adjudication Decisions 2025

Annual Report Case Summaries

Employment Equality Acts 1998-2021 – Disability, reasonable accommodation and dismissal

1. *Mary Tracy v. Smurfit Kappa Ireland Ltd t/a the Educational Company of Ireland*, ADJ -00046740 and ADJ-00048355

Employment Equality Acts 1998-2021 – Gender/Pregnancy

2. *Naomi Hanlon v. Emer McGrath*, ADJ-00049995

Employment Equality Acts 1998-2021 – Family Status

3. *Emily Williams v. Board of Management, St Tola's NS*, ADJ-00055461

Employment Equality Acts 1998-2021 – Membership of the Traveller Community

4. *Mark O'Connor v. Ballymaley Stores Limited*, ADJ-00052755

Use of AI

5. *Fernando Oliveira v. Ryanair DAC*, ADJ-00055225

Unfair Dismissal

6. *Cathal Hussey v. Tesco Ireland Limited*, ADJ-00052619
7. *Nkemka Patrick Okachi v. Sodexo Ireland Limited*, ADJ-00045306

Employment Status

8. *Gerard N. Murphy v. Residential Tenancies Board*, ADJ-00035370

Remote Working

9. *Varvara Gintaliene v. Cognizant Technology Solutions Ireland Limited*, ADJ-00053903

Industrial Relations

10. *Umarjon Muradov v. Bgs Security Limited trading as Bgss*, ADJ-00055412

Organisation of Working Time Act 1997

11. *Xiaofeng Gao v. Eskimo Gao Ming Limited Lam's Asian Cuisine and Eskimo Pizza*, ADJ-00053911

Protected Disclosures Act 2014-2022

- 12. *A Finance Manager v. A Charity*, ADJ-00051548
- 13. *Store Colleague v. Woodies DIY Limited*, ADJ-00052865

Protection of Employees (Fixed-Term Work) Act 2003

- 14. *Asaf Shnel v. Teagasc*, ADJ-00057939
- 15. *Niall Kennedy v. The Provost, Fellows, Foundation Scholars and the Other Members of Board, of the College of the Holy and Undivided Trinity of Queen Elizabeth Near Dublin' Trinity College Dublin, the University of Dublin*, ADJ-00051570

Sick Leave Act 2022

- 16. *Lee Peate v. Musgrave Marketplace*, ADJ-00059059

Equal Status Acts 2000-2018 – Disability

- 17. *Robert Flynn v. West Wood Club Company Limited by Guarantee*, ADJ-00048638

Equal Status Acts 2000-2018 – Gender/ Transgender

- 18. *A Volunteer v. A Voluntary Organisation*, ADJ-00054798

Equal Status Acts 2000-2018 – Housing Assistance Payment

- 19. *William Gallagher v. Jenny Brennan and Matthew Hannigan*, ADJ-00058029 and ADJ-00055006

Equal Status Acts 2000-2018 – Race / Nationality

- 20. *Carlos Manuel Garcia da Silva v. The Returning Officer for Galway County*, ADJ-00055907

1. *Mary Tracy v. Smurfit Kappa Ireland Ltd t/a the Educational Company of Ireland, ADJ-00046740 and ADJ-00048355*

Keywords

Disability – Discrimination on ground of disability – Reasonable accommodation – Offer of alternative role – Conditions of employment – Victimisation – Discriminatory dismissal – Employment Equality Acts 1998 to 2021

Background

The Complainant commenced employment with the Respondent as an educational sales representative in March 2019. The Respondent is a leading educational publisher in both the primary and post-primary school sectors. The Complainant was diagnosed with systemic lupus erythematosus in 2013. She experienced difficulties in April 2022 with joint pain and was advised to wear wrist supports when lifting. In January 2023, occupational health assessed the Complainant as medically fit to remain at work in her contracted role with an accommodation of not lifting weight greater than 3kg. The Respondent arranged for another staff member to accompany the Complainant to carry out all lifting and carrying for the Complainant and to drive the Complainant on her calls. In June 2023, a further occupational health assessment recommended that the 3kg manual handling restriction continue for at least a further period of six months. The Respondent decided that the sales representative role was not viable for the Complainant with the weight restriction and, on 20 June 2023, asked the Complainant to consider moving into an alternative role. Ultimately the alternative role did not progress and the Complainant's employment with the Respondent ended on 22 August 2023.

The Complainant brought claims under the Employment Equality Acts 1998 to 2021 ("1998 Act") that the Respondent had failed to provide reasonable accommodation and for discriminatory dismissal on grounds of disability. The Complainant submitted that the Respondent failed to have adequate regard to and engage with the medical evidence before it failed to reasonably explore solutions and failed to seek clarifications or detail regarding accommodations.

The Respondent submitted that there was no reasonable accommodation which could have been implemented that would have enabled the Complainant to remain in her role. The Respondent required sales representatives to be able to lift and carry a sufficient quantity of books so that they can personally demonstrate its products. The Complainant could not perform key aspects of her role as she could not lift and carry more than 3kg in weight. The Respondent submitted that accommodations sought by the Complainant were not appropriate, did not align with the Respondent's core sales strategy and the impact of such accommodations on its business would impose a massive burden. The Respondent submitted that the alternative role would have addressed all the Complainant's reasonable accommodation needs.

Findings

The Adjudication Officer (hereinafter referred to as 'the AO') noted that the 1998 Act prohibits discrimination on certain enumerated grounds including disability. Section 16(3) further obliges an employer to provide reasonable accommodation to a person with a disability who is fully competent and capable of undertaking duties with such accommodations provided that such measures do not impose a disproportionate burden.

The AO accepted that the Complainant had a disability within the meaning of s.2(1)(c) of the 1998 Act as a condition or disease that constitutes a malfunction on a part of the body on the basis of the medical evidence and the Complainant's evidence of her condition and symptoms.

The AO noted that s.85A provides that a complainant must establish a *prima facie* case of discrimination before the burden shifts to the employer to prove that there was no discrimination or that it was objectively justified. The AO was satisfied that the Complainant had established facts of sufficient significance to give rise to a presumption of discrimination, including: the Complainant had a disability which impacted her ability to carry out her role in the way required by the Respondent; the Respondent was aware of this; the medical reports provided that the Complainant was fit to continue in her role with manual handling restrictions; the Complainant's employment was terminated as a result of the Respondent's conclusion that there was no way the Complainant could safely continue in her role.

The AO noted that the duty to provide reasonable accommodation, as discussed in the case law, includes a duty to engage in some form of exploratory action, whether by way of consultation, assessment or some other step, to establish whether a position is capable of adaption and the measures required to remove or mitigate barriers. The AO accepted that the Complainant's role involved manual handling. However, the AO was not satisfied that the Respondent had sufficiently engaged with the Complainant to assess her capability with accommodations. The AO noted that the Respondent did not avail of an opportunity, suggested by an occupational therapist, to undertake a work site assessment. The medical evidence did not in fact state that the Complainant could not undertake the role or that continuing to lift would cause the Complainant long-term damage. The AO was also not satisfied that the nature of the Respondent's sales model relieved the Respondent of its duty to proactively assess the factual circumstances in an individualised manner. The AO held that the duty to provide effective and practical measures where needed to adapt the place of business to the disability concerned, may include the adaptation of the way or conditions under which the duties attached to a position are to be performed, subject to it not imposing a disproportionate burden on the employer. The AO was not satisfied that the evidence demonstrated proper consideration and exploration of accommodations or that the measures would impose a massive burden. Specifically in respect of the Respondent's response to the Complainant's suggestion that books be posted to the schools in advance that this would put the Respondent at a distinct disadvantage in the market, the AO held that evidence of a disadvantage was general in nature and referenced historical data on the effect of posting on sales during Covid-19. There was no individualised consideration or analysis done, whether by testing this on a temporary basis for the Complainant or otherwise. The AO held that s.16 of the 1998 Act requires an individualised approach, and she was not satisfied of this on the evidence.

The AO also considered the offer of an alternative role by the Respondent. The AO held that the difficulty with this alternative role was that it was made as a solution to the Respondent's decision that the Complainant could not undertake the

duties of her role. The AO held that if this offer was to constitute reasonable accommodation, this would be to the detriment of equality and ignore the fact that s.16(3) carves out an exception to s.16(1) which expressly refers to retaining a person in a position. Referring to the Convention on the Rights of Persons with Disabilities, the AO noted that it recognised the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices and that the purpose of reasonable accommodation is to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. The AO considered the Court of Justice judgment in *HR Rail C-485/20* ECLI:EU:C:2022:85 which held that reassignment to another job may constitute an appropriate measure. However, the AO noted the distinguishing fact that the employee in that case had been assessed as no longer capable due to his disability. The AO was not satisfied that reassignment can operate as an appropriate measure so as to exclude the requirement on an employer to consider other possible adaptation measures to enable an employee to participate fully and effectively in employment on an equal basis with other workers where the employee has not been determined incapable.

The AO held that if the Respondent had concerns about the long-term viability of the role with manual handling accommodations from either a competence or a business and impact on sales perspective, it was open to it to trial such an approach on a time limited basis. The AO held that had appropriate measures been properly identified and evaluated or tested, the Respondent may well have established them to constitute a disproportionate burden.

The AO held that the Respondent failed to comply with s.16 of the 1998 Act. The AO considered the effects of the discrimination, accepting the Complainant's evidence that she was passionate about her job, was devastated by the decision, she found communications from the Respondent regarding her medical condition and its position to be hurtful, and noting that the Complainant was certified unfit to work due to work related stress until her employment was terminated. The AO awarded the Complainant €29,000, equivalent to six months' pay.

In respect of the claim of discriminatory dismissal, the AO held that the Respondent's determination that the Complainant was not capable of fulfilling the duties of the role further to a breach of the Complainant's rights under the 1998 Act, and the termination of the Complainant's employment as a result, constituted a discriminatory dismissal. The AO assessed the effects of the dismissal, which involved the loss of occupational integration, financial loss, upset and upheaval for the Complainant, as meriting an award of €35,000.

2. *Naomi Hanlon v. Emer McGrath*, ADJ-00049995

Keywords

Pregnancy-related dismissal – Gender ground – Process – Fact of dismissal – Employment Equality Acts 1998 to 2021 – Terms of Employment (Information) Acts 1994 to 2014 – Organisation of Working Time Act 1997

Background

The Complainant was employed as a nanny for the Respondent from August 2020 until her employment was terminated in December 2023. The Complainant submitted that she had enjoyed a positive and friendly relationship with the Respondent throughout the employment until she informed the Respondent of her pregnancy in October 2023. The Complainant submitted that thereafter the relationship with the Respondent changed. A dispute arose between the parties as to what was said at that meeting: the Complainant submitted that she had informed the Respondent that she would be commencing maternity leave the following March while the Respondent submitted that the Complainant had informed her that she was resigning her position the following March. There was also a dispute in relation to annual leave entitlement. The Respondent also raised issues that the Complainant was in breach of her contractual obligations to the Respondent as she was the director of a number of companies and was engaged in alternative employment. Ultimately, in December 2023, the Respondent informed the Complainant that as she had been dishonest in her dealings with them, in respect of outside interests, together with the fact of denying her resignation, she had irrevocably damaged the trust and confidence in the employment relationship. The Respondent stated that she could not trust the Complainant to be employed

in the care of the children and informed her that her employment was terminated, with contractual notice to be paid in lieu.

The Complainant submitted that her dismissal occurred on grounds of pregnancy and brought a complaint of discrimination under the Employment Equality Acts 1998 to 2021 ("1998 Act"). The Complainant also brought complaints under the Terms of Employment (Information) Acts 1994 to 2014 ("1994 Act") in respect of her contract of employment and the Organisation of Working Time Act 1997 ("1997 Act") in respect of rest breaks and annual leave.

The Respondent denied the allegations, submitting that the Complainant clearly and unambiguously stated that she did not intend to come back to work. The Respondent further submitted that she granted the Complainant's request to take unpaid leave and to work reduced hours; however, issues arose when the Complainant later stated that she did not resign and when further information came to light that cast a doubt on the Complainant's working commitments. The Respondent submitted that once it became apparent that the Complainant was not devoting her full time and professional energy to the role, she expressed her concerns to the Complainant and gave her an opportunity to respond. The continued refusal of the Complainant to answer the queries raised by the Respondent and to address her concerns diminished the trust necessary for the performance of the role to the point where her employment had to be terminated.

Findings

The AO noted that s.6 of the 1998 Act prohibits less favourable treatment on grounds of gender which has been interpreted to include less favourable treatment due to pregnancy. The AO noted that s.85A provides that a complainant must raise a *prima facie* case of discrimination before the burden shifts to the respondent to prove that there was no discrimination. The AO referred to case law and textbooks noting that it was well established that the existence of pregnancy itself is sufficient to shift the burden of proof to the employer to prove that a dismissal of a pregnant employee was not on grounds of pregnancy. It was accepted that the Complainant was dismissed while she was pregnant; therefore, the onus was on the Respondent to prove that the dismissal was not related to the pregnancy.

The AO accepted that there was a significant conflict of evidence between the parties which was essentially impossible to resolve. He noted that the meeting in October 2023 was informal, no notes were kept, and there were no witnesses. The AO held that the informal tone of the meeting could have given rise to a misunderstanding that while the Complainant may have said that she intended to end her employment, she in fact intended to stop working and commence maternity leave. The AO held that it was not unreasonable that the Respondent took this to mean that the Complainant intended to permanently resign. However, in the circumstances, the AO held that when the Complainant informed the Respondent that she had not resigned, it would have been reasonable to expect the Respondent to accept this.

In respect of the Respondent's concerns about the Complainant's conduct in outside employment, the AO held that the standard procedure in such cases is to invite the employee to an investigation meeting to determine the relevant factual background and, if necessary, conduct a disciplinary process. The AO held that no formal meeting was convened between the parties, with the Respondent raising allegations by way of email. The AO held that the process was conducted in breach of the right to a fair hearing. The AO further held that the concerns raised by the Respondent did not form grounds for disciplinary action or were explained in correspondence.

The AO held that the parties had a good working relationship before the Complainant informed the Respondent of her pregnancy. Thereafter, the relationship deteriorated. The AO held that the Complainant was discriminated against. Having regard to case law stating that the dismissal of a woman due to pregnancy was considered one of the most egregious breaches of employment law, the AO awarded the sum of €55,575 in compensation, equivalent to 15 months' salary.

In respect of the complaint under the 1994 Act, the Complainant submitted that the contract that she had been provided was deficient as it made no reference to a reference period by which the Complainant might determine whether she is in receipt of the national minimum rate of pay. The Respondent accepted this was the case but submitted that such a breach was so minor as to be inconsequential and noted that the

Complainant was paid above the minimum wage. While the AO held that the complaint was well founded, he awarded no compensation as the breach was minor and caused the Complainant absolutely no detriment or possible prejudice.

In respect of the complaints under the 1997 Act, the Complainant submitted that she did not receive daily rest breaks. In circumstances where the Respondent did not maintain records to contradict the Complainant's version of events, the AO upheld the complaint and awarded €500 in compensation. In relation to another complaint about rest breaks, the AO noted that the Complainant attended for work at 7am, completed the school run at 9am and could complete her daily tasks on her own schedule until school finished at 3pm. The AO held that the Complainant was in a position to schedule her breaks in accordance with the 1997 Act and found the complaint was not well founded. In respect of annual leave entitlements, the AO considered the evidence and accepted that the Complainant availed of her annual leave entitlements and was not entitled to unused annual leave.

3. Emily Williams v. Board of Management, St Tola's NS, ADJ-00055461

Keywords

Discrimination on ground of family status – Maternity leave – Awarding of contract of indefinite duration – Comment about baby in interview – Continuum of discrimination – Employment Equality Acts 1998 to 2021

Background

The Complainant was employed as a primary school teacher with the Respondent school from September 2022 to August 2024 on fixed-term contracts. The Complainant went on maternity leave in February 2024. The Complainant submitted that she had been discriminated against on grounds of family status when the Respondent awarded a contract of indefinite duration ("CID") to another member of staff in May 2024 and when she was unsuccessful in an interview for another fixed-term contract in June 2024. At the conclusion of the interview, the principal congratulated the Complainant on the birth of her daughter and stated that she should enjoy every moment at

home with the baby. The Complainant submitted that this drew attention to the fact that she was on maternity leave to the interview panel. In respect of the CID, both the Complainant and the other member of staff were eligible for a CID, but the Respondent decided to award the CID on the basis of interview results held the previous June. The Complainant brought a complaint under the Employment Equality Acts 1998 to 2021 ("1998 Act")

The Respondent submitted that the complaint in respect of the CID was out of time as it had occurred over six months from the date of submitting the complaint. In respect of the interview, the Respondent submitted that it conducted a fair interview process, and the candidate with the highest scores was offered the contract. The comment made by the principal was no more than a normal exchange between a principal and a teacher on meeting for the first time after the teacher having a baby.

Findings

In respect of the issue of the time limit, the AO noted that the Complainant complained of a continuum of discrimination that began with the awarding of the CID and culminated in her not being appointed to the fixed-term position in June 2024. Accordingly, the AO held that the issues were within time.

The AO noted that s.85A of the 1998 Act requires a complainant to make a *prima facie* case of discrimination before the burden shifts to the employer to prove that there was no discrimination. The AO considered that the Complainant had set out sufficient facts to raise an inference of discrimination, in particular that the Complainant had been eligible to be considered for a CID in 2024 while on maternity leave and had not been considered for the position; the post had been given to a colleague who was not on maternity leave; the teacher appointed was not as experienced as her but had scored higher in a previous interview process; the Complainant was never informed of the availability of the CID nor her order of merit on the panel; she had competed while on maternity leave for a further fixed-term contract, but a teacher who had only provided *ad hoc* cover with the Respondent had been appointed; at the time of the interview, the principal told her to enjoy time with her new baby, alerting the other members of the interview board

to the fact of her maternity leave and treating her differently to all other candidates.

In respect of the CID appointment, the AO noted that there was no school policy or precedent to award a CID to the highest scoring candidate in the previous fixed-term competition. Further, there was no requirement in the relevant circular to apply seniority to determine the order of appointment to a CID. Accordingly, the AO held that the Respondent had not provided a satisfactory explanation for the decision to award the CID through the ranking on a previous panel and had failed to rebut the inference of discrimination.

In respect of the interview, the AO noted that the Respondent contended that the appointment of the other teacher was solely based on the assessment of the performance of candidates at interview and strongly contended that the other candidate outperformed the Complainant on the day. However, the AO noted that the Respondent did not present any documentation to inform what it considered to be positive and negative indicators under the various criteria, nor did it present evidence as to how the interview board arrived at the scores given to each candidate in circumstances where the other candidate had less experience than the Complainant. One of the interviewers had amended one of the Complainant's scores lower, and this was not satisfactorily explained. Furthermore, the AO noted that the comment was made while the scoring of the candidates was still outstanding, and one of the interviewers was not aware that the Complainant was on maternity leave. The AO held that the comment was inappropriate. The AO held that the Respondent had failed to rebut the *prima facie* case of discrimination.

In respect of redress, the AO noted that the maximum award for discrimination is two years. Noting that the 1998 Act derives from EU law, the Von Colson principles applied and, accordingly, the award had to provide a real deterrent against future infringements, the AO awarded €85,000 in compensation for the discrimination.

4. *Mark O'Connor v. Ballymaley Stores Limited, ADJ-00052755*

Keywords

Discrimination on ground of membership of the Traveller Community – Dismissal during probation – Employment Equality Acts 1998 to 2021

Background

The Complainant was employed as a supervisor in the Respondent's Buncloody store on 1 November 2021. He was dismissed on 29 November 2021 when he was informed that he failed his probation. The Complainant alleged that he was dismissed because he is a member of the Traveller Community and lodged a complaint under the Employment Equality Acts 1998 to 2021 ("1998 Act"). The Respondent submitted that the Complainant's employment was terminated due to performance.

The Complainant gave evidence of a number of incidents during his employment where disparaging remarks were made about members of the Traveller Community and when he was asked to follow customers around the shop. The Complainant stated that after he was asked to follow a woman and child who were his aunt and cousin, he informed his manager that he was related to them and would not follow them. A few days later, he was called into his manager's office and informed that he had failed his probation. He asked for a reason but was told that there was no reason.

The Respondent denied that these incidents took place as alleged or that any disparaging comments were made. The Respondent gave evidence that the Complainant was dismissed due to underperformance, namely, failure to manage and drive the team; unauthorised use of mobile phone on the shop floor; failure to complete own tasks; and failure to communicate to the line manager. The manager gave evidence that she was never aware that the Complainant was a member of the Traveller Community.

Findings

The AO noted that s.6(1) of the 1998 Act prohibits less favourable treatment on certain enumerated grounds, including membership of the Traveller Community. Section 85A requires the Complainant

to establish a *prima facie* case of discrimination before the burden shifts to the Respondent to prove that there was no discrimination or that it was objectively justified.

The AO noted that the Complainant is a member of the Traveller Community and that he was dismissed after four weeks' employment. In respect of the reasons given for dismissal by the Respondent, the AO noted that the job profile for supervisor contained no reference to '*managing and driving the team*'. The AO further noted that apart from the issue of the mobile phone and a reference to pricing, the manager never raised any concerns with the Complainant about his work, attitude, performance, communications or conduct. The AO considered that having spoken to the Complainant about using his phone, if there were problems with the Complainant's conduct, the manager would have raised them. Accordingly, the AO considered that the explanation for the dismissal given by the Respondent in submissions was not the reason for the dismissal and that the Complainant had established a *prima facie* case that he was dismissed on discriminatory grounds.

The AO considered the Complainant's contract which provided for dismissal during the probationary period. However, the relevant clause provided: "*If any aspect of your work is not up to standard, your line manager will advise you of the same and give you time to improve.*" A similar statement was included in the Respondent's employee handbook. The contract further provided that the dismissal would be confirmed in writing. The AO accepted that the Respondent was entitled to dismiss the Complainant during probation but held that it was clear that the Respondent's policy was to address issues of concern with a new employee in the first instance and to give them time to improve on their performance or to address any conduct issue. The AO held that the line manager did not follow the probation policy, and the Respondent provided no explanation as to why this was not done. Accordingly, the AO held that there were no problems with the Complainant's conduct. The AO held that the Complainant was a credible witness and accepted his evidence that the line manager was aware that the Complainant was a member of the Traveller Community. The Respondent submitted no evidence that another employee on probation was treated in the same manner as the Complainant by being dismissed with no explanation after

four weeks. The AO held that the Complainant was discriminated against on the ground of membership of the Traveller Community.

The AO ordered the Respondent to pay €13,000, equivalent to approximately 26 weeks' pay, in compensation for the effects of the discrimination. The AO further directed the Respondent to consult with an advocacy body for the Traveller Community and to provide training for managers regarding the promotion of dignity and respect in the workplace.

5. **Fernando Oliveira v. Ryanair DAC, ADJ-00055225**

Keywords

Discrimination – Race – Family status –
Victimisation – AI submissions – Abuse of process
– Employment Equality Acts 1998 to 2021

Background

The Complainant was employed as cabin crew with the Respondent since January 2023. The Complainant was subject to two disciplinary processes with the Respondent conducting investigations into complaints against the Complainant, determining that no action would be taken in relation to the first complaint and giving a final written warning and suspension with pay in respect of the second complaint. The Complainant brought a complaint to the WRC of discrimination on the basis of race and family status in relation to promotion and training and also claimed that he was victimised and subject to harassment and sexual harassment under the Employment Equality Acts 1998 to 2021 ("1998 Act"). The Respondent submitted that the complaint was an abuse of process being frivolous, vexatious and bound to fail as the Complainant had failed to outline a factual matrix which could give rise to the allegations. He had failed to proffer anything more than speculation or assertions unsupported by evidence that discrimination had occurred. The Complainant had never raised an internal grievance in respect of any alleged discrimination.

The Respondent further noted that it appeared that the Complainant's submissions had been generated with the assistance of Artificial Intelligence ("AI") where case citations relied upon did not appear to give the outcome upon which the Complainant relied.

Findings

The AO noted that a Complainant must establish a *prima facie* case of discrimination before the burden shifts to the employer to prove that there was no discrimination. The Complainant must establish membership of a discriminatory ground, evidence of specific treatment by the Respondent, and evidence that the treatment received was less favourable than the treatment someone not covered by the same grounds would have received in similar circumstances.

The AO considered the evidence and submissions of the Complainant and held that the Complainant presented no clear evidence of being treated differently during the disciplinary processes. The AO was satisfied that the Respondent conducted a fair investigation into the matters raised. Accordingly, the AO held that the Complainant had not established a *prima facie* case of discrimination on the ground of race.

In respect of the claim of discrimination on the ground of family status, the AO noted that Complainant confirmed that he did not have any children. Accordingly, the AO held that the Complainant had not established a *prima facie* case of discrimination.

The AO was further satisfied on the evidence that the Complainant was not victimised, having failed to demonstrate any link between concerns raised and the later actions of the Respondent, nor was he harassed or sexually harassed.

In respect of the Complainant's submissions, the AO held that the Complainant was given a degree of latitude to particularise his complaints, and he took the opportunity to create a myriad of additional complaints aimed at seeking to discredit the Respondent without any real evidence to support those assertions. The AO further noted that while initially denying use of AI, on the second day of hearing, the Complainant acknowledged that he may have used AI. In this respect the AO held that parties making submissions to the WRC have an obligation to ensure that their submissions are relevant and accurate and do not set out to mislead either the other party or the AO. The AO held that the submissions were rife with citations that were not relevant, mis-quoted and, in many instances, non-existent. The Complainant wasted a considerable amount of time of the Respondent and the AO in seeking to establish the

veracity or otherwise of legal citations. The AO held that the Complainant's attempts to bring in new allegations and claims late in the day and to seek to rely on phantom citations to support his claims could only be described as egregious and an abuse of process.

6. *Cathal Hussey v. Tesco Ireland Limited, ADJ-00052619*

Keywords

Unfair dismissal – Serious misconduct – Gross misconduct – Elevated sanction – Reasonableness of sanction – Bank of reasonable responses – Reinstatement – Re-engagement – Unfair Dismissals Acts 1977 to 2015

Background

The Complainant worked as a Warehouse Operative with the Respondent from October 2007 until his dismissal on grounds of gross misconduct in April 2024. The Complainant was subject to an investigation and disciplinary process after he called his manager “*useless*”. The Complainant had very limited engagement with this process. The Complainant received a final written warning, which he appealed. At the appeal, the sanction was overturned and replaced with dismissal. The Complainant was afforded an appeal of this outcome, but the sanction of dismissal was upheld.

The Complainant submitted that he was unfairly dismissed contrary to the Unfair Dismissals Acts 1977 to 2015 (“1977 Act”). The Complainant did attend the WRC hearing but didn't engage in the proceedings, and submissions were made by a representative.

The Respondent submitted that following a thorough, transparent and in-depth investigation and disciplinary process, the Complainant was found to have acted in a manner that irreparably damaged the trust and confidence of the Respondent. Throughout the process, the Complainant missed scheduled meetings, declined to answer questions, failed to engage or present his case, or raised objections regarding the individual conducting the meetings. The responses and explanations of the Complainant were not considered reasonable, sufficient or remorseful such as to mitigate the seriousness of his actions. The appeals officer determined that the final written warning was too lenient given the Complainant's actions, lack of responsibility,

failure to show remorse and no effort to correct his behaviour. The Respondent submitted that the dismissal was fair.

Findings

The AO noted that Section 6 of the 1977 Act required an AO to consider whether or not the Respondent's decision to dismiss the Complainant was reasonable in the circumstances, i.e. would a reasonable employer, in the Respondent's position and circumstances, have done the same?

The AO considered both whether the Complainant had been afforded fair procedures and whether the sanction of dismissal was proportionate in the circumstances. Although the AO noted that the investigator had over-stepped their role by setting out that a policy breach had occurred and that this could have the potential to be prejudicial to the consideration of the case by the disciplinary decision maker, the AO was satisfied that overall, the disciplinary process was conducted in a fair manner, and there was a proper separation of the investigatory, disciplinary and appeal procedure. The AO noted that procedures do not need to be a counsel of perfection so long as they are fair.

In respect of the proportionality of the sanction, the AO noted that an employer's decision to dismiss must be assessed within the band of reasonable responses open to an employer, taking into account the specific circumstances of the case and including consideration of factors like the disciplinary record and length of service of the employee. The AO also took into consideration that what may be reasonable for one employer may not be reasonable for another employer; for example, a large employer will have far more resources than a small business and will be able to consider sanctions short of dismissal such as redeployment. The AO noted that it is well established that a disciplinary procedure is intended to be progressive and to give an employee whose behaviour is not acceptable an opportunity so that dismissal can be avoided. The AO held that a final written warning as initially imposed would have satisfied this requirement as the rationale for elevating the sanction had not been justified or explained to any degree of satisfaction. Finding that the sanction was disproportionate, the AO held that the Respondent failed to comply with the requirement for reasonableness as set out in s.6(7) (a) of the 1977 Act.

In respect of redress, the AO noted that the Complainant sought re-instatement which was opposed by the Respondent as there had been a fundamental breakdown in the relationship between the parties. Noting the Supreme Court decision in *An Bord Banistíochta, Gaelscoil Moshíológ v. The Labour Court* [2024] IESC 38, the AO did not accept that simply because the Respondent was opposed to re-instatement, it should not be granted. The AO accepted that the Complainant contributed to a significant degree to the current circumstances and therefore rejected re-instatement as an appropriate remedy. However, having considered the age of the Complainant, the length of service with the Respondent, and the fact that the Respondent employs over 13,500 employees in the jurisdiction, the AO awarded re-engagement, noting that there were many options for general warehouse operative roles given the nature and size of the Respondent. The AO also held that the final written warning should remain on the Complainant's file from the date of re-engagement for one year. The period from the date of unfair dismissal to date of re-engagement was to be regarded as unpaid suspension.

7. Nkemka Patrick Okachi v. Sodexo Ireland Limited, ADJ-00045306

Keywords

Unfair dismissal – Client complaint – Sexual harassment – Lack of fair procedures – Re-instatement – Unfair Dismissals Acts 1977 to 2015

Background

The Complainant was employed by the Respondent as a Cleaning Supervisor since May 2014. He was dismissed in February 2023 following a complaint of sexual harassment from a client company in respect of an interaction the Complainant had with a female colleague. The Respondent suspended the Complainant and conducted an investigation into the complaint. The Complainant denied the complaint and requested access to CCTV footage of the incident. The Respondent did not have access to the footage as it was the property of the client but relied on a statement of someone who had viewed the CCTV. Following the investigation report, the Respondent considered that the incident was serious and that dismissal was the most appropriate sanction. The Complainant was provided with a right of appeal,

but the sanction was upheld. The Respondent submitted that it had carried out a robust and independent process. It further submitted that the investigation process contained in the Dignity at Work Procedure did not apply where the complaint came from a third-party client.

The Complainant brought a complaint under the Unfair Dismissals Acts 1977 to 2015 ("1977 Act").

Findings

The AO noted that the 1977 Act requires the employer to establish that the dismissal of an employee was justified. A key factor in a dismissal is the provision of fair procedures, as provided for in the Industrial Relations Act 1990 Code of Practice on Grievance and Disciplinary Procedures (Declaration) Order 2000 (*S.I. No. 146 of 2000*) and in case law. Having considered the evidence, the AO held that it was clear that the Respondent did not follow fair procedures or its own policies in investigating the serious allegation of sexual harassment. The AO noted that there was no explanation for suspending the Complainant prior to commencing an investigation and prior to receiving the full complaint, noting that suspension was a serious step which can cause irreparable damage to an employee's reputation. The AO further noted that there was no explanation for invoking the Disciplinary Procedure instead of the Dignity at Work Policy, rejecting the argument that the latter did not apply where the accusation originated from a client rather than an employee.

The AO noted that the Complainant consistently denied certain aspects of the complaint which was only ever provided as a list of points that had been agreed by the client's company's HR department with the original complainant. While the Respondent claimed that CCTV footage was not relied upon, the evidence suggested that the account of the CCTV was relied upon with the investigators never independently reviewing it. The AO noted as concerning that none of the individuals involved in the investigation identified the absence of the original complaint or the lack of CCTV footage as being wholly unfair to the Complainant, which raised serious questions about the objective fairness of the investigation.

The AO noted further issues: HR directed the policy to be followed; a witness was not interviewed; the investigation report concluded that the evidence was not completely conclusive

as to what happened and what was said and yet recommended disciplinary action; and the Respondent's disciplinary policy provided that employees may question witnesses, but this was not afforded to the Complainant.

The AO referred to case law which considered that an employer may investigate complaints made by third parties and discipline employees on foot of such complaints provided that the employer acts fairly and handles the procedure and investigation properly. The AO held that the Respondent's handling of the case fell significantly short of the principles of natural justice. While noting that the standard for workplace investigation was not perfection, the AO held that it did go beyond merely populating template documents without any objective thought and consideration for the Complainant's version of events. The AO concluded that the investigation was neither fair nor independent, and the decision to dismiss was based on flawed procedures and hearsay evidence.

The AO held that the sanction of dismissal was entirely disproportionate, given the lack of evidence against the Complainant. In respect of redress, having regard to the fact that the Complainant was unemployed, together with the nature of the Complainant's business, the fact that the complaint did not originate from a fellow employee of the Respondent and the potential for alternative work sites, the AO concluded that the most appropriate redress was reinstatement on the same terms and conditions as those held prior to the unfair dismissal.

8. Gerard N. Murphy v. Residential Tenancies Board, ADJ-00035370

Keywords

Unfair dismissal – Employment status – *Karshan* test – Office holder – Contract of service – Contract for services – Unfair Dismissals Acts 1977 to 2015

Background

The Complainant, a practising barrister, was appointed in 2010, and reappointed in 2014, to a panel of adjudicators and a panel of mediators maintained by the Respondent for the purpose of providing dispute resolution services in landlord and tenant disputes, as provided for by the Residential Tenancies Acts 2004 to 2025 ("2004 Act"). Following a public competition, the

Complainant was informed in June 2021 that he would not be reappointed to the panels due to his position on the order of merit. His contract expired on 4 July 2021.

The Complainant submitted that he was employed by the Respondent and was unfairly dismissed contrary to the Unfair Dismissals Acts 1977 to 2015 ("1977 Act"). The Respondent submitted that the Complainant was an independent contractor and did not have standing to bring a claim under the 1977 Act.

Findings

The AO noted that the relevant test for determining employment status was set out by the Supreme Court in *The Revenue Commissions v. Karshan (Midlands) Ltd t/a Domino's Pizza* [2023] IESC 24 and analysed the evidence under each heading.

- (i) Does the contract involve the exchange of wage or other remuneration for work?

The AO noted that as per the terms of the 2014 Panel Members Agreement and the evidence of the parties that the Complainant was paid a *per diem* rate for adjudication and mediation work, he did for the Respondent, the requirement of exchange of wage for work was satisfied.

- (ii) If so, is the agreement one pursuant to which the worker is agreeing to provide their own services, and not those of a third party, to the employer?

The AO held that it was common case that the Complainant agreed to provide his own services as an adjudicator and mediator, and not those of a third party.

- (iii) If so, does the employer exercise sufficient control over the putative employee to render the agreement one that is capable of being an employment agreement?

The AO noted that the question at this stage is one of sufficient control in the sense of ultimate authority on the part of the employer. The Respondent submitted that it had no power to direct, prescribe or determine the Complainant's work and, notably, the Respondent never prescribed or determined the times when the Complainant would hear a case. The Complainant

was independent in the discharge of his role and function as an adjudicator or mediator. However, the AO held that to assess control in this manner would involve taking a narrow and selective approach. It would disregard the nature of the Complainant's work, namely skilled work with a statutory basis, which it would not be appropriate or reasonable for an employer to closely direct. The AO noted that this stage of the framework is a filter mechanism in a framework that has as its overall objective assessment of all the relevant circumstances of a case. The purpose of the filter stages is to eliminate arrangements that do not meet the legally minimum features of a contract of employment. The AO held that to assess control by reference to the fact that the Complainant was not obliged to accept work offered would be to make it a *sine qua non* of a contract of employment, which was not in line with *Karshan*. The AO held that a sufficient level of control was satisfied at this stage based on the Respondent's residual authority or control over the work done by the Complainant, noting a number of features including: the Respondent determined when and where mediation and adjudication hearings took place; there was a timeframe for response to hearing invites; the Complainant was required to conduct a number of cases on a day for a fixed fee; the Respondent prescribed timelines for submission of reports, and the Complainant was required to use standard templates; the Complainant was paid a fixed *per diem* fee; the Complainant was required to use the Respondent's system to prepare for a hearing; the Respondent had the right to withhold a fee or suspend the referral of additional cases if there were work standard issues or rectifications required; and the Complainant was subject to detailed service delivery requirements, the Respondent's Code of Business Conduct for Mediators and Adjudicators and the respondent's guidelines on standards of conduct.

- (iv) If these three requirements are met the decision maker must then determine whether the terms of the contract between employer and worker interpreted in the light of the admissible factual matrix and having regard to the working arrangements between the parties as disclosed by the evidence, are consistent with a contract of employment, or with some other form of contract having regard, in particular, to whether the arrangements point to the putative employee working for themselves or for the putative employer.

The AO noted that the terms of the Complainant's contract and his work arrangements with the Respondent differed to those of the Respondent's employees. In particular, the Respondent did not initially apply reductions under FEMPI to panel members, and the reductions that were applied were not reversed; the Complainant was not subject to performance management for pay purposes; the Complainant used his own laptop to access the Respondent's system; the Complainant was not obliged to attend training; the Complainant was not involved in the arrangement of hearings and had no contact with the parties prior to hearings; the Complainant did not have swipe access to the Respondent's offices; the Complainant entered into a data sharing agreement with the Respondent; the Complainant agreed to indemnify the Respondent as a result of certain actions on his part; and the Respondent's treatment of the Complainant's pay for tax purposes was based on the Complainant's status as an office holder.

The AO further held that the arrangement between the Complainant and the Respondent was not consistent with a contract of employment and instead pointed to the Complainant working for himself. Notably, the Complainant was retained on a non-exclusive, as-required basis to provide services to the Respondent; the Respondent was not required to provide the Complainant with a minimum number of hearings and nor was the Complainant under any obligation to accept hearings; the Complainant was free to do other work and offer services to other parties provided there was no conflict under his agreement with the Respondent, and the AO noted that the Complainant continued to work as a practising barrister and lectured on a professional course during this time. The AO held that the Complainant could arrange his business activities and interests as he saw fit. These were features indicative of the Complainant's independence, and the AO concluded that the Complainant was an independent contractor under a contract for services.

- (v) Finally, it should be determined whether there is anything in the particular legislative regime under consideration that requires the court to adjust or supplement any of the foregoing.

The AO also considered the provisions of the 2004 Act, noting the difference between

s.162(4) providing for the appointment of staff of the Respondent and s.164 providing for the appointment of mediators and adjudicators and providing that neither the Civil Service Commissioners Act 1956 nor the Civil Service Regulation Acts 1956 to 1996 apply to a mediator or adjudicator. While the AO did not accept that the 2004 Act was conclusive on the question of employment status of mediators and adjudicators, she held that the distinction in the Act supplemented the findings at (iv).

As the Complainant was an independent contractor, he had no standing to bring a claim under the 1977 Act.

9. *Varvara Gintaliene v. Cognizant Technology Solutions Ireland Limited, ADJ-00053903*

Keywords

Refusal of application for remote working – Failure to give notice of extension of time – Merits – Work Life Balance and Miscellaneous Provisions Act 2023, ss.20, 21 and 27 – Work Life Balance and Miscellaneous Provisions Act 2023 (Workplace Relations Commission Code of Practice on the Right to Request Flexible Working and the Right to Request Remote Working) Order 2024 (SI No. 92 of 2024)

Background

The Complainant commenced employment with the Respondent, a subsidiary of a large multinational IT consulting and outsourcing company, in 2018. She worked as a Senior Process Executive providing specialised technology services through Russian for a client of the Respondent, based at the client's premises. While the Complainant had worked remotely during Covid-19, the client terminated the remote working arrangement in 2022. On 3 April 2024, following the commencement of relevant provisions of the Work Life Balance and Miscellaneous Provisions Act 2023 ("2023 Act"), the Complainant requested to remote work for reason of commute, financial impact, family responsibilities, productivity and health concerns. On 29 April 2024, HR held a meeting with the Complainant to discuss her application. The request was refused on 9 May 2024 with the Respondent stating that its contract with the client required the Complainant's role to be conducted on-site. The Complainant appealed

this decision, but the appeal was refused.

The Complainant sought written proof of the Respondent's contractual obligation with the client, but this was refused with the Respondent citing confidential and proprietary information in the contract. The Respondent stated that it had spoken with the client about the requests for remote working, but there had been no change.

The Complainant brought a complaint to the WRC claiming that (1) the Respondent had taken more than five weeks to provide her with a written response to her request, in breach of the requirement that a response or written notice of an extension be provided within four weeks; (2) the Respondent had not meaningfully considered the Complainant's individual needs as an employee; and (3) the Respondent's reliance upon a contractual requirement had not been substantiated. The Complainant noted that other employees of the Respondent working in a different team for the same client were permitted flexibility.

The Respondent argued (1) it had received 72 applications on 3 April 2024, on foot of which it set up a HR team dedicated to processing them. The team had met individually with each employee to understand their requirements before assessing client needs and contractual commitments. During the first meeting with the Complainant, she had been verbally informed that the Respondent would require further time to process her application, and the Complainant had not objected to this. (2) The Respondent had given serious consideration to the Complainant's request. An Employee Experience Manager met with the Complainant to obtain information about the individual factors relevant to her request, and the application was individually considered by the HR team in accordance with the guidance provided by the Code of Practice. The Respondent had given detailed reasons as to why the request had been refused. The Respondent confirmed that all requests for remote working from similarly situated employees were treated the same. Other employees working for the same client who had been accommodated with hybrid working worked for a different team. The Respondent also relied on s.27(6) of the 2023 Act which provides that the merits of a decision cannot be assessed by the WRC. (3) The Respondent stated that a breach of its confidentiality obligations to the client would have serious implications for the Respondent and its employees.

Findings

(1) While the AO accepted that there had been a technical breach of s.21(b)(iii) of the 2023 Act as the Respondent had not provided a notice in writing extending the four-week period, the AO noted that the Complainant received a first instance decision within five weeks of submitting her request, well within the maximum eight-week period allowed under the 2023 Act. The AO further noted that the Complainant's proposed start date for remote working was 3 June 2024; accordingly, she was not prejudiced by the additional week taken as she received a decision on 9 May 2024. Furthermore, the Complainant had been verbally informed that an extension of time was needed within the four-week period. The Complainant did not raise this issue on appeal. The AO held that given the large volume of applications that the Respondent was processing, it was not unreasonable to require more time. The AO held that this technical breach did not impinge on the Complainant's right to make a request or have her request considered and, accordingly, did not consider compensation to be just and equitable.

(2) The AO was satisfied that the Complainant's individual needs were considered by the Respondent during the decision-making process, noting that the Respondent went further than the basic statutory requirements in affording each applicant a one-to-one meeting and an appeals process. The appeal outcome letter included a detailed consideration of the Complainant's individual needs.

(3) The AO noted that s.27(6) of the 2023 Act provides that the WRC cannot assess the merits of a decision taken by an employer; however, the AO rejected the contention that this rendered the legislation toothless and ineffective. The AO noted that it was necessary to interpret the 2023 Act in its totality and in light of its intended purpose. The AO had regard to s.21(1) which obliges an employer to consider a request for remote working having regard to both the employer's and employee's needs and the requirements of the Code of Practice. On a holistic reading of s.21(1) and 27(6), the AO held that unless a rational basis was provided for the refusal of a request supported by the particular factual matrix, the employer could not be said to have complied with s.21(1)(a), nor with the requirement of the Code of Practice to "consider a request for remote working in an

objective, fair and reasonable manner". Accordingly, the AO held that it will not be sufficient for an employer to give "lip service" to a request for remote working and provide sham reasons for a refusal. It is necessary for the AO to be satisfied as to the credibility of the reasons given for a refusal. However, once satisfied as to adherence with the requirements of s.21(1) and the Code of Practice, it is not for the AO to look behind the decision. Therefore, the AO held that it was within her remit to assess the reason given for the refusal of the Complainant's request.

In this case, the AO was satisfied on the balance of probabilities as to the credibility of the Respondent's reason: the contractual stipulation with the client. The AO noted that the reason had a nexus to a consideration of the Respondent's business needs and was supported by the factual matrix. The rationale provided was reasonable given the sensitive and detailed nature of the work, all employees working within the Complainant's team were treated the same and the fact that employees on another team were afforded more flexible working arrangements was distinguishable by the nature of their role. Given the commercially sensitive nature of contracts with third parties, the AO held that the refusal to furnish a copy of the contract clause was not unreasonable. Accordingly, there was no breach in this respect.

10. Umarjon Muradov v. Bgs Security Limited trading as Bgss, ADJ-00055412

Keywords

Non-payment of wages – Failure to provide contract of employment – Contravention of Employment Regulation Order – Security industry – Persistent practice of non-payment of wages – Payment of Wages Act 1991 – Terms of Employment (Information) Acts 1994 to 2014 – Industrial Relations Acts 1946 to 2019

Background

The Complainant commenced working as a security guard for the Respondent in May 2024. He resigned three months later. The Complainant complained that the Respondent had stopped paying him after four weeks. He also submitted that he had never been provided with a copy of his contract. He also claimed that the Respondent

had failed to comply with the relevant Employment Regulation Order which operated for the security industry, specifically in failing to pay the minimum rate of pay, failing to pay unsociable hour premia, and failing to pay annual leave and public holidays. Accordingly, the Complainant brought complaints under the Payment of Wages Act 1991 ("1991 Act"), the Terms of Employment (Information) Acts 1994 to 2014 ("1994 Act") and the Industrial Relations Acts 1946 to 2019 ("1946 Act").

The Respondent did not appear at the hearing. The AO was satisfied that it was on notice of the hearing and noted an existing pattern of non-attendance at other previous WRC hearings.

Findings

The Complainant provided copies of payslips which the Respondent had generated but failed to pay as well as working time records and emails from the Respondent acknowledging that it owed him wages. The AO was satisfied on the basis of the uncontested evidence supported by the documentation that €3,712.84 was properly payable to the Complainant.

The Complainant gave evidence that he had been asked to sign a copy of a contract but had not been provided with a copy of it. The AO held that this fell short of the Respondent's obligation to give a statement in writing containing particulars of the terms of the employee's employment. Having regard to the maximum compensation of four weeks' remuneration, the AO awarded compensation of €1,200 equivalent to two weeks' remuneration, given the Complainant's relatively short service with the Respondent.

In respect of the complaint under the 1946 Act, the AO noted that the security industry is regulated by an Employment Regulation Order ("ERO") created under the 1946 Act by way of a process initiated by a Joint Labour Committee involving representatives of security companies and unions. This order established minimum binding terms and conditions. The AO was satisfied that both the Complainant and Respondent were covered by terms of this ERO. It was submitted on behalf of the Complainant that it was the practice of the Respondent to pay the first month's wages and then cease paying the worker regularly, with only partial payments being made, if it was chased by the worker. This created an environment where the worker left the job after providing a number

of months of free labour. The AO noted a number of recent WRC decisions against the Respondent corroborating the evidence that non-payment of wages was a persistent practice. The AO noted that the Respondent in failing to pay the Complainant was given an obvious unfair and substantial advantage over its law-abiding competitors and that it was making significant inroads into the security market in Dublin aided by this practice.

The AO noted that under s.45A of the 1946 Act, he could award compensation as was considered just and equitable in the circumstances to a worker in relation to a complaint of a contravention of an ERO but not exceeding two years' remuneration. In determining compensation, the AO noted that the fact that the Respondent was engaged in a wider practice in not paying wages was relevant and was undermining the Joint Labour Committee regime established under the 1946 Act. Accordingly, the AO awarded the maximum award of two years' compensation. However, the AO reduced the award for non-payment of wages due to the degree of overlap between the two claims. Accordingly, the AO awarded €58,855 in compensation.

11. Xiaofeng Gao v. Eskimo Gao Ming Limited Lam's Asian Cuisine and Eskimo Pizza, ADJ-00053911

Keywords

Withholding of wages – Exploitation – Excessive working hours – Rest breaks – Public holidays – Sunday premium – Annual leave – Unlawful deductions – National Minimum Wage Acts 2000 and 2015 – Organisation of Working Time Act 1997 – Payment of Wages Act 1991 – Employment Equality Acts 1998 to 2021 – European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (SI No. 131 of 2003)

Background

The Complainant, a Chinese national, was offered employment in Ireland by Mr Ming Gao, the Director of the Respondent company, on condition of payment of approximately €30,600. The Complainant was told that he would make payments back while working in Ireland. He arrived in Ireland in July 2022 and worked as a Chef de Partie at the Respondent's restaurants from

August 2022 until August 2024. He was provided with accommodation at the same address as the restaurants. The Complainant signed a contract of employment which was in English. The Complainant did not understand the contents and was never provided with a copy of the contract.

While the Complainant started working with Mr Ming Gao on foot of an employment permit, his employment was transferred to the Respondent in October 2023, although the Complainant was never informed of this transfer.

The Complainant gave evidence of exploitative working conditions: working six to seven days a week on average 63 to 70 hours a week; not receiving proper rest breaks, public holidays, annual leave or Sunday premium; and deductions in pay. The Complainant also submitted that in November 2023, he was asked for his passport, and it was not retrieved until after he left his employment by An Garda Síochána.

The Complainant brought complaints under the National Minimum Wage Acts 2000 and 2015 ("2000 Act") in respect of the failure to pay minimum wage, the Organisation of Working Time Act 1997 ("1997 Act") in respect of Sunday premium payment, rest breaks, weekly rest periods, excessive working hours, annual leave entitlement and public holiday entitlement, and the Payment of Wages Act 1991 ("1991 Act") in respect of unlawful deductions of wages. The Complainant also brought a complaint of discrimination on the grounds of race under the Employment Equality Acts 1998 to 2021 ("1998 Act"). The Complainant submitted that due to the fact that he came to Ireland with little English, had no connections, and his employment permit and visa were intrinsically linked to his employment with the Respondent, he was very vulnerable. He was dependent on the Respondent for both income and accommodation, and the Respondent sought to exploit that vulnerability. The Complainant's statutory and contractual rights were ignored. The Complainant submitted that his treatment was undeniably linked to the fact that he was Chinese; he endured significantly harsher treatment because of his immigration status which was linked to his nationality, and no Irish person would be subjected to similar treatment. The Complainant also brought a complaint under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (SI

No. 131 of 2003) ("2003 Regulations") for failure to advise the Complainant in relation to transfer of undertakings.

The Complainant submitted complaints to the WRC on 9 September 2024. He sought an extension of the cognisable time period on the basis that he was especially vulnerable. He was not permitted to change and work with another employer; he was completely dependent on the Respondent for his accommodation, immigration status and livelihood in Ireland; had little to no English and no connections. The Complainant submitted that he was not in a realistic or able position to come forward to lodge his complaints sooner. It was only when he obtained external assistance to be able to leave his employment, accommodation and secure his immigration status, that he was able to lodge the complaints, which the Complainant did within one month of leaving his employment.

The Respondent denied all of the Complainant's claims.

Findings

In respect of the application for an extension of time, the AO noted that the test places the onus on the complainant to identify the reason for the delay and to establish that the reason relied upon provides a justifiable excuse for the actual delay. Secondly, the onus is on the applicant to establish a causal connection between the reason for the delay and the failure to present the complaint on time. Thirdly, the court must be satisfied that the complaint would have been made on time were it not for the factors constituting reasonable cause. Having regard to the reasons given by the Complainant for the delay, the AO held that the accumulation of facts was persuasive, in particular the taking of the Complainant's passport in 2023 leaving the Complainant in a vulnerable position. The AO extended the cognisable period in each instance.

In respect of the claim under the 1997 Act for failure to pay Sunday premium, the AO accepted the Complainant's evidence in the absence of appropriate records from the Respondent. Allowing an additional 30% for Sunday work, the AO awarded €1,155 in respect of Sundays worked.

In respect of the claim under the 1991 Act for unlawful deductions, the AO noted that no plausible evidence was provided that these

deductions were loans, and, at any rate, repayment of any loans unrelated to the employment could not be unilaterally deducted from the Complainant's pay. The AO awarded €43,582.48 for underpayments.

In respect of the claim under the 1997 Act for rest breaks, the AO noted that the Respondent maintained insufficient records to disprove the Complainant's evidence. The AO held that there were serious breaches of the Complainant's entitlements and awarded €2,000 for daily breaks and €8,000 for weekly breaks.

In relation to the claim of excessive working hours under the 1997 Act, the AO was satisfied that the Complainant worked between 68 and 73 hours each week in breach of s.15(1). As a serious breach of the 1997 Act, the AO awarded €8,000 in compensation.

In relation to the claim for annual leave under the 1997 Act, the AO noted that the loss of the right to paid annual leave at the end of a given leave year can occur only where a worker has had the opportunity to exercise that right in good time, and the employer must provide encouragement and information to employees about taking paid annual leave. The AO was satisfied that the Complainant did not have the opportunity to take annual leave during the entirety of his employment. Under s.19(1) of the 1997 Act, an employee is entitled to 8% of the hours they have worked in a leave year. On the basis of the Complainant's actual hours, but noting a payment of the Respondent for annual leave, the AO awarded €6,383 in compensation.

In respect of the failure to pay public holidays under the 1997 Act, the AO was satisfied that the Complainant was not afforded his rights under s.21(1) and awarded €1,478 in compensation.

In relation to the claim of discrimination under the 1998 Act, the AO acknowledged that the Complainant was treated in complete disregard for Irish employment law and that an Irish employee would not have been similarly treated. On the basis of the Complainant's annual contractual wage of €30,000, the AO awarded €60,000, equivalent to two years' pay, the maximum compensation under the 1998 Act.

In respect of the claim under the 2003 Regulations, the AO noted that s.8 provides that employees must be informed in writing of certain details of the proposed transfer. The Respondent, as transferee, did not provide this information to

the Complainant. The AO held that appropriate compensation was four weeks' pay based on contractual hours, amounting to €2,307.

In relation to the claim that the Complainant was not paid the minimum wage under the 2000 Act, the AO noted that s.26(2) provided that an award of arrears, being the difference between any amount paid by the employer and the minimum amount the employee was entitled to, may be made in respect of the period to which the dispute related. The Complainant submitted that the dispute related to the entire period of his employment. The AO accepted that the Complainant was not paid the minimum wage for the entire period; however, having considered some of the underpayments to the Complainant in the award under the 1991 Act already, the AO held that it was appropriate to deduct that sum from the award under the 2000 Act. The AO awarded €21,922.52 in compensation.

The AO awarded a total of €154,828 in compensation.

12. A Finance Manager v. A Charity, ADJ-00051548

Keywords

Protected disclosure – Penalisation – Unfair dismissal – Reasonableness of belief of wrongdoing – Protected Disclosures Act 2014 – Unfair Dismissals Acts 1977 to 2015

Background

The Complainant was employed by the Respondent as a Finance Manager from 1 September 2023 until his dismissal on 2 November 2023. The Respondent is a charity providing services to women and children suffering domestic abuse. The Complainant submitted that he made a disclosure to the CEO of the Respondent by email on 27 October 2023 that there was a loss in the accounts and that he needed extra time to do a clean-up in order to pass audit. The Respondent dismissed the Complainant by letter stating that there were concerns with his work performance, in particular issues with completing essential tasks on time. The Complainant was still on his six-month probationary period, and his contract provided that both parties were free to terminate for any or no reason. The Complainant alleged that he was dismissed because he made a protected disclosure and brought a complaint under the Unfair

Dismissals Acts 1977 to 2015 ("1977 Act"). The Respondent denied this and submitted that the Complainant was dismissed for poor performance during his probation after a recommendation was made to the Respondent's Board. The Respondent submitted that the accounts were reviewed by another person who found that the loss alleged by the Complainant was incorrect.

Findings

Due to the nature of the services provided by the Respondent and the nature of some of the allegations made, the AO held that there were special circumstances which necessitated conducting the hearing otherwise than in public and the anonymisation of the parties.

In respect of the substantive claim, the AO noted that the Protected Disclosures Act 2014 ("2014 Act") amended the 1977 Act to provide that a dismissal will be unfair where it results wholly or mainly from the making of a protected disclosure. The AO noted that ordinarily under the 1977 Act, a complainant must have 12 months' service; however, this service requirement is disapplied where the dismissal is as a result of an alleged protected disclosure (s.6(2)(ba) of the 1977 Act). However, the burden of proof is on the employee to establish that the dismissal resulted wholly or mainly from the making of a protected disclosure with the AO noting that s.12(7C) of the 2014 Act which provides for a presumption that penalisation was as a result of the employee having made a protected disclosure applies only to contraventions of s.12 of the 2014 Act, concerning non-dismissal-based penalisation.

The AO considered first whether the Complainant made a protected disclosure within the meaning of the 2014 Act and, second, whether the Complainant's dismissal resulted wholly or mainly from the making of said protected disclosure. Section 5 of the 2014 provides that a protected disclosure is the disclosure of relevant information made by a worker in a specified manner, including to an employer. Information is relevant information where, in the reasonable belief of the worker, it tends to show one or more relevant wrongdoings, and it came to the attention of the worker in a work-related context. Relevant wrongdoings include that an offence has been, is being or is likely to be committed and that a person has failed, is failing or is likely to fail to comply with any legal obligation. However,

a matter is not a relevant wrongdoing if it is a matter which it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer. There is a presumption that a disclosure is a protected disclosure until the contrary is proved. Penalisation, as defined in s.3(1), includes dismissal.

The AO held that in the email of 27 October 2023, the Complainant stated that he was reviewing a draft loss, that he was finding postings which needed explanation and correction, and that the accounts needed to be thoroughly cleaned up to pass audit. The AO held that the contention that there was a failure to keep proper books of account came within the definition of a relevant wrongdoing, namely the failure to comply with a legal obligation. While the Respondent submitted that the allegation was incorrect, the AO noted that the correctness or otherwise of the information does not of itself deprive the disclosure of the status of a protected disclosure. In respect of whether the Complainant's belief was reasonable, the AO noted that there was no independent professional expert evidence on the key issue as to whether the state of the accounts was such as to justify a reasonable belief of wrongdoing and as to whether the Respondent complied with the requirements to keep proper books of account. In such circumstances, the AO held that, on the balance of probabilities, the Respondent had not rebutted the presumption that the Complainant's belief was reasonable. Accordingly, the AO held that the Complainant made a protected disclosure.

In considering whether the dismissal was as a result of having made a protected disclosure, the AO noted that the Respondent had not afforded fair procedures to the Complainant as he was dismissed without a disciplinary process and while on sick leave. The AO noted that the Respondent took the view that the Complainant's dismissal during probation did not require adherence to fair procedures. While the AO held that a breach of fair procedures does not carry the same consequences for an employer in a claim regulated by s.6(2) of the 1977 Act as it would if it arose in the context of a claim under s.6(1), it was nevertheless relevant in assessing causation.

The AO further considered the reasons given by the Respondent in its submission for the dismissal: clear performance issues, inability

to meet deadlines, inappropriate conduct with service users and members of the Board and refusing to comply with the Garda Vetting process in a timely manner. However, the AO noted that the contemporary written evidence of the dismissal letter and minutes of the Board did not support the issues raised by the Respondent but instead demonstrated some concerns with performance requiring coaching. There was no evidence of any imminent prospect of the Complainant's employment being terminated. The AO held that this called into question what occurred to bring the situation to one where the employment was terminated without a warning or a discussion of any sort. The AO held that the most likely catalyst for the dismissal was the email sent on 27 October 2023 stating that there would be a further delay with the accounts which started a chain reaction which led directly to the Complainant's dismissal. Accordingly, the AO held that the dismissal resulted wholly or mainly from the making of a protected disclosure, and the Complainant was unfairly dismissed.

In respect of redress, although the Complainant sought re-instatement, the AO held that this was not a workable or practical remedy given the nature of the allegations made on each side. The AO noted that compensation must be calculated on the basis of financial loss attributable to the dismissal. As there was a finding of unfair dismissal, the AO held that no reliance could be placed on a dismissal during probation without cause, and that there were insufficient grounds to reduce the compensation based on contributory conduct. The AO considered in detail the Complainant's financial losses while unemployed and when employed on a lower wage, making an award for each period of loss. The AO also considered whether the Complainant had adequately mitigated his losses and held that there was not sufficient documentary evidence of his efforts to find alternative employment. Accordingly, the AO awarded a total of €34,737 for financial losses attributable to the dismissal.

13. Store Colleague v. Woodies DIY Limited, ADJ-00052865

Keywords

Penalisation – Health and safety – Causation – Reasonable accommodation – Discrimination on ground of age – Safety, Health and Welfare at Work Acts 2005 to 2014 – Employment Equality Acts 1998 to 2021

Background

The Complainant worked as a store colleague with the Respondent from March 2006 until her dismissal on 28 February 2024 on the ground of capability. The Complainant submitted that she made a complaint of bullying against a deputy manager in 2019. Following an investigation, the deputy manager was transferred out of the store. This was disputed by the Respondent which submitted that the deputy manager received a written warning following the investigation and that the transfer arose to facilitate temporary business needs at the time. The deputy manager returned to the store in October 2020. The Complainant submitted that she suffered stress working alongside the deputy manager which culminated in her going on certified sick leave in August 2022. The Complainant submitted that the Respondent failed to consider reasonable accommodations for her in returning to work, including working from home, and that the Respondent's suggestion of working days on which the deputy manager was not present was not acceptable as it would necessitate a reduction in salary. Following a capability process conducted by the Respondent, the Complainant's employment was terminated.

The Complainant complained that the Respondent failed to investigate a complaint of bullying and that she was dismissed as a direct consequence of raising a health and safety issue under the Safety, Health and Welfare at Work Acts 2005 to 2014 ("2005 Act"). The Complainant further brought a complaint under the Employment Equality Acts 1998 to 2021 ("1998 Act") that the Respondent failed to make a reasonable accommodation to allow her to return to work following her illness and that the capability process was tainted by age-related discrimination as, prior to the commencement of the dismissal procedures, she received correspondence stating that she had reached the retirement age and enquiring as to her intentions thereafter.

The Respondent denied the Complainant's claims and submitted that during the Complainant's sick leave, its HR department arranged numerous occupational health appointments and engaged with the Complainant on numerous occasions to discuss her ongoing absence and explore how a potential return to work could be facilitated. The Complainant was referred to the relevant internal procedures in respect of her issues with the

deputy manager and invited to make a complaint. The Respondent arranged capability meetings with the Complainant in 2024 to discuss a potential return to work. The Respondent submitted that the Complainant's request that the deputy manager be removed from the store could not be facilitated and her request to work from home was not feasible given the nature of her role. The Respondent suggested that the Complainant apply for various roles with the Respondent's support offices which may have facilitated remote working. The Respondent further enquired as to whether the Complainant would be amenable to an arrangement where her lunch and work areas were in opposition to the deputy manager. Ultimately, following a number of meetings, the Complainant was informed that given that no accommodations could be agreed to facilitate the return to work, her employment would be terminated on the ground of capability. The Complainant was notified that she could appeal the dismissal, but no appeal was received.

The Respondent submitted that the Complainant did not make a disclosure which might be considered a protected act under the 2005 Act, submitted that the Complainant raised a grievance which did not relate to any matters relating to her health and safety. The dismissal of the Complainant occurred solely due to her ongoing and persistent incapability to perform the role for which she was hired. The Respondent submitted that it made all reasonable efforts to accommodate the Complainant's illness. In respect of the complaint of age discrimination, the Respondent submitted that once the Complainant turned 65, its processes regarding retirement automatically commenced, and this had nothing to do with the dismissal.

Findings

In respect of the complainant of penalisation under the 2005 Act, the AO noted that a complainant must demonstrate that they made a complaint as regards any matter relating to safety, health or welfare at work, that they suffered a detriment, including dismissal, and that there was a causal link between the detriment and the making of the complaint. The AO noted that the Complainant issued written complaints alleging that she had been bullied and that the Respondent had failed in its duty of care in the prevention of the bullying. The AO held that this correspondence related to

matters regarding safety, health and welfare at work.

The AO further noted that it was accepted that the Complainant remained on long-term sick leave and had been dismissed on the ground of incapacity, amounting to a detriment.

However, the AO did not accept that the dismissal was as a result of the Complainant having raised a complaint. The AO held that the position adopted by the Respondent was reasonable. While the Complainant had alleged bullying, she had not particularised the alleged wrongdoing. The Complainant was invited to raise a grievance in respect of the deputy manager but did not do so. The Respondent had to be mindful of the rights of other employees in assessing the position of the Complainant.

In respect of the complaint under the 1998 Act and the complaint that the Respondent failed to make reasonable accommodations, the AO agreed with the Respondent that given the Complainant's role as a store operative, it was impractical for her to perform this role from home. The AO was satisfied that the Respondent was willing to seek to accommodate the Complainant in a return to work and was engaging with her on a constructive basis in order to do so. The Complainant's position that she would not return to work if the deputy manager continued to work in the store put the Respondent in an extremely difficult position in that it could not facilitate the Complainant's return without breaching the rights of another employee. Accordingly, the AO held that the Complainant was not discriminated against.

In respect of the complaint of age discrimination, the AO noted that s.85A of the 1998 Act requires a complainant to show a *prima facie* case of discrimination before the burden shifts to the employer to prove that there was no discrimination or that it was objectively justified. The AO noted that a complainant must raise facts of sufficient significance on a credible basis, and it was not sufficient to point to mere speculation or assertions. The AO held that the Complainant's allegations constituted mere speculation without support of any tangible evidence of discrimination.

The AO dismissed all of the complaints.

14. *Asaf Shnel v. Teagasc, ADJ-00057939*

Keywords

Fixed-term contract – Renewal – Continuous service – Objective justification – Protection of Employees (Fixed-Term Work) Act 2003

Background

The Complainant was employed by the Respondent on three fixed-term contracts from November 2019. He brought a complaint that the Respondent had breached the Protection of Employees (Fixed-Term Work) Act 2003 ("2003 Act") as it had failed to provide him with a contract of indefinite duration ("CID"). The Complainant was employed as a Technician Grade 1 to work on a specific 36-month project in November 2019. Prior to the completion of this project, he applied for a Technologist Grade 1 on a different project with the Respondent. To take up this role, he was required to resign from his first contract in October 2022. In September 2024, the Complainant was employed as a Technician Grade 1 to work on a different project with the Respondent, resigning his second contract. The Complainant submitted that the work carried out by him was similar and was an ongoing need of the Respondent.

The Respondent submitted that there was no renewal of the first or second contract as the Complainant had resigned each time. Furthermore, the Complainant had to go through a recruitment process for each contract; there was no guarantee that he would be offered the contracts. The Respondent further submitted that there was objective justification for the renewal of each contract, noting that employment was linked to a project which was funding dependent. The skills required varied from project to project and individuals may not be transferrable between projects. The Respondent noted that as a public sector body, it is bound by public sector agreements and has no mechanism for effecting redundancies.

Findings

The AO noted that an objective of the 2003 Act, implementing EU law, is to establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts. Section 9(2) of the 2003 Act provides that where an employee

is employed on two or more continuous fixed-term contracts, the aggregate duration of such contracts shall not exceed four years. However, s.9(4) provides for an exception where there are objective grounds justifying a renewal. The AO considered in detail the case law in this area.

The AO noted that it was accepted that the Complainant was hired on two or more fixed-term contracts, the aggregate duration of which exceeded four years. In considering whether the contracts were 'continuous', the AO noted that s.9(5) of the 2003 Act provided that the First Schedule to the Minimum Notice and Terms of Employment Acts 1973 to 2005 applied. Para 1(b) of the First Schedule provides that the service of an employee is continuous unless that service is terminated by an employee voluntarily leaving their employment. The AO was not satisfied that the Complainant had voluntarily resigned his employment before taking up the second contract. The AO held that the evidence given was that the Complainant was required to resign, as an employee could not be employed under two contracts. However, the Complainant continued to work for the Respondent albeit in a different role and on a different project. The AO held that the resignation was not voluntary, and it did not sever the continuity of employment. Accordingly, the AO held that the Complainant satisfied the requirement to have been employed on two continuous fixed-term contracts as he had completed four years' continuous service during his second contract.

In respect of objective justification, the AO noted that it was well established that objective and transparent criteria must be identified to verify whether the renewal of fixed-term contracts actually responds to a genuine need, is appropriate for achieving the objective pursued and is necessary for that purpose. It was also clear that successive fixed-term contracts cannot be used to fill a permanent, ongoing need of the employer, and an employer cannot pre-emptively have recourse to successive fixed-term contracts to safeguard against the possible future risk of having too many permanent employees.

The AO held that there was no objective justification for the renewal of the fixed-term contracts in this case. The AO relied on Labour Court decisions on projects dependent on funding which held that the effectiveness of the 2003 Act would be seriously subverted if it were to be held

that the use of successive fixed-term contracts could be used indefinitely so as to protect the employer against the possibility of an insufficient supply of work at some point in the future. The AO was further satisfied that the need for research was a fixed and permanent need of the Respondent. The AO did not accept either the fact that the Respondent was bound by public sector agreements in relation to redundancies or, as a publicly funded body, it had a limited budget for the hiring of permanent staff and was required to adhere to a pay ceiling set by the parent Department, constituted objectively justified grounds relating to the precise and concrete circumstances characterising the activity to which the fixed-term contract related. While the Respondent contended that different projects required different skills, the AO held that this was not referenced in any of the contracts issued to the Complainant as a reason not to issue him with a CID.

The AO held that as the Complainant was entitled to a CID during the term of the second contract, she required the Respondent to place the Complainant on the appropriate point of the Technologist Grade 1 pay scale that he would have been on had he not moved to a different pay scale with the third contract. The AO required the Respondent to pay any arrears of pay due to the Complainant.

15. Niall Kennedy v. The Provost, Fellows, Foundation Scholars and the Other Members of Board, of the College of the Holy and Undivided Trinity of Queen Elizabeth Near Dublin' Trinity College Dublin, the University of Dublin, ADJ-00051570

Keywords

Fixed-term work – Contract of indefinite duration – Contract for a specified purpose – Informal policy – Covert recording – Protection of Employees (Fixed-Term Work) Act 2003

Background

The Complainant was employed as a Teaching Fellow in the Department of French by the Respondent from September 2018 until January 2024 on a series of fixed-term contracts. The

most recent contract was entered into in October 2020 and was a specified purpose contract: to provide cover for the substantive postholder who was seconded to a project within the University. Accordingly, the contract did not have an end date. The Complainant applied for a different Teaching Fellow position in June 2023 and was unsuccessful. He did not apply for another post advertised in November 2023. The Complainant's contract was terminated when the substantive postholder returned to her role in January 2024. The Complainant appealed the decision to terminate his contract. An appeal hearing was conducted by an Employee Relations Manager, and the appeal was not upheld. The Complainant sought reinstatement.

The Complainant lodged a complaint of penalisation under the Protection of Employees (Fixed-Term Work) Act 2003 ("2003 Act"). The Complainant submitted that there was an informal policy within the school which ensured that he would not acquire a contract of indefinite duration ("CID"). The Complainant gave evidence that he was told by members of the Department that the University would be reluctant to offer him another contract as he would then be entitled to a CID. Evidence was given of an email from the Head of School stating to take care not to appoint someone who could indirectly fall into a CID.

An issue arose in respect of covert recordings that the Complainant had taken of three conversations with members of staff of the Respondent. The Respondent objected to the admissibility of the recordings on the basis that they had not been submitted as part of the internal appeal process, the meetings that were recorded were not convened under any College policy, none of the individuals involved were informed that the conversations were recorded, and the processing of personal data without consent was in breach of data protection legislation. The Respondent further submitted that the recordings had resulted in a significant breach of trust with the Complainant's former colleagues.

The Complainant submitted that under the Workplace Relations Act 2015, an AO inquires into a complaint, hears the parties and admits any evidence relevant to the matter. The Complainant submitted that the recordings were necessary for the purposes of exercising and defending his legal rights, and they were central to the issues in

dispute. The AO reviewed the transcripts of the recordings and determined that they would be admitted into evidence while reserving his position as to the weight that may be attached.

The Respondent submitted that the Complainant's contract of employment came to an end when the purpose for which he was employed ended. The Complainant was not a permanent employee, and there was no onus on the Respondent to find other employment for him.

Findings

The AO noted under the 2003 Act, a fixed-term employee may be employed for a specific purpose where the contract has no end date.

In respect of the admissibility of the covert recordings, the AO noted that there was no uniform consensus. The AO noted that there is evidence that such recordings can erode trust and damage professional relationships in the workplace. From an employer's perspective, such recordings are generally regarded as a fundamental breach of trust, breach of confidentiality and data protection obligations. He noted that while covert recordings can serve as a protective mechanism for some employees in vulnerable situations, their use is approached with caution, and employees are generally advised to pursue formal grievance procedures.

The AO considered the weight to be attached to each recording. He noted that one recording was of an informal, supportive and conversational engagement between the Complainant and the Head of Department. Accordingly, the AO held that no weight should be attributed to this recording. In respect of the other two recordings, the AO held that they took place in a more formal context and the contents were not disputed. The AO held that both recordings were relevant in confirming the existence of an email from the Head of School and in clarifying recruitment practices.

The AO held that an employee's contractual status should not be a relevant consideration in a recruitment process. The AO held that the fact that the Head of School both authored the email and chaired the interview panel for the job for which the Complainant was unsuccessful was of particular importance. He noted that it was not possible to reconcile the tone and content of the email with the subsequent decision not to appoint

the Complainant. On the balance of probabilities, the AO was satisfied that the prospect of the Complainant acquiring a CID was an operative cause in the decision-making process and held that the complaint was well founded.

In respect of redress, the AO held that reinstatement was not a realistic or appropriate remedy given the circumstances around the termination of employment, the passage of time, and the current nature of the working relationship between the parties. Accordingly, the AO awarded compensation in the sum of €30,250.

16. *Lee Peate v. Musgrave Marketplace, ADJ-00059059*

Keywords

Derogation assessment – Qualifying service requirements – Comparative favourability of scheme – Statutory rights vs. employer schemes – Whether a Respondent's sick leave scheme was as a whole more favourable than statutory sick leave – 12-month service period – Sick Leave Act 2022.

Background

The Complainant was employed as a driver with the Respondent from September 2024. In April 2025, he had surgery and was absent from work for five days. The Complainant did not receive statutory sick pay in line with the Sick Leave Act 2022 ("2022 Act") as the Respondent maintained that its sick leave scheme was more favourable, and, accordingly, the obligations under the 2022 Act did not apply. However, to avail of the Respondent's sick leave scheme, an employee needed one year's service. The Complainant was also not able to apply for illness benefit which commences only after five days of illness.

The Respondent submitted that after one year, an employee can have two uncertified periods of illness of up to two days within a 12-month period. With a certified illness, an employee is entitled to four weeks' full pay (less social welfare) plus an extra week per additional year of service up to 12 weeks. The Respondent submitted that s.9 of the 2022 Act provides for an explicit exemption which allows employers with sick pay schemes that are, overall, more favourable than the statutory scheme to be excluded from the statutory requirements. The relevant factors to consider are: the service required before sick

leave is payable; the waiting days before payment begins; the duration of paid sick leave; the amount of sick leave pay; and the reference period of the scheme. The Respondent submitted that while the period of service before sick leave is payable is less favourable than the statutory sick pay (13 weeks under the 2022 Act), its scheme was as favourable in respect of the waiting days before payment begins (none) and the reference period of the scheme (12 months), and more favourable in respect of the duration of paid sick leave (a minimum of 20 days of certified leave and up to 60 days for employees with nine or more years of service) and the amount of sick leave pay (basic pay minus social welfare, as opposed to 70% of pay or €110 under the 2022 Act). The Respondent submitted that the single point of service could not be determinative as it was only one of the factors to be considered when assessing whether the sick leave scheme was, as a whole, more favourable. The 2022 Act anticipates and accepts that an employee may not qualify for benefits under an employer's scheme while the scheme may still be overall more favourable. The Respondent further submitted that the AO must further consider the fact that the Respondent's sick leave scheme was the product of collective bargaining and should support and respect such arrangements. A finding that the 2022 Act's provisions were more favourable would risk undermining established industrial relations, potentially requiring the Respondent to renegotiate a new scheme.

Findings

The AO accepted that the Respondent sick leave scheme was, in many areas, more favourable than the 2022 Act. However, in considering the factors in s.9, the AO held that the first factor of service was a gateway to the rest, and, accordingly, it required more weight than the other four factors. This was especially the case where the service requirement was a long period of 12 months, which did not have the weight of legislation. Furthermore, the AO considered the impact on the Complainant in this case: he was not highly paid; accordingly, the impact of being without income would take a greater toll than if he was highly paid. The AO held that the service requirement was the most significant factor. While finding that it was inappropriate to specify what would be considered an acceptable period, the AO noted that a shorter qualifying period could be enough to negate the gatekeeping effect.

In respect of the submission on industrial relations, the AO held that if there is collective bargaining in place and the matter required negotiation, that is a voluntary matter for the parties. However, on the evidence, the AO was not satisfied that there was a properly negotiated agreement in place on the issue, having regard, *inter alia*, to the Complainant's contract which provided that there would be no negotiations conducted through third parties and that there were no collective agreements relating to the employment.

The AO directed the Respondent to pay the Complainant in accordance with the 2022 Act at a minimum rate of the lower of €110 or 70% of the employee's normal daily pay calculated by reference to the last day the employee worked before taking statutory sick leave.

17. Robert Flynn v. West Wood Club Company Limited by Guarantee, ADJ-00048638

Keywords

Discrimination on ground of disability –
Reasonable accommodation – Provision of services
– Gym membership – Victimisation

Background

The Complainant joined the Respondent's gym and fitness club in March 2023. The Complainant is a person with a disability, having had one leg amputated below the knee. He gave evidence that prior to taking out membership, he enquired about an accessible shower and was told that one would be provided. However, the Complainant submitted that the disabled shower was not adequate to his needs. He asked staff about adapting the shower and sought a meeting with the manager of the gym. However, his queries were dismissed and, by letter on 15 May 2023, his membership was cancelled by the Respondent without explanation. The Complainant submitted that he was discriminated on the ground of disability by the Respondent's failure to provide reasonable accommodation in adapting the shower, and that he was victimised by the Respondent when his membership was cancelled, contrary to the Equal Status Acts 2000 to 2018 ("2000 Act").

The Respondent disputed the Complainant's account, with staff members giving evidence that the Complainant had been shown the

showers on a tour of the facilities and had made no comment to indicate that the showers were unsuited to his needs. The Respondent stated that it had members with a similar disability to the Complainant's and no complaints had been made in respect of the shower. The Respondent denied that the Complainant's concerns were dismissed and instead staff members gave evidence that the reason for the termination of membership was his persistent rude and inappropriate manner to staff. This was denied by the Complainant. Expert evidence was provided at the hearing of the cost of upgrading the shower area which was estimated at over €43,000. The Respondent submitted that this cost was more than nominal, and it was not expected to provide reasonable accommodation at this cost.

Findings

The AO held that the Respondent was providing a service within the meaning of the 2000 Act and that it was accepted that the Complainant was a person with a disability. The AO noted that it was for the Complainant to establish a *prima facie* case of discrimination whereupon the burden shifted to the Respondent to prove that there was no discrimination. The AO held that the Respondent was made aware that the shower facilities in the gym were not adequate for the Complainant to wash himself properly but did not carry out even a cursory investigation into whether the shower could be adapted. No evaluation was carried out of the Complainant's needs. The AO held that arguments about the cost of any adaptation were purely academic as the Complainant's membership had already been terminated before any real assessment was undertaken. The AO accepted that the Complainant had established a *prima facie* case noting that, in such situations, it behoves a service provider to carry out a genuine assessment to see if some accommodation can be made that is not prohibitive from a cost perspective.

In respect of the claim of victimisation, the AO held that while some staff complained of feeling uncomfortable when speaking with the Complainant, it did not seem that he was rude or abusive. No formal complaints were made by staff, and no investigation was undertaken into his behaviour until well after his membership had been terminated. The AO was satisfied that but for the Complainant raising the shower issue and the difficulties he was experiencing, his membership would not have been terminated. Accordingly, the

Complainant was retaliated against for invoking his rights under the 2000 Act. The AO held that the fact that the Complainant was not given any explanation for his membership being terminated and received no response to his ES1 form added credence to his complaint of victimisation.

The AO awarded the Complainant compensation of €5,000 for the discrimination and an additional €3,000 for victimisation. The AO further ordered the Respondent to re-evaluate the shower facilities in the gym and do what was required to ensure compliance with the 2000 Act.

18. A Volunteer v. A Voluntary Organisation, ADJ-00054798

Keywords

Discrimination on ground of gender – Transgender identity – Equal Status Acts 2000 to 2018

Background

The Complainant submitted a complaint of discrimination on the ground of gender under the Equal Status Acts 2000 to 2018 ("2000 Act") when he was treated less favourably by the Respondent due to his Transgender identity. The Complainant applied to join the Respondent organisation as a volunteer leader. Unbeknownst to him, at a meeting of the Respondent's Group Council on 4 October 2022, another group leader disclosed the Complainant's Transgender identity, and the Chair called a vote to decide whether to accept the Complainant's application while attaching the condition that he not be allowed to lead younger groups. The Complainant did not find out that this had occurred until it was disclosed to him by another leader on 19 April 2024. The Complainant subsequently raised a complaint with the Respondent's safeguarding team. The Complainant further complained that he had been harassed due to his Transgender identity and victimised by the Respondent when he was asked not to attend further meetings until an investigation had concluded.

The Respondent submitted that it had conducted an investigation into the October 2022 meeting and concluded that the Complainant had been discriminated against. It offered to pay for therapy sessions for the Complainant which was refused. It also proposed that awareness training and guidance be progressed by its Equality,

Diversity and Inclusiveness team. The Respondent apologised unreservedly to the Complainant, stating that the views expressed at the meeting were not reflective of its culture and that it had since then made efforts to train and educate all group leaders and members in Trans issues and in equality and diversity. The Respondent rejected the complaints of harassment and victimisation, giving evidence that the Complainant's own actions following the complaint contributed to a hostile environment. After the conclusion of the investigation, it recommended that the Complainant and members responsible for discrimination attend mediation before any potential return of the Complainant to the group, but the Complainant had not engaged.

Findings

The AO noted that it is for a Complainant to raise a *prima facie* case of discrimination under the 2000 Act before the burden shifts to the Respondent to prove that there was no discrimination. The AO was satisfied that the complaint fell within the six-month time limit as the Complainant had not been aware of the instance of discrimination until April 2024. The AO was satisfied that the Complainant was subjected to less favourable treatment when his application to join the Respondent was subjected to a vote and to conditions. This treatment was due to his Transgender identity which amounted to discrimination on grounds of gender. However, on the evidence, the AO was not satisfied that the Complainant had been harassed or victimised on the ground of gender due to his Transgender identity.

In respect of redress, the AO noted that the Respondent was a voluntary organisation with limited funding; however, she accepted that the Complainant had suffered from the discrimination and felt forced to leave the Respondent. The AO directed compensation of €5,000 for the effects of the discrimination, having regard to the principle of proportionality and given that the award should be dissuasive.

19. William Gallagher v. Jenny Brennan and Matthew Hannigan, ADJ-00058029 and ADJ-00055006

Keywords

Discrimination on housing assistance ground – Housing assistance payment – Delay and refusal to complete HAP form – Victimisation following service of ES1 form – Equal Status Acts 2000 to 2018

Background

The Complainant was the Respondents' tenant. In December 2023, the Complainant was approved for housing assistance payment ("HAP"). In January 2024, he sent the HAP application form to the First Respondent for completion, but the Respondents failed to complete the form for 15 months until April 2025. The Respondents submitted that they informed the Complainant in January 2024 that the property would be sold, and the Complainant agreed not to pursue his HAP application on that basis. This was denied by the Complainant. As of the date of hearing, the property had not been sold. The Respondents further referred to personal issues as the reason for the failure to engage with the Complainant's request.

The Complainant further alleged that following service of an ES1 form, he was served with three notices of termination. The Complainant brought claims of discrimination and victimisation under the Equal Status Acts 2000 to 2018 ("2000 Act").

Findings

The AO noted that s.6(1) of the 2000 Act prohibits discrimination in providing accommodation services and ss.3(1) and 3(3B) prohibit less favourable treatment on the housing assistance ground. Section 3(2)(j) further affords protection to persons seeking to enforce their rights under the 2000 Act against retaliatory action. The criteria to establish victimisation are that the Complainant applied in good faith for redress under the 2000 Act or indicated an intention to do so; the Complainant was subjected to specific acts or treatment by the Respondent after they did so; and that the treatment was less favourable than would have been afforded to a person in similar circumstances who had not taken such action. Finally, s.38A provides that a complainant must establish a *prima facie* case of discrimination

before the burden shifts to the respondent to prove that there was no discrimination or that it was objectively justified.

On the basis of the oral and documentary evidence, the AO accepted the Complainant's case that he did not agree not to pursue his HAP application, finding that following the alleged conversation, there was a prolonged pattern of behaviour on the part of the Complainant consistent with his version of events. The AO held that once a request has been made to a landlord to complete Part B of the HAP application form, the landlord is required to take steps to comply with the request. The AO was satisfied that the failure to complete the form resulted in the Complainant's being without HAP for 15 months, suffering a loss of approximately €15,180. The AO held that the Complainant had established a *prima facie* case that the Respondent's refusal and/or delays in completing the form amounted to less favourable treatment than would have been afforded to a tenant not entitled to HAP.

The AO was further satisfied that the Respondent's conduct towards the Complainant after sending the ES1 form constituted a *prima facie* case of victimisation. The ES1 form constituted a notice of intention to take action under the 2000 Act. The AO accepted that after service of the ES1 form, there was an escalation of negative and unlawful conduct including the service of three notices of termination (the first of which was sent within eight days of receipt of the ES1 form), accusations levelled against the Complainant that he was causing the First Named Respondent stress, and instances of unfounded accusations made against him that he was in breach of his tenancy agreement which were communicated to third parties.

The AO held that the Respondents had failed to rebut the discrimination and victimisation.

In respect of redress, having regard to the real and tangible effects of the Respondents' refusal and delay to complete the HAP form, the AO held that the discrimination was at the more serious end of the scale. With the maximum jurisdiction set at €15,000, the AO held that it was appropriate to award €15,000 for the effects of the discrimination. In respect of the claim of victimisation, the AO awarded €8,000, for a total award of €23,000.

20. Carlos Manuel Garcia da Silva v. The Returning Officer for Galway County, ADJ-00055907

Keywords

Polling station – Voting rights – Discrimination on ground of nationality – Failure to allow vote in local election for Irish resident – Equal Status Acts 2000 to 2018

Background

On 7 June 2024, the Complainant, a Portuguese national who has lived in Ireland for 30 years, went to vote in the European and local elections at his local polling station. However, he was told that as there was the letter 'E' next to his name on the list, he was entitled to vote only in the European elections. While the Complainant was surprised by this, he thought that there might have been new legislation which modified the voting rights of Irish residents and voted only in the European election. When his wife went to vote later that day, she was also told that she could vote only in the European election but queried this with the presiding officer who confirmed that she was entitled to vote in both elections. The Complainant sent an ES1 form to the Respondent setting out his complaint of discrimination but received no response. The Complainant brought a complaint to the WRC alleging discrimination on the grounds of nationality contrary to the Equal Status Acts 2000 to 2018 ("2000 Act").

The Respondent accepted that the Complainant was entitled to vote in both elections and that the poll clerk had made a mistake which had not been corrected by the presiding officer.

Findings

The AO noted that the 2000 Act prohibits discrimination on the basis of certain enumerated grounds in the provision of goods and services. The AO accepted that casting a vote in a polling station was a service within the meaning of the 2000 Act. Section 38A requires the Complainant to establish a *prima facie* case of discrimination whereupon the burden shifts to the Respondent to prove that there was no discrimination. The AO noted that the Complainant's complaint was that he was treated differently compared to an Irish person who was permitted to vote in the local and European elections. Noting that there was no

dispute on the facts, the AO held that voting was a fundamental right in a democracy and the public must rely on the expertise of the staff who manage the voting process to make correct and lawful decisions. The AO held that a mistake on the day of voting has an effect on the democratic process, and, in this case, it denied the Complainant the right to exercise his franchise. While the AO noted that there was no intention to discriminate, and the mistake may seem like a minor issue, the effect of the mistake was that the Complainant was treated less fairly than an Irish person. Due to the seriousness of the error, which was not corrected, the AO was satisfied that the facts were sufficient to raise an inference of discrimination. The AO also disapproved of the failure to respond to the ES1 form which compounded the Complainant's sense of unfair treatment and was disrespectful. The AO was satisfied that, had the Complainant been an Irish national, he would have been issued with a ballot paper to vote in the local elections. Accordingly, the AO held that the Complainant was discriminated against on the ground of nationality, notwithstanding that it was a mistake.

The AO did not consider that compensation was a sufficient remedy given the nature of the discrimination that occurred, noting that the Complainant could have made enquiries or returned to the polling station. However, she ordered the Respondent to arrange for signage to be posted in the polling station to inform voters how to make enquiries about their voting rights. This should include information about the name and contact number of the supervisory presiding officer or the person in charge of the polling station.

Appendix

4

Legislation by which complaints may be submitted to the Adjudication Service

A Sectoral Employment Order within the meaning of Chapter 3 of Part 2 of the Industrial Relations (Amendment) Act, 2015

Adoptive Leave Act, 1995

An Employment Regulation Order under S.42C (inserted by S.12 of the Industrial Relations (Amendment) Act 2012) of the Industrial Relations Act, 1946

Automatic Enrolment Retirement Savings System Act, 2024

Carer's Leave Act, 2001

Central Bank (Supervision and Enforcement) Act, 2013

Charities Act, 2009

Chemicals Act, 2008

Competition Act, 2002

Consumer Protection Act, 2007

Criminal Justice Act, 2011 (noting that the Criminal Justice (Corruption Offences) Act 2018 is part of Schedule 1 of the 2011 Act)

Employees (Provision of Information and Consultation) Act, 2006

Employment (Collective Redundancies and Miscellaneous Provisions) & Companies (Amendment) Act, 2024

Employment (Contractual Retirement Ages) Act, 2025

Employment Equality Act 1998 (Section 20A) (Gender Pay Gap Information) Regulations, 2022 (S.I. No. 264 of 2022)

Employment Equality Acts, 1998

Employment Permits Act, 2024

Equal Status Act, 2000

European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No 157 of 2008)

European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No 259 of 2007)

European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations, 2004 (S.I. No. 494 of 2004)

European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No 507 of 2006)

European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003 (S.I. No. 131 of 2003) (other than Regulation 4(4)(a))

European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009 (S.I. No. 377 of 2009)

European Union (reporting, Analysis and Follow- up of Occurrences in Civil Aviation) Regulations 2020 (S.I. NO 195 of 2020) in relation to a complaint of a contravention of Article 16(9) of EU Regulations 376/2014

European Union (Transparent and Predictable Working Conditions) Regulations 2022 (S.I. No. 686 of 2022)

Further Education and Training Act, 2013

Gender Pay Gap Information Act, 2021

Health Act, 2004

Industrial Relations Acts, 1990

Inland Fisheries Act, 2010

Maritime Area Planning Act, 2021

Maternity Protection Act, 1994

Minimum Notice and Terms of Employment Act, 1973

National Asset Management Agency Act, 2009

National Minimum Wage Act, 2000

Organisation of Working Time Act, 1997

Parent's Leave and Benefit Act, 2019

Parental Leave Act, 1998

Payment of Wages (Tips and Gratuities) Act, 2022

Payment of Wages Act, 1991

Pensions Acts, 1990

Property Services (Regulation) Act, 2011

Protected Disclosures (Amendment) Act, 2022

Protected Disclosures Act, 2014

Protection of Employees (Employers' Insolvency) Act, 1984

Protection of Employees (Fixed-Term Work) Act, 2003

Protection of Employees (Part-Time Work) Act, 2001

Protection of Employees (Temporary Agency Work) Act, 2012

Protection of Employment Act, 1977

Protection of Young Persons (Employment) Act, 1996

Protections for Persons Reporting Child Abuse Act, 1998

Redundancy Payments Acts, 1967

Registered employment agreement within the meaning of Chapter 2 of Part 2 of the Industrial Relations (Amendment) Act, 2015

Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations, 2006 (S.I. No. 623 of 2006)

Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement) Regulations, 2007 (S.I. No. 259 of 2007)

Regulation 39(1) of the European Communities (Cross-Border Mergers) Regulations, 2008 (S.I. No. 157 of 2008)

Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012 (S.I. No. 36 of 2012)

Regulation 6 of European Communities (Protection of Employment) Regulations, 2000 (S.I. No. 488 of 2000)

Safety, Health and Welfare at Work Act, 2005

Sick Leave Act 2022

Terms of Employment (Information) Act, 1994

Transnational Information and Consultation of Employees Act, 1996

Unfair Dismissal Acts, 1977

Work Life Balance and Miscellaneous Provisions Act, 2023

Explanatory Note

The legislative basis for the referral of complaints and disputes to the Director General of the WRC for adjudication arises from a number of different enactments which include the Workplace Relations Act 2015, the Unfair Dismissals Act 1977, the Employment Equality Act 1998, the Equal Status Act 2000, the Pensions Act 1990, the Protection of Employees (Employers' Insolvency) Act 1984, the Redundancy Payments Act 1967 and the Industrial Relations Act 1969.

The legislative basis for the referral of complaints and disputes under most of the enactments in respect of which the Director General of the WRC has first instance jurisdiction are governed by the provisions of Section 41 of the Workplace Relations Act 2015.

Section 41 of the Workplace Relations Act 2015 creates a common procedure for the presentation of complaints and the referral of disputes under various pieces of employment legislation to the Director General of the WRC.

The individual employment enactments under which a person can present a complaint or refer a dispute to the Director General of the WRC in accordance with the provisions of Section 41 are listed in Schedule 5 of the Workplace Relations Act, 2015.

The provisions of Section 41 of the Workplace Relations Act 2015 have been amended by the Section 24(b) of the Industrial Relations (Amendment) Act 2015 (S.I. No. 329 of 2015) and Section 20(1)(g) of the National Minimum Wage (Low Pay Commission) Act 2015 (S.I. No. 411 of 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Unfair Dismissals Act 1977 arises from Section 8 of that Act (the relevant provisions of Section 8 of the Unfair Dismissals Act 1977 have been amended by Section 80 of the Workplace Relations Act 2015 and Sections 14 and 20(1) (l) of the National Minimum Wage (Low Pay Commission) Act 2015 (S.I. No. 410 of 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Employment Equality Act 1998 arises from Section 77 of that Act (the relevant provisions of Section 77 of the Employment Equality Act 1998 have been amended by Section 83 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Equal Status Act 2000 arises from Section 21 of that Act (the relevant provisions of Section 21 of the Equal Status Act 2000 have been amended by Section 84 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under 44 the Pensions Act 1990 arises from Part VII of that Act (the relevant provisions of Part VII of the Pensions Act 1990 have been amended by Section 82 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Redundancy Payments Act 1967 arises from Section 39 of that Act (the relevant provisions of Section 39 of the Redundancy Payments Act 1967 have been amended by Section 76 of the Workplace Relations Act 2015).

The legislative basis for the referral of complaints to the Director General of the WRC under the Protection of Employees (Employer's Insolvency) Act 1984 arises from Section 9 of that Act (the relevant provisions of Section 9 of the Protection of Employees (Employer's Insolvency) Act 1984 have been amended by Section 81 of the Workplace Relations Act 2015).

The legislative basis for the referral of a trade dispute to the Director General of the WRC under the Industrial Relations Act 1969 arises from Section 13 of that Act (the relevant provisions of Section 13 of the Industrial Relations Act 1969 have been amended by Sections 8, 40(9) and Schedule 2, Part 1, Item 2 of the Workplace Relations Act 2015).

Appendix

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Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Section 8 of the Unfair Dismissals Act, 1977	2,435
Complaint seeking adjudication by the Workplace Relations Commission under section 6 of the Payment of Wages Act, 1991	2,242
Complaint seeking adjudication by the Workplace Relations Commission under section 27 of the Organisation of Working Time Act, 1997	1,992
Complaint seeking adjudication by the Workplace Relations Commission under section 77 of the Employment Equality Act, 1998	1,952
Complaint seeking adjudication by the Workplace Relations Commission under section 13 of the Industrial Relations Act, 1969	1,427
Complaint seeking adjudication by the Workplace Relations Commission under section 7 of the Terms of Employment (Information) Act, 1994	1,116
Complaint seeking adjudication by the Workplace Relations Commission under Section 13 of the Industrial Relations Act	933
Request for an investigation by a Workplace Relations Commission Inspector under the Payment of Wages Act, 1991.	825
Complaint seeking adjudication by the Workplace Relations Commission under Section 21 Equal Status Act, 2000	722
Complaint seeking adjudication by the Workplace Relations Commission under Section 12 of the Minimum Notice & Terms of Employment Act, 1973	570
Complaint seeking adjudication by the Workplace Relations Commission under Section 39 of the Redundancy Payments Act, 1967	546
Request for an investigation by a Workplace Relations Commission Inspector under the Organisation of Working Time Act, 1997	496
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Protected Disclosures Act, 2014	378
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 10 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)	368
Complaint seeking adjudication by the Workplace Relations Commission under Section 7 of the Terms of Employment (Information) Act, 1994.	346
Complaint seeking adjudication by the Workplace Relations Commission under Section 28 of the Safety, Health & Welfare at Work Act, 2005	318

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Sick Leave Act, 2022	258
Complaint seeking adjudication by the Workplace Relations Commission under Section 14 of the Protection of Employees (Fixed-Term Work) Act, 2003	219
Request for an investigation by a Workplace Relations Commission Inspector under the National Minimum Wage Act, 2000.	182
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 18 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 - S.I. No. 36/2012	144
Complaint seeking adjudication by the Workplace Relations Commission under section 24 of the National Minimum Wage Act, 2000	127
Complaint seeking adjudication by the Workplace Relations Commission under Section 23 of the Industrial Relations (Amendment) Act, 2015	125
Complaint seeking adjudication by the Workplace Relations Commission under Section 45A of the Industrial Relations Act, 1946	116
Request for an investigation by a Workplace Relations Commission Inspector.	111
Complaint seeking adjudication by the Workplace Relations Commission under Section 18 of the Parental Leave Act, 1998	96
Request for an investigation by a Workplace Relations Commission Inspector under the Terms of Employment (Information) Act, 1994	95
Complaint seeking adjudication by the Workplace Relations Commission under Section 25 of the Protection of Employees (Temporary Agency Work) Act, 2012	91
Other/Not specified	70
Complaint seeking adjudication by the Workplace Relations Commission under Section 11A of the Protection of Employment Act, 1977	65
Investigation by an Inspector under the Payment of Wages Act, 1991	61
Complaint seeking adjudication by the Workplace Relations Commission under Section 30 and 31 of the Maternity Protection Act, 1994	60
Complaint seeking adjudication by the Workplace Relations Commission under Section 16 of the Protection of Employees (Part-Time Work) Act, 2001	59
Complaint seeking adjudication by the Workplace Relations Commission under section 81E of the Pensions Act, 1990 as amended by the Social Welfare (Miscellaneous Provisions) Act, 2004	56
Complaint seeking adjudication by the Workplace Relations Commission under Section 18A of the Organisation of Working Time Act, 1997	51
Complaint seeking adjudication by the Workplace Relations Commission under section 86 of the Employment Equality Act, 1998	46
Complaint seeking adjudication by the Workplace Relations Commission under Part 14 Section 103(55M) of the Health Act, 2007	36
Complaint seeking adjudication by an Adjudication Officer under s27 of the Work life Balance and Miscellaneous Provisions Act, 2023	34

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Section 41 of the Workplace Relations Act	26
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 15 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 - S.I. No. 507 of 2006	24
Complaint seeking adjudication by the Workplace Relations Commission under Section 20(1) of the Industrial Relations (Amendment) Act, 2015	22
Request for an investigation by a Workplace Relations Commission Inspector under the Protection of Young Persons (Employment) Act, 1996	21
Request for an investigation by a Workplace Relations Commission under the Terms of Employment (Information) Act, 1994	21
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Employment Permits Act, 2024	18
Complaint seeking adjudication by the Workplace Relations Commission under Section 27 of the Paternity Leave and Benefit Act, 2016	17
Complaint seeking adjudication by the Workplace Relations Commission under Regulation 8 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009-SI No. 377 of 2009	16
Complaint seeking adjudication by the Workplace Relations Commission under Section 23 of the Parent's Leave and Benefit Act, 2019	14
Complaint seeking adjudication by the Workplace Relations Commission under Section 19 of the Carer's Leave Act, 2001	13
Complaint seeking adjudication by the Workplace Relations Commission under Section 9 of the Industrial Relations (Miscellaneous Provisions) Act, 2004	12
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 3 of the Employees (Provision of Information & Consultation) Act, 2006	10
Complaint seeking adjudication by the Workplace Relations Commission under Section 18 of the Protection of Young Persons (Employment) Act, 1996	10
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of the Criminal Justice Act, 2011	8
Complaint seeking adjudication by the Workplace Relations Commission under Section 24 of the National Minimum Wage Act, 2000	8
Request for an investigation by a Workplace Relations Commission Inspector under the European Communities (Protection of Employment) Regulations 2000	8
Complaint seeking adjudication by the Workplace Relations Commission under Section 62(2) of the Charities Act, 2009	5
Complaint seeking adjudication by the Workplace Relations Commission under Section 4 of the Protection of Persons Reporting Child Abuse Act, 1998	4
Complaint seeking adjudication by the Workplace Relations Commission under Section 67(5) of the Property Services (Regulation) Act, 2011	4

Legislation cited as Redress Act for Adjudication	Total
Complaint seeking adjudication by the Workplace Relations Commission under Section 8(1) of the European Communities (Working Conditions of Mobile Workers Engaged in Inter- Operable Cross-Border Services in the Railway Sector) Regulations 2009 - S.I. No. 3	4
Request for an investigation by a Workplace Relations Commission under the Organisation of Working Time Act, 1997	4
Complaint for adjudication by the Workplace Relations Commission under section 85C of the Employment Equality Act	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 Section 1 of the National Asset Management Agency Act, 2009	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 4 Section 1(2) of the Inland Fisheries Act, 2010	3
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 4(1) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2020	3
Complaint seeking adjudication by the Workplace Relations Commission under Section 9 of the Protection of Employees (Employers' Insolvency) Act, 1984	3
Complaint seeking adjudication by the Workplace Relations Commission SI No. 494 of 2004 and Clauses 6 of the EC (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations, 2009-SI No. 377 of 2009	2
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 5 of the Central Bank (Supervision and Enforcement) Act, 2013	2
Complaint seeking adjudication by the Workplace Relations Commission under Section 35 of the Further Education and Training Act, 2013	2
Request for an investigation by a Workplace Relations Commission Inspector under the Protection of Employees (Temporary Agency Work) Act, 2012	2
Request for an investigation by a Workplace Relations Commission Inspector under the Maternity Protection Act, 1994	2
Complaint seeking adjudication by the Workplace Relations Commission Regulation 6 of S.I. No.494/2004 - European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations, 2004	1
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 6 of the Consumer Protection Act, 2007	1
Complaint seeking adjudication by the Workplace Relations Commission under Part 3 Section 20 of (European Cooperate Society) (Employee Involvement) Regulations 2007	1
Complaint seeking adjudication by the Workplace Relations Commission under Schedule 2 of European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations 2006	1
Complaint seeking adjudication by the Workplace Relations Commission under Section 26 of the Chemicals Act, 2008	1
Request for an investigation by a Workplace Relations Commission Inspector under the Industrial Relations Acts	1
Total	19,068



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission