



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Áras Lansdún, Bóthar Lansdún, Droichead na Dothra, Baile Átha Cliath 4, D04 A3A8 Éire
Lansdowne House, Lansdowne Road, Ballsbridge, Dublin 4, D04 A3A8 Ireland

Workplace Relations Act 2015

Section 39

Mediation Terms of Reference

1. The objective of the Workplace Relations Commission Mediation Service is to provide an alternative dispute resolution process to complaints referred to the WRC under section 41 of the Workplace Relations Act 2015 and other relevant legislation. We call this Pre-Adjudication Mediation. Section 39 of the Act applies which says: "the Director General may, where he or she is of the opinion that a complaint or dispute is capable of being resolved without being referred to an Adjudication Officer under section 41, refer the complaint or dispute to a mediation officer." The Mediator operates within the scope of that legislation.
2. Mediation is taking place today on the basis that both the Complainant and Respondent have agreed to engage in mediation to try to resolve the complaint(s) referred to the WRC and are participating in good faith to see if an agreed resolution is possible. They also confirm they have the authority to make decisions on resolving the complaint.
3. Mediation is a voluntary and informal process. Each side may withdraw at any stage and the mediation will be terminated immediately. The Mediator can also withdraw from the mediation at any time, for example, if they deem the mediation as unsuitable or disruptive. The complaint(s) will then be referred onwards for a full adjudication hearing.
4. Mediation is conducted in private. Discussions at mediation, any communications in relation to the mediation, and the terms of any settlement are confidential to the parties and the Mediator. Information furnished at mediation cannot be published or otherwise disclosed. The Mediator does not release any information to an investigating Adjudication Officer if the dispute is not resolved at mediation. The Adjudication Officer will not be aware that a mediation has taken place, nor will they ask if the case was mediated on.
5. The statutory confidential nature of the mediation applies to anyone who is present at the mediation. Any attendee at mediation is required to read the terms of reference and confirm that they have understood and accept them.
6. If agreement is reached between the parties, the Mediator will record the terms of the resolution in writing for the parties to sign. Once both parties sign the mediation agreement, it is a statutory legal document, which is actionable through the courts as set out in section 39(6) of the Act. The complaint(s) will then be withdrawn from the WRC and cannot be re-entered.

7. The purpose of this mediation is to resolve any complaints made by the Complainant about the Respondent under the legislative remit of the WRC and any agreement reached will be between those two parties only.
 8. The WRC guarantees impartiality and does not take sides with either party. It is not the role of the Mediator to determine the rights or wrongs of the situation or to adjudicate the outcome. The parties are the owners of the process and are responsible for the terms of any settlement they reach. Any agreed outcome reached is their agreement which is facilitated by the Mediator. The Mediator is neutral and impartial and cannot give advice to any party.
 9. Where the mediation may affect other rights and obligations or where monetary settlements and tax implications are involved, the parties are advised to seek independent advice.
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