

Irish employment law tribunal, the Workplace Relations Commission, publishes its 2022 Annual Report

Insights - 16/06/2023

Highlights from the Workplace Relations Commission 2022 Annual Report

The Workplace Relations Commission (the Irish employment law tribunal) (the “WRC”) has recently published its 2022 Annual Report.

Complaint Breakdown

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Pre-Adjudication Mediations

In 2022, 1,546 cases were selected for mediation, 658 of these cases progressed to full mediation where both parties agreed to participate. This represents an increase in participation by 31% compared to 2021 and the number of cases resolved by mediation also increased by 30%.

261 of these mediations were carried out via telephone (a 25% decrease compared to 2021). Face to face mediations increased by 263% in 2022. The number of resolved face to face mediation also increased by 276%.

Complaints

6,263 complaint applications encompassing 12,790 individual complaints were received by the WRC

This impacts the availability of adjudication officers across any given hearing days in regards to the number of hearings that can be completed/disposed of per day.

Decisions

A total of almost 2,000 decisions were issued in 2022, which is an increase of 27% compared to 2021.

In 2022, the WRC was notified of 310 Labour Court decisions in relation to appeals from the WRC. Of the decisions made, 166 were upheld, 70 varied, 68 were overturned and 6 failed.

Inspections

The WRC carried out 3,943 inspections in 2022, involving 5,820 individual workplace inspection visits. During the course of these inspections, 5,700 specific contraventions of legislation were detected,

Notable decisions

There were a number of notable decisions in 2022, for example *Allesandra Quinn v. Embassy of Brazil* [1] which was a case taken under the Unfair Dismissal Act, 1997. This case demonstrated that employers must prove that they followed fair and proper procedures before terminating an employee's employment. There was a near absence of procedures in this case and the dismissal was therefore deemed to be unfair.

Another decision of note is *Sarah Sheehan v. Redundancy and Insolvency Payments Section* [2] which was a case taken under the Redundancy Payment Acts, 1967 - 2022 (the "Redundancy Acts"). The issue in this case was whether a period of lay-off was to be included in the calculation of how many weeks continuous employment the employee had.

The Adjudication Officer accepted that in calculating the amount of lump sum redundancy payment to which the employee is entitled, the employee's "*reckonable service*" must be determined in accordance with the Redundancy Acts.

The Adjudication Officer also accepted that an absence from work by reason of lay-off cannot constitute "*reckonable service*." However, it was held that the employer was conflating "*reckonable service*" and "*continuity of service*." "*Reckonable service*" should only be a factor in calculating the amount of any award.

Section 7 of the Redundancy Acts which sets out the right to a redundancy payment does not contain any reference to "*reckonable service*."

"*Continuous service*" is referenced in the Redundancy Acts and, as such, it was held that lay-off does not break this continuity.

The full WRC report can be viewed [here](#)

Please contact Bláthnaid Evans (blathnaid.evans@ogier.com) and/or Amy McNicholas (amy.mcnicholas@ogier.com) of our Employment & Corporate Immigration team should you require any employment law advice.

Citations

[1] ADJ-00035802, 2022

[2] ADJ-00031194, 2022

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