

SUMMARY

## **<strong>2015/38 The Workplace Relations Act 2015 (IR)</strong>**

***The Workplace Relations Act 2015 (the ‘Act’)* was signed into law on 20 May 2015 and is due to commence on 1 October 2015. The Act introduces a long-awaited root-and-branch reform for resolving workplace disputes and enforcing employment law in Ireland.**

***Employees and employers will no longer have to navigate through a maze of various tribunals, courts, appeals procedures, time limits and enforcement procedures. The current system will be simplified by providing one single point of entry for employment disputes and one sole route of appeal.***

### **A new structure for dealing with employment claims**

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### **The New Two Tier Structure**

Under the Act, there will be a simplified, two-tier structure consisting of just one forum for hearing initial complaints, the Workplace Relations Commission (‘WRC’) and one single

appeal body, a new Labour Court.

### **Workplace Relations Commission**

The WRC will be the umbrella body for dealing with all claims lodged from 1 October 2015 onwards. It will incorporate the functions of the Employment Appeals Tribunal ('EAT'), the Rights Commissioner, the Equality Tribunal and National Employment Rights Authority ('NERA'). Regardless of the nature of the claim one single Adjudication Officer will hear the claim in private in the WRC.

### **Labour Court**

The current appeals system is complex. For example, a decision of the EAT under the Unfair Dismissals Acts 1977-2014 is appealed to the Circuit Court, whereas a decision of the Equality Tribunal under the Employment Equality Acts 1998-2011 is appealed to the Labour Court. Going forward, a re-jigged and expanded Labour Court will deal with all appeals from the WRC, with those appeals being heard afresh and in public. Labour Court decisions can be appealed to the High Court, but only on a point of law.

### **Harmonised Time Limits**

The limitation periods in which to bring a claim have also been harmonised. A claimant will have six months to lodge any claim to the WRC, which can be extended by a further six months where there is 'reasonable cause' for the delay. Appeals to the Labour Court must be made within 42 days of the decision unless there are exceptional circumstances for the delay.

### **New Compliance Matters**

WRC inspectors will be empowered to penalise employers for breaches of employment law. Inspectors can issue Fixed Payment Notices (on-the-spot fines) of up to € 2,000 to employers for, by way of example, failing to furnish wage statements to employees. Separately Compliance Notices can also be issued to compel employers to rectify breaches of certain employment laws relating to, for instance, a failure to provide employees with a contract of employment and/or certain breaches of working time rights.

### **Conclusion**

The Act envisages much-needed and relatively radical reform to an out-dated system for resolving workplace disputes in Ireland. The idea behind the new structure is to make the system easier to understand and easier to access. On a practical level, employers do not need to be concerned about changing their day-to-day management of employees and running of

their business, as the law will stay the same.

### **Comments from other jurisdictions**

Belgium (Emilie Morelli):

#### **Employment disputes**

In Belgium, disputes between an employee (not a statutory agent) and his employer are treated in first instance by the Labour Tribunal. Decisions of the Labour Tribunal can be appealed to the Labour Court. Since September 2014, the Labour Tribunal and the Labour Court are also competent for disputes related to supplementary pensions. Labour Court decisions can be appealed to the Court of Cassation, but only on a point of law.

As a general rule, the employee has one year after the end of his employment contract to file his claim to the Labour Tribunal. For disputes related to supplementary pensions, the employee has five years as from the moment he has “sufficient knowledge to introduce his claim”. Appeals to the Labour Court must be filed in the month following the notification of the Labour Tribunal’s decision.

#### **Social law enforcement**

The Social Inspectorate verifies whether employers respect social law (e.g. working hours, work on Sunday or public holidays and minimum wage scales). The Social Inspectorate can impose administrative penalties. An employer that breaches social law can also be sued before the Criminal Tribunal/Court which can impose criminal measures.

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**Creator:**

**Verdict at:**

**Case number:**