

Employment and Employee Benefits Group

Workplace Relations Act 2015

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The Workplace Relations Act 2015, which becomes operational today, radically overhauls the State's workplace resolution bodies into a single body. It represents a major change in the way in which workplace disputes will be adjudicated and resolved.

Existing claims

If you have an existing claim which was filed before 1 October 2015 it will continue to be heard by the Rights Commissioner Service, Employment Appeals Tribunal or Equality Tribunal. Those bodies will work through their current caseload and it is anticipated that it may take up to 2 -3 years to complete all current cases.

New claims

All new claims should now be filed with the Workplace Relations Commission (WRC). The WRC has systems for early dispute resolution in addition to its adjudicative systems.

There has been no substantive change to the underlying legislation so there may still be scope for a number of parallel claims to arise from the same sets of facts. It is expected that there will be improvements in the way in which cases are heard, with increased emphasis on grouping claims together in the interests of efficiency.

Role of WRC

The WRC will take over the mediation, investigation and adjudicative roles previously carried out by the Labour Relations Commission, Rights Commissioner Service, Employment Appeals Tribunal and the Equality Tribunal. Parties will be entitled to refer their disputes to the WRC in the first case with a right of appeal to the Labour Court.

The conciliation function of the Labour Relations Commission and its role in relation to industrial relations disputes will also be transferred to the WRC. In addition the WRC will take over responsibility for claims brought under the Equal Status Acts.

Labour Inspectorate

The role of the Labour Inspectorate has been transferred to the WRC and the powers of inspectors have been strengthened by the introduction of a system of fixed penalty notices.

For further information in relation to the WRC and how it will impact on employment law rights please contact Maura Connolly, Partner E: m.connolly@efc.ie or any member of the Employment and Employee Benefits Group at Eugene F. Collins.