

Workplace Relations Commission Work Programme 2020



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1. Introduction

The Workplace Relations Commission (WRC) plays a vital role in Irish society and the Irish economy. Its services help to maintain industrial relations stability, mediate and adjudicate in individual disputes, raise awareness of and improve industrial and employment relations generally, promote, monitor and enforce compliance with employment standards and provides recourse for people who feel they have been discriminated against in the delivery of services.

The Commission is staffed by 190 employees who are civil servants and part of the staffing establishment of the Department of Business, Enterprise and Innovation. They are supplemented by a further 40 adjudication officers who are contracted by the Minister to assist the Adjudication Service on a case-by-case basis.

The internal structure is comprised of five distinct Divisions:

- Conciliation, Advisory and Mediation
- Adjudication
- Inspection, Enforcement, Information and Customer Services
- Corporate
- Legal Affairs

2. Work Programme Requirement

Section 22(1) of the Workplace Relations Act 2015 provides that the Board, after consultation with the Director General, shall prepare and submit to the Minister, a Work Programme of the activities that the Commission intends to carry out in the year to which the Programme relates. Such a Programme must be submitted to the Minister for Business, Enterprise, and Innovation by 1 December every calendar year.

The Programme reviews performance in the previous year while a more structured evaluation against Work Programme Key Performance Indicators is published annually in the WRC Annual Report.

3. Priorities 2020



4. Statement of Strategy 2019-2022

In late-2018, the Board submitted a new Strategy Statement to the Minister *Fair and Compliant Workplaces and Equal Treatment in Services*.

Over the course of this Strategy, underpinned by the WRC Core Values of:

- Trust, Independence, Impartiality and Innovation,

and a Vision to be:

- a world leader in delivering fair and compliant workplaces and the non-discriminatory delivery of services,

the WRC Mission over the three years is to make sure that:

- people in dispute about compliance with employment or equality law¹, or having conflicts in their workplaces will have their disputes resolved quickly and fairly.

More specifically, to deliver on these values, vision and mission, the Strategy sets out how best the WRC, over the period, will enhance service delivery:

- By promoting the improvement of, and the maintenance of good workplace relations,
- By promoting and encouraging compliance with relevant employment, equality and industrial relations law, and
- By promoting and delivering on the WRC's role in assisting parties in the resolution of disputes as well as informing them in respect of accessing the relevant WRC services.

Delivery Elements

The Strategy has six key strategic delivery elements:

- Service Excellence
- Outreach and Prevention
- Communication and Engagement

¹ Including complaints submitted to WRC in context of Equal Status legislation

- Leveraging Technologies
- Data and Measurement
- People and Structure

This Strategy and the delivery elements provide the template and broad objectives for the WRC Work Programmes over the period.

5. Review of Work Programme 2019

Significant progress has been made in achieving the concrete goals set out in the Work Programme for 2019. Over the period, the WRC:

- Relocated to a new WRC office in Ennis, Co, Clare, that will provide the full suite of services available in the WRC offices in Dublin and Sligo.
- Maintained the level of output, and high standard of service and outcomes provided by the Conciliation service.
- Met the pre-adjudication mediation target for 2019.
- Managed a spike of some 15% in specific complaints to the Adjudication service while achieving a median time frame of 8 months in terms of throughput from complaint to decision and in under 6 months in over 90% of complaints received where no postponement requests arose and where all submissions and documentation received on time.
- Developed new postponement procedures on a pilot basis in the Dublin region.
- Rolled out a new mobile inspection platform and inspection activity remained high.
- Made significant progress on the introduction of the Conciliation, Mediation and Advisory process platform.
- Achieved agreement with all parties in An Garda Síochána on the procedures to deal with individual grievances and collective disputes to be used in the context of the access of An Garda Síochána to the WRC and the Labour Court.
- Launched a new interactive and process-oriented WRC specific website that delivered clarity on organisational function, enhanced customer experience and process efficiencies, that interlinked with information campaigns carried out on newly introduced WRC social media platforms.

- Increased the volume of targeted public displays and participation at seminars and exhibitions with a focus on stakeholder-specific information, relevant new legislation, e.g. assisting employers to be ‘Inspection Ready’.
- Managed significant staff churn effectively in terms of succession planning and carried out targeted learning and development initiatives across all Divisional skills.
- Identified, trained and assigned work to 14 additional external adjudicators.

These achievements would not have been possible without the commitment and enthusiasm of the staff of the WRC. The support of the Minister and the Department has also been central in the development of the WRC since its establishment and in providing the internal flexibility required to respond to the constantly changing economic and social environment within which the WRC operates.

6. Work Programme 2020: Key Goals

The focus on the Work Programme 2020 - which lies at the mid-way point of the Statement of Strategy - is to maintain and improve the level of quality service being delivered currently while working to advance the key strategic goals set out in the Statement. Within the general framework of the Statement some key issues and objectives have been identified for 2020.

Service Excellence

Conciliation, Advisory and Mediation (CAM)

The Conciliation and Facilitation Service provided a very effective service in resolving some 85% of the collective disputes referred to the WRC during 2019 (which represented a 10% increase on 2018) in a timely and efficient timeframe. It is anticipated that conciliation demand for 2020 will exceed that experienced during 2019. However, the service will meet this demand and provide the same level of service as that provided in 2019.

The pre-adjudication Mediation Service provided some 120 face-to-face mediations during 2019; this will stand as the target for 2020. In addition, emphasis will be placed on driving forward on telephone mediation usage and an increase of 10% on the 2019 outcome is targeted.

The three arms of the Service will work with An Garda Síochána during 2020 to ensure a smooth transition for all parties in terms of access to the WRC and the Labour Court which is anticipated to take place in early 2020.

The Division will extend the promotion of best practice employment rights and industrial relations principles through 2020. In doing so the Division will target existing and potential stakeholders.

In addition, if requested, the Division will provide appropriate assistance in terms of any discussions that may arise in the context of public service pay and conditions.

Adjudication

Through improved postponement management and revised internal procedures, the Service will build on the progress made on processing and scheduling times over the course of 2019 with a view to achieving the ultimate strategic goal of processing most cases within 6 months by 2022.

In this regard, the objective during 2020 will be to reduce further the overall median time for processing complaints by an additional two weeks on 2019. A particular focus will be placed on concise and timely receipt of submissions from all relevant parties in advance of the hearing date.

It should be borne in mind, however, that this target may be directly impacted by spikes in complaints as evidenced during 2019.

The Service will also absorb the increased demand arising from the expanded WRC remit in respect of An Garda Síochána.

Inspection and Enforcement

The Inspection and Enforcement Division concluded almost 5000 site visits and inspections during 2019. While the Division will target more ‘at risk’ employers and sectors during 2020 than heretofore, this level of activity will continue through 2020.

The Division will also introduce a multi-lingual questionnaire for employees to assist inspection activity and the identification of potential breaches.

Corporate/Legal

The WRC will deliver a broader and regionally based customer service delivery in its new premises in Ennis and will open a similar facility in Cork city during 2020. In addition, the

WRC currently is facilitated by the Courts Service in terms of the holding of adjudication hearings in four regional Court Houses. This initiative will continue throughout 2020.

The Division will also explore the potential for the delivery of ‘distance’ services in particular circumstances.

The Corporate Division will also engage with stakeholders with regard to the functioning of the new website to identify areas that could be further improved in terms of user experience.

Work with the Department of Business, Enterprise and Innovation to identify legislative issues impacting on the delivery of the WRC statutory remit.

Outreach and Prevention

Over the course of 2020, the WRC will continue to work pro-actively with stakeholders, key influencers, companies and organisations nationally to support deeper understanding of good practice, prevent breaches, including those relating to exploitative labour practices, close gaps early and embed a culture of good workplace relations.

In this regard, the CAM Division will extend the promotion of best practice employment rights and industrial relations principles through 2020. In doing so the Division will target existing and potential stakeholders.

The Information Division will develop and launch an employer focused *Guide to Working Life* and will design bespoke targeted printed guides and templates for employees and employers, the aim of being to assist employers in ensuring that workers receive their full statutory entitlements and to deliver higher overall compliance rates.

Communications and Engagement

The WRC communications and engagement strategy will continue to be utilised to deliver effective key messages around remit, service, value and impartiality.

The WRC will carry out awareness raising campaigns in the following areas in 2020:

- The role of the WRC in receiving and processing equal status complaints with particular emphasis on persons from the most discriminated against minority ethnic communities, and from the LGBTI+ community.
- The role of the WRC in receiving and processing complaints from An Garda Síochána.

- Deliver webinars on matters of particular stakeholder interest.
- Deliver awareness raising campaign among SMEs in relation to the proposed employer theme pack.

Further campaigns will be considered in the context of identified inspectorate high risk sectors.

Leveraging Technology

The WRC will continue to design and rollout business applications on its CRM (Customer Relations Management) technology platform to support and underpin its operations, drive efficiency and effectiveness and inform decision-making. Applications have already been rolled out in the Complaints and Adjudication and Inspection and Enforcement areas and are being developed for the CAM Division. This process will be completed in 2020.

Throughout 2020, the WRC will continue to review business processes, procedures and systems with a view to developing a risk-based model, supported by appropriate technology, to inform case selection and the improved targeting of inspections. Building on its work with other bodies during 2019, the WRC will also explore the potential for data sharing, including system integration, with other public bodies in order to underpin and support our risk-based systems and further drive employment rights compliance.

The WRC will, following consultation and engagement with stakeholders and users, design and implement an upgrade to its existing e-Complaint Facility to enhance user experience and further leverage integration with the WRC's technology platform. At the same time, the WRC will explore the development of enhanced automated business processes.

Data and Measurement

In accordance with the Statement of Strategy 2019-2022, the WRC, wherever possible, will access appropriately and utilise real time, accurate data to help deliver the best possible service.

The inspection platform, rolled out in 2019, will produce key real time management information on the inspection and enforcement process.

As part of the development of the risk-based model and associated technology for improved targeting of inspections, the Inspection Division of the WRC, in conjunction with other organisations, will develop further and begin to utilise general data to target non-compliant employers, sectors and regions.

In addition, the WRC will utilise this data to build more focused evaluative models of the efficacy and efficiencies of its services.

People and Structure

The Statement of Strategy 2019-2022 sets a key goal for the WRC: to be a highly flexible organisation, capable of rapidly responding to changes in demand and priorities.

Throughout 2020, the WRC will continue to build on the cross-functional range of activities that the organisation has developed since inception. This is critical in ensuring that the WRC has the skills and capacity to respond promptly and agilely to demand shift across Divisions.

In particular, in light of expected staff churn in senior and specialist posts, workforce learning and development planning as well as targeted recruitment is critical to ensuring that the WRC has sufficient and skilled human resources to provide timely and high-quality services.

7. Work Programme 2020: Divisional Programmes

Conciliation, Advisory and Mediation

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
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 support and provide assistance in the maintenance of positive industrial relations	As and when required by clients throughout 2020	Maintenance of high success rate in the resolution of industrial relations disputes.
Enhance client usage of relevant mediation services of WRC	Maintain 2019 face to face mediation levels and increase telephone by 10% and provide more mediation regionally where required	Throughout 2020	2019 levels of participation in the face to face mediation process maintained and telephone increased by 10%. User survey undertaken. Cases triaged effectively and efficiently to bring about an overall reduction in numbers advancing to adjudication process in rights-based claims.
Chair and facilitate various different 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 in agreed terms of reference	Throughout 2020	Effective delivery, operation and conclusion of all issues raised in accordance with protocols and procedures with the agreement of all parties

Ensure effective two-way communication with primary clients	Maintain effective dialogue with key clients in all regions and nationally	At all times during 2020	Effective operation of communication channels maintained
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 Deliver workplace mediation as required	Throughout 2020	Effective, tailored programme delivery, high service user satisfaction, improved workplace relations
Provide workplace knowledge sharing	Develop and deliver further appropriate educational programmes with emphasis on employment rights and industrial relations principles	Throughout 2020	High Client Satisfaction – better understanding of issues and improved workplace relations
Oversee transition An Garda Síochána into WRC processes	Work with all parties on information sharing and process management Deliver workplace mediation as required Develop and deliver further appropriate educational programmes with emphasis on employment rights and industrial relations principles Work with all parties on information sharing and process management	Throughout 2020 as required	Smooth transition achieved

Adjudication Service

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
Reduce median time between hearing/receipt of submissions	While observing the independence of the Adjudicators provide administrative support and oversight to achieve the goal	Throughout 2020	Median time reduced to 8 months (subject to overall demand)

and issuing of decision			levels remaining constant)
Early receipt of concise submissions	Work with stakeholders to achieve this and explore development of templates or sample submissions to be published on website	Q1 2020 onwards	Informative submissions received in a timely manner
Deliver high quality decisions	Monitor and review quantity and availability of adjudicators to ensure delivery capacity.	Throughout 2020	High quality decisions issue
	Internal Quality Control Review Group will review decisions to identify learning points, to ensure consistency of decisions in common areas, to improve the service provided to customers of the Adjudication Service.	Throughout 2020	Internally and externally recognised and delivered WRC adjudication standard

Inspection and Enforcement Services

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
Promote and enforce compliance with employment law	Risk-based inspections, complaint-based inspections, with other State bodies where appropriate	Throughout 2020	5000 workplace visits
	Prosecute, as appropriate, offences of non-compliance with employment legislation	Throughout 2020	A 90% successful prosecution rate
	Issuing and processing of Compliance (where feasible) ² and Fixed Payment notices	Throughout 2020	Notices issued appropriately and having effect
Focused targeting of non-compliant employers, sectors, regions	Utilise data and new risk model to produce outcome	Q2 2020 onwards	More effective and measurable targeting of non-compliant employers and sectors – 25% of inspections will be focused on higher-risk sectors

² See Labour Court decision (CNN194), Boots Retail (Ireland) Ltd.

Enforce awards arising from decisions of adjudication and Labour Court proceedings	Pursue enforcement of decisions and awards arising from decisions of adjudication and Labour Court in relation to adjudication and inspection activity	Throughout 2020	Decisions and awards pursued in manner that maximises efficiency and effectiveness
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 2020	1000 licences issued
Co-operate with other enforcement agencies	Facilitate training, staff exchanges, joint inspections and sharing of appropriate data, review MoUs to ensure compliance with GDPR requirements	Throughout 2020	Successful activities underpinned by legislation and appropriate MoUs, e.g. MoU with Revenue Commissioners completed and one MoU with a foreign agency nearing completion
Leveraging technology to drive compliance	The new inspection platform will provide data to enhance targeting of inspections	Q1 2020 onwards	Enhanced efficiencies arising from capture and usage of data
Carry out targeted campaigns in the identified sectors	Campaigns carried out effectively and efficiently	Q4 2019	Positively impact compliance and create/enhance awareness of relevant rights and duties
Initiate SME client representative information and education	Work with Communications and Information Unit to ensure programme is effective and efficient	Throughout 2020	Improved knowledge base in these employments by end-2019 – better compliance

programme to improve compliance generally			through targeted campaigns 2020
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Information and Customer Services

Work Programme Objectives	Action/Tasks	Delivery Time frame	Key Performance Indicators
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 2020	90% of queries dealt with at initial query
	Co-ordinate the targeted participation of the WRC at employment law seminars, presentations, exhibitions, roadshows, webinars, etc.	Throughout 2020	Key events identified, targeted message deliver effectively and efficiently
	Use new WRC social media platforms to raise awareness of employment legislation, relevant decisions, WRC activities/remit and promote WRC redress mechanisms to the public.	Throughout 2020	Increased awareness of the WRC and its remit/services using social media accounts. Key events, days, campaigns. research and data identified and effectively publicised on social media. 10% y.o.y increase in following on WRC social media platforms Evidentiary links between posts and referrals/contacts
Efficient processing of complaints and applications to the WRC	All complaints processed in a timely and efficient manner and referred to the appropriate redress forum	Throughout 2020	All current complaints processed efficiently and effectively (this process dealt with some 15,000 specific

Deliver Outreach and Communications Strategy	Identify WRC activities and external events that can be used to enhance efficiency and effectiveness of WRC generally	Q2 2020	complaints in 2018) – 90% of files created within 10 working days and respondent put on notice Increased awareness and understanding of the WRC, its identity, role and functions, across industrial relations, employment rights, equality and equal status matters, WRC suite of services marketed, bespoke seminars, roadshows, and presentations delivered to stakeholders and target audience
	Complete Equal Status campaigns in relation needs of minority ethnic and the LGBT+ communities	End-2020	Increased awareness of WRC role in this area and rise in relevant referrals to WRC
	Prepare bespoke targeted printed guides and templates for employees and employers	Q3 2020	Guides and templates launched and being used and accessed

Legal Affairs

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
WRC legal service operating effectively and efficiently	Structures, procedures, and business processes operating efficiently	Throughout 2020	Legal service established and fully functional.
Provide appropriate legal training to staff and adjudicators – legally sound approach to all	Identify training structures, training needs and deliver. Provide training of legal services staff as needs arise and ensure CPD achieved	Throughout 2020	Training being implemented and Adjudicators up to date on jurisprudence

activities of WRC			
Manage legal services used within the WRC	Provide for legal services where appropriate (including panels for legal advice where appropriate)	Throughout 2020	Systems functioning effectively
Manage and provide for timely, effective and robust legal advice on all aspects of legal matters before the WRC	Consider correspondence, provide advice, brief Counsel where necessary, manage case progress and outcome, liaise with CSSO, AGO and DBEI on legal issues as appropriate.	Throughout 2020	WRC manages legal matters effectively and efficiently. WRC has effective role in relevant legislative developments
Maintain a specialised database and library facility for Adjudicators and WRC staff generally	Ensure appropriate access to relevant external databases such as Westlaw, Bailii, etc. virtual and physical library kept up to date	Throughout 2020	Databases and library in place and fully utilised
Set and manage legal costs within budget parameters	Monitor spend on legal costs/identify efficiencies	Throughout 2020	Legal Costs managed effectively, efficiently and within budget
Inform stakeholders of trends in complaints and decisions	Publish analyses of employment rights complaints and WRC decisions with particular regard to equality and equal status cases	Quarterly	Commentaries published
Work with DBEI to identify legal issues impacting on delivery of statutory remit	Identify key legislative priorities and assist progression where possible and liaise with DBEI in context of High Court constitutional challenge	Throughout 2020	Issues identified with Department and progressed as appropriate

Corporate Division

Work Programme Objectives	Action/Tasks	Delivery Timeframe	Key Performance Indicators
Maintain robust corporate governance framework in WRC	Oversee and monitor internal standards/policies/procedures	Throughout 2020	Corporate governance in WRC in line with best practice
Ensure WRC carries out statutory functions within budget	Oversee efficient and effective expenditure, monitor service demand and activity levels and liaise regularly with DBEI in this regard	Throughout 2020	Work programme achieved consistent with proper utilisation of budget allocation
WRC has functional flexibility	Ensure that the WRC can respond quickly to shifting demand and resource patterns across the full range of its activities.	Throughout 2020	WRC able to respond quickly to Divisional demand spikes and shifting resource patterns
Manage the WRC risk-based strategic, business planning performance culture at all levels of the organisation	Assist in implementation of, Board strategy and Work Programme and roll out via Corporate, Divisional, Unit and personal business plans, measure and take remedial action against risks and report on progress to MC and Board on a regular basis	Throughout 2020	WRC operating within coherent strategic and business plan framework
Enhance and inform the policy debate on workplace relations developments	Identify areas of policy concern and input to policy formulation	Throughout 2020	Input provided and understood
South WRC region providing full service in WRC premises	Work with OPW to ensure the southern WRC region can facilitate the delivery of all WRC services by Q3	Throughout 2020	Office fully operational
Monitor ICT systems to ensure	Review quarterly and update where needed	Throughout 2020	Easy to use ICT systems working

they facilitate the delivery of efficient and effective WRC services			efficiently and effectively
Design and roll out new eComplaints facility	Easy to navigate web-based form that improves overall user experience and delivers internal operational efficiencies	Q4 2020	Designed and operational
Complete build of Conciliation, Facilitation, Mediation, and Advisory IT platform.	Work with DBEI and internal partners to complete second phase of user-friendly case management system that enhances efficiencies and service delivery	Q4 2020	Full system operational
Leveraging Technology to improve efficiencies and use of resources	WRC will work with DBEI to explore the potential uses of enhanced automated processes	Throughout 2020	Potential uses identified and medium-term strategy developed
	Work with Inspection Risk Modelling Project to assist build of risk IT evaluation system as required	Q3 2020 onwards	Risk Model operational
	Work with stakeholders to evaluate effectiveness of new website and amend as decided	Q3 2020 - Q4 2020	Website upgraded if required