

**Opening statement by Mr. Liam Kelly, Director General,
Workplace Relations Commission (WRC), to the Joint Oireachtas
Committee on Enterprise, Trade and Employment.**

20 October 2021

I would like to thank the Cathaoirleach and committee members for the invitation to appear before the Committee and to have the opportunity to outline the important work of the Workplace Relations Commission, its resourcing, and, in particular, its statutory functions and work in relation to vulnerable workers.

Today I am accompanied by officials of the WRC, Mr John Kelly, Director of Information, Inspection and Enforcement Division and Mr Brendan Hogan, Inspector Regional Manager.

As the Committee will be aware, the Commission plays a very important role in Irish society in terms of fair and proper treatment of people in workplaces and in the non-discriminatory delivery of services.

In carrying out this role, staff of the Commission interact with people and businesses in many ways. They deal daily with employees, employers, trades unions, employer bodies and other representative bodies in the private and public sectors and with persons who feel they have been discriminated against by service providers because of who they are.

From a service point of view, our functions focus on maintaining industrial relations stability through assisting collective bargaining, mediating and adjudicating in individual disputes - whether work or service-delivery related - identifying and raising awareness of good practice and improving industrial and employment relations generally, and promoting, monitoring and enforcing compliance with employment standards as defined in our legislation.

The Commission has offices in Dublin, Cork, Ennis, Sligo and Carlow, and, following significant investment over the past number of years, the full range of Commission services are available in each location.

The Commission has a staffing complement of 206 full-time equivalent civil servants who are staff of the Department of Enterprise, Trade and Employment and these resources are supplemented by a further 42 external Adjudication Officers who are contracted to assist the Adjudication Service dispose of adjudication complaints on a case-by-case basis.

There have been a 25% increase in our staffing resources since the establishment of the of the Commission in October 2015 and this increase has been required to service increasing levels of demand and service expansion. The extra resources to date have been assigned in the main to Adjudication at administrative level and Adjudication Officer level; and in areas such as ICT/Corporate, the Legal Division, and Mediation and Inspection Services. In terms of Inspection, provision for the assignment of an additional 10 Inspectors was made in the context of the Budget allocation for the Commission in 2022. It is likely that these will be assigned and operational in the near future. The overall resource requirement of Inspectors will be reviewed further with the Department in 2022.

In terms of its activities this year, the WRC, has continued to provide most of its services remotely, with the exception on on-site inspections which have combined important work on monitoring the application of the Return to Work Safely Protocol with the Commission's statutory functions in relation to employment rights.

Separately, in line with Government guidelines Commission staff have returned to their offices on a staggered and phased basis since 20 September 2021 and some face-to-face hearings and conciliations have taken place in that time – again in line with Government health guidelines.

If I may, I would like to outline to the Committee the work of the Commission and more specifically how it delivered its services during the challenges posed by the pandemic.

The Commission's Information and Customer Service Unit provides information to employees, employers and citizens generally by way of

- An Infoline which deals with over 50,000 calls annually
- A WRC website
- Information leaflets

- Presentations to stakeholders and
- Targeted social media campaigns

In any given year, the Commission's Conciliation service works with parties to collective disputes to assist their resolution and some 85% of such disputes are resolved at conciliation. The Service has remained active at those demand levels throughout the pandemic and has provided this service primarily remotely and equally successfully – albeit in circumstances that make it more challenging for the parties to engage as closely as they might do in-person. The issues in dispute have largely reflected the current economic and company level circumstances. Some one million employees are encompassed by these negotiations annually.

In like manner, the Commission offers mediation in individual disputes, both by telephone and in-person and, more recently, virtually. These assist parties resolve matters themselves without the need to have the matter dealt with at what can sometimes, be a challenging adjudication hearing.

The Commission works with trades unions, employer bodies and all stakeholders in publishing Codes of Practice and works with employees and employers to inculcate good practice around fairness and proper conduct of industrial relations and observance of employment rights at company level.

Specific complaint referrals to the Adjudication Service increased by 50% between 2016 and 2019 and required the additional resources to manage this demand as mentioned earlier. While this demand tapered slightly in 2020, the volume received in 2020, still represented the highest total received in any year since establishment.

After the pandemic hit, the WRC quickly introduced a service delivery model that comprised virtual hearings and in-person hearings. While the initial impact of Covid-19 on scheduling hearings has been significant, by early 2021 the weekly number of hearings scheduled had returned to pre-pandemic levels and now, the number of hearings taking place is some 30%-40% higher than that witnessed pre-Covid. This scheduling level is challenging for the WRC

and the parties, but it will enable to the WRC to return to pre-pandemic equilibrium in the near future.

Since the WRC was established, the Inspectorate has fully completed a total of 33,000 inspections, recovered some €12 million in monies owed to employees and pursued compliance to prosecution stage in almost 600 cases. In addition, to carrying out its employment legislation inspection and enforcement role, the WRC Inspectorate continues to carry out checks to ensure compliance with the Government's Return to Work Safely protocol.

In its invitation, the Committee indicated that it would be considering how the Commission addresses issues relating to migrant workers and, with your permission, I would like to outline the statutory functions and the work of the Commission in this critically important area.

A key component of the WRC's mandate is to ensure that employees are aware of their rights under Irish employment law and for migrant workers information and knowledge is key. The WRC website is translatable into 108 different languages and publications specific to migrant workers have been translated into up to 10 key languages.

Social media plays an important role and the WRC have run many campaigns on social media to assist migrant workers: this summer the WRC participated in a Europe wide campaign on Twitter targeting seasonal workers, and prospective employers, in the horticultural sector in Ireland. This was interlinked with a large number of inspections carried out in this sector throughout the campaign. A similar campaign on social media targeting the hospitality sector was carried out over September/October as the sector re-opened.

In matters relating to Migrant Workers the Commission also works closely with other Government Departments and international bodies such as the ILO, the European Labour Authority, EUROPOL, UK Gangmasters , as well as with important actors including the International Transport Workers Federation, Citizens Information Board, the Migrant Rights Centre of Ireland, Embassies, and others. In addition, as part of their work, all inspectors are trained in identifying indicators of human trafficking.

Since its establishment the WRC has carried out inspections in over 60 meat plants. Just under half were non-compliant with the main areas of non-compliance involved employment records, employment of persons without permission and breaches of the National Minimum Wage Act.

As part of the seasonal workers campaign mentioned earlier, some 28 inspections have been carried out and contraventions have been identified in the areas of national minimum wage, record keeping, public holiday entitlements, and terms of employment identified.

The WRC also participates in European campaigns co-ordinated by EUROPOL under the EMPACT programme. Sectors which Ireland has identified as of concern include nail bars and pop-up car washes. As part of this programme in May 2019 Inspectors carried out 169 inspections focussed mainly on labour exploitation in the Car Wash and Nail Bar sectors. This operation also involved the Garda, officers of the Department of Employment Affairs and Social Protection, and Revenue.

In relation to fishers, since the introduction of the Atypical Worker Permission Scheme in 2016, which allows the employment of non-EEA workers on whitefish vessels over 15 metres in length, the WRC has carried out 490 inspections of the 170 vessels in the Scheme. To date, some 20 prosecutions have been brought against fishing vessel owners in relation to offences under employment legislation. However, unlike typical inspections, in this sector WRC inspectors do not have responsibility for enforcing compliance with rest period and maximum working hours requirements in the fishing sector, this role is carried out by the Marine Surveyors of the Department of Transport.

I thank the Cathaoirleach and the members of the Committee for your kind attention and am very happy to assist the Committee in its deliberations in any way I can.