



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Guidance Note for a WRC Adjudication Hearing – July 2021

1. The following is a general guide for the structure and procedure of a WRC Adjudication Hearing. This guide takes account of the changes implemented pursuant to the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 and the Workplace Relations (Miscellaneous Provisions) Act 2021.
2. Pursuant to section 31 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 and SI 359/2020, all WRC cases are considered amenable to remote hearing, unless a party can demonstrate that holding a remote hearing would not be in the interests of justice or would breach fair procedures. The WRC can make any ancillary or consequential directions which it considers appropriate for the remote hearing.
3. It is a matter for the Adjudication Officer to run the hearing/investigation as appropriate for the circumstances of the case and in accordance with fair procedures.
4. At the start of the hearing the Adjudication Officer will welcome the parties and introduce themselves as the person appointed by the Director General to investigate the claims being heard that day. They will advise everyone present as to how they will conduct the hearing.
5. The Adjudication Officer will clarify the claim(s) before them and verify appropriate data, depending on the type of claim.
6. The hearing is conducted in public unless the Adjudication Officer decides, of their own motion, or following an application from a party to the proceedings, that due to the existence of special circumstances, the proceedings should be conducted in private. No recording of the hearing is permitted. Refusal to adhere to this rule may result in the hearing being terminated.
7. Investigations into disputes referred under the Industrial Relations Act 1969 are less formal and as they do not involve the administration of justice these hearings remain in private with anonymised decisions, and will be conducted by the Adjudication Officer as appropriate to the claim before them.
8. All other hearings will be conducted in accordance with the following guidelines:
 - 8.1. The Adjudication Officer may take evidence on oath or affirmation as per the WRC Guidelines for Witnesses issued in July 2021. The Adjudication Officer will explain to the witness (and interpreter, where appropriate) that by swearing an oath or making an affirmation, the witness (and interpreter, where appropriate) is promising to tell the truth, and that giving false evidence after doing so is a criminal offence punishable by way of imprisonment and / or fine.
 - 8.2. The Adjudication Officer will ask if any preliminary issues need to be addressed. In the vast majority of cases the Adjudication Officer will take evidence in relation to preliminary points raised from both parties and then proceed to hear the substantive claim(s).

- 8.3. Both parties will, in turn, be asked to give a concise outline of their position in relation to the complaints made (the type of case will determine which side starts first).
- 8.4. Then the Adjudication Officer will take direct evidence from both parties and all other relevant witnesses, if required. If a party is unrepresented the Adjudication Officer may lead the questions, otherwise this will be done through their representative.
- 8.5. The other party, or their representative, will be given the opportunity to question the parties and other witnesses regarding the evidence they have given.
- 8.6. When all evidence has been taken, both parties are given the opportunity to present a summing up of the case, firstly by the party, or their representative, on whom the burden of proof rests, including submission of legal points and introduction of relevant case law. Then by the other party, or their representative, including submission of legal points and introduction of relevant case law.
- 8.7. In **exceptional circumstances** only the Adjudication Officer may accede to a request for or decide that further information needs to be submitted after the hearing and the timelines for such submissions will be agreed at the hearing. These timelines must be strictly adhered to. Failure to do so may result in decisions being issued in any event.
9. A written decision stating party names will be issued to the parties and uploaded to the WRC website. An anonymised version of the decision may be uploaded where the Adjudication Officer decides, of their own motion, or following an application from a party to the proceedings, that due to the existence of special circumstances, the decision should be anonymised in full or part.
10. All parties and their representatives need to be respectful, of both others at the hearing and of the role of the Adjudication Officer.

Date: 28 July 2021