

26 November 2019

IR Circ: 2019/10

**TO: ALL MEMBERS**  
**RE: WRC Inspection Guidelines**

Dear Member

Please note that Workplace Relations Commission (WRC) Inspections are occurring on a daily basis and breaches of employment legislation can be extremely costly for employers. In 2018, 45% of all employers inspected by the WRC were found to be in breach of employment legislation. The WRC has reported that approximately 6,000 workplace inspections were carried out in 2018 and 98 cases led to prosecution. The WRC have recently launched a social media campaign on compliance with SEOs in the construction industry, in which they advise employees of their rights and employers of their obligations.

Inspections may take place in tandem with Gardaí and other regulatory bodies such as the Revenue Commissioners or the Department of Justice who deal with immigration matters. The aim of WRC inspections is to monitor employment terms and conditions, to ensure compliance with employment legislation, including Sectoral Employment Orders (SEOs), and where necessary, enforce employment rights legislation. Below is an outline of what to expect from a WRC Inspection:

### Timing of Inspections

In general, an employer will get advance notice of an inspection. An appointment letter, giving a proposed date and time for the inspection, will be sent to the employer. Should an employer have a legitimate reason as to why an inspection cannot take place on the proposed date, the employer should contact the relevant WRC inspector to arrange an alternative date. In some instances, an inspector will arrive without warning at a premise to carry out an inspection.

### Location of Inspections

Employers are obliged to keep employment records at the place of employment and inspectors will generally assume that this will be the location of the inspection. If an employer wishes to have the inspection carried out elsewhere, they should contact the Inspector, who will consider any reasonable requests to carry out the inspection at an alternative location.



### Preparing for the Inspection

Once an appointment letter has been received, an employer should review the WRC Inspection Checklist enclosed below. Employers are required by law to maintain employee records for a period of time as per the legislation they are governed under. Lack of compliance with statutory record keeping is a very common contravention detected by the WRC. A full breakdown of such timeframes can be found in the attached 'Record keeping' document.

In terms of the actual process; an inspector will carry out an initial interview before reviewing the relevant documentation. An inspector may then choose to interview a selection of employees should they so wish. Once an inspector has completed his or her inspection, they will prepare a written report. In the cases of minor non-compliance, the relevant inspector may choose to issue a letter to the employer highlighting the areas which need to be addressed. In such cases, where the employer demonstrates to the Inspector's satisfaction that the matter has been rectified, the file is closed.

WRC inspectors do have a wide range of enforcement powers at their disposal if needed. The inspectors may impose legal sanctions such as a compliance notice or a fixed payment notice and/or prosecution if an employer is found to be in breach of certain aspects of employment legislation. Breaches found for non-compliance with employment legislation can lead to substantial fines, as well as criminal sanctions up to imprisonment.

Given the ever-changing nature of the Irish employment law landscape, it is crucial for employers to keep apprised of developments. If you receive notice of an upcoming Inspection and would like to discuss the above in greater detail, please contact a member of the Industrial Relations and Employment Services Department for advice on 01 406 6000.

The above information is also available on the CIF website at <https://cif.ie/member-area/irhr/>. In addition, if you require information on any employment conditions, the IR Department has recently launched an A-Z Employment Guide for Employers, and CIF members can access this useful tool at <https://cif.ie/a-z-employment-guide/>.

Yours faithfully,



Anthony Brady  
**Executive**  
**Industrial Relations and Employment Services**



## Workplace Relations Commission Inspections Checklist

Do I Have?	Yes/No
My employer's registration number with the Revenue Commissioners	
A list of all my employees: including full names, address and PPSNs	
Dates of commencement and, if relevant, dates of termination of employment	
Written terms of employment for each of my employees	
Employees' job classification	
A record of annual leave and Public Holidays taken by each employee	
Hours of work for each employee (including start and finish times)	
Payroll details including: gross to net, rate per hour, overtime, deductions, commission, bonuses and service charges, etc.	
Evidence that I provide employees with payslips	
A register of any employees under 18 years of age	
Details of any board and lodgings provided	
Employment permits or evidence that permit is not required as appropriate for non EEA nationals	
The completed template sent with the appointment letter or the same information available in a similar format.	



## RECORD KEEPING

See below a guidance table outlining the timeframes associated with different pieces of legislation:

<i>Record</i>	<i>Legislation/Guidance</i>	<i>Retention Period</i>
Wages	Section 22, National Minimum Wage Act 2000	3 Years
Employment of Minors	Section 15, Protection of Young Persons (Employment) Act 1996	3 Years
Hours Worked	Section 25, Organisation of Working Time Act 1997	3 Years
Collective Redundancies	Section 18, Organisation of Working Time Act 1997	3 Years
Force Majeure/ Paternity/ Carers Leave	Section 27, Parental Leave Acts 1996-2019, section 17, Parental Leave and Benefit Act 2016 and section 31, Carer's Leave Act 2001	8 Years
Parental Leave	Section 27, Parental Leave Acts 1996-2019,	12 Years
Tax Records	Companies Acts and Taxes Consolidation Act 1997	6 Years
Health and Safety	Section 60, Safety, Health and Welfare at Work (General Application) Regulations 1993	10 Years
Contracts of Employment	In line with the 6 year limitation period and the 12 month timeline for the service of breach of contract proceedings.	7 Years post termination of the contract
Personal Injuries	In line with the 2 year limitation period and 12 month timeline for the service of personal injury proceedings.	3 Years from the date of the injury (subject to health and safety incidents, which may necessitate a 10 year retention period)
Invoked and Expunged Disciplinary Records	Code of Practice on Grievance and Disciplinary Procedures	As set out in the employee handbook/disciplinary policy. Retention periods are to be appropriate and fit for purpose.

