



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

WORKPLACE RELATIONS COMMISSION POSTPONEMENT GUIDELINES

Introduction

In particular circumstances, it may become necessary for a party to request that the scheduled date to hear a complaint be postponed. Such postponements have the potential to impact on the other party and on the efficient and effective use of the resources of the Workplace Relations Commission ('WRC'). As such, the WRC considers all applications for postponement carefully with due regard to the rights of the parties to fair procedures and reasonable expedition in having a scheduled complaint heard.

These guidelines set out the parameters of such consideration. The WRC reviews the operation of postponement guidelines annually and these guidelines supersede those published in March 2020. **These guidelines apply to all new applications from 1 July 2021.**

Overview

'Postponements' are sought in advance of the hearing date. An application made on the day of the hearing is referred to as an 'adjournment' application. An adjournment application is subject to the "exceptional circumstances and substantial reasons" test and, further, an applicant must set out why a postponement request was not made in advance instead.

Where these guidelines refer to another 'party', that term shall also include multiple complainants or multiple respondents as arises from time to time, and any requirement for notice or consent applies to all other parties in a case.

Requests which meet the criteria of *Postponement Process 1* are granted as matter of course. Requests under *Postponement Process 2* below are considered in the context of a test of "exceptional circumstances and substantial reasons"

Postponement Process 1 (Early Applications Made with the Consent of Both Parties)

Applications received by the WRC **within 5 working days** from the date of the hearing notification letter, **accompanied by the written consent of the other party**, are automatically granted. For example, *Party A receives a letter dated Monday 1 February from the WRC listing their hearing for a date they have been selected for jury duty. In such cases, they must seek and obtain the consent of party B to postpone, and then must email the WRC with a copy of that consent seeking a postponement of the hearing date no later than 17.00 on Friday 5 February.*

Applications made **later** than 5 working days from the date of the hearing notification letter and/or applications made **without the consent** of the other party are considered and dealt with under *Postponement Process 2* set out below.

Applications for postponements should be made by submitting a request and supporting documentation to the dedicated email address: postponements@workplacereleations.ie Such applications should be made in the format set out in the Appendix to these guidelines.

All applications must be made on notice to the other party.

Applications submitted on this basis are limited to one application per party, per case.

Postponement Process 2 (Early Applications Without Consent or Late Applications)

When applications for a postponement are made to the WRC where no consent of the other party has been obtained, the reasons behind the application should be furnished together with any relevant supporting documentation at the time of the application. Such supporting documentation might include medical certificates, a death notice, evidence of flight bookings, proof of jury duty, etc.

Subsequent to receipt of such an application:

1. The WRC will write to the other party notifying them of the postponement application and the reasons furnished. Submitted supporting documentation is generally not shared with the other party.
2. The other party will be given 2 working days to furnish comments on the application by way of email to postponements@workplacereleations.ie.
3. At the conclusion of these 2 further working days, the WRC Adjudication Services will process the request taking into account all comments received.

4. Written notification of the outcome of the postponement request will be sent by WRC Adjudication Services to all parties.
5. In all applications under Postponement Process 2, the WRC will consider whether there are “exceptional circumstances and substantial reasons” evidenced.
6. In some unusual circumstances such as a compelling application or imminent hearing date, the WRC may not be in position consult all parties. For example, if the application is made close to the hearing date the WRC may make a decision on the postponement out of necessity on the basis of information supplied by the applicant, without consulting the other party.
7. Where a postponement or adjournment application has been refused, a new application will not be considered unless supported by new relevant facts not previously available to the applicant. Those new facts must be clearly set out in the new application.

All applications for postponements should be made by submitting a request and supporting documentation to the dedicated email address: **postponements@workplacerelations.ie**
Applications should be made in the format set out in the Appendix.

Appeals of Postponement Refusals

Where an appeal of a postponement decision is made less than 5 working days from the hearing date, the appeal will instead be dealt with by the Adjudication Officer on the day of the hearing.

In other circumstances where time permits, where an application for a postponement is refused, the applicant may request a postponement appeal. The appeal is a paper-based appeal decided by an Adjudication Officer.

The application for an appeal must be made within 2 working days of the date of the relevant decision refusing the postponement request.

Such appeals should be directed to postponements@workplacereactions.ie with "Postponement Appeal Request" in the subject line and other parties should be copied on that email.

Subsequent to receipt of such an application:

1. The Adjudication Officer assigned the appeal may write to both parties and allow 2 working days for the other party to email any submissions on the appeal to the WRC.
2. When appeals to postponement decisions are being considered, the WRC will consider whether there are "exceptional circumstances and substantial reasons" evidenced.
3. A decision will issue to the parties as soon as possible thereafter.

A party remains free to make a fresh adjournment application to the Adjudication Officer at the hearing itself but subject to the "exceptional circumstances and substantial reasons test."

The WRC Privacy Statement is set out at: [Data Protection - Workplace Relations Commission](#)

APPENDIX: WRC Postponement Application Form

Emails must be sent to the dedicated email address: postponements@workplacerelations.ie

Applicant Name:	
Are you the Complainant or Respondent?	
Adjudication File reference number:	ADJ-000
Hearing Date:	
Has this matter been previously listed/part-heard?	
Is this the first application for a postponement by this party? If not, provide details of previous application and set out new facts and the reasons those facts were not available on the last occasion.	
Is this being sought under Process 1 (i.e within 5 days of date of hearing notification letter with consent of other party).	
Date consent of other party sought?	
Has the other party consented to the application?	
Reasons for the application: (Please provide detail)	
List documents relied on: (Attach to your email/correspondence)	1. _____ - _____ 2. _____ - _____ 3. _____ - _____

Note: All documentation relied on including consent of the other parties, medical certificates, evidence of travel etc. must be attached.