



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

JUST AND EQUITABLE IN ALL THE CIRCUMSTANCES?

REMEDIES AT THE WORKPLACE RELATIONS COMMISSION AND LABOUR COURT

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Law Library

Workplace Relations Act 2015

Section 41(5):

An adjudication officer to whom a complaint or dispute is referred under this section shall—

- inquire into the complaint or dispute,
- give the parties to the complaint or dispute an opportunity to—
 - be heard by the adjudication officer, and
 - present to the adjudication officer any evidence relevant to the complaint or dispute,
- make a decision in relation to the complaint or dispute in accordance with the relevant redress provision, and
- give the parties to the complaint or dispute a copy of that decision in writing.

Part 1 formula

A decision of an adjudication officer under s.41 of the Workplace Relations Act 2015 in relation to a complaint of a contravention of section [XX] shall do one or more of the following, namely—

- (a) **declare** that the complaint was or, as the case may be, was not well founded,
- (b) require the employer to take a **specified course of action**,
- (c) require the employer to pay to the employee **compensation** of such amount (if any) as the adjudication officer considers **just and equitable having regard to all the circumstances**, but **not exceeding [YY] weeks' remuneration**...

Part 3 formula

A decision of an adjudication officer under s.41 of the Workplace Relations Act 2015 in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee [...] may include such directions to the parties to the dispute as the adjudication officer considers necessary or expedient for the resolution of the dispute, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the adjudication officer may order—

- (a) the grant of leave to the employee for such period as may be so specified,
- (b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding [YY] weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed, as the adjudication officer considers just and equitable having regard to all of the circumstances, or
- (c) both such grant and such award.



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Thank You

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