

COUNTRY BACKGROUND: IRELAND

> National Context

> Legal and Industrial Relations Context

The industrial relations system in Ireland has undergone significant changes in the past 22 years, with a particularly notable period of transformation since 2009. There has been a gradual decline in voluntary and collective approaches, accompanied by an increased reliance on legal frameworks governing the employment relationship, especially concerning individual rights in certain areas. One of the most significant developments in Irish industrial relations over the past two decades was the establishment, evolution, and subsequent breakdown in early 2010 of national-level collective bargaining and social dialogue known as "social partnership." The first of seven tripartite central agreements or social pacts was negotiated in 1987, covering not just wages but also various social and economic issues. Following the conclusion of formal social partnership, collective bargaining has primarily occurred at the company level in the private sector. However, direct social dialogue involving the government, the main national-level employers' organization (Ibec), and union bodies (ICTU) proved valuable in addressing the challenges posed by the Covid-19 pandemic in 2020. The social partners played a more direct role in developing a "return to work protocol" ahead of a temporary reopening of the economy during the summer of 2020, with the Health & Safety Authority conducting inspections to ensure compliance.

> Legal Acts

Minimum wage	yes
Contr. requirements	yes
Working time	yes

Leave provisions	yes
Health & welfare	yes
Pensions/ Old-age	yes

Maternity, paternity	yes
Sick leave	yes
Vocational training	no

> National Legislation

The industrial relations system in Ireland has traditionally embraced a principle of "voluntarism," meaning minimal government intervention in collective bargaining. In 2011, a reform of the existing employment rights institutions was initiated and subsequently implemented through legislation in 2015. This reform replaced the previous five workplace relations bodies with a new two-tier structure consisting of the Workplace Relations Commission and an expanded Labour Court. The Industrial Relations (Amendment) Act 2015, enacted in the same year, introduced a revised definition of collective bargaining, strengthened protection against worker victimization, and addressed limitations in the 2001 to 2004 Industrial Relations Acts. In 2019, the Employment (Miscellaneous Provisions) Bill 2018 came into effect, which, among other provisions, largely prohibited the use of zero-hour contracts, established minimum payments for low-paid on-call workers who are not called into work, mandated written notification of five core terms of employment within five days of starting a job, and introduced two weeks of paid parental leave. The Department of Enterprise, Trade & Employment is responsible for major legislative changes in the realm of industrial relations laws and oversees state bodies involved in dispute resolution. Additionally, the department oversees the Low Pay Commission, which is responsible for discussions and decisions related to the minimum wage.

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> Actors

> Trade Unions

- > Under Article 40.6.1(iii) of the Constitution of Ireland, the right to form a trade union is protected. However, there is no automatic right to join a trade union, as this could impose an obligation on the union to accept membership, which could be deemed unconstitutional. Certain public servants, such as the police, are currently excluded from the right to form trade unions and instead form representative associations, which come with restrictions on striking.
- > To be considered a legitimate trade union, it is not necessary for a trade union to be affiliated with the Irish Congress of Trade Unions (ICTU), which is the sole trade union confederation in the country. However, in the public sector, the employer (the Government) only engages in bargaining with unions affiliated with the ICTU. Trade unions must comply with the provisions outlined in the Trade Union Acts and Industrial Relations Acts and fulfil specific criteria to obtain a negotiating license.

- > In Ireland, the Irish Congress of Trade Unions is the only trade union confederation. It represents a total of 527,048 members through its 44 affiliated unions, as of 2018.

> Coverage

Number of members (in 1000s)	498 (2020)
Density (%)	26.2 (2020)

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> Employer Organizations

- > The primary employer organization in Ireland is Ibec, which boasts approximately 7,500 member companies and 60 sub-branches that focus on specific sectors. Within Ibec, there is a specialized division called the Small Firms Association (SFA) that specifically represents companies employing 50 people or fewer. Another notable employer organization is the Construction Industry Federation (CIF), which represents businesses within the construction industry and its associated sectors. The CIF has around 3,000 members. Both Ibec and CIF engage in collective bargaining activities.
- > While Ibec used to participate in social partnership as a tripartite body from 1987 to 2009, it has not been involved in national-level negotiations since national wage agreements ceased. However, Ibec does not represent the employer side in public sector-wide discussions. Instead, it can represent individual public sector employers, such as universities, in dispute resolution processes. In addition to its representation role, Ibec also serves as a policy advocacy organization and represents its members in day-to-day industrial relations matters within the Workplace Relations Commission (WRC) and the Labour Court. Through its Small Firms Association (SFA), Ibec also advocates for small businesses' interests.

> Coverage



> Workplace-Level Employee Representation

- > Under Irish law, Works Councils can be established under certain conditions. The Industrial Relations Act of 1990 applies when an employer has at least 150 employees in a Member State, while the European Communities (European Works Councils) Regulations of 2006 apply when there are more than 50 employees in an undertaking and 10% of employees trigger the Act.
- > Works Councils in Ireland are not involved in collective bargaining. Their main role is to facilitate information and consultation between employers and employees on matters related to the business, such as changes in work organization, employment conditions, and significant company decisions. Works Councils provide a platform for dialogue and communication between management and employees, but they do not have a direct role in negotiating collective agreements.

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> Collective Bargaining

> Nature of Collective Bargaining Laws

In the private sector in Ireland, collective agreements are not strictly legally binding or enforceable. However, there is a strong expectation and norm that parties adhere to the terms of the agreement. Disregarding collective agreement terms is strongly advised against by the Labour Court, and non-compliance may lead to industrial action or disciplinary measures.

Similarly, collective agreements in the public sector are not legally enforceable. However, workers in the public sector have generally accepted these agreements as they provide more favourable terms compared to the more severe terms that apply to workers who choose to remain outside the agreements. These less favourable terms for non-agreement workers are enforced through the financial emergency measures in the public interest (FEMPI) laws, which were in effect from 2009 to 2015. The FEMPI laws imposed significant restrictions on pay and working conditions for public sector employees who did not fall under the terms of the collective agreements.

> Levels of Collective Bargaining

National	Yes, dominant
Sectoral	Yes, important
Company	Yes, dominant

> Involved Parties

Bipartite

> Coverage



> Duration

- > In Ireland, it is common for the terms of a CBA to continue to apply even after the agreement has expired, during the period between the expiry and the start of a new agreement. This ensures that the rights and obligations established in the previous agreement are maintained until a new agreement is reached. Company-level agreements in the private sector typically cover periods ranging from one to three years. These agreements outline the terms and conditions of employment for the employees within the company during the specified period. In the public sector, national bilateral agreements are negotiated between the relevant parties and generally have a duration of approximately three years. These agreements govern the employment conditions, including wages and working hours, for public sector employees during the agreed-upon period.





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> Data Sources

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