

# Reconsider traditional support for voluntarist IR system, unions advised

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**The traditional view among trade unions that the voluntarist nature of our industrial relations system is a good thing will have to be reconsidered, “if we are to move to the types of systems employed in other European countries”.**

This was one of the key messages delivered by former Labour Court Chairman Kevin Duffy at a trade union seminar on the future of collective bargaining in Ireland this week.

Mr Duffy was commenting on a special report drawn up by Fórsa on Collective Bargaining, which he said confirms “what many of us already suspected - Ireland is out of line with rest of Europe regarding the support that is provided for collective bargaining ... as a mode by which workers can be involved in the determination of their pay and conditions”.

The context for the Fórsa report, *‘Collective Benefit – Harnessing the power of representation for economic and social progress’*, is the current review of collective bargaining and IR in Ireland under the Labour Employer Economic Forum - and a proposed EU Directive which includes possible provisions for improving the collective bargaining coverage. (See *COLLECTIVE BARGAINING in this issue*).

Mr Duffy, who praised the report, said that it presents challenges for the trade union movement and for employers, in that “it illustrates how different models can work elsewhere and perhaps chief amongst the challenges faced by both ... is to look at again at the voluntarist model”.

“In many respects it is that model that has contributed to some of the difficulties that have been experienced by trade unions over the past number of years”, Mr Duffy said.

## **BIG RULING AWAITED**

Mr Duffy said the report also highlights the value of sectoral bargaining and sectoral wage regulation. In that regard, “we all await what hopefully is an imminent ruling in the Supreme Court on the electrical contractors case”. If the decision of the High Court were to be upheld, he said it would undoubtedly have implications for the sectoral bargaining system.

But he cautioned even if the appeal is successful and the sectoral wage system were to continue, “there is another very serious problem that is been demonstrated in recent years,

and that is the extent to which the system could be rendered ineffective by non-participation because (of) .... that system being voluntary”.

This is because it is “manifestly the case” that employers in many important sectors have decided not to participate, which he added - within the current system - “is their right”.

## **WHAT VALUE?**

Elaborating, Mr Duffy observed that a problem for the trade union movement stems from the fact that there is “no obligation for anybody to negotiate with anybody else”. It may be possible to require trade unions and employers to engage with each other, but he asked how can you require someone to conclude in a collective agreement?

“At the end of the day, collective bargaining is of no value unless it results in a collective agreement,” he said.

The former Labour Court chairman suggested that we do not have adequate systems to ensure, that where parties fail to reach an agreement, that such an impasse can be resolved:

“The traditional approaches - in the past if agreement wasn’t reached with an employer the next stage was to engage in industrial action - have become increasingly difficult for economic reasons. But it is also very difficult where there are low levels of trade union organisation and density.

“So, other systems have to be found by which the worker can be protected in circumstances where, even if there is collective bargaining, there is failure to reach agreement.”

## **WHAT “WORKS”**

Meanwhile, asked if trade unions would support a constitutional referendum on the issue, the Fórsa general secretary, Kevin Callinan, said he didn’t believe they should put all their eggs in any one basket.

“So, whether it’s a European approach, a constitutional approach, a legislative approach or legal one - or a combination - we have to proceed on basis that we may have to do all of these things”. The approach they favour is the one that “delivers and works”, he added.