

High-Level Group' progress on two key IR areas – ICTU general secretary

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ICTU general secretary Patricia King has expressed confidence that there is a consensus amongst the social partner High-Level Group on collective bargaining that progress can be made on two key issues of concern to the trade union movement.

Speaking this week at the ICTU biennial delegate conference in Belfast, Ms King has said there is acceptance in the High-Level Group about certain operational issues with joint labour committees (JLCs) and in regard to the comparator provisions in the legislation governing the right of unions to represent workers in non-union firms. This suggests that changes to these statutory mechanisms could be on the cards.

The ICTU leader stated: "I believe it is reasonable to conclude that it is now acknowledged, by [the High Level] Group, that the JLC system is not currently functioning optimally and the Group are committed to exploring options to ensure this Sectoral Bargaining mechanism operates effectively."

"On the matter of enterprise bargaining, and in particular, the operation of Part 3 of the 2015 Industrial Relations (Amendment) Act the Group is open to addressing the challenges encountered by referring parties mainly relating to comparators issues", she added.

However, on another key area – trade union recognition – there is the "least" progress. This aspect "is one of the most challenging" Ms King said, adding that the Group "is still in the exploration phase and has not as yet agreed on a viable preferred option."

This may come as no surprise given the complexity of, and strong resistance by some to the issue of trade union recognition and mandatory collective bargaining in Ireland (see [COLLECTIVE BARGAINING in IRN 24/2021](#)).

DIRECTIVE 'CRITICALLY IMPORTANT'

However, in the background to this is the planned EU directive on adequate minimum wages which, as it stands, would require Ireland and other Member States with less than 70% bargaining coverage, to take steps to enhance collective bargaining.

While the directive does not impose recognition of unions or mandatory bargaining, it is accepted that, if passed, it will bring change to Ireland's long-standing 'voluntarist' IR system.

The trade union movement is pinning great hopes on the Directive; it is described by SIPTU general secretary Joe Cunningham as being “critically important”, who also noted it will have primacy over Irish law and the Constitution – the latter being something many commentators believe does not permit mandatory trade union recognition.

The Directive represents a ‘policy shift’ in Europe, according to EU Commissioner Nicolas Schmit, and which is now part of Social Europe. The European Commission has, in recent years, taken major steps to counter the negative image it – and the Court of Justice of the EU – had gained amongst the trade union movement, for measures and judgments seen as being more on the pro-enterprise side.

Also citing the significance of the Directive, CWU deputy general secretary Ian McArdle, moved a motion to ensure that the government’s action plan under the Directive “includes a commitment that all future public contracts will contain provisions to facilitate union membership and collective bargaining.”

He cited the example of the awarding of €3 billion National Broadband Plan contract – with no obligation on the contractors to respect trade unions or collective bargaining – as the kind of “missed opportunity that must not be permitted to happen in the future.”

PARADIGM SHIFT

Ms King said that over the past two years, there has been “an emerging political paradigm in which labour market fairness, improved employee rights, and access to collective bargaining have moved centre stage.”

In addition to ‘Social Europe’, there are other strategies being pursued internationally, Ms King explained, such as in the USA, with President Biden’s “Right to Organise Act” (approved by Congress), and in New Zealand, where the NZ Government has introduced legislative proposals for a ‘Fair Pay System’.

Ms King said that in the context of international developments, Congress set up an executive council subgroup, advised by former Labour Court chairman Kevin Duffy BL, and, following direct discussions with Ibec, proposed to Government that a High-Level Group should be established to provide a strategic review of the collective bargaining and industrial relations landscape in Ireland.

The High-Level Group was set up by the Government, earlier this year, under the auspices of the Labour Employer Economic Forum. The Group features representatives from ICTU, Ibec, the departments of An Taoiseach and Enterprise, as well as UCD academic Prof Bill Roche. It is chaired by Prof Michael Doherty of NUI Maynooth.

The terms of reference of this Group include: the examination of the issue of trade union recognition and the implications of same on the collective bargaining processes; consideration of the legal and constitutional impediments that may exist in the reform of

the current systems; and reviewing the current statutory wage setting mechanisms and, where appropriate, make recommendation for reform.

The Group is due to submit its report to An Tánaiste Leo Varadkar by the end of 2021.