

# ICTU leader takes aim at 'litigation strategy' against wage-setting laws

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**Congress general secretary Patricia King has strongly criticised lawyers who take cases for representative bodies contesting statutory wage-setting mechanisms at the courts.**

Ms King, speaking at the ICTU conference this week, said some sector players who are "vehemently opposed" to alter the status quo on sectoral wages are "ably abetted in their efforts by a distinctive 'litigation strategy' on employment law, pursued for a number of decades now, by a coterie of our very expensive friends in the Law Library."

Citing the examples of the 2011 challenge to the JLC system, the 2013 challenge to the REA system, and the 2018 challenge to the SEO system, all these cases were "costly challenges against the State by relatively lightly resourced parties, which raises its own questions."

These challenges were "pursued to ensure that the legislature will never enable workers to get a fair deal as against satisfying their own avarice", said the ICTU leader.

Ms King said that trade unions are always alert to the 'feral capitalism' which pervades several of our economic sectors: "We know that there will be considerable resistance to any shift from the status quo and we know why. Decent and fair wages collectively bargained, are the most effective instruments of wealth distribution."

Some of the players in these sectors "despise the notion that trade unions could enable workers to achieve such fairness. They vehemently oppose any attempt to alter the status quo, and effectively they disenfranchise workers who may wish to become organised", she said.

## **EU DIRECTIVE**

The multiple legal challenges to sectoral wage-setting mechanisms in Ireland may now be seen in the context of the forthcoming EU directive on adequate minimum wages and collective bargaining.

In other Member States, extension mechanisms and sectoral bargaining are more common. It is argued that through sectoral bargaining concerns of low pay can be addressed – this is largely why the European Commission have joined the issue of enhanced collective bargaining provisions to adequate minimum wages in its new directive.

In Ireland, joint labour committees (JLCs) are typically associated with lower-paid sectors, but despite legislation reforming the operation of JLCs being in effect since 2012, there are just a couple of JLCs that have put in place employment regulation orders – out of a possible nine.

Ms King noted, this week, that the High-Level Group on collective bargaining and industrial relations acknowledge that the JLC system in Ireland “is not currently functioning optimally and the Group are committed to exploring options to ensure this sectoral bargaining mechanism operates effectively.”