

High Level Group proposals will 'change the face of IR' – King

ANDY PRENDERGAST

The lead trade union figure in the country, Patricia King has said that if the recommendations of the High Level Group on collective bargaining are implemented it will change the face of industrial relations in Ireland, while employer body Ibec links 'good faith' engagement with the 'social' dimension of ESG corporate responsibility.

Speaking alongside other members of the High Level Group, **Maeve McElwee** and **Professor Michael Doherty**, at the *2022 IRN Conference* last week, Ms King said the 'good faith' engagement proposal will give workers seeking to be represented by trade unions a greater chance for achieving gains.

The 'good faith' engagement recommendation of the High Level Group maps out a process for representative trade unions to invoke a process which will compel non-union employers to engage initially on substantial industrial relations issues – with recourse to the Labour Court and Circuit Court if necessary, to enforce such engagement.

Heretofore, unless trade unions have the numbers to engage in industrial action, there is not much else a trade union can do to bring employers to the table. This reality has resulted in disappointment for low and middle-income workers, Ms King said.

She illustrated that, after a period of time, trade unions would have to go back to union members and say: "we'll have to give you back your union dues, because unless we can carry a strike, you're not going to have any engagement".

"That's a huge loss of dignity for those people. That's treating the trade union movement as some kind of underground, illegal outfit. And that is pure wrong – whether you agree with trade unions or don't agree with trade unions."

"In 2022, we are the only country in Europe who has that approach to worker representatives. That 'good faith' gives them a chance."

THE SOCIAL IN 'ESG'

Ibec's director of employer relations, Maeve McElwee, explained how the employer body's involvement in the proposal and co-ownership of the recommendation is tied to the social component of 'ESG' corporate responsibility (Environmental, Social and Governance).

Ms McElwee said now is a time for leadership, as the world is not standing still, with many international developments. She said Ireland's industrial relations system "is old" and "a lot of our legislation is older."

"Some of the newer [legislation] hasn't been working very effectively and it was time for us to take that step forward and start to look at what is it that we want to see in our environment."

Noting the backdrop of the EU Directive on adequate minimum wages, Ms McElwee said that in recognising the obligation "to try and promote collective bargaining", the outcomes of the Group's report "are very positive" and offer "lots of opportunities in terms of how we look at our industrial relations system going forward."

"I think taken in good faith, along with the good faith engagement, I think they do offer us ways to get over some of the obstacles and hurdles that we have had previously, in what can be sometimes a very adversarial collective bargaining environment."

UNION RECOGNITION - 'IRRELEVANT'

Ms King said that she is not interested in any commentary on the proposal, as to whether it is union recognition or not, saying such was "irrelevant."

"We know what it is. It is the fact that the employer now, who decides not to treat the worker with the dignity that they deserve, i.e. to talk to their representatives, will now have a price at the end of it. It's up to them whether they want to pay it or not."

Ms McElwee added that "ignoring the voice of somebody who is saying – repeatedly and collectively – 'I would like to be represented by my trade union', this has been a really bitter source of division in lots of organisations."

The 'good faith' proposal now "actually offers an opportunity to employers to address it. It doesn't mean that you actually have to change your mind. It's an opportunity for a union to persuade an employer that we can do business here, there's an opportunity."

Professor Michael Doherty, who chaired the High Level Group, said the recommendation is about trying to encourage relationships "and usually – not always, but usually – when two people who have preconceptions about each other actually sit in a room – not on a screen, but in a room – they realise that actually, he doesn't have horns or she doesn't have a devil's tail or whatever – that's the hope."

Questioned by IRN Conference chair, Ingrid Miley, that if at the end of the 'good faith' engagement process, can the employer still say: 'I don't want to recognise you?', Professor Doherty said: "Yes, absolutely."

CAN'T FORCE AGREEMENT

Ms King added that “you can’t force that employer to make an agreement with you – no more than I would like anybody to be able to force me to make an agreement with them. But you’re saying to go in and engage in this way. All of the assistance and guidance is being given to make that a meaningful engagement. And that’s very important.”

The ICTU leader also pointed to the fourth element of the Group’s recommendations, involving training for people to engage efficiently in enterprise level bargaining: “We’re going to have to do a fairly strong job of training people as to how to engage when they get into that room, because you have to get past the ‘sticking out your chest’ bit and you have to go in and act like an adult.”

She said you have to have an engagement so that the employer “can respond positively and give them every reason to respond positively. There’s a knack in doing that and you have to be trained. We are both agreed that that is a really necessary part.”

DIRECTION IS CLEAR

Also speaking at the IRN Conference, An Tánaiste Leo Varadkar said Ibec and ICTU “have shown courage and forward thinking by participating in the process in the first place and it seems now that we have an agreed way forward.”

“That way forward is by no means predetermined but I think the direction of travel is now very clear. So, we’re going to have to work through the various legislative hurdles that inhibit this area and with that in mind I’ve asked my department to consult with stakeholders and develop proposals for implementation which would be subject to a further government decision early in the new year.”

He said he thinks it “should be possible to do most of the legislation by the end of next year.”