

New IR laws on 'High Level Group' recommendations likely to be 2024

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In a new briefing note for the Enterprise and Employment Minister, the Department suggests it will be 2024 at the earliest for legislative developments on the 2022 High Level Group proposals for IR reform – including 'good faith engagement' at non-union employers.

While the former Minister for Enterprise, Leo Varadkar, had suggested new IR laws to implement recommendations from the October 2022 High Level Group report would be enacted this year, a briefing note for the new DETE Minister, Simon Coveney, says that a "memo" on the plans for change will come before government before the end of this year.

This suggests that any new or amended legislation needed to implement the High Level Group's four recommendations – reform of JLCs, good faith engagement, technical assessors at the Labour Court and training for enterprise bargaining – will most likely tie in with the transposition of the EU Directive on Adequate Minimum Wages, which has to be done by November 2024.

DETE relayed to Minister Coveney that some of the High Level Group's recommendations "will require careful and considered analysis and consultation." It said the Department's Industrial Relations Unit will "review the report, formulate proposals for its implementation in consultation with the social partners, and bring a Memorandum to Government on implementation before the end of 2023."

The Enterprise subgroup of the LEEF will oversee implementation of these recommendations.

ACTION PLAN FOR BARGAINING

On the 'Action Plan' required under the Directive, to promote collective bargaining in Ireland, DETE says it needs to be agreed with the social partners by the transposition deadline and that it anticipates that the LEEF mechanisms will be utilised in the preparation of the Action Plan. Wider public engagement, outside LEEF, "is also likely to be required."

The Action Plan "is to strengthen the social partners' capacity to engage in collective bargaining; to encourage meaningful negotiation on wages on an equal footing; to take steps to protect workers and their representatives from acts of discrimination affecting their employment; and to protect worker and employer representatives from acts of interference."

The Directive states that minimum wages are adequate if they are fair in relation to the wage distribution in the relevant member state and if they provide a decent standard of living for workers based on a full-time employment relationship. Accordingly, Government moves towards a Living Wage “will need to inform policy considerations in this area.”

REDUNDANCY LAW UPDATE

The Department says also that the heads of bill for updating collective redundancy law is “well advanced”. It said it is intended that the General Scheme of a Bill to provide for the amendments to company law and employment law under a 2021 ‘Plan of Action’ on collective redundancies “will be proposed to Government in Spring 2023.”

The Government’s plan of action, titled: ‘Collective Redundancies following insolvency – Enhanced Protections and Greater Transparency for Employees’, commits to several legislative changes to further strengthen employees’ protection during collective redundancies, particularly when their employer is insolvent.

These commitments include removing certain statutory exemptions for collective redundancies caused by the employer’s insolvency and giving employees further grounds for redress from the Workplace Relations Commission (WRC), should their employer make them redundant during a 30-day period following statutory notification of collective redundancies to the Minister. The outline for these legislative updates were due to come before Cabinet in the spring of 2022 (see [IRN 45/2021](#)).

EMPLOYMENT LAW REVIEW GROUP

DETE also confirmed that the Employment Law Review Group (ELRG) “will be set up in Q1 2023 on a non-statutory basis” to monitor, review and advise the Minister on employment law matters.

This includes “the design, delivery and implementation of employment and redundancy law; judgments of courts related to the enforcement of employment and redundancy law; and EU and international developments in employment and redundancy law and related matters.”

In advising the Minister, the Review Group “will seek to ensure that the State’s suite of employment rights and redundancy legislation remains relevant and fit for purpose and is updated to reflect international developments.”