

Government will wait on EU agreement before updating EWC law

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Minister of State Neale Richmond has said there “may be scope for improvements” in the legislation underpinning European Works Councils in Ireland, but that this will only follow agreement on a revised EWC directive in Brussels, which he expects to be reached by 1 July.

This deadline is in accordance with the end of the Belgian presidency of the Council, which is shortly after European Parliament elections. A new European Commission will begin in November 2024. The European Commission published its proposal to update EWC law last month (see [IRN 04/2024](#)).

There has been sustained criticism of Ireland’s transposition of EWC law – the 1996 Transnational Information and Consultation of Employees Act (TICEA) – particularly in how it provides for dispute resolution.

While practitioners on both the union and employer sides argue the Act needs to be amended – and the European Commission initiated infringement proceedings against Ireland, following a complaint referred by SIPTU – the Department has maintained the Act adequately transposes EWC law.

Just one case has been taken to the WRC under TICEA, involving the Verizon company. Last year, a WRC adjudicator ruled on four separate decisions, some of which have been appealed to the Labour Court (it is expected the Court will hear these appeals in the next couple of months).

ADEQUATE TIMEFRAME

Responding to a proposed amendment by Sinn Fein Deputy Louise O’Reilly to the Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Bill 2023, Minister Richmond said his ministerial counterpart in Belgium has indicated to him that it is the intent of the Belgian presidency to conclude an agreement on a new EWC directive by 1 July.

The Minister said it “is important to do this on a European basis particularly when it involves European Works Councils, and to let that process conclude”. The process of agreeing on a new directive, he said, is “more than advanced at this stage”.

A working group was set up to move it along, with a second meeting on the proposed EWC directive scheduled for the end of February.

The Minister said the timeframe of between now and 1 July "is more than adequate", adding that he is "not worried about a new commission coming into play in November".

While it is the ambition of the Belgian presidency to get a new EWC directive agreed under its term, it might nevertheless be a challenge, given strong concern expressed by employers and trade unions seeking for the directive to go further than outlined by the Commission.