

Kevin Foley to retire as Labour Court Chairman

## **ANDY PRENDERGAST**

**Kevin Foley will retire as Chairman of the Labour Court on 7 March, after nine years leading the Court – a period during which he was involved in resolving major disputes involving nurses and the Gardaí, as well as navigating the challenges of the Covid-19 pandemic.**

The 10th Chairman of the Court, since it was established in 1946, Mr Foley took up the position in July 2016, succeeding Kevin Duffy. Prior to becoming Chairman, Mr Foley had brief spell as a Deputy Chairman of the Court, which followed more than two decades as director of conciliation at the Labour Relations Commission.

Mr Foley will be remembered as one of the most pragmatic dispute resolvers in Irish industrial relations, having been at the forefront in resolving major industrial disputes and securing agreements since the 1990s.

At the helm of the Court for nearly a decade, he has overseen significant changes in the Court's remit – moving to the single appellate body for employment rights disputes as well as continuing its role in resolving industrial relations disputes.

Mr Foley was the first person to be appointed to the Court Chairman position through the Public Appointments System (the chairman and deputy chairmen have to be appointed through an open process since 2015, under the Workplace Relations Act).

## **MAJOR ROWS HANDLED**

Not long after taking up the Chairman position, Mr Foley had to manage the major Gardaí pay row of late 2016, which had come to the brink of industrial action by members of the Force. Mr Foley dealt with the Garda pay row on an 'ad hoc' basis (as the Gardaí did not have formal access to the Court). Two separate recommendations by Mr Foley ultimately resolved the row.

Another serious public service row came before Mr Foley in 2019: the nurses' strike on pay parity. Nurses went on strike in February of that year. A hallmark of the Court's approach to dispute resolution – to wait until both sides are within a bridgeable distance of resolution – was evident in the Court's ultimate resolution of the row.

Other major disputes during Mr Foley's period at the Court included restructuring at Bus Eireann in 2017, and pay rows at Bausch & Lomb and Kyte Powertech in 2022.

During his time at the Labour Relations Commission (predecessor to the WRC), Mr Foley was involved resolving disputes across the public and private sectors, particularly in the areas of construction (where he was chair of the Joint Industrial Council (JIC) for the sector), health (chair of the Health Service National Joint Council) and public transport.

He was a central figure in resolving major disputes at Irish Steel, Irish Rail, Beamish & Crawford, Irish Ferries, Waterford Crystal and Aer Lingus, and was instrumental in the public service agreements, following the collapse of social partnership. He was also Chairman of the ESB industrial Council for a decade.

## **REALISM, PRAGMATISM AND COMMON SENSE**

A message marking Mr. Foley's retirement on the Court's social media page notes his "direct style", adding that he was "ever the pragmatist and expected the same from the disputing parties."

"There has arguably been no greater advocate for the valued resources of the State's industrial relations dispute resolution institutions and no more fervent a protector of the Labour Court's role as 'the court of last resort'."

It also noted that Mr Foley's industrial relations recommendations frequently noted the phrase, "realism, pragmatism and common sense", which was "something of a creed for him."

The public competition for the Labour Court Chairman position closed on 30 January, with a decision expected to be announced soon.