

21 December 2021

Mr Leo Varadkar, T.D.
Tánaiste and Minister for
Enterprise, Trade and Employment
23 Kildare St
Dublin 2
D02 TD30

End of Year Update for the LEEF High Level Working Group on Collective Bargaining

Dear Tánaiste,

In my letter to you of 28 October I set out a Progress Update on the work of the LEEF High-Level Group on Collective Bargaining following on from the Group's Interim Report in July.

The Group has met eight times in total since it was established in March of this year and I have also held a series of extensive bilateral engagements with the members. The Group has also had recourse to research prepared for it by the Secretariat to the National Economic and Social Council (NESC) along with presentations from two experts in Constitutional and Employment Law – Tony Kerr, S.C. and Professor Gerald Whyte of Trinity College. Two updates have been provided to the LEEF Plenary on the work of the Group.

As I informed you in October, we have developed three principles which could result in meaningful reform of collective bargaining and industrial relations in the State.

These aim to restore the Joint Labour Committee (JLC) process to its intended operation, as set out in the Industrial Relations Acts; to allow the Labour Court to appoint technical assessors to assist workers or employers in referring disputes to it under the Industrial Relations (Amendment) Acts 2001-2015 and to explore ways in which good faith engagement between workers and employers at enterprise level could be facilitated.

The discussions to date have led to broad consensus on the appointment of technical assessors with the fine detail around this process to be finalised in January. The issues around the JLCs and enterprise engagement will require considerably more work and dialogue early next year.

Whilst the work of the Group to date has not been without its challenges, I am of the view that there is considerable willingness on the part of both the union and employer representatives to agree to concrete actions for each of the three principles, which would effect real change to our industrial relations and collective bargaining landscape.

As I set out in my last update, I intend to conduct a focused stakeholder consultation in the coming weeks, the outcomes of which will feed into the Group's deliberations, before agreeing a Final Report which will be submitted to you for consideration by Government as early as possible in 2022.

Finally, I'd like to take this opportunity to express my thanks to all the Group's members for their constructive engagement with the process and for the time and effort they've invested in our work to date.

I'd also like to record my appreciation for the work of Clare Dunne, Assistant Secretary, Workplace Relations and Economic Migration Division who is retiring at the end of this year. Clare has provided great support, encouragement and guidance throughout the process and her energy and commitment to reform in this area will certainly be missed by the entire Group.

It may be useful to discuss the work of the Group in more detail and I can arrange to meet with you in the New Year on this basis.

Yours sincerely,

Prof Michael Doherty
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