

Responses to the public consultation on Ireland's action plan on the promotion of collective bargaining

The objective of this consultation was to gather views from relevant stakeholders in relation to the possible content of Ireland's national action plan and how Ireland can progressively increase and promote collective bargaining.

Some names, organisations and email addresses have been redacted to preserve confidentiality of individuals

Not all respondents answered every question.

The following questions were asked:

- 1. Name**
- 2. Organisation**
- 3. E-mail address**
- 4. *Article 4 of the Directive on Adequate Minimum Wages states:***
With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

- 5. *Article 4 of the Directive on Adequate Minimum Wages states:***
With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- 6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?**
 - 7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?**
 - 8. Do you have views on how the social partners could better access the information required to engage in negotiations?¹**
 - 9. Article 4 of the Directive on Adequate Minimum Wages states:**
With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;
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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Online responses

4. Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

It's a disgrace that there is only money for training for certain clinical area. There should be equal access to training for all staff

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

No

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

No way. I Have no trust in Hse and their attempts to change contracts to a 7-day week is an example of why

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

No. I. More interest in family friendly issues and avoiding blanket bans on shorter working year

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Should be allowed

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Without re-establishing the sectoral bargaining provisions, originally demanded by employers in the lead up to the enactment of the Conditions of Employment Act 1936, which were struck down as being constitutionally invalid by the Supreme Court in 2013, Ireland will never attain the 80% threshold. The provisions of the 2015 legislation providing for Sectoral Employment Orders does not constitute collective bargaining. It is clear that the Supreme Court's principal concern was that failure to comply with the terms of a Registered Employment Agreement was a criminal offence. The constitutional infirmities could have been corrected by re-enacting the impugned provisions of the Industrial Relations and providing that complaints could be presented to the WRC. That would have preserved the sectoral bargaining mechanism in place since 1936.

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The employers can be incentivised to participate by amending the rules re quora and providing for majority decisions. It should be recalled that the JLC system is designed to satisfy Ireland's international obligations with regard to the maintenance of adequate wage levels: see ILO Convention No 26 and Article 4 of the European Social Charter.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Insufficient.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

See answer to Qs 9, 10 and 11 below.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

If trade unions are to negotiate effectively with management, they need an adequate informational base to allow them to form an independent judgement on employer's proposals and policies.

Information disclosure provisions were part of the UK Labour government's Employment Protection Act 1975 (ss 17-21): see Gospel, (1976) 5 Industrial Law Journal 223.

9. Article 4 of the Directive on Adequate Minimum Wages states:

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The Unfair Dismissals Act 1977 should be amended so as to permit trade union members/representatives to seek interim relief from the Circuit Court similar to the provisions of the Protected Disclosures Act 2014 in respect of whistleblowers. ives threatened with penalisation/dismissal should be

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

See answer to Q 9 above. Also the Employment Equality Act 1998 should be amended to include "trade union membership" as a ground of discrimination.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

No. See answers to Qs 9 and 10 above.

12. Article 4 of the Directive on Adequate Minimum Wages states:

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Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Employers are sufficiently protected.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

In some EU Member States (Germany in particular), this is seen as part of the Right to Associate.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Amend the Industrial Relations (Amendment) Act 2001 to restore it to its original intention by providing a definition of "collective bargaining negotiations", something which should have been done in 2004.

4. Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Yes, training can be needed to make the correct informed decisions. Additional training should always be an option. Times change.

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Yes I understand the committees operation.

However I am not sure on how social partners can agree to take part.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Yes

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

I don't think wages should be the goal and end point to any agreement, I would say an in person meeting should be an option.

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Yes

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

I believe members should be protected with the utmost of importance. For example people should not portray something to the public if its not backed up well. I.e a security company with 1 employee and 0 reviews, is not something to brag about(or highlight).

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Yes

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Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes!

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Yes

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining? Multi Line Text.

In general my parent department is slow to take on new technologies, and this has a knock on effect on my organisation. GDPR, for example, has stopped the use of MS Forms. We need an annual business cases to use PDF. My use of PowerBI was stopped, after the company paid for training on it. There is an over-reliance on Excel spreadsheets for data and reporting. AI sites like ChatGTP and Canva has been deactivated/ blocked. Our IT systems are extremely slow and cumbersome. I have 37 different passwords for various work systems and sites! This slows down productivity. The IT sections in Departments need an overhaul first before real changes in building capacity can begin.

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The only way some management partners would be incentivised to participate is to make it mandatory. My organisation will only do what is legally required in terms of T&Cs for members. Things like flexitime, blended working, leave, sick benefits are all the minimum statutory requirements and no more, even though sister organisations do have additional benefits.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting might hobble other organisations that have more than one meeting currently. My own organisation meet with Forsa every 6-8 weeks. I suspect my management

might stop our current process if they are legislated to meet once, claiming it that they need to follow legislation.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

I suspect there is a recession on the way. This will mean recruitment embargos and members taking on extra work to fill the gaps. Increased wages that Mr. Taxpayer cannot afford might not go down well. Instead, look for better T&Cs. Things like shorter days, more annual leave, more remote working, accrual of flexitime when working from home, annual health screenings, flu shots, financial advice and support, better night/shift worker payments and T&Cs, earlier retirement or improved pensions, etc...

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Civil Service circulars and legislation are the main drivers for my organisation. Sometimes they might look at a strategies or plan, but only if it suits their purpose. Can social partners feed into the wording of circulars and strategies? This might give more ownership and better implementation of the spirit of the circulars.

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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No. Its very easy to "engineer" a dismissal without it being specified that it is because of TU affiliation. Dismissal is probably the most extreme form of unfair treatment. More common are the more subtle discriminations like not giving representatives promotions, positions on working groups, training etc.

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No. I experience discrimination almost daily. I am the only grade rep at my organisation and no colleague will take over as they see what I am experiencing. I am in my grade for 21 years and have trained in higher grades to do roles I "wasn't experienced enough" to do! Fairer recruitment processes for internal applicants might help. Interview questions, panels and minimum pre-reqs can be used to rule out candidates under the pretence of selecting the best candidate.. Perhaps better reporting on interview scores might help. We just get a mark, without any context as to what was the top mark and how it might be achieved. I am unable to get a list of interview questions after an interview. Organisations need better selection processes for other tasks like working groups, training, etc. Perhaps a nationwide survey of WPRs and their experiences to feed into a better Code of Practice?

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

While employers cannot stop workers getting organised, they do not have to recognise the TU, so the current law is ineffective.

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to

participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. In general, employment law is on the side of the employer, rather than the employee. With the rise of the "Right", these employer rights could get stronger in the future.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

My organisation will not allow any TU comms/meetings/posters. Meetings with members is done at lunch time, but with a lot of members working shift, this doesn't work well. New joiners get one email and nothing else. Meanwhile, the ACHPS were allowed to meet with management during work time and poach our members. My organisation and my branch is geographically spread, so a page on our Intranet would be invaluable and something I have the skills to create, but this is not allowed. Promotions and comms with members is a little easier with Solas, but impossible with non-members.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Can organisations that engage in collective bargaining be given additional budget? My organisation will pay T&S if we WPRs are meeting with them, but this comes out of the main budget. As a result they limit the numbers of reps attending meetings. Mandatory management training on what TUs do might help. In theory, management and TUs are on the same side working for happier employees who want to work well. Training might change the "them and us" attitude to help us work together better for a common cause.

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

I consider capacity building for new entrants by mentoring by long standing committed public servants to be an important aspect of training and capability building to be facilitated and prioritised.

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Recognition of the fundamental importance of public servants to the operation of a society we all aspire to be acknowledged by all participating from outset in all negotiations.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Limiting engagement to a single meeting inadequate.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Communications policy to be put in place to bring non-public sector public on the journey.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

This style of forms with membership.

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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Don't know

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Don't know

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Don't know

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Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Don't know

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

No

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Negotiating Skills

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

would be left open to favouritism

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining? Multi Line Text.

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.

Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).

Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

- Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining.
- Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

- Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner.
- The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade

union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. • There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the

purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

• Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

• Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to

act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed. Question 7: Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated? •Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. •Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

10.Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. •Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation. •The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. •The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. •The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. •The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. •The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. •The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

It's important that existing Trade Unions with experience in collective bargaining are centrally involved in forming objectives, to ensure the process is not manipulated by organisations to reduce pay demands, and to ensure buy-in from workers.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Civil Service needs access to the WRC, or a suitable alternative.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

I think a single mandatory meeting every quarter would be more appropriate.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

I believe Trade Unions with past experience in collective bargaining need to be involved in improving the process.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

The documented history of the successes of collective bargaining in Ireland should be available from Government and Unions.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The ability of Trade Unions to represent individuals in proceedings, including provision of legal advice and legal representation, must be included in protections.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Codes of Practice must include a clause making it a disciplinary matter for management to interfere with a union representative's representation of members, for example by transferring the union representative to another area, or any other action deemed to be discriminatory to the representative.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The law must be enforced, with appropriate penalties related to the size/wealth of the organisation.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I am unfamiliar with this legislation.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

It is a matter for organisations and unions to discuss and negotiate pay deals.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces, to facilitate worker organisation and union recruitment. It would also make communication between union representatives, employers, and members more accessible. Combined with a reinstating of Tax Relief for trade union membership fees, this will help encourage a higher rate of union membership throughout Ireland for worker bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise

of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should remove the employer veto within JLCs which is fundamentally against the democratic principals on which unions, collective bargaining, and our society should be operating. The Government should additionally increase the amount of JLCs present in the economy of Ireland, to improve the democratic nature of our economic system.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient and fundamentally opposed to any good faith engagement between union and employer. Without a system for meetings to be arranged regularly, there is no encouragement for an employer to treat a single mandatory meeting as anything other than a check box to meet legal requirements.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The right to collective bargaining should be written into law, with strict protections against retaliation for union organising or membership in the workplace. Funding for trade unions for training and other union-building initiatives would also improve the amount of unions and members within Ireland, improving the level of negotiations.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

The Government should allow and ensure unions have access to company accounts and financial information, so that the social partners can negotiate on an even footing. Companies are able to gain access on cost of living data and average worker wages through the CSO, it is only fair that unions are given the same free and open access to financial information with respect to the employers they are bargaining with.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The current protections for trade union members and representatives are insufficient. There is a need for new legislation to safeguard trade union members and support the exercise of collective bargaining rights. The existing compensation for unfair dismissal is not effective as a deterrent. More stringent and impactful penalties are required for employers who unfairly dismiss employees for participating in union activities.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Absolutely not, there is a severe lack in legislation to protect workers and union representatives against retaliation and acts of discrimination based on collective bargaining participation. The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity and should also include other acts alongside hiring and firing of

workers such as transfers, isolation, control over leave arrangements and false redundancy policies.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

No, the Government has no legal arrangements protecting workers right to workplace organising. New legislation must be introduced quickly to give workers the right to establish and join trade unions - and employers should be harshly punished for interfering in or retaliating against such organising.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I believe that they are. Within a workplace, there is currently no legislation that prevents or interferes with an employer who wishes to engage with a trade union. However, employers are more than capable of refusing to engage with, and even punish employees for engaging in trade union organising. They can prevent unions from speaking with their employees at will if they choose to do so, and as a result they are already adequately protected from acts of interference in a way that their employees are not.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the

purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Union access to the workplace is an integral part of the work of trade unions and collective bargaining as a concept. Without being able to visit the workplace to discuss and investigate matters related to the union members, health and safety, and other workplace matters employers can easily deny their employees the most fundamental advantages of collective bargaining and union membership. The employer veto on union organisation and recognition should be removed, and legislation to allow and protect union reps access to the workplace should be enshrined in law.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

The voluntary approach has harmed levels of collective bargaining within Ireland to the detriment of our workers and economy. State funded campaigns should make obvious the benefits of collective bargaining to employers, and tie collective arrangements to items such as: tax incentives, conditions for state and public procurement contracts, permits and approval from local bodies. Also, industries and sectors in other countries with higher levels of worker democracy and collective bargaining have more enthusiastic and happier workers, which benefits the employer as more content workers are more productive and less likely to seek employment elsewhere - retaining talent, expertise, and knowledge while improving worker satisfaction and engagement in the workplace. State advertising campaigns should highlight this to employers to encourage their support and engagement with collective bargaining initiatives.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Observation: The state has not allocated any of its 2021-2027 European Social Fund+ to the capacity building of civil society organisations even though the regulation to establish the fund says that each Member State should.

Recommendation: Use national and EU funds to build and strengthen capacity to engage in collective bargaining, including funding projects to enhance coverage, funding employment of staff, training, research projects, funding campaigns for organising, and recruitment.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Observation: JLC and EROs are statutory instruments involving tripartite negotiation to establish min. rates of pay for workers in specific sectors and are not considered in the context of the Directive, 'collective bargaining'. However, strengthened processes might incentivise employers to engage in collective bargaining instead of the statutory regulation route.

Recommendation: Develop additional JLCs, remove the employer veto on JLCs, provide regular training to those involved in the work and operation of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Observation: A single mandatory meeting is insufficient to meet the objectives of the Directive. There should be a mandatory process for engagement. A single meeting would become a ceiling and not a floor and serves more as a box ticking exercise than a meaningful attempt to meet our objectives. A good faith process and a single mandatory meeting are contradictory ideas.

Recommendation: Implement the Final Report of the LEEF High Level Group. Provide adequate facility for employers and unions to carry out collective bargaining work

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargaining and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Observation: Adequate and timely access to information is critical to negotiations.

Recommendation: The State can contribute to the provision of information in two ways: by ensuring the provision of appropriate macro-economic data for all social partners; and by compelling social partners to provide local relevant data in a timely and digestible manner.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining

on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Observation: No. Ireland's protections are inadequate and speak to a general unwillingness on behalf of the state to appropriately protect workers against dismissal for engaging in trade union activity. Protection only exists for union activity within permitted times and outside of work hours. The penalty is too weak to act as a deterrent for employers. Recommendation: Expand protection against dismissal for engaging in trade union activity to include work conducted inside working hours, and introduce onerous and burdensome penalties for employers that dismiss employees for engaging in union activity.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Observation: Protection from victimisation for workers wishing to engage in collective bargaining is very limited. Even this limited protection is weak. This needs to be much stronger. Recommendation: Strengthen legislation protecting workers and trade union representatives against acts of discrimination, include trade union membership and activity as an additional discriminatory ground and include harsher punishments for employers found breaking this law

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Observation: Trade union membership is not a specific ground under the Employment Equality Acts and the Equal Status Acts (the Equality Acts). Workers are only protected from victimisation in limited circumstances. Recommendation: Introduce legislation giving workers the right to establish and join trade unions and change the Employment Equality Act 2015 to protect workers who wish to organise or join a trade union from discrimination.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Observation: Trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. Recommendations: Legislation allowing trade union reps access to the workplace for purposes related to the employment of the union's members, purposes related to collective bargaining, health and safety matters, recruitment of workers to the union, and providing information about the union to any employee. Remove employer veto on union organisation and collective bargaining recognition.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Observation: measures to promote employer participation are welcome. The voluntarist approach has harmed rather than helped levels of collective bargaining coverage in Ireland. As a result, incentive measures should be balanced with obligatory measures. Further, the State should see itself as an active participant in some measures. Recommendations: State funded campaigns; collective bargaining awareness campaigns; tax incentives; conditionality on state contracts, funding and public procurement; mandatory councils at industry level; work permits conditional on collective agreements.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Remove all legislative restrictions on unions, particularly those in the Industrial Relations Act (1990).

Wherever at least 30% of employees at a workplace or self-determined bargaining unit indicate that they are forming a trade union, then the employer is required to recognise and bargain with that union.

Grant automatic access for trade union representatives to the use of internal communications including emails for members and the ability to post on intranets (or similar forums), which are the modern-day equivalent of a public notice board, which reps currently have the ability to use to inform employees.

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.

Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).

Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government shall not approve any wage agreement that does not take into account the rate of inflation and all wage increases must outpace the average rate of inflation for the preceding 12 months.

The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.

The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Employers need to respond to demands of trade unions and be involved in continuous engagement. A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Remove restrictions on union's ability to strike or engage in industrial action. Negotiations are stacked in favour of employers due to the weak ability of organised labour to withdraw services. Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. •Additionally, negotiations between

social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No. Members and representatives must be allowed to engage in walk-outs and wildcat strikes whenever necessary. If they cannot exercise their collective power by removing their labour then there is nothing stopping employers from trampling workers and reps. No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No. Union members are regularly targeted by managers and bosses. Any manager or employer found to be discriminating against a worker for union activity needs to be held accountable. All forms of union busting must be illegal and those found guilty need to face significant prison sentences and fines. There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation. The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Workers need to be free to form and join unions whenever they want without retaliation from employers. Employers must be forced to recognise and negotiate wherever workers choose to form or join a union. The International Labour Organisation (ILO)'s IRLEX legal database of

industrial relations identifies no legal arrangements in Ireland concerning the right to ‘establish or join a trade union’. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers’ organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other’s agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union reps and officials should have total access to workplaces without any veto by employers. Trade union reps should be given exclusive space in workplaces to carry out union business. Trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace

locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Remove all restrictions on the ability to strike. Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining? Multi Line Text.

- Introduce a right for trade unions to access workplaces and workers. Supporting workers in accessing the union representatives.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.
- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.
- Allocate funding under the National Training Fund and the European Social Fund Plus (ESF+).

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Develop additional JLCs in appropriate sectors in line with the recommendations in the Final report of the LEEF High Level working group and ensure all participants of JLCs undergo appropriate training.

Remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This is insufficient. There should be a mandatory process for engagement.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Bring into law the right to collective bargain and introduce legislative protections against discrimination related to trade union activity. Collective bargaining rights must be for all employees and the employer must not be allowed to exclude or deny any employees from collective bargaining.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information. Ensure provision of reliable data on the economy's performance for all social partners and by compelling social partners to provide relevant local data in a timely and digestible manner. Ensure unions can access company accounts free of charge through the CRO

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, they are not adequate. Legislation is needed to protect union members and facilitate the exercise of the right to collective bargaining. Compensation paid by employers for unfair dismissal is not strong enough to act as a deterrent.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or

activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No. There is no legislation to protect workers and unions against acts of discrimination on the grounds they participate in collective bargaining. Legislation should be introduced to protect workers and trade union representatives against acts of discrimination. The employment Equality Acts should be amended to include membership of a trade union, engaging in trade union activity.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would help workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

They should also allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.

Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

And fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

The process should be mandatory. A good faith process and a single mandatory meeting are contradictory concepts.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

No

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or

activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

I don't believe workers in Ireland are sufficiently protected. The Government should introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I believe employers are sufficiently protected and are able to collectively bargain. In contrast employees experience more barriers to collective bargaining.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade unions should be able to access the workplace as that is a vital part of their work. The Government should introduce legislation allowing trade unions access to the workplace for activities related to: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. The legislation should also remove the employer's veto on union organisation and collective bargaining recognition.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Employers should be obliged to participate. But tax incentives could also be provided or make awarding of government contracts conditional on collective bargaining already a feature for that organisation awarded the contract. More funds should be allocated to the WRC in anticipation of increased collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

In terms of trade union recruitment in the first place, some encouragement is made at library branch level (posters are displayed in canteen but no active encouragement) but no information or training is offered by HQ and the union rep always seems to be HQ based, ie too close to the

senior management team, which is why there seems to be no contact coming from the rep to encourage staff to join and no contact made to those already in FORSA to explain consultations such as these, let them know about meetings etc. For example at the height of far right agitation, FORSA was having meetings with staff but no mention of these meetings was made and not everyone was receiving the emails from FORSA themselves. Therefore it would be very useful for training and encouragement to be provided for being in a trade union, particularly with the cost of membership versus the minimum entry level wage in what I see as a skilled profession. Due to the above I have the following recommendations:

- The Government should introduce a right of trade unions to access workplaces and workers.
- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Due to the already restrained nature of unions relationship to council staff and lack of adequate communication because of this, those doing the bargaining may not have the full picture - this is even more prevalent between council staff and library staff and the different skillsets,

circumstances etc therefore the below should help. Most managers at a branch level are easy to talk to about staff issues but has no real power but where your 'employer' is several grades above and based more in the council sector, there is a loss of understanding of the role and therefore they aren't fully informed to veto items that may be relevant.

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Similar to above, the employer in question isn't connected enough to the job to be adequately informed on the issues to cover in just one meeting. Furthermore, engagement should be ongoing and mandatory so a once off meeting could make the requirements seem not as important as they are and 'box-ticking' rather than real change is change is needed.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Negotiations and trade union activities come across as taboo particularly in a job that is permanent in nature - Irish society has come to view these roles as the holy grail for this reason and there is a forgetting that sometimes trade unions are still required - a secure job shouldn't be a reason to sacrifice any hopes of improved wages or working conditions. There is a collective miscommunication about the importance of library workers and our unique skill sets and a disparity in requirements for posts (whether formally required or not in terms of the MLIS degree, ie being 'desirable') and the entry level wages. Librarians are rational people, we aren't looking for ridiculous changes, just changes within the changing demands of the job. therefore, my recommendations are below: Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. •

Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO)

9. Article 4 of the Directive on Adequate Minimum Wages states:

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The very idea that someone could be dismissed for discussing fair wages etc in 2025 is not a laughing matter. No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no protection - all contracts include 'other jobs assigned by your line manager' and a variation on that your working arrangements can be changed without your agreement, ie you can be moved to a different department or location without any say in the matter and these are often used as ways of keeping staff out of unionising or stepping outside of following along even when their work/life balance is impeded by status quo. The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. • The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as

appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts *of interference by each other or each other's agents or members in their establishment, functioning or administration.*

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

I would welcome an incentive to promote employer engagement but as I said before, engagement is very low and realistically should have a mandatory element. In general incentives to unionise across the board would encourage more of this, tax breaks for members and more funding to unions to market as well as removing the taboo on membership by instilling it in law that every

worker has the right to join a union and discuss openly in the workplace. Forsa has advised of a few additional points that would assist: The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place.

- The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements.
- Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

The Government should allocate funding under the National Training Fund and the European Social

Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective

bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.

Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).

Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

- Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining.
- Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

- Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

- There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment,

including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. • There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

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13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the

purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

• Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

• Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

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The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

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Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

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social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.

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A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

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S.I. No. 169/1993 and the Code of Practice on the Duties and Responsibilities of Employee Representatives and the Protection and Facilities to be afforded them by their Employer was introduced before electronic communications became the norm in workplaces. The Code needs to be updated in the following ways: (1) Paragraph 19 needs to be amended to ensure that where an intranet is used by the employer as a routine method for providing information to employees, then employee representatives must be given access to that intranet to post notices relating to normal activities of the union in the undertaking or establishment, in the same way that they may do so with physical noticeboards. (2) Paragraph 20 need to be amended to ensure that where emails are used by the employer as a routine method for providing information, then the employee representatives must be given access to the email system in a way that enables them to distribute non- political documents relating to normal trade union activities amongst the members of the union in the undertaking or establishment, in the same way that they may do so with paper documents referred to in the Code. (3) Emails make it possible to safely extend the operation of paragraph 20 in a way that was not possible with the paper materials envisaged with the Code was introduced in 1993, namely that email groups can be used to deliver material to individuals without personal interaction or placing any expectation or obligation on the individual to respond. (The use of email groups also prevents breaches of GDPR because the employee representatives

do not need to download individual email addresses. We note some employers afford staff-organised groups such as LGBT Networks and Social Clubs such access.)) The Code needs to be amended to ensure that employee representatives can use employer email systems to communicate with all employees, including potential members, about normal trade union activities, about the benefits of membership, and to invite them to join the union.

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Research commissioned by the Irish Human Rights and Equality Commission conducted by Dr Alan Eustace and Professor David Kenny points to an important development in Irish constitutional jurisprudence which reduces concerns about the constitutionality of legislating for collective bargaining. Legislation to give workers a right to collective bargaining should now be introduced.

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Use national and EU funds for training and information sessions to members and non members, as these would be helpful in highlighting the importance and the role of collective bargaining

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would like to see development of additional JLC's, remove the employer veto on JLCs, provide regulate training too those involved in the works and operation of JLC's.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

a good faith process and a single mandatory meeting are contradictory ideas. Implement the Final Report of the LEEF High Level Group. Provide adequate facility for employers and unions to carry out collective bargaining.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

build the right to collective bargaining into the law and introduce legislative protections against discrimination related to trade union activity or participation in collective bargaining activity to facilitate negotiations on wages and increase coverage for collective bargaining. funding to trade unions and other social partners could be allocated to support wages negotiations between social partners , and organising campaigns to increase participation.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

state could contribute by compelling social partners to provide local relevant data in an agreed format and in a timely and digestible manner - penalties for not providing the data or other methods should be considered to ensure effective implementation.

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expand protection against dismissal for engaging in trade union activity to include work conducted inside working hours and introduce onerous and burdensome penalties for employees for engaging in union activity.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

strengthen the laws to include harsher punishment for employers found breaking discriminatory law.

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remove employer veto on union organisation and collective bargaining recognition.

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

National or EU funded campaigns promoting and clarifying rights and obligations under collective bargaining process. Tax incentives for employers.

2.Organisation

The Irish Federation of University Teachers IFUT

Submission from the Irish Federation of University Teachers (IFUT)

To the Department of Enterprise, Trade and Employment (DETE)

On the Subject of:

Promoting Collective Bargaining Under the Adequate Minimum Wages Directive

Date: May 2025

Introduction

The Irish Federation of University Teachers (IFUT) welcomes the opportunity to respond to the public consultation on Ireland's implementation of the EU Directive on Adequate Minimum Wages and Collective Bargaining. We draw particular attention to the State's obligations under Article 4(2) of Directive (EU) 2022/2041 and to the urgent need for meaningful, comprehensive action to promote collective bargaining and protect workers' rights.

1. Preserving Voluntarism Through Full Implementation of the Directive

Ireland must seize this final opportunity to preserve our voluntarist trade union recognition model by fully and meaningfully adopting the EU Directive on Adequate Minimum Wages and Collective Bargaining. Article 4(2) of Directive (EU) 2022/2041 obliges Member States with collective bargaining coverage below 80% – which includes Ireland at roughly 34% – to provide a “framework of enabling conditions” for collective bargaining and to establish a robust action plan to progressively increase coverage.

If the Government fails to implement these measures now, with clear enabling conditions and an ambitious plan, it will have squandered the last chance for voluntarism – forcing IFUT and others to seek an alternative legal framework to secure workers’ rights. Moreover, the Directive’s future is under threat at EU level (Denmark and Sweden have challenged its validity, and in January an Advocate General urged that it be annulled). Ireland must show leadership by acting decisively to fulfill our EU obligations and bolster this landmark Directive’s survival, rather than risking its demise through inaction.

If voluntarism fails, it is not because of its design but because successive Irish governments – including those currently in office – have failed to modernise and support it. The alternative is a compulsory trade union recognition model, which would bring Ireland in line with international labour standards and ensure that workers’ rights to collective representation are not subject to employer discretion. IFUT and other Trade Unions across the trade union movement will not hesitate to launch a campaign for compulsory recognition, including pressure on a Government that has been in power, in various combinations, for over a decade and has consistently avoided meaningful reform. The time for ambiguity is over: either the State acts to save voluntarism, or it must make way for a statutory right to union recognition and collective bargaining.

2. Key Recommendations from the ICTU Submission IFUT Endorses

IFUT supports the full suite of recommendations outlined in the ICTU submission, including but not limited to:

- Immediate implementation of a framework of enabling conditions for collective bargaining.
- Establishment of a multi-year Action Plan with timelines and measurable targets.
- Reinstatement of sectoral Registered Employment Agreements (REAs) and employer conditionality in public procurement.
- Introduction of statutory rights for trade union access to workplaces.
- Protection from victimisation and discriminatory practices for trade union members.

- Allocation of National Training Fund and ESF+ resources to build union capacity.
- Adoption of a union-default pilot and solidarity contribution system.
- Improved legislative protections for collective bargaining rights and union organising.

These steps are essential to bring Ireland in line with EU expectations and international labour standards.

3. Specific IFUT Position on Researcher Employment

IFUT calls on the Department of Enterprise, Trade and Employment (DETE) to take decisive action to ensure that collective bargaining is embedded as a core principle in the evolving structure of Research Ireland. As SFI and IRC transition into a single, centralised agency, it is vital that the terms and conditions of employment for researchers funded through this body are shaped through formal collective bargaining between Research Ireland and IFUT.

Researchers across Ireland continue to face precarious employment conditions, with insecure contracts and limited pathways for career progression. This legacy must be addressed, and DETE has a central role to play in ensuring that secure, long-term contracts with clear advancement opportunities become the norm—not the exception. Collective bargaining is the only sustainable means of establishing fair, transparent, and equitable employment frameworks that reflect the true value of research work.

IFUT further urges DETE to support a model of governance for Research Ireland that guarantees transparency and accountability, including the publication of annual reports on researchers' terms and conditions, and formal representation for IFUT within oversight structures. In line with EU standards, DETE must also ensure that Research Ireland incorporates the principles of the EU Directive on Adequate Minimum Wages, especially as they pertain to the right to collective bargaining for researchers.

Without the integration of collective bargaining, any reform of research funding and employment policy will remain incomplete and unfit for the challenges of a modern research system.

Conclusion

The transposition and implementation of Directive (EU) 2022/2041 is not a technical exercise—it is a test of the Irish State's commitment to collective bargaining and workers' rights. IFUT urges the Government to meet its obligations in full, not just for compliance's sake, but to restore balance, dignity, and fairness to the Irish workplace.

We stand ready to collaborate constructively, but we are equally prepared to escalate our

campaign should this final opportunity be missed.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Providing resources to be able to compare our pay to the rate of inflation and cost of living.

5. Article 4 of the Directive on Adequate Minimum Wages states:

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Assurances that retaliation by management wouldn't be tolerated and assurances and that we can speak our minds without repercussion.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

I support this

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Solid, fact-based presentation of the difficulties that the current economic and housing climate are affecting us

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Have it emailed directly to the social partners and have it written in plain language

9.Article 4 of the Directive on Adequate Minimum Wages states:

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

I don't know

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

I don't know

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

I think they are adequate

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

No

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

No

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.
- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).

- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

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The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.

The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. • Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to

act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining.
- Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker.
- There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'.

Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and

collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Unions should be able to reach workers and workplaces to facilitate joining and organising. Unions should receive funding to deliver or help members access training. Tax relief for union

subs. Non-members should contribute when they benefit from collective bargaining to incentivise membership.

5. Article 4 of the Directive on Adequate Minimum Wages states:

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The government should implement more joint labour committees and help members access adequate training.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

One meeting is not enough for complex discussions and could lead it to be a box-ticking exercise that does not actually resolve or discuss the issue.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Right to collective bargaining should be enshrined in legislation.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Timely information is important, and adequate notice should be given so members can learn information and consider options.

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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, they are not strong enough. There need to be higher penalties for unfair dismissal.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

The right to collective bargaining should be added to legislation so prevent unfair dismissal or discrimination for engaging in same

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The government should legally establish the right for customers to join unions and organise

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade unions should be able to access the workplace to allow workers to access and engage with unions, and employers should not be able to prevent this from happening in order to stymie the prospect of collective bargaining

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Incentives are good but employers should also be compelled to participate to an extent as some will not allow it regardless. There should be resources available to anticipate collective bargaining and its challenges for workers and employers

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Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining? Multi Line Text.

Not at the moment

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Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Not at the moment

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Good idea

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Not at the moment

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Not at the moment

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There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining.
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Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation.

- The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts.
- The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place.
- The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements.
- Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The government should introduce a right of trade unions to access workplaces and workers to ensure workers can discuss work matters with their reps

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise

of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Encourage wage negotiations with companies re pay grades, increment levels etc

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Agree

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Has to be voluntary discussions with union, employer and employee

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Unions need access free of charge through the CRO

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate

or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, new legislation needs to be implemented

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Legislation needs to be introduced to protect workers rights and income/wages

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Probably needs updating also

12.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Needs a one directive to cover all companies

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Collective bargaining should be made mandatory for all public bodies

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Reinstate Tax Relief for trade union subscriptions.

Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the

social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Compel social partners to provide relevant local data in a timely and digestible manner

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

am not aware of any acts of interference to prevent employers from engaging in collective bargaining.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

The Government must introduce legislation allowing trade union representatives access to the workplace for activities related:

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

No

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Good

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

No

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

No

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Sometimes can be seen as troublemakers by employers.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to

participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

No

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

No

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

No

4.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Making the parameters of this bargaining understood by all and unified approach for civil servants

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Use the union reps to disseminate information to the other members.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

I think this would carry weight to be one voice

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Webinars

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

I'm unsure

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Maybe if it was cheaper to join the union there would be more people joining so my view is as a suggestion for incentivising members reinstate Tax Relief for trade union subscriptions.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

My view would be in line with the recommendations of the LEEF report to develop additional joint labour committees to ensure everyone has a voice

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

No view

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

If there were avenues to provide funding to trade unions for organising campaigns and other promotional initiatives, these should be explored

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

No view

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Protections for trade union members are not sufficient.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

No views

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with

union members and potential members about the benefits of union membership, as well as discussing workplace matters.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

More can be achieved when both employee and employer work together and engage in fruitful, constructive dialogue. The government can and should do more to bring key voices to the table especially with those employers who have been/are reticent to engage with unions.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

- The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.
- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from

collective agreements, designed so that it incentivises union membership.

- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).
- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas

rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

• Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. • Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives. And, considering how far we are, that's probably a long shot, but having protected time to join trade union meetings would allow employees to participate more. In my opinion, "work life balance" doesn't exist even in the public sector, so it's hard to find time to join the meetings in my free time, to discuss stuff related to work and stuff that affects my performance.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that

discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Absolutely not, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed. And even if being active in a union were listed in the discrimination protected grounds, people would still be dismissed for that reason but under a different pretext, as many women or disabled people can tell you. So I would say we don't even have the bare minimum to serve as a facade that there are adequate protections against unfair dismissal due to participation in collective bargaining.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment,

including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. • There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions, as well as protection. And like I mentioned above, I believe we don't even have enough to pretend this exists, because even after there is legislation in place, there will still be practical and material barriers for them to work properly. For example, disabled people don't get reasonable accommodation that are free and guaranteed by law, so they can maintain their job, even though there are already laws in place. Many aren't even hired or interviewed, but the employer doesn't have to say it's because they're disabled, when they can say that someone else had more experience or gave better answers during interview. This will still happen after laws against discrimination under being in an union, so we don't even have the minimum to even pretend we do.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

• Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

• Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits

conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

People need to be aware of their rights before they can access rights and then there need to be practical and accessible ways to access rights including the ability to form and run rep bodies.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Incentivised is perhaps not the right term, it needs to be accessible and made practical.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Should be freely available and tremendously accessible including places like Citizens Information and other information/awareness campaigns.

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Should not need to be in the workplace. Can take place outside the workplace.as long as everyone is aware of and has potential and capacity to exercise their rights.

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Legislation required

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union.

We have a Labour Court recommendation LCR 22204 dated 12 th March 2020 which advises that DePuy Synthes “should engage with the Union, as the representative of those employees who are in membership of the Union, in relation to employment related matters affecting those members” The company are failing to recognise and following the instructions of the state machinery.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland’s current protections for members and representatives of Trade Unions are not adequate, we know that if our employer was to become aware of our activity in the Union and dismiss us, we are limited to a maximum award of two years salary under the Unfair dismissal legislation, in reality this is often much less if we get another job in the time it takes a case to be run, this fear factor is significant and strengthened legislation is required to protect people like us organising a union to collectively bargain with our employer.

10. Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different

areas of the factory and future career prospects will be negatively impacted, managers have often spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain with our employer.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to negotiate on pay and terms and conditions. Our employer should be encouraged by our government to do this.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise

of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Workers should be allowed representation and a voice in the workplace

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Collective bargaining should be a right available to all workers and not be something they have to fight to attain

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for

not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union. We have an outstanding Labour Court recommendation LCR 21274 dated 20th July 2016 which states that: The Court recommends that the company should recognise the union as the chosen representative of those employees who join the union for all Industrial Relations purposes. The Court further recommends that the parties should enter into negotiations with a view to concluding a collective agreement dealing with amongst other things the procedural arrangements within which the normal industrial relations will be conducted between them. To date the company, continue to ignore this recommendation despite repeated attempts to engage through our union. This situation cannot continue and do not provide adequate recourse for workers employed by Boston Scientific Clonmel

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10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different areas of the factory and future career prospects will be negatively impacted, managers have often spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain with our employer.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to

negotiate on pay and terms and conditions. Our employer should be encouraged by our Government to do this.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The opening paragraph of the consultation states that it has been the consistent policy of successive Irish governments to promote collective bargaining through a voluntary system. This policy has obviously not been successful.

It is also a generous description of the actions of successive Irish governments who have routinely developed policy with the benefit of the employer in mind and have very, very rarely implemented pro worker legislation that they have not been obliged to as a result of EU directive.

Even in these cases government policy appears to be to bring in the transpose the weakest version possible. Even this consultation is only taking place as a result of the AMW directive. The result is low levels of collective bargaining coverage in Ireland.

If the government is serious about meeting the objectives of the directive, then it will need to look at policies that balance the scales between social partners. The following policies should be introduced with regard to training and capacity building

1. Trade unions and their representatives should have a right to access workplaces and employees
2. Employees should have a right to be informed of the relevant trade union in their workplace and provided with contact details for trade unions

- a. Additionally employers should be obliged to provide new employees with access to trade unions as part of the induction or onboarding process
- 3. The government should use the national training levy and the ESF+ funding to provide trade unions with financial support to carry out their work.
 - a. This should include training, promotion of unions, research, projects and initiatives
- 4. There should be an “opt-out” system of trade union membership rather than the current opt-in system
- 5. Non-members should be required to pay a solidarity fee for the benefits they accrue as a result of the work of trade unions
- 6. There should be tax relief on union subs for people who are members of trade unions
- 7. The government should fully implement the recommendations of the Labour Employment Economic Forum Group on Collective Bargaining
- 8. Employers and/or the state should be obliged to provide funding for a minimum number of trade union representative staff. E.g., facilitate secondment/funding for 1 full trade union representative for every 1,000 FTE staff they employ.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Additional JLCs should be developed, full training should be provided to all stakeholders engaging with them and the employer veto on JLCs should be removed.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The right to collective bargaining should be enshrined in law. The employer veto on collective bargaining should be removed. The state should introduce a social welfare support payment for workers taking strike action. It should not be possible for an employer to avail of government funding or supports where they do not recognise a trade union for collective bargaining.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate

or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No. The protections are not adequate at all. The punishment for employers found to be in breach of this law needs to be significant. The financial penalty should amount to a percentage of turnover for every violation, with each penalty increasing for each violation. The compensation awarded to victims should be significantly increased also.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No. Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation. The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members,

collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Ensure union organisers can access workplaces (unionised and non-unionised) to organise union members and recruit new members.

Introduce a right to collective bargaining for all workers.

Legislate to outlaw union busting in workplaces and protect employees involved in trade union activity.

Allocate resources from NTF and ESF+ to unions to train union activists, produce high quality research etc..

Reintroduce tax relief on union subscriptions.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Remove employer veto

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single meeting is a waste of time. It will become a box ticking exercises. This will not be good faith engagement. Instead, introduce a right to collective bargaining and respect and enforce this right.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Legislate for a right to collective bargaining, right for union organisers to access workplaces, outlaw union busting, legal protections for workers involved in trade union activities,

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

All sides should be compelled to give necessary info in a timely and digestible way, more research and accessible information from government on performance of economy, free access for unions to company accounts from Companies Registry Office(CRO)

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, I have been in workplaces where employees who tried to organise their fellow employees into unions have lost jobs. There are virtually no protections, and it is prohibitively expensive to get legal support. This hits low paid workers in non-unionised workplaces hardest. It has a chilling effect on other workers. It is terrible for our economy as it keeps wages low (leading to deprivation, increased spending on in-work welfare and other areas of social spending relating to

inequality), keeps income tax contributions lower (at a time when Ireland desperately needs to widen the tax base), suppresses demand in the domestic economy, undercuts decent employers who already negotiate with unions, prevents investment in innovation and training maintaining Ireland's domestic economy's low levels of productivity. areas relating to others

10.Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Ask a worker in a meat factory. Ask a worker in your local supermarket. Ask the phone operatives in a call centre. Ask delivery drivers and warehousing workers. I'm serious, ask them what would happen if they went about openly advertising their union membership and trying to organise their fellow workers. We need legislation that protects workers who organise and engage in union activities. We also need the government to promote union organisation and collective bargaining as it is a good thing for our economy and society.

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

see above

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, both physical access and ability to communicate with workers by supplying work email and work phone numbers to union organisers

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

The measures outlined in the questions above. Increased resources to WRC (including for inspection of workplaces). Ensuring that public procurement and state investment only funds

businesses which recognise their employees trade unions and are covered by collective bargaining agreements.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

- The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.
- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.
- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).

- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. • Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO)

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

• No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to

act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

- There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining.
- Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker.
- There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

- The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'.

Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and

collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives. • The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density. • Reinstate Tax Relief for trade union subscriptions. • Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership. • The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)). • Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training. • The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

andatory meeting between an employer and a trade union? • A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. • Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

issal? If not, how can these protections be strengthened? • No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment,

including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. • There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

to organise or join a trade union? • The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

participate in collective bargaining? • Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

permission for such activities in the workplace? • Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Open communications, Facilitation and Mediation, Clear Objectives, Flexibility, Trust Building activities, Regular feedback on progress to assess progress in negotiations.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Set shared goals and objectives, Reward contributions made by Joint labour committees, provide training and development opportunities, create a platform for transparent communications, Be open to flexible negotiation processes.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union. Three Labour Court Recommendations have been secured by our chosen representatives SIPTU whereby the Labour Court have recommended in all Three of the recommendations that Stryker Carrigtwohill management should recognise and engage with SIPTU for Collective and Individual purposes. The Three Labour Court Recommendations are as follows LCR 22113 October 2019, LCR 22112 October 2019, LCR 22732 April 2023. In addition, Ireland National Contact Point NCP attached to the Department of Enterprise, Trade and Employment also published a final report in May 2024 recommending that Stryker Carrigtwohill, Co Cork should engage with the workers chosen representatives SIPTU, quoting chapter V of the OECD guidelines.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

There should be some sort of implied agreement beforehand that any successful negotiations should be binding on both parties.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

This could be easily facilitated by the employee unions and the employers' representatives such as IBEC

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of

the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Article 4 of the Directive on Adequate Minimum Wages states: With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall: (c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting; Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened? Ireland's current protections for members and representatives of Trade Unions are not adequate, we know that if our employer was to become aware of our activity in the Union and dismiss us, we are limited to a maximum award of two years' salary under the Unfair dismissal legislation, in reality this is often much less if we get another job in the time it takes a case to be run, this fear factor is significant and strengthened legislation is required to protect people like us organising a union to collectively bargain with our employer.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Are Ireland's protections, include Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different areas of the factory as has already happened and future

career prospects will be negatively impacted, managers have often spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain with our employer.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

No

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to

negotiate on pay and terms and conditions. Our employer should be encouraged by our Government to do this.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Maybe link any grants such as the 30 million euro given to Stryker along with all of the other IDA grants they have received over the years should be linked to entering into good faith negotiations with employee representatives, "no talk no grant"

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union. We have two outstanding Labour Court recommendations LCR 21501 and LCR 22263 which provides as follows: That the parties put in place arrangements to provide for collective representation of its membership by the Trade Union in relation to all matters associated with terms and conditions of employment including pay. Those arrangements should complement and function appropriately alongside current arrangements in place as regards a forum for engagement for the company Our workers employed by AbbVie Cork do still not have the right to collective bargaining with our employer through our chosen trade union. The Irish system is failing workers.

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Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's current protections for members and representatives of Trade Unions are not adequate, we know that if our employer was to become aware of our activity in the Union and dismiss us, we are limited to a maximum award of two years salary under the Unfair dismissal legislation, in reality this is often much less if we get another job in the time it takes a case to be run, this fear factor is significant and strengthened legislation is required to protect people like us organising a union to collectively bargain with our employer.

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Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different areas of the factory and future career prospects will be negatively impacted, managers have often spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain with our employer

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Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to negotiate on pay and terms and conditions. Our employer should be encouraged by our Government to do this.

Construction Industry Federation

4. Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The CIF believe that social partners would greatly benefit from state-funded training initiatives. Support for collective bargaining necessitates building trust between the parties. Meaningful discussions can only take place where there is a clear understanding of the process, and the behaviours expected from each party. Providing accessible training for both workplace representatives and employers would foster a shared understanding of the collective bargaining process and set realistic expectations for both parties. This approach can help prevent adversarial dynamics from emerging at the outset of negotiations. It is essential that both parties participate in the same training, which should be delivered by a statutory body such as the Workplace Relations Commission or Solas. The CIF looks positively on the Final Report, particularly the proposal to allocate funding under the National Training Fund Act 2000 making training available to both employers and trade unions.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The CIF has extensive experience with the Sectoral Employment Order process, but no experience of the JLC system.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Collective bargaining is a feature of the construction industry. For decades, the CIF and ICTU have negotiated and reached agreement on pay and conditions of employment for construction workers at industry and sectoral level. CIF and the ICTU negotiated the Registered Employment Agreement in the construction industry in the 1960s; this Agreement was varied on numerous occasions up to the striking down by the Supreme Court in 2013 of Part 3 of the Industrial Relations Act, 1946. The first construction sector Sectoral Employment Order (SEO) under the Industrial Relations (Amendment) Act, 2015 was introduced in 2017. SEOs in the electrical and mechanical sectors were also in place for a period of time. CIF represents the industry at the Construction Industry National Joint Industrial Council and the Electrical National Joint Industrial Council. CIF recognises the benefits of engaging in collective bargaining in an industry that employs substantial numbers of workers. A construction site can comprise of several different employers, each with one or more employees. Universally applicable rates of pay and terms and conditions of employment reduce the potential for industrial unrest in a multi-employer environment. Notwithstanding the above, CIF is supportive of the voluntarist system of industrial relations currently in operation. While we have no objection to a single mandatory meeting at enterprise level, we believe that an employer should only be compelled to attend where a threshold of union membership is met.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Building a culture of trust is fundamental. When both parties operate within clearly defined parameters and shared expectations, negotiations are more likely to proceed constructively. It is essential that all participants have a thorough understanding of the process, and the protections afforded to them.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

The CIF believe that the provision of Technical Assessors could be beneficial to social partners accessing information on comparators and industry norms. The assistance of Technical Assessors, appointed by the Labour Court, should be used on a case-by-case basis.

9. Article 4 of the Directive on Adequate Minimum Wages states:

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(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The Unfair Dismissals Acts provide that dismissal for the employee's membership, or proposal that he or another person become a member, of, or his engaging in activities on behalf of, a trade union or excepted body is an automatically unfair dismissal. Under the Unfair Dismissals Act is the employee is entitled to redress such as reinstatement, reengagement or compensation not exceeding in amount 104 weeks remuneration. We are of the view that this is a sufficient deterrent for employers who seek to dismiss on this basis.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

The Code of Practice on Victimisation sets out that where there is a dispute in an employment where collective bargaining fails to take place and where negotiating arrangements are not in place, no person, be they union representative, individual employee or manager, should be

victimised or suffer disadvantage as a consequence of their legitimate actions or affiliation arising from that dispute. Whilst this is a clear guideline as set out of parties engaged in collective bargaining, we feel that this could be included in a new code of practice setting out the entire collective bargaining process. This would allow parties to have all guidance and parameters in a standalone code creating ease of use.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Whilst outright dismissal for union membership is prohibited, trade union membership is not one of the nine protected grounds under the Employment Equality Acts.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

There have been a number of legal challenges to the Industrial Relations (Amendment) Act, 2015 and, in particular, to the SEO process by organisations in the construction industry who do not engage in collective bargaining at national level. We respect the right of any organisation to make representations to the Labour Court setting out their views/objections to the introduction of an SEO in a sector. Our experience has been, however, that objections have been raised on the completion of the Statutory Declaration Form that is required to establish that the applicant is substantially representative of the sector in which the application is being made. Clear guidance from the Labour Court in terms of a standard/template Statutory Declaration Form (similar to the

template Application Form) would assist the applicant(s) when making an application to the Court to examine the terms and conditions in a sector. Collective bargaining will be encouraged where a dispute resolution procedure is agreed between employers and workers that is capable of resolving any dispute that may arise between the parties. A disputes resolution procedure will provide a mechanism that the parties must exhaust before contemplating industrial action. The Industrial Relations Act, 1990 sets out protections against injunctive relief being sought by employers where certain parameters are met. These parameters do not include the exhaustion of a dispute resolution procedure in existence. We believe the Act should be amended to ensure that a disputes resolution procedure, whether agreed between the parties or introduced as part of an SEO, must also be exhausted before protection against injunctive relief may be granted.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Construction is a safety-critical industry and, therefore, access to sites must be strictly controlled. Access to sites must remain under the control of the principal contractor who has responsibility for the safety of all workers on site. Workers employed on site, who have been inducted into the safety procedures on the site and who hold a Safe Pass card, only are permitted onto site. While those with statutory authority such as Health and Safety Inspectors and WRC Inspectors are permitted access to a site, we are strongly of the view that trade unions should not be granted statutory powers to enter workplaces without permission. The HSA and WRC are public bodies whose remit is to ensure compliance with safety standards and employment protective legislation, etc. Trade unions are not public entities and, therefore, officials employed by trade unions should not be granted statutory powers. Furthermore, we believe that engaging in collective bargaining would in fact be discouraged if trade unions were permitted access to the workplace without the permission of an employer. We strongly believe that granting a statutory entitlement to trade unions to access workplaces would be counterproductive. Insurance, security and productivity implications would also arise for employers in the event that trade unions were permitted access to the workplace without permission.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Training, guidance, and access to expert advice are essential to fostering trust and encouraging employer participation. Introducing a structured dispute resolution mechanism, accessible only to employers who engage in collective bargaining, could serve as a further incentive (see 12 above).

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

It is beneficial for everyone involved in collective bargaining to have training and knowledge of what allows all partners to engage on a level playing field.

Wage-Setting is so important to the majority of people especially if they are on a lower than average income or an average income

Partners also need to be aware of the tax bands that may impact them as a result of increases.

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(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Often the regular worker is unaware of the value and importance of these consultations. It would be great if workers had info given to them at the workplace and preferably face-to-face contact with an independent person informing them of the process and how they can join in with their views either. Sometimes writing and submitting online is a very isolating experience and people need to be highly motivated to engage.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

I don't know enough to respond to this, It sounds healthy to have a good faith engagement but if it is mandatory will it just be a tick box exercise

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The language needs to be clear and simplified, so that everyone can understand what is being talked about without needing a degree in accounting , give people updates as to how the process is progressing and let people know if they can still give an input halfway thru

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Don't rely solely on social partners to spread the information use all the vehicles of communication press releases, local and national radio, national news, info posters to places of work, online platforms, news feeds, community and voluntary groups, GP practices (people have time to read notices in the waiting room

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

I don't know enough to comment on this

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Again, don't know enough on this matter

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

No view on this

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I don't know

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

I definitely believe this should be allowed, having some who is informed talking directly to you is the ideal. If it is a statutory entitlement, then it is not possible for the employer to refuse. I believe having the employees engaged in the process will be of benefit to the employer

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Employers need to know what benefits will accrue for them, they may need as much training and knowledge as the employees need to be open to this process

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

used to work for the Emergency Call Answering Service (ECAS). Myself and my colleagues operated what is commonly known as the 999 service which is a state contract operated by British Telecom (BT) Ireland who won the right to operate this contract after a public tendering process. After failing to resolve internal work grievances, including a case of bullying, myself and my colleagues decided to join the Communications Workers' Union (CWU). We wanted to change what we thought was a toxic workplace. After organising my colleagues into the union, we conducted surveys and petitions directed to management, which were all very well supported but which were ignored by them. Rather than meet us as a group of unionised workers the company organised group information meetings where we found the behaviour of management to be extremely intimidating and we were warned of the dangers of unionising our workplace. In one case we were warned that our employer could lose the contract to for the 999 service. In a follow-up survey of those in attendance at these meetings 94% of respondents found the meetings to be

intimidated and reported that they did not feel safe enough in the meeting to express their opinion in front of management. After the company refused to engage with us as staff and subsequently with our union we opted to conduct a ballot for industrial action out of frustration for any other way to get the company's attention to deal with the issues in a real way. We voted by 82% in favour of industrial action. We should not have been forced to do this but we felt we had very little choice given the conduct of our managers. We thought at this point that the company would sit down and talk to us given that BT Ireland recognises a trade union in Northern Ireland and in the UK, but we were disappointed by their response. Instead they improved the terms and conditions of all staff based on the requests that we had made and try to tell everyone that this was as a result of their own internal staff forum. But we knew this was a clear attempt to distract people from believing in the union and believing in themselves. We all knew that these concessions were only made to union bust. We thought that because our employer recognises a union in Northern Ireland and because this is a state contract that they would eventually see sense and afford us the dignity and respect of having our voice heard and listen to in the workplace but that did not happen. They had tried to union bust by holding group meetings and speaking to us in an intimidating way and by improving our terms and conditions to kill our organising campaign. But they failed. Because of the nature of the work that we do, which we considered to be a vital public service, and given that we deal with the public when they're at their most vulnerable and most in need we felt we should proceed carefully before taking any form of industrial action. To avoid a complete shutdown of the 999 service our union wrote to the workplace relations commission to ask them for their help. They wrote to management and invited them to a conciliation meeting to try and resolve our issues and avoid industrial action. BT Ireland refused to engage with the WRC and advised them that they would not attend a meeting. As a result, we spoke to politicians and ministers to get their assistance, but they told us there was nothing they could do even though it was a state contract. What good is it having rules for these things if the company we work for can just ignore them. How is it that the company I used to work for deals with trade unions in Belfast but can ignore them in Ballyshannon where one of our centres was based is then allowed to ignore the industrial relations machinery of the state when they are invited to discuss potential industrial action. Myself and my colleagues felt we were put in a position where we would have to run the risk of going on strike and closing down a vital public service which would only

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Trade unions should have a right to access workplaces and workers in person and digitally

The tax relief removed from trade union membership should be reinstated. Non-members should pay into a central fund as they benefit from deals agreed. That fund could be put to use for training / campaigns to build trade union density.

The recommendations of the LEEF High Level Working Group on Collective bargaining should be implemented.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The problem with JLCs is that employers can choose to veto. The veto needs to be removed.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Good Faith Engagement should be more than, one, single mandatory meeting. The engagement needs to take however long it takes, with both sides engaging in Good Faith.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The right to collective bargaining should be enshrined in law. Trade union membership / activity should be added as a protection under discrimination law.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Where employer organisations say they can't afford to increase minimum / living wage and delay pension auto-enrolment - they should produce evidence of why they can't afford it. Workers can easily show how they can't afford to live on small wages, just look at the numbers claiming and being eligible for income supports - this is the public purse subsidising private companies.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No. We need legal rights.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No. We need legal rights.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

No. We need legal rights.

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I have never heard of employers being stopped engaging with trade unions.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes - trade unions should be able to access workplaces (within safety limits) and workers in person and digitally.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Govt. should run campaigns promoting trade union membership. Govt. should make it a requirement for awarding public contracts that the employer must have a collective agreement in place and prove it.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.
- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate

extension mechanisms for sectoral Registered Employment Agreements (REAs)).

- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

- Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner.
- The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective

bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining.
- Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker.
- There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'.

Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. •The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. •The legislation should also remove the employer veto on union organisation and

collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

• Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Let unions into workplaces so workers can organize, join unions, and discuss issues freely.

Fund union growth through the National Training Fund and ESF+ – support recruitment, training, research, and efforts to reverse shrinking union membership.

Bring back tax breaks for union members – don't penalize people for joining.

Make non-union workers chip in if they benefit from union deals (but keep joining the union the smarter choice).

Create industry-wide bargaining with unions and employers – revive systems like Registered Employment Agreements.

Actually follow through on the LEEF group's plan to fix collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Expand sectoral wage agreements (JLCs) to more industries, as recommended by the LEEF report, and train all participants to make them effective.

Scrap the employer veto – it's blocking fair negotiations in these agreements.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single meeting isn't enough – it risks becoming a box-ticking exercise, not real negotiation. The EU Directive's goals demand a mandatory process, not just a one-off talk. You can't claim "good faith" while settling for the bare minimum.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Legally protect collective bargaining rights—ban anti-union discrimination and ensure all workers can negotiate wages, with no employer veto. Fund unions to organize and build capacity, helping drive stronger wage negotiations.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Access to data is key for fair negotiations. The State must provide reliable economic data to all sides and require employers to share relevant local info promptly and clearly. Let unions check company accounts for free via the CRO—no paywalls on transparency.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Current protections for union members are weak. We need new laws to safeguard workers and ensure real collective bargaining rights. The penalties for unfairly sacking union members are laughably low—they need to be much tougher to stop employers from breaking the rules.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Employers routinely punish union members and reps with: Sham redundancies Unfair dismissals (even when forced to pay WRC compensation) Bogus performance reviews Isolation, restrictive leave policies, and denial of flexible work NDAs, fake self-employment, and visa exploitation of migrant workers The government must: Ban anti-union discrimination—workers should never face retaliation for organizing or bargaining. Update the Employment Equality Acts to explicitly protect union membership and activity, covering hiring, firing, demotions, transfers, and all workplace retaliation. Impose much tougher penalties on employers who break the rules—current fines are a slap on the wrist. No more loopholes. No more weak punishments. Workers deserve real protection.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Ireland has zero legal protections for workers who want to form or join a union—that has to change. The ILO confirms it: our laws are silent on this basic right. The government must finally pass legislation guaranteeing every worker the freedom to unionize—no loopholes, no excuses.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each

other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

The real problem? Employers refusing to bargain—and blocking unions from workers. There's no law stopping bosses from negotiating—they just choose not to, while keeping unions out of workplaces. That's the barrier. Time to force them to the table.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Workplace access for unions isn't a privilege—it's a necessity. Unions need to: ✓ Recruit, organize, and bargain effectively ✓ Talk to members (and potential members) about rights, benefits, and workplace issues ✓ Address health and safety concerns The government must act:  Pass a law guaranteeing union access—to all workplaces, shifts, and remote workers (digitally too). No more employer lockouts.  Kill the employer veto on union recognition and bargaining. No more excluding workers from collective agreements. No barriers. No vetoes. Real access.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Promoting collective bargaining: Carrots and sticks needed While incentives for employers are welcome, voluntary efforts have failed—mandatory measures are now essential. The government must: ✓ Launch pro-union campaigns (membership drives & bargaining awareness) + tax incentives ✓ Tie public contracts & state funding to collective agreements—no deal, no cash ✓ Require collective-agreement-level wages for all migrant work permits ✓ Boost WRC resources to handle rising bargaining disputes No more empty encouragement. Time to make bargaining unavoidable.

2.Organisation

Stratis Consulting Limited

4.Article 4 of the Directive on Adequate Minimum Wages states:

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(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Stratis would support funding assistance for employers and trade unions who wish to engage in and promote joint training on collective bargaining, effective communications, consensus-based decision making and effective dispute resolution.

Approved programmes could be supported from the National Training Fund by up to a level of 2/3rds of the cost structured according to Company size.

It would also be appropriate to support separate training and capability building for Managers and Trade Union representatives on collective Bargaining, effective communications, consensus-based decision making, and effective dispute resolution, particularly where workplace relationships are adversarial and where joint training cannot be undertaken in the first instance.

Joint Training is best delivered on an in-company basis with Managers and Trade Union Representatives receiving the same content at the same time where they can be encouraged to review how they work together to develop agreed action plans for improved engagements.

Separate Management and Union Representative Training can be undertaken at company level or in a public programme setting but is more effective with established management and Union groups and may indeed be a precursor to Joint Training.

Stratis will work with all relevant stakeholders to actively support any initiative in this area including the development of bespoke content, the training of trainers and oversight of high-quality programme delivery. Pilot Programmes could be delivered and reviewed based on experience before any wider roll out.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

In relation to JLC's, they were set up originally to establish sectoral minimum pay, terms, and conditions when there was no National Minimum Wage in Ireland and little by way of a floor of employment rights. Until 2000, the JLC system was the only statutory minimum wage system in Ireland.

A National Minimum Wage Commission was established to study the issues around the introduction of a NMW. The Commission (1998:36) considered that "a radical assessment of the role and function of the JLC system will have to take place in the light of the Commission's recommendation to introduce a national minimum wage." However, no such review was undertaken and when the NMW was introduced the JLC system was retained and unchanged.

Despite some reforms introduced since then, only a few functioning JLC's now operate. The reality is that the current structures and operation of the JLC mechanism continues to attract significant opposition from employer bodies in sectors such as in retail and hospitality, amongst others. We see little prospect of employers in these sectors being attracted or incentivised to

participate in them.

The operation of the JLC's and successive reform initiatives has failed to secure the greater involvement of all within these sectors with all having equal input but with a critical policy emphasis being placed on both long-term sustainability issues and of the need to maintain competitiveness.

The future role and relevance of the JLCs and the capacity to engender employer support for them has also been eroded given the extent of other labour regulation introduced or pending. The introduction of paid Statutory Sick Leave (SSL) and the pending introduction of pension auto enrolment in the private sector are prime examples with the introduction of a Living Wage (to replace the NMW) still very much in prospect.

Some observers have argued that the State should promote collective bargaining, in the 'public interest' by way of multi-employer agreements including on a sectoral basis. As a result, if employers refuse or abstain, the law should in their view be utilised to ensure sectoral standard setting. However, our experience in Ireland is that these sector agreements can only be successful where they are established by voluntary agreement between employers and Trade Unions who are representative of the majority interests in their sector.

We question the continued relevance of JLC's in this context as the traditional space occupied by JLC's has been filled and indeed in some instances enhanced by significant changes in labour market regulation and the adoption of new enforceable rights and labour standards. (e.g. Statutory Sick pay, and pending introduction of Pensions Autoenrollment, and the prospective Living Wage etc).

We can predict that as these measures are introduced because of Government policy, it can still be expected that trade unions will continue to pressure the JLC's at sectoral level to allow for better terms to be agreed and applied at levels in excess of these new legal minima.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

It should be noted that the changes introduced by the Industrial Relations (Amendment) Act 2004 along with the adoption of the enhanced Code of Practice on Voluntary Dispute Resolution (SI 139/2004) including new anti-victimisation rules, were intended to enhance the effectiveness of processes already then in existence under the original 2001 Act and the Code on Voluntary Dispute Resolution, SI 145 of 2000. The basic purpose of the 2001 Act was to provide a procedure for resolving disputes, where collective bargaining arrangements were not in place and where voluntary procedures had not been followed or were not followed in good faith. Amongst the range of changes brought about in 2004, included a removal of the requirement for the Trade Union to prove that the Employer had failed to observe a provision of the Code of Practice “in good faith”. However, the good faith ethos was replaced by the inclusion of a breach/exhaustion of the timeframes as an enabling provision. Alternatively, the then LRC had to indicate that no further efforts on its part would achieve a resolution of the dispute. In general, the number of procedural steps were reduced, and the time frame was also reduced to obtain a binding determination from the Labour Court. Accordingly, if a principle of ‘good faith’ engagement was to be introduced to have relevance to proceedings under the Industrial Relations (Amendment) Act 2001-2015, this would necessitate an unwinding of the restrictive timeframes allowed for local engagement and before the WRC to allow for more realistic timeframes in circumstances where the potential for meaningful progress is being explored by the parties. This should repeal the present inclusion of a breach/exhaustion of the timeframes as an enabling provision. In more general terms, in employment relations the phrase “good faith” is often linked to the word “bargaining” and indeed to obligations on employers to engage with Trade Unions or to facilitate employees having access to external representatives. It leads to an articulation of the circumstances when ‘good faith’ must be practiced, the relationships where good faith is required and the consequences of non-compliance with ‘good faith obligations. This would represent a fundamental change to our IR system and in our view is best articulated by way of non-statutory guidance to the parties through the development of a voluntary code of practice for this purpose, developed with the support of the WRC. In our view, where the validity of a request is contested by the employer, the Labour Court could have a role in assessing this as part of any decision on the admissibility of the request. Ultimately, an organisation that applies a market competitive remuneration policy (and progressive HR practices) should be permitted to apply for an exemption from any proposed GFE obligations. Similarly, for the avoidance of doubt, it should be clarified that the prospect of GFE should not apply in organisations where it is the practice of the employer to engage in collective bargaining with a trade union irrespective of whether a specific grade, group or category which may be the target for membership of that same or any

other union, is in fact not unionised. This would be consistent with the general approach of the LEEF Report which helpfully confirmed that in the promotion of good faith ‘engagement’ between parties, this is not to compel collective bargaining on the employer or would require the parties to reach any outcomes or agreement. In practical terms, where a Trade Union makes a GFE request on an employer, there should be a minimum 3-year preclusion on any further GFE request that can be submitted by any Trade Union against that Employer in respect of any grade group or category. (Note-Text box full so please see remaining text submitted by email).

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Consistent with the principles established by the ILO, collective bargaining should be carried out voluntarily, freely and in good faith. The parties should be free to decide if they wish to engage in bargaining, or not, and there should be no interference from the authorities in their decisions to do so. The principle of good faith implies that the parties who freely and voluntarily are willing to engage in the practice of collective bargaining make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and are applied in good faith, and are given sufficient time to discuss and settle collective disputes. However, in Employment Relations the phrase “good faith” is often linked to the word “bargaining” and indeed to obligations on employers to engage with Trade Unions or to facilitate employees having access to external representatives. It leads to an articulation of the circumstances when ‘good faith’ must be practiced, the relationships where good faith is required and the consequences of non-compliance with ‘good faith obligations. This would represent a fundamental change to our IR system. The introduction of collective bargaining for a minority or even a small group of workers impacts everyone in the workforce and the view of the totality of non-union workers are all too often not properly considered in any dispute resolution process, particularly where they are a majority of the workforce as a whole or even as part of the grade, group, or category of workers at issue but where only a minority have chosen to pursue issues.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Where parties already voluntarily entered a collective bargaining relationship, they are of course free to frame any collective labour agreement on issues that are of shared importance to them and

in the process to adduce and share all and any relevant information that is helpful to them that process. However, in the absence of any collective bargaining arrangements, where a trade union is seeking to pursue a relationship with the employer through collective bargaining and where it is not the practice of the employer to so engage, there is considerable opportunity for dispute. The Industrial Relations (Amendment) Acts 2001-2015, or the so called ‘right to bargain’ legislation, has effectively been abandoned by Trade Unions in Ireland with very few cases since the last set of changes in 2015. We recognise the acute sensitivities that arise in this area for all parties. It is not currently within the remit of either claimants or the Court to conduct agreed assessments of market information. Stratis would agree that the appointment of ‘technical assessors’ may be of some assistance in verifying data on remuneration, but it remains the case that Unions have shown little interest in a significant piece of legislation that is not replicated elsewhere in the EU or the UK. However, the terms of reference applicable to such ‘technical assessors’ would be critical and e.g., including, depending on the facts in dispute, a need to reflect any assessment of economic and comparator data the appropriate quartile for comparative purposes, the present economic, commercial, competitive, and trading performance of the organisation and criteria needed for future sustainable commercial success. However, the special position of the MNC sector, where most have market leading remuneration and HR practices, and policies must be respected in the design of any ‘assessment’ process under the Industrial Relations (Amendment) Acts 2001-2015. Nothing should be done that negatively impacts on sustainability and viability. This requires that:

- The field for comparison purposes deserves discussion with the parties and such exercises should reflect the relevant sector comparisons and not just those quoted by either side.
- Given the importance of the issues for the parties, any draft assessment of data by a ‘technical assessor’ should be shared with the parties for comment before being finalised for submission to the Court for its consideration.
- There will also be important matters of confidentiality and of data protection arising here to be considered in framing the status of any report by an ‘independent assessor.’
- There is also a need to clarify the standing of any such report as part of further proceedings before the Labour Court e.g., is such a report for information purposes only, or is it to have more of an ‘advisory’ status for consideration by the Court, but which the Court can either accept, reject, or vary in its considerations of the issues and having heard from the parties?
- Finally, in our view, those designated as ‘technical assessors’ should be of sufficient standing, industry experience and expertise, including in employment relations, to enable them to carry out such work, with the support of the parties.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland already has comprehensive measures and protections in place against acts which could be calculated to cause the dismissal or otherwise prejudice a worker by reason of participation in union activities. These are already significant and dissuasive of noncompliance. Under Section 8 of the Industrial Relations Act 2004, victimising an employee on account of the employee being or not being a member of a trade union or an excepted body or the employee engaging or not engaging in any activities on behalf of a trade union or an excepted body is illegal. Under Section 9 of the Act, the Workplace Relations Commission (WRC) may direct that the conduct which is the subject of the complaint should cease and make an award of compensation not exceeding 2 years remuneration. The Unfair Dismissals Acts 1977 to 2007 provide specific protection to employees who are dismissed because of membership of a trade union or excepted body, or because of trade union activity. Section 6 of the Acts provides that where a dismissal (including constructive dismissal) is caused wholly or mainly by such membership or activity, it will automatically be deemed to be unfair and may result in the employee being reinstated in his or her position with the employer or being awarded damages at a level of up to two years' remuneration. Further protections are afforded by the Unfair Dismissals Acts in the case of dismissals effected in the course of lockouts or strikes, or where the employee in question was not permitted to return to work on the same terms and conditions of employment. Under Section 6 (2) (a) of the Unfair Dismissal Act 1977, as amended, the dismissal of an employee will be deemed to be unfair if it results wholly or mainly from an employee's membership or proposed membership of a trade union or engaging in trade union activities, whether within permitted times during work or outside of work. Importantly, there have been very few cases pursued by trade

unions under the codes of practice or in relation to unfair dismissal related to trade union membership or activity, which suggests that the rhetoric of the need for additional protection is unfounded. In addition to the protections aimed at trade unions and excepted bodies referred to above, workers' organisations established pursuant to European Directive enjoy a variety of protections in Ireland, including guidance on the manner in which employee representatives may be appointed. The Code of Practice on Duties and Responsibilities of Employee Representatives 1993 (under Section 42 of the Industrial Relations Act 1990) sets out guidance for employers, employees and trade unions on the duties and responsibilities of employee representatives, and the protection and facilities which should be afforded them to enable them to carry out their duties in an effective and constructive manner. There are severe penalties for penalisation of employee representatives, including the prohibition of dismissal or any unfavourable change to his or her conditions of employment or any unfair treatment, or any other action prejudicial to his or her employment. Any breach of these provisions constitutes a criminal offence under Irish law. Under Article 2(1) of ILO Convention 98, workers' and employers' organisations enjoy adequate protection against any acts of interference by each other or each other's agents or members in the establishment, functioning or administration. Under Irish law, trade unions enjoy generous protection against such interference, as compared with other countries. Unions enjoy wide discretion as to how ballots for industrial action are conducted under Section 14 of the Industrial Relations Act 1990. A breach of section 14 is virtually unchallengeable by an affected employer. An employer who has a sense that the standards required of unions and their members have not been adhered to has no remedy under the Act. (Note-Please see remaining text submitted by email)

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Ireland has an extremely robust framework of legislation and codes of practice to ensure that the protection principles espoused in the European Convention on Human Rights are protected and promoted. For example, matters of employer incentivising abandonment of trade union representation and collective bargaining rights, would of course be in breach of S.I.463/2015 Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2015. We have detailed anti victimisation protections under S.I.463/2015, the Code of Practice on

Victimisation, which prohibits any unfair or adverse treatment of employees including any unfavourable change in conditions of employment or acts of commission or omission that adversely affect the interests of an employee for engaging in trade union membership or activity. Critically the code prohibits victimisation arising from an employee's "membership or non-membership, activity or non-activity on behalf of a trade union or excepted body". Importantly, there have been very few cases pursued by trade unions under the code, which suggests that the rhetoric of alleged employer victimisation and/or intimidation is very different to the reality. Victimisation is defined as "any adverse or unfavourable treatment that cannot be justified on objective grounds", and provides examples of unfair or adverse treatment, stating that they may be acts of "omission or commission", including "any unfavourable change" in an employee's conditions of employment or "acts that adversely affect the interests of the employee". Remedies are available for employees who wish to invoke the Code through the Industrial Relations (Miscellaneous Provisions) Act 2004.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

In addition to the issues arising regarding collective bargaining and union recognition, some parties have advocated for more protection for workers if they wish to organize or join a trade union. The Irish courts have held on several occasions that the right to freedom of association of employees does not create a legal obligation on employers to negotiate with their union or encompass a right to collective bargaining. Indeed, it is also worth noting that in the 2007 Supreme Court case of *Ryanair v Labour Court*, Justice Geoghegan J even opined that employers may have a right not to be compelled to recognise a trade union, or a right to operate a non-unionised enterprise. Whilst employers respect the right of freedom of association, they equally expect their reciprocal right of disassociation to be respected as confirmed by the Irish Constitution. The constitutional right of association carries with it significant protection which has been further bolstered by a range of legislative measures. However, the right does not imply any duty on the employer beyond respecting that right in itself. It does not extend to obliging the employer to negotiate with any association which may be formed by employees. Apart from the matter of asserting a right to collective bargaining related issues have arisen in the absence of a legal requirement that workers be entitled to trade union representation in the context of e.g. individual grievance and disciplinary issues. As things stand, under Irish law, if an employer

refuses to allow representation, or places practical obstacles in the way of employees securing appropriate representation, a range of consequences may follow: • The Labour Court may intervene, as it has done on occasions, to ensure that the Code of Practice on Grievance and Disciplinary Procedures is properly complied with. • The Code provides examples of “employee representative” and includes “a colleague of the employee’s choice and a registered trade union” within those examples. • Failure to allow for appropriate representation may also result in a challenge to the compliance of the process with the principles of natural justice and fair procedures as protected by the Constitution of Ireland, 1937. • There have been very few cases pursued by trade unions including under Codes of Practice, regarding alleged acts of discrimination where they wish to organise or related to union membership, which suggests that the rhetoric of alleged employer discrimination is very different to the reality. • Finally, the Labour Court is likely to find that any dismissal based on deficient procedures, including the absence of proper representation, is unfair, as they are empowered to do under section 5 of the Unfair Dismissals (Amendment) Act 1993.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers’ organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other’s agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Our response to this point should be read in conjunction with our comments under questions 10 and 11 above. Ireland has an extremely robust framework of legislation and codes of practice to ensure that the protection principles espoused in the European Convention on Human Rights are protected and promoted. For example, matters of employer incentivising abandonment of trade union representation and collective bargaining rights, would of course be in breach of S.I.463/2015 Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration)

Order 2015. We have detailed anti victimisation protections under S.I.463/2015, the Code of Practice on Victimisation, which prohibits any unfair or adverse treatment of employees including any unfavourable change in conditions of employment or acts of commission or omission that adversely affect the interests of an employee for engaging in trade union membership or activity. Critically the code prohibits victimisation arising from an employee's "membership or non-membership, activity or non-activity on behalf of a trade union or excepted body".

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Under Article 4 (1)(b) of the Directive (EU) 2022/2041 on Adequate Minimum Wages it specifies that one of the aims in increasing collective bargaining coverage should be to: "Encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage setting". This provision, as written, is clearly intended to operate where collective bargaining exists between the relevant parties. The reference to social partners being able to negotiate on an equal footing is intended to prevent the undermining of one side of the social partners in conducting collective bargaining and is in line with the spirit of the ILO Conventions and in particular Convention 98 on the Right to Organize and Collective Bargaining. However, the focus of the question for consultation must be read in the specific context of the 'voluntary' nature of collective bargaining. The absence of a legal obligation to engage with a particular trade union, or indeed any union, is entirely consistent with ILO conventions on freedom of association. The principle of free and voluntary negotiation in collective bargaining, that the voluntary negotiation of collective agreements, and therefore the autonomy of the bargaining partners, is a fundamental aspect of the principles of freedom of association. The standards and principles which emerge from the ILO Conventions, Recommendations and other instruments on the right to collective bargaining have been repeatedly summarised in the International Labour Review , which includes an analysis of the voluntary nature of collective bargaining: "In view of the fact that the voluntary nature of collective bargaining is a fundamental aspect of the principles of freedom of association, collective bargaining may not be imposed upon the parties and procedures to support bargaining

must, in principle, take into account its voluntary nature; moreover, the level of bargaining must not be imposed unilaterally by law or by the authorities, and it must be possible for bargaining to take place at any level.” Efforts to introduce compulsory measures on access would be fiercely resisted by employers and especially so, where it is not their practice to engage in voluntary collective bargaining. Allowing for ‘access’ to the workplace, in the absence of voluntary collective bargaining having already been freely established and by agreement, in the case of an employer who has not given permission, would represent a serious punitive challenge to the private property rights of Employers over their business interests. Such ‘access’ issues if pursued are also likely to raise fundamental issues of compliance with GDPR requirements and create heightened risk and vulnerabilities to IT System integrity. We respectfully argue that such ‘access’ is not required or permissible, it would undermine the property rights of employers and if granted, it would also seriously undermine the voluntary nature of collective bargaining as set out under ILO C98.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

In our view, in any consideration of an action plan to ‘promote’ collective bargaining, the significant opportunity to address the overdue potential for industrial relations reform must also be addressed as part of a balanced approach. The current primary focus of the consultation on issues around collective bargaining will mainly be a matter for the Private Sector along with efforts to boost collective bargaining coverage including through sectoral agreements such as the JLC’s. How these principles are articulated is of concern to employers generally and to the FDI sector in Ireland. FDI companies account for 80% of corporation tax receipts and contribute significantly to Irish exports. We also know from the CSO quarterly national accounts that information and communication’ and ‘industry (excl. construction)’ are the two sectors most dependent on exports and are most at risk of any reduction in international trade with potential negative impacts on both output and employment. We already know that foreign direct investment in Ireland decreased by €50.3bn to €1.3tn in 2023. Whilst total permanent full-time employment in agency assisted companies operating in the industrial and services sector was 504,831 in 2024 and increased by 1.4% or 6,800, on 2023, we are seeing a slower rate of job growth and generation than previously given the changing international context for business, geopolitical uncertainty and the cost of doing business for both indigenous and FDI businesses. Given the importance of FDI investment and of our trading relationships to many indigenous

exporters, at a time when these relationships and even our potential attractiveness as a location for investment is under scrutiny if not threatened, as a result of uncertainty in the trading relationships between the US, and Ireland as part of the EU, it would be reckless to introduce compulsions to mandate employers to enter into ‘good faith’ engagement or to prioritise collective bargaining arrangements over other forms of engagement at enterprise level. The voluntarist approach to industrial relations in Ireland, is foundational and at its core is the premise that the State does not seek to impose a solution on the parties to a dispute but will, where appropriate, assist them in arriving at a solution. Whilst the evolution of individual employment rights and jurisprudence has chipped away at its edifice, the voluntarist ethos has served all parties well for many years. If changes are to be considered based on new design principles, we must be clear that voluntarism cannot end for one side of industry or just in the private sector. We should not be adding to the obligations on employers in the private sector (at enterprise or sector level) and to have these as ‘add ons’ to an otherwise ‘voluntarist’ IR system where Trade Unions remain free to pursue issues in other parts of the private and public sectors without any effective oversight or compliance and under existing outdated rules on the conduct of industrial relations and possible industrial action. We cannot have changes being considered to collective bargaining, to its ‘promotion’ or to trade union recognition which might increase workers’ rights or the level of compulsion on employers in the private sector and to have these bolted on to an otherwise ‘voluntarist’ IR system. There remains an urgent need to introduce significant systemic reforms to our industrial relations systems, which the LEEF process failed to address and remain outstanding concerning how our dispute resolution bodies function and how trade disputes are regulated. At Stratis, we believe that this will show to employers, that the Government in producing any action plan to promote collective bargaining is keen to ensure a balanced outcome which will ensure that our IR system is reflective of the modern needs of employers and workers. (Text box full - see hard copy by email for examples of areas for wider IR review)

2.Organisation

Licensed Vintners Association

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

We do not believe collective bargaining is the correct approach for our sector. Wage negotiations should be conducted at individual business level in the licensed trade, noting the diversity of the sector in terms of scale, profitability, location and style of business. We note the role of Government in setting Minimum Wage, in setting other statutory employment conditions, and the role of the WRC in protecting workers' rights. No additional training or capacity building activities are required for our sector.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Licenced Vintners Association is not a member of any JLC and accordingly, we do not have any views on this.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

We do not believe there should be mandatory meetings between employers and a trade union - such engagement should be on a voluntary basis by both sides.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Wage negotiations should be conducted at individual business level in the licensed trade, noting the diversity of the sector in terms of scale, profitability, location and style of business.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Wage negotiations should be conducted at individual business level in the licensed trade, noting the diversity of the sector in terms of scale, profitability, location and style of business.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's protections are adequate.

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or

activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Ireland's protections are adequate

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Workers are sufficiently protected.

12.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Employers are sufficiently protected.

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

No such statutory entitlement should be introduced. Our staff work face-to-face and have on-going direct engagement with employers. Accordingly, there is no need for a statutory entitlement for trade union access in our sector.

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We do not believe collective bargaining is appropriate for the licensed trade. We promote open, constructive engagement between workers and owners at individual business level, and bargaining should be conducted at the level of the individual business to take account of its position, including its size (both turnover and number of employees), profitability, location and style of business.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.

- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.

- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).
- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

Unions should have access to the company's accounts to ascertain if the company can afford to increase pay, terms and conditions. Similar to that which is available to unions who have representatives on European Working Groups for employers who are pan European.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. • Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives. The use of employee working groups to bypass union recognition and engagement should be illegal. The right to organise and the establishment of a union should be easy not restrictive, with minimum number of members being 500 not 1000

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. • The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise

of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislation that protects workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.

- Many workers experience victimisation by employers and there is a real fear of employer reprisal which acts as a barrier to union organising and bargaining. Examples include unfair dismissals in cases where the employer is willing to pay the WRC compensation; sham redundancy processes; isolation of trade union activists; poor performance reviews; control over leave arrangements, control over remote and flexible work; the use of NDAs; use of bogus self-employment; and exploitation of migrant workers regarding work visas and the provision of company accommodation.
- The Government should introduce legislation to protect workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining.
- The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional

discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining. • Protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker. • There needs to be harsher punishments for employers found to have discriminated against a worker based on their trade union activity.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. • The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers. • The legislation should also remove the employer veto on union organisation and collective bargaining recognition. Employers must also not be allowed to exclude or deny individuals or groups of employees from collective bargaining.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures to promote employer participation are welcome. However, employers have, in general, not demonstrated an enthusiasm for engaging in collective bargaining arrangements. For example, to achieve union recognition in two of Ireland airlines, the airline had to be threatened with strike action. Union recognition should be mandatory. In this context incentive measures should be balanced with measures aimed at obliging employer participation. • The Government should fund campaigns promoting trade union membership, develop collective bargaining awareness campaigns, introduce tax incentives, introduce collective bargaining conditionality on public procurement contracts. • The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place. • The Government should make work permits conditional on collective agreements. For example, to be eligible as an employer of a migrant worker, the wages paid must be similar to the level of collective agreements. • Provide adequate resources to the WRC conciliation service in anticipation of an increased level of collective bargaining activity.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

- The Government should introduce a right of trade unions to access workplaces and workers. This would support workers to organise, facilitate trade union recruitment, and ensure workers can discuss workplace matters with their representatives.
- The Government should allocate funding under the National Training Fund and the European Social Fund Plus (ESF+), which can be accessed by trade unions, for trade union development and collective bargaining, including campaigns and projects in organising, recruitment, capacity building, training of union staff and members, research, and initiatives to address declining trade union density.
- Reinstate Tax Relief for trade union subscriptions.
- Introduce a solidarity contribution from non-members who benefit from collective agreements, designed so that it incentivises union membership.
- The Government should work with the social partners to consider approaches to establish sectoral bargaining and extension mechanisms for collective agreements. (e.g. re-instate extension mechanisms for sectoral Registered Employment Agreements (REAs)).
- Fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

- The Government should develop additional JLCs in appropriate sectors, in line with the recommendations in the Final Report of the LEEF High Level Working Group and ensure all participants of JLCs undergo appropriate training.
- The Government should remove the employer veto which hinders the proper functioning of JLCs.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single mandatory meeting is insufficient to meet the objectives of the EU Directive. There should be a mandatory process for engagement. There is a risk that a single meeting would become a ceiling and not a floor and this could result in a box ticking exercise in some areas rather than a meaningful attempt to negotiate. A good faith process and a single mandatory meeting are contradictory ideas.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargain and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Adequate and timely access to information is critical to negotiations and in ensuring trade unions and employers can carry out their functions in respect of collective bargaining. The State should support the provision of information in two ways: by ensuring the provision of reliable data on the economy's performance for all social partners; and by compelling social partners to provide relevant local data in a timely and digestible manner. The Government should ensure unions can access company accounts free of charge through the Companies Registration Office (CRO).

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, protections for trade union members and representatives are not adequate. New legislation is needed to protect trade union members and facilitate the exercise of the right to collective bargaining. The compensation employers must pay for unfair dismissal is not strong enough to act as a deterrent. Stronger and more robust and burdensome penalties for employers that unfairly dismiss their employees for engaging in union activity are needed.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

The Employment Equality Acts should be amended to include membership of a trade union, or engaging in trade union activity, as an additional discriminatory ground, so as to render unlawful any form of adverse treatment in employment, including dismissal, grounded on a worker's membership of a trade union or engaging in trade union activity, including seeking to engage in collective bargaining.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The International Labour Organisation (ILO)'s IRLEX legal database of industrial relations identifies no legal arrangements in Ireland concerning the right to 'establish or join a trade union'. Therefore, the Government must introduce legislation giving workers the right to establish and join trade unions.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the

purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

The Government must introduce legislation allowing trade union representatives access to the workplace for activities related: representing union members, collective bargaining activities, health and safety matters, recruitment of new members, and providing information about the union to any employee. Access should be for all workplace locations, rosters and shifts, and suitable facilities should be provided. Access must be both physical and digital facilitating electronic communication to employees, including remote workers.

14.Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

The Government should introduce a conditionality requirement that any organisation being awarded a public contract or state funds must have a collective agreement in place.

4.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Practitioners who have little experience of collective bargaining could benefit from the insights of those management and union professionals who have extensive experience. There are many examples available on companies in Ireland and internationally where unions and management have engaged in win-win, interest-based negotiations. A benefit of the creation of the former National Centre for Partnership and Performance was that it brought exemplar cases of bargaining to the attention of people professionals. There is also academic research available on

the conditions associated with successful and unsuccessful workplace partnership cases (below). Training would give participants the opportunity to become aware of the benefits of collective bargaining. Contrary to some myths, strong worker representation and collective bargaining do not mean the dilution of economic competitiveness. Eurofound's (2023) research shows that those EU countries which are amongst the highest performers for industrial democracy are also the highest performers in relation to industrial competitiveness and social justice. There is also substantial research internationally on the benefits of collective bargaining for employers in dealing with major economic shocks and challenges such as the financial crisis, the COVID pandemic and climate change (below).

Useful references:

IBEC, Skillnets and ICTU (2000) 'Aughinish Alumina' Dublin: National Centre for Partnership and Performance; National Centre for Partnership and Performance, (2002) 'Case Study 2, Aughinish Alumina Ltd' Dublin: National Centre for Partnership and Performance;

Ryan, L., & Wallace, J. (2016). Annual hours, workplace partnership and mutual gains: exploring the links. *Employee Relations*, 38(2), 248-266;

Dobbins, A., & Gunnigle, P. (2009). Can voluntary workplace partnership deliver sustainable mutual gains?. *British journal of industrial relations*, 47(3), 546-570;

McKersie, R. B., Eaton, S. C., & Kochan, T. A. (2004). Kaiser Permanente: Using interest-based negotiations to craft a new collective bargaining agreement. *Negotiation Journal*, 20(1), 13-35.

ILO (2022) Social Dialogue Report 2022: Collective bargaining for an inclusive, sustainable and resilient recovery. ILO: Geneva.

Guyet, R., Tarren, D. and Triomphe, C. (2012) Social dialogue in times of global economic crisis. Luxembourg: Publications Office of the European Union.

Eurofound (2023) Measuring key dimensions of industrial relations and industrial democracy (2023 update). Publications Office of the European Union, Luxembourg.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the

social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Joint Labour Committees are a critical mechanism by which to improve the working lives of those in low-paid sectors and therefore it continues to have a strong rationale from when its predecessor was established in the early 1900s. In 2022, Ireland had the 7th highest rate of low paid workers (almost 20%) in the EU and almost half of employees in accommodation and food in Ireland were low paid, the 6th highest in the EU (Eurostat, 2025). A Fáilte Ireland report from 2022 noted a considerable number of occupations in tourism which employers had difficulty in recruiting including chefs, bar service, drivers and waiters. It also identified job insecurity, low pay and unsocial hours as negatives of working in the tourism and hospitality sector – issues which JLCs can seek to address by improving the quality and attractiveness of jobs.

A University of Limerick report for the Workplace Relations Commission in 2024 noted the views of several national labour market stakeholders which identified JLCs as an appropriate body to address key issues in the labour market such as coordinated planning on skills training and the cost of living. An important facility of JLCs is that they can tailor minimum regulations to the particular employment/industry covered.

We support the recommendations of the LEEF High-Level Working Group on Collective Bargaining in regard to incentivising employer engagement on JLCs and improving its functioning.

See O’Sullivan, M., Murphy, M., Lavelle, J., Ryan, L., McMahon, M., Dundon, T. and Ipinnaiye, O. (2024) Work and Employment Transformations in Ireland: A Review of Labour Market and Workplace Relations Challenges. Dublin: Workplace Relations Commission.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A provision which only obliges parties to engage in a single meeting is unlikely to have a significant positive impact on the Directive’s aim of increasing the collective bargaining coverage. Other European countries have much stronger legislative obligations with regard to

collective bargaining. In Sweden, in addition to the benefits of unions' role in the Ghent system, the law provides that a union has the right to negotiate with an employer on any matter relating to their union member while employers are obliged to initiate negotiations with a union where there are significant changes in its activities or work of a union member (O'Sullivan and Murphy, 2024). Sweden is a country which ranks as a high performer in the EU in regard to industrial competitiveness and industrial democracy (Eurofound, 2023). Romania has sought to rectify its low collective bargaining coverage by introducing legislation company-level collective bargaining (though not conclusion of an agreement) so that company-level collective bargaining is obligatory for employers with at least ten employees; unions can secure recognition at the sectoral level if they represent at least 5% of the workers in the sector; multi-employer and sector-level bargaining is facilitated and, in some cases, sectoral agreements can be made binding upon the whole sector depending on the proportion of the sectoral workforce employed by members of the signatory employer organisations (Trif and Stochita, 2024; Kinstellar, 2023). Measures have been proposed in Germany to enhance collective bargaining including using public procurement to advance collective bargaining and offering tax relief to companies with collective agreements (Müller and Schulten, 2019; Hassel, 2022; Schulten and WSI Collective Agreement Archive, 2022). Measures such as these are much more likely to impact collective bargaining than the minimalist measure proposed in Ireland of a single mandatory meeting. For references, see O'Sullivan, M. and Murphy, C. (2024) Access of trade union representatives to workers in Ireland in a comparative European context. Dublin: Friedrich-Ebert-Stiftung.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

See answer to question 6

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate

or wish to participate in collective bargaining on wage-setting;

Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

A recent study by the University of Limerick for Friedrich-Ebert-Stiftung of union officials in Ireland found that a majority had encountered employer victimisation against union members. In qualitative comments in the study, officials frequently raised the issue of victimisation through dismissals. In some other European countries, legislation provides that employers can only dismiss union representatives under certain conditions and that the maximum redress that can be awarded in legal cases where a union representative is found to have been unfairly dismissed is higher than for dismissals of other workers (see O’Sullivan and Murphy, 2024). In addition, it’s worth noting that the European Committee of Social Rights has previously criticised Ireland for the lack of protection for workers against “lesser forms of detriment than dismissal based on trade union membership” (Kilcommins et al., 2004: xiv). See O’Sullivan, M. and Murphy, C. (2024) Access of trade union representatives to workers in Ireland in a comparative European context. Dublin: Friedrich-Ebert-Stiftung.

10. Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

According to the ILO (2018), no person should be dismissed or prejudiced in employment by reason of trade union membership or legitimate trade union activities, and it is important to forbid and penalize in practice all acts of anti-union discrimination in respect of employment. Twenty years ago, a report commissioned by the Department of Justice, Equality and Law Reform considered trade union membership as a potential prohibited ground for employment discrimination (Kilcommins et al., 2004). The report noted that “many jurisdictions outlaw employment discrimination based on trade union membership, and also discrimination on related grounds such as trade union activities” (Kilcommins et al., 2004: xxiv). Kilcommins, S., McClean, E., McDonagh, M., Mullally, S. and Whelan, D. (2004) Extending the Scope of Employment Equality Legislation: Comparative Perspectives on the Prohibited grounds of

Discrimination. Report Commissioned by the Department of Justice, Equality and Law Reform. Dublin: Stationary Office.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

A 2024 study by the University of Limerick for FES of union officials in Ireland found that over 90% had either occasionally (62%) or regularly (30%) encountered victimisation of union members/activists suggesting that current protections are inadequate.

12. Article 4 of the Directive on Adequate Minimum Wages states:

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(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

We are unaware of academic research on whether employers experience acts of interference. We have evidence of acts of interference against unions. For example, in a survey of union officials in Ireland in 2024, 50% reported that employers had distributed anti-union literature to workers, almost 90% were aware of company line managers briefing workers against the union and 80% had encountered management consultants being used by employers for union avoidance purposes (O'Sullivan and Murphy, 2024). See O'Sullivan, M. and Murphy, C. (2024) Access of trade union representatives to workers in Ireland in a comparative European context. Dublin: Friedrich-Ebert-Stiftung.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Evidence indicates there is a representation gap in Ireland, where many employees who would join a union are unable to do so (D'Art and Turner, 1999; Murphy, 2016). Recently, Geary and Belizon (2022) found that 44% of non-union workers generally, and over two-thirds of non-union workers aged 16-24, would vote to establish a union in their workplace. This suggests that workers have limited access to trade union representation, and unions face significant challenges in accessing workplaces. The University of Limerick/FES 2024 study of union officials in Ireland found that 80% had experienced being prevented from entering a workplace by employers, almost 70% had been refused digital access to employees by employers and two thirds had experienced being restricted by employers to interact with employees in public spaces. In addition, the body for HR professionals, the CIPD, commented in 2025 that “collective bargaining with a trade union remains unlikely for most non-unionised companies” based on the findings from the IRN-CIPD Pay and Employment Practices Surveys. It seems unlikely many firms will allow trade union access to workplaces without legal obligations. The ILO (2018) has emphasized that workers' representatives should have access to management and workplaces, enjoy necessary facilities for their functions, and that negotiation between employers and workers' organizations should be encouraged. The Directive on Adequate Minimum Wages and Collective Bargaining Coverage underscores that Member States should promote collective bargaining on wage-setting, which might include measures to ease trade union representatives' access to workers (Recital 24). Although Article 4(1) does not explicitly mention a right of access, facilitating access for trade unions to workers can be a measure to protect and promote collective bargaining on wage-setting (European Commission, 2023). Müller and Schulten (2024) highlight the importance of measures to strengthen unions' capacity, including a right of access to organizations, preventing union busting, and supporting time and facilities for union representatives. Ireland continues to lack an enforceable legal framework supporting union presence in the workplace, arguably a key factor for unionisation (Toubøl and Jensen, 2014; Marracone and Erne, 2023). It stands in contrast to other countries such as Sweden, where regional union representatives are guaranteed access to the workplaces, there are extensive obligations on employers to share business information with unions; and trade union representatives in the workplace have rights to facilities and time off and have extended employment protection (Nyström, 2020). It is imperative that the Irish government takes

immediate action to rectify the lack of right to access for unions, ensuring fair representation and protection for all workers.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Please see answers to questions 4 and 6.

2. Organisation

The Labour Party Carlow / Kilkenny Constituency

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The Labour Party supports the provision of funding from the National training Fund to be accessed by trade unions and employers for the provision of training in the practise of collective bargaining. Ireland is also an outlier in the EU in not using funding under the European Social Fund+ to support capacity building of social partners. A minimum of €6.5m should be allocated from the ESF+ to support such capacity building which would provide for training, networking measures and strengthening of social dialogue. This should include support for organisations including the hiring of staff, analysis and research, events and exchanges.

The State, through the Government should express its explicit support for sectoral and cross-industry collective bargaining and pursue measures to enhance and support it. Addressing the

employer boycott of JLCs, as Labour has previously proposed in the Seanad is long overdue. The Government should also commission the ILO to review how Ireland can build and strengthen collective bargaining in accordance with ILO conventions listed in Recital 24. It should also ratify the Labour Relations (Public Services) Convention No 151 (1978) and the Collective Bargaining Convention No 154 (1981).

Other measures the Labour Party support include:

- Require recipients of State funding and contracts to commit to engaging in collective bargaining and the recognition of trade unions representing their workers, and support the revision of EU public procurement legislation to strengthen the social clause.
- Oblige all public bodies and those in receipt of public funds through contracts and procurement to engage with JLCs or sectoral bargaining, implement sectoral agreements and Labour Court recommendations.
- Ensure the industrial relations and enforcement machinery of the State is properly resourced and fit for purpose.
- Overhaul the overly restrictive Unfair Dismissals Act so that no worker can be punished for organising or seeking to organise for better pay and conditions at work. To send a clear message to protect union members and their representatives from victimisation, dismissal, and acts of interference there should be penalties for egregious employer behaviour, a lifting of the cap on payments and compensation should be awarded based on the severity of the action taken.
- Make the awarding work permits conditional on recognition of trade unions and collective agreements.

It is particularly essential that workers are provided with a legal right of access to trade union representatives who must have a right to access the workplace. Other measures that should be addressed include:

- Ensure appropriate facilities are provided so that trade union representatives can carry out their role comprehensively.
- Restore tax relief on trade union subscriptions to incentivise and reward membership of a union, while also recognising members of professional associations may claim tax relief on their payments as can members of employer organisations as a deductible expense. This action should seek to level the playing pitch in terms of the financial reliefs available to workers and employers alike.
- Legislate to protect trade union membership deductions at source.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Labour supports the establishment of more employer-trade union Joint Labour Committees across all low paid sectors of the economy to set Fair Pay Agreements of binding minimum pay and conditions for workers.

We have previously published legislation to end the employer veto that has blocked progress when groups refuse to engage in a collective wage setting process. These proposals were outlined in the Industrial Relations (Joint Labour Committees) Bill 2019.

If the “inadequacy of the existing machinery for effective regulation” of pay and conditions of employment is the ground for setting up a JLC, then it cannot be right that the refusal of a representative body on one side to either support collective bargaining or to support a JLC can be a bar to its establishment. Such a stance on the part of a representative body should instead be proof positive that the existing machinery is inadequate and that a JLC is needed.

Section 2 of the proposed bill would enact new provisions relating to the constitution of JLCs. These will apply where before appointing representative members to a JLC, the Labour Court sought to consult an organisation of employers and or of workers, but the organisation concerned failed or refused to engage, to any significant extent or at all, in consultation with the Court in relation to the appointment of such representative members.

In such a case the Court shall appoint such persons to be representative members as, taken together and so far as is reasonably practicable, are in the opinion of the Court representative of

the interests of employers (or workers) in relation to whom the committee is to operate. The purpose is to emphasise that the members appointed are to be representative of the interests of the employer (or worker) side, while not necessarily being employers' (or workers') representatives.

Under the section the Court must from time to time review the membership of the committee and must exercise its powers to determine the membership of representative members and to appoint new representative members so as to ensure that, in the opinion of the Court, the representative members, taken together and so far as is reasonably practicable, continue to be representative of the interests of such employers (or workers).

Section 3 then makes provision for cases where the appointment of representative members under the previous section is impracticable. The Court may formulate its own proposals for an employment regulation order if it is satisfied that –

- it is not reasonably practicable for it to appoint a joint labour committee under section 2 that includes persons who are representative of the interests of employers and persons who are representative of the interests of workers,
- the policy or practice of the employers (or workers) concerned, or of a majority of them or of a representative organisation on their behalf, is calculated to result in there being no adequate machinery for the effective regulation of remuneration and other conditions of employment of such workers, and
- having regard to the existing rates of remuneration or conditions of employment of such workers or any of them, it is expedient that the Court should formulate its own proposals.

When formulating its proposals, the Court must have regard to –

- the legitimate financial and commercial interests of the employers in the sector,
- the desirability of agreeing and maintaining fair and sustainable minimum rates of remuneration appropriate to the sector,
- the general level of wages in comparable sectors, and
- the national minimum hourly rate of pay under the National Minimum Wage Act 2000, and the appropriateness of fixing a minimum hourly rate of pay above that rate.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

We would welcome this but there must be much stronger political will shown from the government to ensure a right to trade union access and recognition, to ensure collective bargaining can be achieved. A strong first step would be a clear plan of action to implement in full the Final Report of the LEEF High Level Working Group.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Ireland has the weakest workers' rights in western Europe and is an outlier on trade union recognition in the workplace. There is growing evidence of aggressive efforts by employers to block trade union access to organise and support their members. Trade union density is at a deep low of 22% with collective bargaining coverage of around 40%, half the projected target of 80%. Substantial reforms are needed as low levels of collective bargaining are a key driver of high market income inequality, leaving too many workers on low pay and in precarious work. The recent government decisions to postpone the introduction of a living wage and delay an increase in the number of statutory sick pay days highlights the urgent need to increase the levels of collective bargaining in our society to improve terms and conditions. The Labour Party has outlined substantive proposals in response to Question 4 above, and as outlined in our General Election manifesto proposals on a New Deal for Working People.

<https://labour.ie/manifesto/work/>

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Workers and their trade unions should have access to the information and criteria used by employers to decide pay, pay levels, other benefits and pay progression. Increased transparency on company profits including free access to company accounts should be provided for. Improved access to sectoral employment data, and macroeconomic statistics would be welcome, providing better insight into domestically traded sectors such as hospitality and retail, as well as the multinational sector. Dedicated funded research and analysis programmes in the ESRI, Central Bank, Low Pay Commission and NESC to support an increase in collective bargaining and inform negotiations would also be welcome.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's protections are not adequate and there is no protection against discrimination on the grounds of wishing to participate in collective bargaining. In order to break down barriers to trade union access in Ireland, overhaul of Unfair Dismissals Act and other legislation is necessary. The public procurement budget should also be used to reward good employers that recognise workers rights and engage in collective bargaining. Labour published the Workplace Relations (Exemplary Damages, Unfair Dismissals and Other Provisions) Bill in October 2024. The Unfair Dismissals act is one of the few pieces of labour law legislation in this country that did not originate from an EU Directive. It has endured many attempts to weaken it over the past number of decades and Labour now believes it is crucial that we strengthen this legislation. There is a clear need to penalise egregious employer behaviour and the current regime only provides for a worker's "losses". The Act currently caps payouts for non-financial losses to four weeks' pay and at that the onus is on workers to demonstrate that they have mitigated their losses. Added to that, workers must have 12 months service before a case can be taken. To take an example, a recent case before the Workplace Relations Commission saw a take away driver who was made to earn €5 per hour and was then unfairly dismissed, only be awarded €1,500 in total to cover his losses. In contrast, the Safety, Health and Welfare at Work act allows workers to take a case from day one of employment and compensation is limited to two years pay. The whistleblower protection legislation provides for up to 5 years compensation for those unfairly dismissed. Separately, claims for underpayment under Payment of Wages Act are only limited to the past six months

with a recent claimant who was forced to earn €6 per hour only awarded €250 because of his delay in taking a claim. Labour's bill provides for the introduction of exemplary damages to workers up to two years pay. The Bill also puts specific worker protections in place for non-disclosure agreements, it halves the required employment service from twelve months to six months and crucially, it turns the tables on the requirement for the unfairly sacked worker to mitigate their "losses" and shifts responsibility to the employer.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No the protections are not adequate. Building on an overhaul of the Unfair Dismissals Act, the Employment Equality Acts should be amended to include trade union membership or activity as a protected area.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

As outlined in responses to 9 and 10, increased protections are needed for workers. There is a body of research and surveys that highlights the barriers workers face if they wish to organise or join a trade union. The Friedrich Ebert Stiftung commissioned a study by Dr. Michelle O'Sullivan and Dr. Caroline Murphy from the University of Limerick. 'Trade Union Access to Workers', published in 2024 outlines the need for statutory protection of trade union members and those wishing to organise or join a trade union. The fear of reprisals or victimisation or other discriminatory acts is a significant barrier to increasing the density of collective bargaining in Ireland.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as

appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

They are sufficiently protected and should be encouraged to participate, for example through improved access to public procurement, and conditionality on enterprise supports. The decline in union density and membership due to employer hostility, union busting, legal challenges, and active disengagement from bodies such as JLCs highlights the need to support measures to increase collective bargaining thresholds.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, the Labour Party supports such a statutory entitlement for trade union access to the workplace or activities within the workplace, with agreed criteria, and their representatives, and workers that join a union should be provided with statutory protection from discrimination and victimisation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We have outlined some proposals in response to question 4, and to re-iterate, the State should introduce incentives and mechanisms to support employers that engage in collective bargaining. These would include preferential access to public procurement, job training and upskilling schemes. As a principle, the Labour Party believes state supports for employers should include conditionality on collective bargaining, and other social and environmental obligations.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of

the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

I think pressure needs to come from social partners to get companies to engage in discussions

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Totally agree

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

I don't think the code of practice is adequate to protect members of trade unions . I think a stronger bond needs to be created. I think this is why a lot of workers don't join trade unions because they feel unprotected in situations like this.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

I think more needs to come from ibec especially to promote trade unions operating in companies to alleviate the fear of people joining and maybe getting in bother

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

I feels employers are protected but I feel employees are unprotected

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Absolutely 100% agree that statutory entitlement should be introduced for access to the workplace. It's easier then when u are trying to bargain with the company having a rep there with u .

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

As i stated in previous answer I think there needs to be a better understanding between companies and trade unions .

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Observation: The state has not allocated any of its 2021-2027 European Social Fund+ to the capacity building of civil society organisations even though the regulation to establish the fund says that each Member State should.

Recommendation: Use national and EU funds to build and strengthen capacity to engage in collective bargaining, including funding projects to enhance coverage, funding employment of staff, training, research projects, funding campaigns for organising, and recruitment.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Observation: JLC and EROs are statutory instruments involving tripartite negotiation to establish min. rates of pay for workers in specific sectors and are not considered in the context of the Directive, 'collective bargaining'. However, strengthened processes might incentivise employers to engage in collective bargaining instead of the statutory regulation route.

Recommendation: Develop additional JLCs, remove the employer veto on JLCs, provide regular training to those involved in the work and operation of JLCs.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Observation: A single mandatory meeting is insufficient to meet the objectives of the Directive. There should be a mandatory process for engagement. A single meeting would become a ceiling and not a floor and serves more as a box ticking exercise than a meaningful attempt to meet our objectives. A good faith process and a single mandatory meeting are contradictory ideas.

Recommendation: Implement the Final Report of the LEEF High Level Group. Provide adequate facility for employers and unions to carry out collective bargaining work

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Enshrining in law the right to collective bargaining and introducing legislative protections against discrimination related to trade union activity or participation in collective bargaining activity would facilitate negotiations on wages and promote increased collective bargaining coverage. Collective bargaining rights must be for all employees – the employer must not be permitted to exclude or deny any employees from collective bargaining. Additionally, negotiations between social partners on wages could be promoted and facilitated by providing funding to trade unions for organising campaigns and other capacity-building initiatives.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Observation: Adequate and timely access to information is critical to negotiations.

Recommendation: The State can contribute to the provision of information in two ways: by ensuring the provision of appropriate macro-economic data for all social partners; and by compelling social partners to provide local relevant data in a timely and digestible manner.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Observation: No. Ireland's protections are inadequate and speak to a general unwillingness on behalf of the state to appropriately protect workers against dismissal for engaging in trade union activity. Protection only exists for union activity within permitted times and outside of work hours. The penalty is too weak to act as a deterrent for employers. Recommendation: Expand protection against dismissal for engaging in trade union activity to include work conducted inside working hours and introduce onerous and burdensome penalties for employers that dismiss employees for engaging in union activity.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Observation: Protection from victimisation for workers wishing to engage in collective bargaining is very limited. Even this limited protection is weak. This needs to be much stronger. Recommendation: Strengthen legislation protecting workers and trade union representatives against acts of discrimination, include trade union membership and activity as an additional discriminatory ground and include harsher punishments for employers found breaking this law

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Observation: Trade union membership is not a specific ground under the Employment Equality Acts and the Equal Status Acts (the Equality Acts). Workers are only protected from victimisation in limited circumstances. Recommendation: Introduce legislation giving workers the right to establish and join trade unions and change the Employment Equality Act 2015 to protect workers who wish to organise or join a trade union from discrimination.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes. I am not aware of any acts of interference to prevent employers from engaging in collective bargaining. Barriers to collective bargaining occur when employers choose to not engage with trade unions and prevent unions from accessing workers and union members in the workplace.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Observation: Trade union access to the workplace is integral to the work of trade unions and their proper functioning, including recruitment, bargaining activities, organising, and communicating with union members and potential members about the benefits of union membership, as well as discussing workplace matters. Recommendations: Legislation allowing trade union reps access to

the workplace for purposes related to the employment of the union's members, purposes related to collective bargaining, health and safety matters, recruitment of workers to the union, and providing information about the union to any employee. Remove employer veto on union organisation and collective bargaining recognition.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Observation: measures to promote employer participation are welcome. The voluntarist approach has harmed rather than helped levels of collective bargaining coverage in Ireland. As a result, incentive measures should be balanced with obligatory measures. Further, the State should see itself as an active participant in some measures. Recommendations: State funded campaigns; collective bargaining awareness campaigns; tax incentives; conditionality on state contracts, funding and public procurement; mandatory councils at industry level; work permits conditional on collective agreements.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The government should reinstate tax relief for trade union subscriptions, which would especially incentivize lower paid workers to join their unions.

There should be a right for trade unions to access workplaces and workers. This would increase trade union recruitment and facilitate safe spaces for union members to discuss matters with their representatives.

There should be a right for union members to have a representative present at any meetings with management.

The government should fully implement the final report of the LEEF High Level Working Group on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The government should remove the employer veto for the progression of JLCs, which hampers their ability to improve the livelihood of the workers they are fighting for.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This is a joke - a single meeting is wholly insufficient for what should be a process of negotiations. It is a mockery to call a single mandatory meeting a "Good Faith Process".

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The right for workers to become trade union members should be enshrined in law. Discrimination against trade union members, on the basis of their membership, should be outlawed.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

All social partners should be compelled, by law, to provide full, relevant, timely, and accessible data during negotiations.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

I don't believe they are. A good deterrent against unfair dismissal would be an increase in the compensation employers must pay the employees they dismiss unfairly.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No legislation exists to protect workers and trade union members from discrimination on the grounds of their participation in collective bargaining. This is an egregious omission which only benefits employers, some of which are actively lobbying government to ensure things remain the same. There should be legislation to protect workers from such discrimination.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Irish workers have been abandoned by the government in this regard; no such legislation exists which grants Irish workers the right to join a trade union. This has to be remedied by the government.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

There appears to be no barriers preventing Irish employers engaging in such processes.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

There has to be a right for trade unions to access the workplace, otherwise they cannot function properly. This would ensure that trade unions can represent their members properly, promote membership to non-members, and ensure that their members are working in a safe and healthy environment. Unfortunately, some employers cannot be trusted to treat their employees fairly; granting people a legal right to join a trade union, and granting legal rights for unions to access workplaces, would improve working conditions across the board. This would increase economic activity and productivity across the board.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We, as workers, have fought for every right we have, often against corporate lobbying of government ministers. Let's face it - employers will often not engage in good faith unless compelled to by law. A balance of incentivization and legal obligation would ameliorate this. It should also be a legal obligation for any organisation that works in partnership with the government, or is awarded funding by the government, does not bar their employees from engaging in collective bargaining.

2.Organisation

CIPD Ireland

4.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Our consultation with members and experts identified that any good CB process – like any TU engagement or negotiation – should be build on relationships, ideally where a trusted relationship has built up. Once-off or occasional engagement, and where different unions and shop stewards represent different groups of employees will not deliver a fundamental basis for proper CB. We identified instances where management would be open to an approach in a non-union environment, but the employees themselves are not interested, not seeing added value of being represented by a TU. Fundamentally there was a strong consensus that not being recognised and negotiating is an awkward position at company level. And likely to be pushed by TUs rather than from the needs of employees.

Relationships can become strained very quickly when there is no agreement or clear escalation path . The scenario can erupt quickly where a powerful group of employees are refused their request, with no advanced framework or rules of engagement. In an organisation where IR is

mature and complex, and relationships are there, roles/grades are clear, CB is an effective negotiating tool. It is much more difficult when starting from scratch, building relationships, when management peers may be across the table from each other.

An effective CB process can't be built based on an assumption of good human ethical behaviour (on either side), especially when pay is at the heart of the matter. Critical gaps like sharing information, the roles of various parties, how TUs engage as their representative, evidence of membership are critical to finding success in any negotiation. In terms of building good practice, and capacity building, it was felt that leadership has to be owned by the social partners, providing real clarity around what journey are we on. Who is taking the lead role – what are the options available to the sector to progress this?

Pay and trade union membership - Questions were raised about the presumed interdependence between CB and the level of low pay – Ireland differs from many European countries - culture, legacy and other socio-economic circumstances, and a solution that works in one country can't be assumed to work in another. What is the evidence of wider economic success where there are high levels of CB?

Our CIPD/IRN Annual survey of pay and employment consistency show that pay increases in unionised organisation are lower than in non-union organisations. This survey is targeted at the private sector and tracks base pay increases, not pay rates. The 2025 survey found basic pay increases in the last 12 months were 4.09% for unionised companies, compared to 4.3% for non-unionised companies. In terms of planned pay increases for the next 12 months, unionised companies planned to raise base pay by 3.14% compared to 4.20% in non-unionised companies. Another key finding of relevance is the volume of companies making pay increases. Looking back over the past year, 88% of unionised companies had made a pay increase, more than the 71% of non-union companies. Looking forward to the next 12 months 74% of unionised companies planned an increase in base pay, but only 48% of non-union companies had made that decision at the time of the survey, an annual pattern

Trade unions and employees are making a trade off in negotiating pay agreements for the next year or two, and accepting that security. A third of unionised companies preferred pay agreements of 25 to 36 months (up from 25% last year), most were for a shorter period. (The data for the 2025 survey was collected in Jan 2025 and published in March 2025 and had 224 companies responding). Key findings are on our website, CIPD-IRN Private sector pay and employment 2025. The survey also looks at the willingness of non-union companies to engage in collective bargaining. 65% would not consider it, 11% would consider it and 17% don't know,

showing a low appetite for this.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Those consulted agreed that having more cross sectoral bargaining to deliver CB has potential.

When JLCs come together at a sectoral level to agree wages, once you have the right people in the room (skilled and knowledgeable) and a good mix to debate the issues, this can deliver a solution. Yes there can be lots of conflicting voices, on both sides. This structure provides rules of engagement and a framework from the get-go. An employer who complies with the Sectoral Employment Order (SEO) can be comfortable that they are compliant.

From a principled perspective – our consultation considered it easier to engage with SEO than a mandated onsite face to face meeting. We recognise that there are pro's and con's to any process, and when it addresses unconventional items, going outside of normal T&Cs, there is a high risk of putting a lot of additional costs on employers. This can be avoided when the SEOs are about pay, have clear boundaries and a set of information which must be considered in the process.

However many employers have had no exposure to JLCs and SEOs, and would be concerned about being forced to comply, and in general many employers, especially smaller ones, do not have a representative body to represent their views, nor do they have a capacity to face pay increases.

The conflicting voices have been known to make it difficult to ensure agreement and relevance, especially where you have large MNCs in the same cohort as small local employers. We appreciate it can be tricky to get meaningfully buy-in at times. There is already a need to reconfigure the sectors in a more relevant and contemporary way, and this would be critical to any proposed expansion.

There will also be a need to build capacity and capability to be able to deliver this effectively

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

There were many questions about the operation of and Good Faith Engagement (GFE) process, so many unsure voices about it. Is it legislation, or a code of practice – it does include the word mandatory, is there a limit on the awards? Currently non union companies may have a standard way of dealing with TU approaches, some will respond and others won't. This GFE would force a significant change for many. A company may choose to meet a TU representative, but the GFE process forces an negotiation, which many companies are resistant too, and it will feel similar to recognising a TU. Small businesses do not have the skills to negotiate with unions, and it would be a significant concern to have to engage in consultation with a union where they have no experience or skills. The view expressed to CIPD was that there would have to be a significant number or proportion of the workforce to qualify for a meeting, and evidence would be clearly needed, even if that was through the Labour Court. There is also a fear of a TU (or several TUs) cherry picking particular employee subgroups and creating a circle of GFE. This would not be practical or helpful to resolve the fundamental issue, invites to lots of meetings where there is a workforce in diverse disciplines, would be very disruptive and cause extreme difficulties – operational, financial as well as emotional. There is no escalation method, as the labour court would not make a recommendation (and then the issue is blocked for 3 years with no resolution) There was discussion about a process without a face-to-face meeting. That was considered preferable unless they have a significant membership. So the TU could write to the employer and show the reason and rationale, etc for a pay rise, and the employer could reply in writing. Feedback indicated that it feels counter intuitive to force a meeting and then not have a robust process/structure and guidance essential for a meeting. The 3-year wait would stir up a lot of

frustration and disquiet. In some circumstances an employer could choose to meet, but this was deemed high risk without a framework to move it on or resolve the issues. The aftermath could breed toxicity among the workforce and damage relationships. There needs to be greater clarity about what is 'meaningful' on numbers and thresholds. If an employer doesn't recognise all TUs but they may have a position that they recognise some and not others. Whether its in a COP or not, currently with a number of trade unions, some collective agreements can fall down as a result of one TU voting against it. The GFE proposal allows assessment of the number of employees by the Labour Court, and possible referral to the Labour court when agreement is not realised. But this is not a realistic solution in the current resourcing structure of the Labour Court. Within a company, these are very practical issues which need very defined guidance and rules, and external validation. The GFE proposal allows assessment of the number of employees by the Labour Court, and possible referral to the Labour court when agreement is not realised. But this is not a realistic solution in the current resourcing structure of the Labour Court. Within a company, these are very practical issues which need very defined guidance and rules, and external validation.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The focus should go on a national level rather than at a company level. We have operated with a voluntarist approach, and we address the minimum wage sectors through nine JLCs and a reinforced Low Pay Commission. There was recognition that at times employers are forced to struggle with inter union conflict, and it can take difficult times for the nation to bring everyone together. A code of practice has the potential to be helpful. Some the unions currently are not working together, but have been known to come together if there is a higher national purpose. Leadership from the social partners themselves will be needed to inform and promote good practice. Many groups of employers, and particularly SMEs don't have the support of a lobbying group that will work with them (despite the existence of SFA and ISME). We recognise that they are the backbone and majority of businesses in the economy. There is a strong need to protect them from mandatory meetings and frustrating stalemates in light of all the other obligations and costs they increasingly have to deal with. The onus should be about encouraging entrepreneurs and small business to thrive, and proactive ways to encourage collaboration and engagement, without the necessity of formal TU negotiations, in a vacuum. The potential for the WRC to provide supports was recognised.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

There was recognition that it would be difficult for a TU with a few members in an employment to have access to much information. Recognition of a TU and a framework with ways of working often addresses access to information and a level of transparency. An employer who is unsure of the level of representation in a TU and with no history of interaction is less likely to open the books. On the other hand, legislation such as the gender pay gap, and the forthcoming EU Directive on pay transparency require publication or access to increasing levels of information and analysis of pay trends, which will be of benefit to employees and TU alike, and forces collaboration in certain circumstances.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Among those CIPD consulted with, there was a belief that the current protections in place provide protection to members and representatives of TU from unfair dismissal. Also the volume of cases which arise in such situations is low. Overall, there was a consensus that there is adequate cover.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Among those CIPD consulted with, there was a belief that the current protections in place provide adequate protection to members and representatives of TU from discrimination due to their membership, or activities on behalf of a TU. Also the volume of cases which arise in such situations is low, with no identified landmark case in relation to this. Overall there was a consensus that there is adequate cover.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Among those CIPD consulted with, there was a belief that the current protections for workers from acts of discrimination if they wish to organise or join a TU provide adequate protection. Also the volume of cases which arise in such situations is low. Overall there was a consensus that there is adequate cover.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Among those CIPD consulted with, there was a belief that the current protections for employers from acts of interference should they wish to participate in collective bargaining provide adequate protection. Overall there was a consensus that there is adequate protection. Where TU adopt a nuisance approach, the main penalty to an employer of taking a civil case would be the bad press and impact on brand / sales in relation to it. Overall the voluntarist approach adopted by Ireland to date should remain.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Among those CIPD consulted with, the view was the need to maintain the voluntarist approach to CB. Even where engagement starts in good faith, there is a need to have clear processes and boundaries, to minimise the risks of fall-out and avoid being tied up in knots. The view was that where no agreement is in place, TU should not have access to the workplace, or activities within the workplace, it is under the responsibility of the employer.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Measures that could promote CB include promotion of case studies of best practice, the TU movement preventing irrational pay claims, exploration of alternative methods of negotiation and ADR. The social partners need to present a combined cohesive argument as to why this is best for the country and how it supports our voluntarist approach. Training is critical, the level of experience, expertise among TU officials is crucial for success. And they also need to be able to manage expectations and influence employees on the reality of capacity to pay. With so much required to get it right, it will be difficult for TUs and employees to let it lapse after one meeting. Training will be needed the capability to consult and negotiate. With no TU recognition, TU and employee representative engagement will either be low or non-existent. It is difficult to know who to train, and the ROI. The risks of multiple TU engagement working across different employee groups / grades within one company will add complexity to this and not leave an easy path for upskilling. This would need to be addressed at national, not company level. The value of tripartite workshops has been found to be very good where a company already engages with TUs. These help to build relationships and identify mechanisms, frameworks and ways of working. Training Training is critical, the level of experience and expertise among union officials is crucial from a partnership perspective. And they also need to be able to manage expectations and influence employees around the reality of lack of capacity to pay in many organisations. With so much investment to get it right, it will be difficult for Tus and employees to let it lapse after one meeting. Training will be an important tool to aid the building the capability to consult and negotiate on pay. When a TU is not recognised by an employer, TU and employee representative engagement with the company in this environment will either be low or non-existent, then it is

difficult to know who to train, and the value of the investment. The risks of multiple TU engagement working across different employee groups / grades within one company will add complexity to this and not leave an easy path for upskilling. This would need to be addressed at national, not company level. The value of tripartite workshops has been found to be very good where a company already engages with TUs. These help to build relationships and identify mechanisms, frameworks and ways of working. Our members noted that this consultation does not address alternative consultation methods, including in-house mechanisms which have been successful in numerous employments, focussing on a collaborative culture and general ways of working. This useful approach should be given more focus, and the country would benefit from exploring these and promoting best practice case studies. Feedback indicates that the overall, we should retain the benefits of the current voluntarist approach adopted by Ireland.

1.Name

Senator Nessa Cosgrove

2.Organisation

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4.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Introduction

As Labour Party spokesperson on Worker's Rights, I am making this submission on behalf of the Labour Party. As outlined in our recent general election manifesto published in November 2024,

the Labour Party if in government would seen to transpose in full the provisions of the Adequate Minimum Wage Directive and put in place a comprehensive programme to promote collective bargaining. Greater workplace democracy leads to increased productivity, flexibility, and innovation, and will enable more sustainable and resilient economic growth.

Response to Question 4:

The Labour Party supports the provision of funding from the National Training Fund to be accessed by trade unions and employers for the provision of training in the practise of collective bargaining. Ireland is also an outlier in the EU in not using funding under the European Social Fund+ to support capacity building of social partners. A minimum of €6.5m should be allocated from the ESF+ to support such capacity building which would provide for training, networking measures and strengthening of social dialogue. This should include support for organisations including the hiring of staff, analysis and research, events, and exchanges.

The State, through the Government should express its explicit support for sectoral and cross-industry collective bargaining and pursue measures to enhance and support it. Addressing the employer boycott of JLCs, as Labour has previously proposed in the Seanad is long overdue. The Government should also commission the ILO to review how Ireland can build and strengthen collective bargaining in accordance with ILO conventions listed in Recital 24. It should also ratify the Labour Relations (Public Services) Convention No 151 (1978) and the Collective Bargaining Convention No 154 (1981).

Other measures the Labour Party support include:

- Requiring recipients of State funding and contracts to commit to engaging in collective bargaining and the recognition of trade unions representing their workers, and support the revision of EU public procurement legislation to strengthen the social clause.
- Obliging all public bodies and those in receipt of public funds through contracts and procurement to engage with JLCs or sectoral bargaining, implement sectoral agreements and Labour Court recommendations.
- Ensuring the industrial relations and enforcement machinery of the State is properly resourced and fit for purpose.
- Overhauling the overly restrictive Unfair Dismissals Act so that no worker can be punished for organising or seeking to organise for better pay and conditions at work. To send a clear message to protect union members and their representatives from victimisation, dismissal, and acts of

interference there should be penalties for egregious employer behaviour, a lifting of the cap on payments and compensation should be awarded based on the severity of the action taken.

- Making the awarding of work permits conditional on recognition of trade unions and collective agreements.

It is particularly essential that workers are provided with a legal right of access to trade union representatives who must have a right to access the workplace.

Other measures that should be addressed include:

- Ensure appropriate facilities are provided so that trade union representatives can carry out their role comprehensively.
- Restoring tax relief on trade union subscriptions to incentivise and reward membership of a union, while also recognising members of professional associations may tax relief on their payments as can members of employer organisations as a deductible expense.
- Legislating to protect trade union membership deductions at source.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Labour supports the establishment of more employer-trade union Joint Labour Committees across all low paid sectors of the economy to set fair pay agreements of binding minimum pay and conditions for workers.

We have previously published legislation to end the employer veto that has blocked progress

when groups refuse to engage in a collective wage setting process. These proposals were outlined in the Industrial Relations (Joint Labour Committees) Bill 2019. A further revised bill is in preparation and will be published shortly.

If the “inadequacy of the existing machinery for effective regulation” of pay and conditions of employment is the ground for setting up a JLC, then it cannot be right that the refusal of a representative body on one side to either support collective bargaining or to support a JLC can be a bar to its establishment. Such a stance on the part of a representative body should instead be proof positive that the existing machinery is inadequate and that a JLC is needed.

Section 2 of the Labour Party proposed bill would enact new provisions relating to the constitution of JLCs. These will apply where before appointing representative members to a JLC, the Labour Court sought to consult an organisation of employers or of workers, but the organisation concerned failed or refused to engage, to any significant extent or at all, in consultation with the Court in relation to the appointment of such representative members.

In such a case the Court shall appoint such persons to be representative members as, taken together and so far as is reasonably practicable, are in the opinion of the Court representative of the interests of employers (or workers) in relation to whom the committee is to operate. The purpose is to emphasise that the members appointed are to be representative of the interests of the employer (or worker) side, while not necessarily being employers’ (or workers’) representatives.

Under the proposed section the Court must from time to time review the membership of the committee and must exercise its powers to determine the membership of representative members and to appoint new representative members so as to ensure that, in the opinion of the Court, the representative members, taken together and so far as is reasonably practicable, continue to be representative of the interests of such employers (or workers).

Section 3 then would make provision for cases where the appointment of representative members under the previous section is impracticable. The Court may formulate its own proposals for an employment regulation order if it is satisfied that –

- it is not reasonably practicable for it to appoint a joint labour committee under section 2 that includes persons who are representative of the interests of employers and persons who are representative of the interests of workers,

- the policy or practice of the employers (or workers) concerned, or of a majority of them or of a representative organisation on their behalf, is calculated to result in there being no adequate machinery for the effective regulation of remuneration and other conditions of employment of such workers, and
- having regard to the existing rates of remuneration or conditions of employment of such workers or any of them, it is expedient that the Court should formulate its own proposals.

When formulating its proposals, the Court must have regard to –

- the legitimate financial and commercial interests of the employers in the sector,
- the desirability of agreeing and maintaining fair and sustainable minimum rates of remuneration appropriate to the sector,
- the general level of wages in comparable sectors, and
- the national minimum hourly rate of pay under the National Minimum Wage Act 2000, and the appropriateness of fixing a minimum hourly rate of pay above that rate.

Other administrative matters are then outlined in the rest of the Bill.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

We would welcome this but there must be much stronger political will shown from the government to ensure a right to trade union access and recognition, to ensure collective bargaining can be achieved. A strong first step would be a clear plan of action to implement in full the Final Report of the LEEF High Level Working Group.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Ireland has the weakest workers' rights in western Europe and is an outlier on trade union recognition in the workplace. There is growing evidence of aggressive efforts by employers to block trade union access to organise and support their members. Trade union density is at a deep low of 22% with collective bargaining coverage of around 40%, half the projected target of 80%. Substantial reforms are needed as low levels of collective bargaining are a key driver of high market income inequality, leaving too many workers on low pay and in precarious work. The

recent government decisions to postpone the introduction of a living wage and delay an increase in the number of statutory sick pay days highlights the urgent need to increase the levels of collective bargaining in our society to improve terms and conditions. The Labour Party has outlined substantive proposals in response to Question 4 above, and as outlined in our General Election manifesto proposals on a New Deal for Working People.

<https://labour.ie/manifesto/work/>

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Workers and their trade unions should have access to the information and criteria used by employers to decide pay, pay levels, other benefits and pay progression. Increased transparency on company profits including free access to company accounts should be provided for. Improved access to sectoral employment data, and macroeconomic statistics would be welcome, providing better insight into domestically traded sectors such as hospitality and retail, as well as the multinational sector. Dedicated funding for research and analysis programmes in the ESRI, Central Bank, Low Pay Commission and NESC to support an increase in collective bargaining and inform negotiations would also be welcome and inform negotiations.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's protections are not adequate and there is no protection against discrimination on the grounds of wishing to participate in collective bargaining. To break down barriers to trade union

access in Ireland, overhaul of Unfair Dismissals Act and other legislation is necessary. The public procurement budget should also be used to reward good employers that recognise workers' rights and engage in collective bargaining. Labour published the Workplace Relations (Exemplary Damages, Unfair Dismissals and Other Provisions) Bill in October 2024. The Unfair Dismissals act is one of the few pieces of labour law legislation in this country that did not originate from an EU Directive. It has endured many attempts to weaken it over the past number of decades and Labour now believes it is crucial that we strengthen this legislation. There is a clear need to penalise egregious employer behaviour, and the current regime only provides for a worker's "losses". The Act currently caps payouts for non-financial losses to four weeks' pay and at that the onus is on workers to demonstrate that they have mitigated their losses. Added to that, workers must have 12 months service before a case can be taken. To take an example, a recent case before the Workplace Relations Commission saw a takeaway driver who was made to earn €5 per hour and was then unfairly dismissed, only be awarded €1,500 in total to cover his losses. In contrast, the Safety, Health and Welfare at Work Act allows workers to take a case from day one of employment and compensation is limited to two years pay. The whistleblower protection legislation provides for up to five years compensation for those unfairly dismissed. Separately, claims for underpayment under Payment of Wages Act are only limited to the past six months with a recent claimant who was forced to earn €6 per hour only awarded €250 because of his delay in taking a claim. Labour's proposed bill provides for the introduction of exemplary damages to workers up to two years pay. The Bill also puts specific worker protections in place for non-disclosure agreements, it halves the required employment service from twelve months to six months and crucially, it turns the tables on the requirement for the unfairly sacked worker to mitigate their "losses" and shifts responsibility to the employer.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No, the protections are not adequate. Building on an overhaul of the Unfair Dismissals Act, the Employment Equality Acts should be amended to include trade union membership or activity as a protected area.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

As outlined in responses to 9 and 10, increased protections are needed for workers. There is a body of research and surveys that highlights the barriers workers face if they wish to organise or join a trade union. The Friedrich Ebert Stiftung commissioned a study by Dr. Michelle O'Sullivan and Dr. Caroline Murphy from the University of Limerick. 'Trade Union Access to Workers', published in 2024 outlines the need for statutory protection of trade union members and those wishing to organise or join a trade union. We would refer to the recommendations in part six of the paper, and the tables of findings in the Appendix. The fear of reprisals or victimisation or other discriminatory acts is a significant barrier to increasing the density of collective bargaining in Ireland.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

They are sufficiently protected and should be encouraged and incentivized to participate in collective bargaining, for example through improved access to public procurement, and conditionality on enterprise supports. The decline in union density and membership due to employer hostility, union busting, legal challenges, and active disengagement from bodies such as JLCs highlights the need to support measures to increase collective bargaining rates.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the

purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, the Labour Party supports such a statutory entitlement for trade union access to the workplace or activities within the workplace, with agreed criteria. Their representatives, and staff that join a union should be provided with statutory protection from discrimination and victimisation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

We have outlined proposals in response to question 4, and to re-iterate, the State should introduce incentives and mechanisms to support employers that engage in collective bargaining. These would include preferential access to public procurement, job training and upskilling schemes. As a principle, the Labour Party believes state supports for employers should include conditionality on collective bargaining, and other social and environmental obligations. Workers should be supported through both legislative and policy initiatives to exercise their right to collectively bargain. Our policy stances are outlined through the submission. In particular, it is essential that the recommendations from the final report of LEEF High Level Group on Collective Bargaining are implemented. Only through a comprehensive programme of government support and action can the levels of collective bargaining in Ireland be increased.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

We have pursued this issue of Collective Bargaining through the Labour Courts, which the company declined to attend.

The Labour Court Recommendation, Number LCR22202, issued the following recommendation “On the basis of the uncontested submission from the Union, the Court recommends that the Employer engage with the Union for collective bargaining purposes in respect of the Union’s members in the Company.”

If companies can ignore the industrial relations machinery within the state, what chance is that for employees to achieve Collective Bargaining by any other means.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's current protections for members and representatives of Trade Unions are not adequate, we know that if our employer was to become aware of our activity in the Union and dismiss us, we are limited to a maximum award of two years' salary under the Unfair dismissal legislation, in reality this is often much less if we get another job in the time it takes a case to be run, this fear factor is significant and strengthened legislation is required to protect people like us organising a union to collectively bargain with our employer.

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different areas of the factory and future career prospects will be negatively impacted, managers have often spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

engagement in collective bargaining? We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to negotiate on pay and terms and conditions. Our employer should be encouraged by our Government to do this.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

There should be awareness raising information around the importance of the role of Trade Unions in the workplace and the broader society

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This is something that is needed badly but one single mandatory meeting will most probably be a box ticking exercise. I tried to organise my workplace while working for a multinational courier company and there was no good faith engagement. We were met with all sorts of barriers and union busting tactics where the employer delayed engaging with us to frustrate our efforts and momentum. They also done things like target staff individually to dissuade them from joining the union and sent senior management down to our Depot to intimidate staff. On the other hand, they

paid out tax free vouchers to sweeten the staff up in a classic carrot and stick approach to break the union.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Absolutely not. It is cheaper for an employer to sack a rep and spread fear than it is to deal with a union. Even if they lose the case the very most it will cost is two years pay which just isn't a deterrent for employers.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

No, they are not strong enough. The protections that are provided for safety reps, should be applied to union reps. We had people terrified to join our union let alone be a rep for fear of reprisal from the employer.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, access to the workplace for trade unions should be legally provided for like it is in other countries. This will normalise trade unions and give them visibility and also take the fear factor out of it for workers.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

It is not fair that our employer could just make us feel afraid and ignore us when we just wanted to talk about the business and our work. Our company gets help from government to help them run the business but there is no help from government for the workers when they want to improve their jobs with the help of union.

2. Organisation

ISME

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

The capacity to conduct enterprise-level collective bargaining is extremely restricted in Ireland since the vast majority (95%+) of businesses are SMEs and would not have the personnel qualified or experienced to conduct collective bargaining activities on terms, conditions and remuneration.

There is a level of capacity among sectoral trade associations, however, we believe that the majority of businesses that are members of a trade association are in fact members of more than one association, i.e. they may be members of a vertical trade association within their field, and also a member of a local chamber. For this reason, we believe the number of employers who are members of trade associations or chambers is exaggerated by double-counting. Capacity building in this field would therefore require surveying the number of businesses that have an affiliation to one or more trade associations or chambers or investigating the promotion of local bargaining training.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

SMEs in particular are reluctant to participate in JLCs because of the perception that they are a “closed shop” where membership is restricted to social partners recognised within LEEF. ISME experienced this directly some years ago when an effort was made to exclude the Federation of Childhood Providers (FECF) from the Early Years JLC, despite the fact that approximately 80% of providers were affiliated to the FECF.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

As stated above, this would not be an issue for large (>250 employees) and some medium (>50 employees <250) enterprises. However, the vast majority of Irish enterprises do not employ persons with the experience or skillset to conduct meetings with employee representatives and

there would also be a question as to whether trade unions would have the resources to adequately support such an approach.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Since the inception of the partnership process in Ireland, formal recognition has not been extended to the SME sector as a distinct entity, despite the fact that it accounts for approximately 60% of employment, and 99.8% of active enterprises. Any proposal to extend the reach of collective bargaining must engage with and address this fact.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

This is an issue of capacity building. A more active and informed trade association sector would be able to better inform employers of their duties and responsibilities and develop lines of communication to ensure a fair and comprehensive representation service.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland has, historically, provide all parties the ability to pursue the right to bargaining and have developed legally enforceable protections against penalisations such as unfair dismissal which specifically identifies Trade Union activities as a protected activity. and the legal presumption is

that a dismissal is unfair unless the employer demonstrates otherwise. The employer is therefore “guilty unless proven innocent.”

10. Are Ireland’s protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Yes, we know of no discrimination against workers on the basis of trade union activities.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

The current codes of practice are adequate to defend workers along with protections under the Unfair Dismissals Act.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers’ organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other’s agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

The official “partnership” engagement forums have consistently ignored small employers throughout the history of formal labour-employer engagement. The exclusion of SME representation from bodies such as the Labour Employer Engagement Forum (LEEF) is entirely inconsistent with the promotion of collective bargaining and fair and comprehensive representation. The EU Commission (and ETUC) recognise ISME as a social partner, and indeed

we deal with ICTU in a European context, but not in an Irish one. Therefore, there is no protection for small Irish employers in the current social engagement model.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

While workplace access for trade unions is more normal in large enterprises which have formal engagement architecture, this would not be as simple to deliver in small businesses where there may be a minority within a small workforce who may wish to involve a trade union, against the wishes of the majority of employees. This could result in significant disruption to the operation of the employer's business. Small employers will not necessarily have the capacity for direct engagement, which could be better facilitated at sectoral level, as is the norm in European member states where collective bargaining is facilitated.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Small employers have little or no faith in engagement with mechanisms which exclude them, or function as a "closed shop." They also have a fear that collective bargaining, which could take matters such as financial viability out of their hands, will have a negative impact on the longevity of their business, as there is a long history of indigenous enterprises being negatively impacted (or closed) in collective bargaining situations. • 1977: Ferenka • 1985: VEHA Radiators (eventually reopened) • 1988: Hanlon Ambulances • 1995: Irish Press • 1998: Team Aer Lingus • 2002: Irish Glass Bottle Plant • 2009: Waterford Crystal Therefore, if Government wishes to advance collective bargaining initiatives, it will have to initiate confidence-building measures amongst employers and recognise that small employers have a valid and very important voice in forums such as LEEF.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

the right for Trade unions to access workplaces

Funds for Trade Union development

Protection for union representatives at workplace

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Additional JCC's in relevant sectors

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A single meeting is not sufficient to address issues on behalf of workers

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Have a legal right to collective bargain with Employers

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, they are not adequate. Fine the company 25% of their profits if they are in breach of dismissing trade unionists for undertaking union activities

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

The Government should fund campaigns to promote Trade Unions

2. Organisation

Ibec

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of

the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining? Multi Line Text.

Ibec believes that action is required to strengthen the capacity of the social partners, and employee and employer representatives, to engage in collective bargaining on wage setting.

In this regard, we note that Recital 40 of the Directive states that, in accordance with Regulation (EU) 2021/11057 (the “ESF Regulation”), Member States are to allocate an appropriate amount to the capacity building of social partners.

Dedicating funding to training in collective bargaining will assist Ireland in both promoting collective bargaining and removing barriers to collective bargaining in accordance with Article 4 of the Directive.

In particular, it will enable employee and employer representatives involved in the collective bargaining process to conduct matters in an efficient, effective and professional manner, thereby encouraging constructive, meaningful and informed negotiations. The skills, knowledge and capacity of those representing employer and employee interests are critical in obtaining successful outcomes and agreements in collective bargaining negotiations. Ensuring that those involved in collective bargaining are continually upskilling and learning is crucial to developing trust between employer and employee representatives, which is the key foundation to an effective collective bargaining framework.

Ibec notes the recommendations contained within the LEEF High Level Working Group (the “LEEF Group”) Report on Collective Bargaining (the “LEEF Report”). The LEEF Report provided that constructive and efficient collective bargaining processes require support for those, on all sides, engaging in such processes. In particular, the LEEF Group recommended the allocation of funding, under the National Training Fund Act 2000, which can be accessed by trade unions and employers. In this regard, the LEEF Group agreed that providing training in the practice of collective bargaining will not only increase the efficiency and effectiveness of the

process but may encourage greater take-up of collective bargaining opportunities.

Ibec has welcomed the Government's commitment to unlock the National Training Fund which will have a surplus nearing €2 billion in 2025 and see training and capacity building of social partners as a valuable investment for a portion of this fund.

We believe that the provision of collective bargaining training should focus on those employee and employer representatives in companies which are already engaged in collective bargaining or have agreements in place to recognise a union. The aim should be to increase trust by developing participants' knowledge and understanding of the industrial relations frameworks in Ireland, consensus building approaches to conflict management, dispute resolution and relationship building.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Ibec is of the view that the Joint Labour Committee ("JLC") structure, as it currently operates, is not fit for purpose in the modern workplace. In any case, crucially, for the purposes of the Directive, Employment Regulation Orders ("EROs") will not constitute collective agreements so will be of limited value to any action plan Ireland produces.

Ibec notes the Report of the Expert Group on the Transposition of the Directive which was completed in November 2022 (the "Expert Group Report").

The Expert Group Report specifically clarified that the definition of collective bargaining at Article 3(3) only includes negotiations between employers or employers' organisations and trade

unions and does not encompass negotiations that take place in the framework of tripartite bodies. This, in Ibec's view, makes it quite clear that the process of negotiation of EROs by JLCs cannot constitute collective bargaining on the basis of the significant Labour Court involvement which includes the submitting of the JLC's proposals to the Labour Court, and the Minister for Enterprise, Tourism and Employment, for adoption and approval. Indeed, Ibec notes that this would be all the more so, if the recommendations of the LEEF Group, which would permit the Labour Court to set the terms of an ERO in the absence of employer engagement or agreement, were implemented.

With respect to the general operation of JLCs, it has become increasingly difficult to identify traditional areas of collective negotiation that are not now regulated by statute. In the last 5 years, we have seen a significant legislative driven agenda resulting in the introduction of statutory sick pay, the extension of statutory leaves, introduction of new statutory leaves, increases in minimum wage, with further implementation or legislation pending on auto-enrolment for pensions and further leaves such as surrogacy leave, to name but a few. The intent of the JLC system is to regulate pay and conditions of employment. If statute already does so, Ibec submits that it is difficult to identify an incentive for employers to participate in the operation of JLCs.

As such, and in particular in light of the clear position within the Expert Group Report that the JLC structure will not constitute collective bargaining, Ibec does not believe that the operation of JLCs can now have any role to play in Ireland's action plan to promote collective bargaining.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

Ibec recognises that certain constitutional challenges which would need to be overcome in respect of this proposal. However, Ibec believes that a good faith engagement process involving one single meeting between an employer and a trade union where that trade union can demonstrate an appropriate threshold of membership, may play a role in Ireland's action plan to promote collective bargaining. Ibec notes that the definition of "collective bargaining" in Article 3 of the Directive means "all negotiations which take place according to national law and practice in each Member State between an employer, a group of employers or one or more employers' organisations on the one hand, and one or more trade unions on the other, for determining

working conditions and terms of employment.” Ireland’s statutory definition of collective bargaining is set out in section 27 of the Industrial Relations (Amendment) Act 2015 and comprises “voluntary engagements or negotiations between any employer or employers’ organisation on the one hand and a trade union of workers or excepted body to which this Act applies on the other, with the object of reaching agreement regarding working conditions or terms of employment, or non-employment, of workers.” It is clear from the Directive, and indeed Ireland’s definition of collective bargaining, that to constitute collective bargaining, there must be multiple engagements and negotiations. The good faith engagement process would, therefore, not constitute collective bargaining but may be a useful instrument in promoting collective bargaining as is required by the Directive. The consideration of any good faith engagement process must begin with acknowledging that it is neither possible nor desirable to seek any mechanism by which parties can be obliged to collectively bargain or reach an agreement. Therefore, any good faith engagement process could only provide for a single meeting only after which an employer could continue to hold their position not to recognise a union. Furthermore, any good faith engagement process would be subject to a proposed Code of Practice as recommended in the LEEF Report which would set out the parameters and objectives of the meeting. In Ibec’s view, providing for good faith engagement, as recommended in the LEEF Report, would be for the purpose of promoting good relations between the employer and the union, and thereby promote collective bargaining. It could not be used as a vehicle to enforce trade union recognition or collective bargaining on an employer.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

The constitutional position with respect to trade union recognition and collective bargaining must be at the heart of Ireland’s action plan. Article 40.6 of the Constitution provides workers with the right to form and join unions but equally places no obligation on employers to recognise or negotiate with unions. Ireland cannot, therefore, include anything within the action plan which conflicts with this constitutional position. In any case, Ibec believes that collective bargaining will only be productive if it is the result of free and voluntary negotiations between employers and trade unions. This is recognised within the Directive itself and in ILO Freedom of Association and the Protection of the Right to Organise Convention No. 87 (1987) and ILO Right to Organise and Collective Bargaining Convention No 98 (1949). Ibec, therefore, believes that respect for our voluntarist industrial relations framework must be the basis of our action plan and framework of

enabling conditions for collective bargaining. Ibec further emphasises that the Directive imposes an obligation of effort, not of outcome when it comes to the promotion of collective bargaining. The Expert Group Report made this clear in confirming that “the 80% threshold in an indicator triggering the obligations set out in Article 4(2), and not a mandatory target to be reached. The Directive imposes an obligation of effort, not of result.” It is clear, therefore, that the Directive does not provide a basis in law for any interference with Ireland’s voluntarist industrial relations framework. In this regard, Ibec is satisfied that Ireland has sufficient institutions and procedures (such as direct local bargaining, WRC conciliation and Labour Court involvement) to facilitate negotiations between the social partners at all levels, where it is their wish to engage in collective bargaining. Continuing and sufficient funding for the WRC and Labour Court will continue to be essential to our well-functioning industrial relations framework.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Ibec believes that capacity building for social partners and employee and employer representatives, as set out in response to Question 1 above, would ensure that social partners are better equipped to seek and identify the appropriate information required to constructively engage in negotiations. An important element of accessing the information required to engage in negotiations will be identifying what information is relevant and conducive to being shared. For example, both parties must have an understanding that in many cases, it will not be possible for an employer to share confidential and/or commercially sensitive information as part of negotiations. Ibec believes that the development of a Code of Best Practice on Enterprise Collective Bargaining, pursuant to section 20 of the Workplace Relations Act 2015, and as recommended by the LEEF Group could address this issue and include provisions around the need for relevant information, other than confidential or commercially sensitive information, to be provided by both parties in a timely and efficient manner. Ibec also notes and agrees with the recommendations of the LEEF Group regarding the use by the Labour Court of technical assessors under section 14 of the Industrial Relations Act 1946.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ibec believes that Ireland's protections, including Codes of Practice, which are admissible in evidence before the WRC and Labour Court, are adequate to protect members and representatives of trade unions from unfair dismissal. Ibec notes that the requirement to have 12 months' continuous service to make a claim for unfair dismissal does not apply where a dismissal results wholly or mainly from an employee's trade union membership or activity. The protection against dismissal for taking part in a strike is particularly strong. Section 5 of the UD Acts provides that a dismissal of an employee will be automatically unfair if it results wholly or mainly from an employee's participation in a strike or industrial action if at least one other employee was not dismissed for the same action or was dismissed and subsequently re-engaged. It is important to note that the circumstances outlined in section 5 provide the WRC or Labour Court with no discretion to find a dismissal fair, regardless of whether they might consider any party to have acted unreasonably. This is made clear in *Tuke v Coillte Teoranta* (1998) 9 E.L.R. 324. In this case, the Employment Appeals Tribunal regarded the conduct of the claimants as being unreasonable but confirmed that it had no discretion but to find that the dismissal was unfair due to the wording of section 5. Ibec considers this to be a very significant protection which goes far beyond the normal protections for employees with respect to unfair dismissal. Section 5 and 6(1) of the UD Acts further provide that certain dismissals in connection with trade union membership or activity are subject to a presumption of unfairness. These include: • non-selective dismissals of employees dismissed for taking part in a strike • an employee's membership of a trade union or a proposal that an employee or another person become a member of a trade union where the times at which he/she engages in such activities are outside of working hours, or during hours of work when he/she is so permitted to engage. • an employee's involvement in a trade dispute referred to the WRC/LC. The specific protections in sections 5 and 6 of the UD Acts are in addition to the general presumption that a dismissal will be deemed to be unfair unless having regard to all the circumstances, an employer can show that there were substantial grounds justifying the dismissal

and that the employer acted reasonably in effecting a dismissal. Ibec is satisfied that the cumulative effect of these provisions and the constitutional right to trade union membership is that an employee unfairly dismissed for lawfully engaging in trade union activity will be protected from the UD Acts.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Ibec is satisfied that the Industrial Relations Acts and SI 463 of Industrial Relations Act 1990 (Code of Practice on Victimisation) provide sufficient protection to members and representatives of trade unions from victimisation. Ibec notes that the Code of Practice on Victimisation defines victimisation very broadly as "any adverse or unfavourable treatment that cannot be justified on objective grounds" in the context of trade union membership, activity or non-activity. Unlike most IR legislation which does not result in legally binding outcomes, section 8 of the Industrial Relations Act 2004 prohibits victimisation on account of an employee being or not being a member of a trade union and section 9 empowers WRC Adjudicators to make awards of compensation in such circumstances.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Ibec is satisfied that the provisions set out above in the UD Acts, the Code of Practice on Victimisation, the Industrial Relations Acts, together with the constitutional protection for and recognition of the right to join a trade union provide sufficient protection to workers wishing to organise or join a trade union.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as

appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Ibec acknowledges the provisions of SI 463 of Industrial Relations Act 1990 (Code of Practice on Victimisation) in managing victimisation both arising from an employee's membership or activity on behalf of a trade union, or a manager discharging his/her managerial functions. As stated above, Ibec believes that a Code of Best Practice on Enterprise Collective Bargaining should be developed to build on this Code of Practice to ensure both employer and employee representatives act appropriately and constructively when engaging in collective bargaining. Ibec notes and agrees with the elements identified within the LEEF Report which should form part of any such Code. Separately, Ibec notes that the Industrial Relations Act 1990 (the "IR Act") which regulates industrial and strike action is over 30 years old and in need of reform which, Ibec submits, should include appropriate provisions regarding interference for employers who engage in collective bargaining. For simplicity, some of the proposed changes Ibec would like to see are included together in response to the final question to this consultation.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Ibec does not believe that a statutory entitlement to trade union access to the workplace should be introduced. Providing for a right of access to workplaces (whether physical or digital) would raise significant constitutional, legal and security issues, particularly where it is not required by Article 4 of the Directive. There is no explicit requirement in Article 4 to provide for trade union access to the workplace and this was made clear in the Expert Group Report. The recent decision of the German Federal Labour Court (the BAG) regarding the boundaries of trade unions' digital access rights is also relevant in this context. In the decision from January 2025, the BAG held that the trade union's request to access a company's digital communication systems to recruit members was not justified. The BAG emphasised that an employer's obligation to facilitate union activities does not extend to providing digital resources such as email addresses, access to the intranet, or

placing a link to the union's website. In developing our action plan, Ireland must be cognisant of existing constitutional protections around property rights and freedom of association, the importance of complying with data protection legislation and the very real need for employers to maintain control over their digital and communication systems. Providing for a right of access, whether digital or physical, would run counter to these important principles. Ibec cannot see any basis for providing for such a right of access and believes that the introduction of any such right would lead to a constitutional challenge which would only serve to create legal uncertainty and damage Ireland's industrial relations framework.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Ibec submits that the Industrial Relations Act 1990 (the "IR Act") which regulates industrial and strike action is over 30 years old and in need of reform. Appropriate reform, Ibec submits, would ensure greater accountability and transparency in industrial relations practices which would promote best practice at enterprise level, and in doing so promote collective bargaining. In this regard, Ibec refers to and reiterates the proposals made in the prior submission sent to the Department on 5 November 2024.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Trade unions should be provided with supports and resources to help train and capacity build amongst workers on collective bargaining.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Employer veto needs to be removed.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A good faith engagement process is necessary and will require more than one single mandatory meeting. One meeting will become a tick-box process and will not result in good faith engagement.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

To negotiate with employers, union recognition must be agreed, and union-negotiated collective bargaining can be supported by the removal of the employer veto to not recognise a union. Government can incentivise collective bargaining, by providing extra supports to employers who recognise unions and have collective agreements in place, and incentivise union membership by returning the tax relief on union subscriptions. Government should also compel those bodies who want state funds to recognise unions and have established union-negotiated collective agreements in place.

8. Do you have views on how the social partners could better access the information required to engage in negotiations?

Employers should share the requested information in a timely and accessible way, failure to do so could trigger a process to assist with resolution, e.g. WRC.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

The legislation needs updated to provide better protections for workers, with a focus on reinstatement and increased penalties.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Trade union membership and activity should be added as a ground.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Trade union membership and activity should be added as a ground.

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of

the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

The employer is not normally interfered with when they participate in collective bargaining.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

A statutory entitlement should be introduced. Access should be provided for all work locations, shifts, etc. including remote access. Reasonable facilities should be provided and the lunchroom/tearoom(s) should be the default meeting room for union meetings should one not be agreed between the union and the employer.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Public procurement and public funds should only be awarded to employers who have union-negotiated collective agreements in place.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

We have pursued this issue of Collective Bargaining through the Labour Courts, which the company declined to attend.

The Labour Court Recommendation, Number LCR22202, issued the following recommendation “On the basis of the uncontested submission from the Union, the Court recommends that the Employer engage with the Union for collective bargaining purposes in respect of the Union’s members in the Company.”

If companies can ignore the industrial relations machinery within the state, what chance is that for employees to achieve Collective Bargaining by any other means.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This would be an improvement on the current situation, our group of workers find themselves in, where our employer refuses to engage with us on collective basis or with our chosen union. It would be important that a Good Faith Engagement process would be legislated for and would have strict timelines in place to avoid our employer frustrating the process with delays. Fines for not adhering such a process would have to be meaningful to act as deterrent to poor behaviour and should be based on turnover to recognise the scale of our employment. We have consistently requested that our employer recognise our right to collective bargaining through our trade union.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's current protections for members and representatives of Trade Unions are not adequate, we know that if our employer was to become aware of our activity in the Union and dismiss us, we are limited to a maximum award of two years' salary under the Unfair dismissal legislation, in reality this is often much less if we get another job in the time it takes a case to be run, this fear factor is significant and strengthened legislation is required to protect people like us organising a union to collectively bargain with our employer.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Similarly to question 9, there is a fear that we will be discriminating against for trying to organise a Union in our workplace, we are fearful that we will be moved to different shifts or to different areas of the factory and future career prospects will be negatively impacted, managers have often

spoken in negative terms about the union following approaches from our officials for meetings, strengthened legislation is required to protect those organising to collectively bargain

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

Same as question 10, we are not protected from acts of discrimination due to our union activity and membership as it is not one of the nine grounds listed in the Employment Equality Acts.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, there should be a law to protect us in the workplace and to give our Union access to our members, currently we have meet in hotels and there is a fear that we will be seen by managers going to such meetings, we cannot give any information about the Union at work for fear of retaliation.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

engagement in collective bargaining? We feel employers should be compelled to engage with us for collective bargaining with the representatives of our choice, they can choose their representatives and there is no reason why we should not be able to choose ours. We feel the Good Faith Engagement would be a positive move towards this provided it was law and there were significant penalties for not following procedures. We only want what other workers in similar factories have and that is the chance to negotiate on pay and terms and conditions. Our employer should be encouraged by our Government to do this.

4. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise

of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

Systems such as are in place in other EU countries which enshrine collective bargaining in law and regular engagement with Trade Unions and employers is needed.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

If the outcomes are statutory and properly enforced

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

This will not work, collective bargaining legislation as in most EU countries needs to be enacted in order to allow workers have a voice.

7. Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

Look at the examples of other countries Germany, Belgium , Netherlands

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

The Social Partners negotiations need to be backed up with collective bargaining legislation as is the EU norm.

9.Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

No, legislation should be similar to other EU countries

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

Legislation as per EU norms

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

No as there is currently no compunction for employers to engage

12. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

Yes

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

Yes, Trade Unions should be allowed to organise in workplaces

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

Collective Bargaining legislation as is the norm across the rest of the EU.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining.

As we understand it Employer Organisations and Trade Unions already expend time, effort and funding in training their members and representatives. On the employer side examples would be the Irish Management Institute and the internal training courses run by IBEC. On the union side, SIPTU has its own college and many unions run training programmes for members and workplace union representatives. Unite and Mandate are two examples among

others. Undoubtedly these organisations, be they employer or union, would welcome more funding in support and expansion of these training programmes.

We may have misunderstood the nature of the question. It may have been seeking some novel educational approach to promote harmony and cooperation over conflicting interests. Such an approach was apparently adopted during the twenty-five years of partnership. It had little success and from a trade union perspective ultimately ended in failure. (see attached D'Art and Turner 'Irish Trade Union under Social Partnership; A Faustian Bargain' and D'Art 'A World Still to Win' section 3)

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

Apparently, there is no difficulty regarding union participation in Joint Labour Committees. Indeed, unions seem to wish for their expansion to more sectors of the economy. This cannot be said for employers. In particular sectors, employers have consistently opposed not only the expansion of JLC's but their very existence. This is well documented. See for instance our brief review of the difficulties regarding JLC's in our submission of 16th. June 2022 to Department of Enterprise, Trade and Employment Public Consultation on Collective Bargaining. This document is attached of which pages 1 to 7 deal with the JLCs.

What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between and employer and a trade union?

Again, we have attempted to answer this question at some length in our in our submission of 16th. June 2022 to Department of Enterprise, Trade and Employment Public Consultation on Collective Bargaining. See pages 13 to 15. However, we are sceptical as to the utility of such an engagement. Yet it might be useful where the employer is ignorant of a union's function and purpose. In such a circumstance the union might well be able to persuade the employer regarding the benefit of union recognition to all parties. Such circumstances we suggest are likely to be very rare. What seems more likely is that the non-union employer, obliged to briefly engage with the union, could patiently explain why for various economic and/or ideological reasons he/she cannot enter into discussions on pay, joint decision making or

procedures with the union. That in effect would be the end of the matter. While such a response may be unsatisfactory it could easily come with the ambit of ‘good faith engagement’.

Do you have other view in relation to how negotiations between social partners on wages could be promoted and facilitated.

We are of the view that the promotion and facilitation of negotiations or collective bargaining between the social partners is best achieved by a statutory right to union recognition. It will be recalled that the objective of the EU Directive on Adequate Minimum Wages is to ensure that all workers in the EU are protected by adequate minimum wages. To achieve this objective the Directive aims to promote collective bargaining on wages in all Member States. Consequently, the Directive requires all MS where collective bargaining coverage is below 80% of employed workers (the case in the Irish private sector) to provide a framework for collective bargaining and establish an action plan to promote union recognition and collective bargaining. We are not outliers in recommending statutory recognition.

It should be noted that collective bargaining is a simple concept. Yet inexplicably, in this State, it appears to be a concept difficult to grasp. The International Labour Organisation holds ‘that collective bargaining cannot begin until a union is recognised for that purpose’. Regarding the confusion surrounding the topic see my *Administration* article ‘The Irish Human Rights and Equality Commission Report on the Constitution and Collective Bargaining – a critique. This document is also attached to this submission.

Do you have views on how the social partners could better access the information required to engage in negotiations?

This should be relatively easy. Indeed, many organisations, union or non-union, promote the virtue and importance of communication. Consequently, for the employer willing to engage in good faith bargaining with the union, information on the economic health of the firm should be easily available. Indeed, this is often the case in redundancy situations. The willingness of employers to share information might be encouraged where the workers are well represented by a recognised trade union. To date a legal compulsion on employers to share information has not proved successful as the fate of the Vredeling Directive testifies.

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Under the Unfair Dismissals Act 1977 section 6 holds that a dismissal for trade union membership or activity is automatically unfair. On the face of it this provides a good measure of protection for the employee. Nevertheless, it may be difficult to establish at the WRC the dismissal resulted from union membership. Employers who are so minded to dismiss workers for trade union activities rarely give that as the reason for dismissal. Where that proves to be the case legislation could be amended to ensure automatic re-instatement and compensation for employees found to be dismissed for this reason. Where a recognised union is present dismissal on these grounds are much less likely to occur.

Though the codes of practice are of great use they are not legally binding. Breaches of these codes are admissible in evidence at the WRC. To make the application of these codes legally binding is not a solution we would recommend. Again, the presence of a recognised union would very likely ensure adherence to these codes more effectively than making them legally binding. The law in these matters is often ineffective in providing protection for employees particularly in the absence of a recognised union. The union serves as an auxiliary in upholding the law and ensuring adherence to same.

As to strengthening protection for union members or representatives some additional protection has been provided by the 2015 Act. Overall, with regard to the adequacy of various protection already provided we would defer to the informed opinion of trade unions and their officials who have much more practical experience. They are far better circumstanced to give opinions on the effectiveness of the various protections provided.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining.

Under EU and Irish law, the exercise of freedom of association or a right to join unions is open to all workers who wish to do so. This equally applies to employers. Indeed, employers are already organised in associations or unions. In a previous incarnation Irish employers were organised as the Federated Union of Employers prior to renaming themselves as IBEC.

To the best of my knowledge, in the history of the state, there has never been interference with an employer who choose to recognise a union for collective bargaining. It is difficult to conceive how a need for protection from such a highly unlikely and unheard-of interference could ever arise.

However, the above relies on the assumption that there is an agreed definition of collective bargaining and a shared understanding on what it involves. This should be non-problematic. The ILO in Convention 98 has produced an internationally accepted definition of collective bargaining to which the Irish State is a signatory. (See Administration article p132) Indeed the primary purpose of the Convention is to promote the effective right to collective bargaining. We have already noted the ILO's position that collective bargaining cannot begin until a union is recognised for that purpose. Yet in this State some employers have claimed to carry on collective bargaining without union recognition. (see Ireland in breach of its international obligations - attached) Of course such employers would be in breach of the States international obligations. Thus, the State might be obliged to act or interfere in some way censuring an employer's claim to carry on collective bargaining in breach of ILO principles. Protection of employers in these circumstances would negate our obligations under ILO Conventions. (see Ireland in Breach --)

Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace.

There are two sperate issues here; activities of union members within the workplace and union access to the workplace. As we have seen some protection for union members in the workplace is provided by the Unfair Dismissal Act 1977, the Industrial Relations (Amendment) Act 2001-4 and the Industrial Relations (Amendment) Act 2015. No doubt these protections could be enhanced by minor amendments and perhaps increased penalties for their infringement.

A statutory right of access by union officials to the workplace could be a source of great difficulty. It would very likely be subject to a constitutional challenge by employers as an attack on property rights. Yet even in the unlikely event such legislation went unchallenged it would not necessarily establish but merely postpone the prospect of collective bargaining in

the enterprise. Take the hypothetical case where the union official is allowed unimpeded access to the workplace. Subsequently he or she is successful in persuading all or a substantial number of employees to join the union and have it represent them in collective bargaining with their employer. Yet as already noted collective bargaining cannot begin until a union is recognised for that purpose. Thus, the recognition question would remain to be resolved. Consequently, a statutory right of union officials to access the enterprise, leaving aside its possible constitutional infirmity, might very well turn out to be a *cul de sac*.

In our opinion the most effective way to promote collective bargaining is to grant workers a statutory right to recognition. This would be in line with the EU Directive which requires MS to establish an action plan to promote union recognition and collective bargaining. Unlike the proposed right of enterprise access there would be no constitutional obstacle. Support for this contention can be found in the Irish Jurist article and the article in Administration. (see attached) Given union recognition has been on the Irish statute book for over a century, evidently there are no constitutional obstacles. (see Admin and Irish Jurist attached)

Do you have views on what measure could be introduced which would promote employer engagement in collective bargaining?

At the risk of tiresome repetition, we are convinced that statutory union recognition provides the best prospect of encouraging employer engagement in collective bargaining. Even a superficial knowledge of the history of trade unions in the western world would strongly suggest this to be the case.

2. Organisation

Musgrave

4. Article 4 of the Directive on Adequate Minimum Wages states: With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage-setting, in particular at sector or cross-industry level.

Do you have views in relation to training or other capacity building activities which would assist the social partners to engage in collective bargaining?

At Musgrave, we work in partnership with hundreds of retail store owners across the country. These are small family-owned businesses and in many cases, do not have an internal HR function or any experience in engaging with collective bargaining or trade unions. It would be beneficial to the promotion of collective bargaining to provide access to SME employers to funded training in collective bargaining. One option is for this to be funded through the National Training Fund Act, 2000. Perceived lack of skill or knowledge is likely one of the factors that make many small employers reluctant to engage in collective bargaining or recognise trade unions for that purpose. Moreover, even where SME employers do recognise trade unions, training would be beneficial to enable them to engage with full time Union Officials on an equal footing in negotiation skill.

5. Article 4 of the Directive on Adequate Minimum Wages states: With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

The Joint Labour Committee (JLC) system served many industries well over past decades. However, the system was conceived in a very different legislative and regulatory environment. When the JLC system was established by the Industrial Relations Act, 1946, Ireland had much fewer legally mandated protections for employees. Recent decades, and indeed years, have seen significant enhancements of mandatory terms and conditions of employment, including, but not

limited to, the progression to the Living Wage, statutory sick pay and pending Pension Auto-enrolment. These initiatives have added significantly to labour costs which, after the cost of goods, are the biggest costs to our family retail businesses. We are concerned that any Employment Regulation Orders, emerging from a JLC, could add further to these costs. We therefore support the current position where JLCs are entered into voluntarily and have the support of the majority of employers and employees in the relevant sector.

6.What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

We have no objection to the proposal that employers and trade unions would be encouraged to meet on one occasion. However, this is on the proviso that such a meeting is in the context of a sufficient and significant number of employees in the employment being members of the trade union, and that this can be demonstrated. Furthermore, there should be no obligation for further meetings, or that any such initiative would jeopardise the voluntarist system of industrial relations in Ireland, which has served Ireland well for decades.

7.Do you have other views in relation to how negotiations between social partners on wages could be promoted and facilitated?

There are advantages to employers in recognising trade unions. In the vast majority of employments where trade unions are recognised, the relationship is constructive and mutually beneficial. However, we strongly support the retention of the existing voluntarist system that is at the heart of Irish industrial relations and where collective bargaining is freely and voluntarily entered into by both parties. We consider that the development of skills in this area, as alluded to earlier in this document, would comprise a practical means of encouraging and facilitating negotiations between the parties. Furthermore, an adequately funded Workplace Relations Commission (WRC) and Labour Court with skilled officers and members, is of critical importance.

8.Do you have views on how the social partners could better access the information required to engage in negotiations?

The development of mutual trust is a prerequisite to the sharing of information between the parties, and this arises from positive and constructive voluntary engagement over time. Importantly, we contend that there must be no circumstances where an employer is obliged to share confidential or commercially sensitive information.

*9. Article 4 of the Directive on Adequate Minimum Wages states:
With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:*

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

We consider that the current protections are adequate. These include the existing Codes of Practice that are admissible as evidence, and the strong protections under the Unfair Dismissals Acts, 1977 (as amended) that disapplies the requirement for 12 months service for dismissals related to trade union membership or activity. In our view, no other or further protections are required or necessary.

10. Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

We consider that the current protections are adequate. S.I. No. 463/2015 – Industrial Relations Act, 1990 (Code of Practice on Victimisation) defines victimisation broadly and is admissible as evidence before the WRC and Labour Court. Sections 8 and 9 of the Industrial Relations (Miscellaneous Provisions) Act, 2004, prohibit victimisation and allow for an award of

compensation at the WRC, respectively. In our view, no other or further protections are required or necessary.

11. Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

We consider that all of the protections that currently exist, and as set out earlier in this document, are adequate to protect workers from victimisation

Furthermore, and as a more general point, Irish employment law is already complex, particularly for SMEs, and where existing protections are adequate, there should be no steps taken to add additional layers.

*12. Article 4 of the Directive on Adequate Minimum Wages states:
With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:*

(d) for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Do you have views as to whether employers are sufficiently protected in Irish legislation against acts of interference where they wish to participate in collective bargaining?

We support the proposal in the LEEF High Level Working Group report for an updated Code of Practice for enterprise level collective bargaining. However, this Code should go further in setting out the behavioural expectations of both parties during the process.

13. Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

In our view, the existing position in law is an appropriate balance between supporting trade unions to organise and protecting employers' property rights, privacy and retention of commercially sensitive data. We do not believe that reform of these arrangements is necessary. Indeed, we would contend that such a reform could serve to damage, rather than enhance, positive relationships between employers and trade unions, and would impede and not promote, positive collective bargaining. Free and voluntary engagement between the parties is fundamental to Ireland's voluntarist industrial relations system. Moreover, any legislation mandating access to private property would likely raise questions of constitutionality.

14. Do you have views on what measures could be introduced which would promote employer engagement in collective bargaining?

As already outlined, employers must consider that relationships with trade unions will be built on trust and mutual respect. There are many benefits arising from recognising trade unions and engaging in collective bargaining, however, these are not always evident to employers. It is possible that through funded training for SMEs and a clear Code of Practice setting out the behaviours expected of all parties, that employers will consider that they have the skills, knowledge and confidence to engage effectively in such bargaining. However, measures must not be introduced that mandate activities or permissions that will ultimately prove counterproductive by damaging trust, engendering fear, and that will undermine Ireland's voluntarist industrial relations system.

5. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall

(b) encourage constructive, meaningful and informed negotiations on wages between the social partners, on an equal footing, where both parties have access to appropriate information in order to carry out their functions in respect of collective bargaining on wage-setting.

Do you have views in relation to the operation of Joint Labour Committees and how social partners can be incentivised to participate in them?

MRCI has worked for the past 23 years with thousands of migrant workers from both the EU and outside the EU on general employment permits concentrated in low wage sectors of the economy such as agriculture, food processing, care work, restaurants, hospitality and fishing. These sectors have low unionisation rates, poor collective bargaining coverage and have consistently shown higher non-compliance rates with employment rights.

MRCI supports the establishment and expansion of Joint Labour Committees (JLC) and collectively bargained Employment Regulation Orders (ERO) in these aforementioned low wage sectors.

Many of these sectors have been given access to recruit workers from outside the EU through the general employment permit system. Currently the Department of Enterprise sets minimum rates of remuneration for workers being granted permits in these sectors. This system of wage setting in the employment permit system has been problematic for both workers and employers as it has created a variety of rates and benefits among EU and non-EU workers leading to significant industrial relations issues and unnecessary tensions within workplaces.

MRCI recommends JLCs and the agreement of an ERO be the required mechanism for setting the minimum terms and conditions for jobs in low wage sectors that have been deemed eligible for granting general employment permits. As done in the past, the ERO would set the minimum pay rates and other employment conditions such as overtime, Sunday rates, unsocial hours premiums, service increments and a variety of other conditions and

benefits for *all* workers/roles in the sector whether from the EU or from outside the EU with a general employment permit. As new EROs are introduced minimum permit salary levels previously set by the DETE can be phased out. Priority for establishing EROs should be given to those sectors where the most permits have been granted.

Hand in hand with the establishment of EROs there needs to be more significant penalties and deterrents against employers who breach ERO conditions which may include much larger fines for non-compliance, exclusion from state funding or state contracts and future exclusion from accessing employment permits in order to protect workers and compliant employers and ensure confidence in the wage setting system.

6. What are your views on a proposal to have a Good Faith Engagement process at enterprise level which would involve a single mandatory meeting between an employer and a trade union?

A Good Faith Engagement process which would involve a single mandatory meeting between employer and trade union does not appear to be collective bargaining.

9. Article 4 of the Directive on Adequate Minimum Wages states:

With the aim of increasing the collective bargaining coverage and of facilitating the exercise of the right to collective bargaining on wage-setting, Member States, with the involvement of the social partners, in accordance with national law and practice, shall:

(c) take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;

Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from unfair dismissal? If not, how can these protections be strengthened?

Ireland's legislative protections are not adequate. New legislation is needed to facilitate the exercise of the right to collective bargaining and offer greater protections to members and

representatives of trade unions. Stronger deterrents also need to be established against offending employers.

10.Are Ireland's protections, including Codes of Practice, adequate to protect members and representatives of trade unions from discrimination due to their membership, or activities on behalf of, of a trade union? If not, how can these protections be strengthened?

There is no legislative protection for workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. Legislation is therefore required to protect workers who wish to organise or join a trade union.

11.Do you have views as to whether workers are sufficiently protected by law, including Codes of Practice, from acts of discrimination if they wish to organise or join a trade union?

There is no legislative protection for workers and trade union representatives against acts of discrimination on the grounds that they participate or wish to participate in collective bargaining. Legislation is therefore required to protect workers who wish to organise or join a trade union.

13.Do you have views as to whether a statutory entitlement should be introduced to allow for trade union access to the workplace, or activities within the workplace, for the purposes of the promotion of collective bargaining even in the case that an employer has not given permission for such activities in the workplace?

It is critical that workers in the collective bargaining process have the opportunity to meaningfully engage with their union representatives to discuss their issues and priorities and participate in providing a democratic mandate.

As such workers should have the right to receive information from and the opportunity to engage with trade union representatives. For this basic right for workers to be realised their

trade union representatives should be granted reasonable access to engage workers in their workplaces.

