Public Consultation on Collective Bargaining

The purpose of this consultation is to seek your views on proposals now being considered by the High-Level Group on Collective Bargaining. This Group was set up under the auspices of the Labour Employer Economic Forum (LEEF) to review collective bargaining and the industrial relations landscape in Ireland.

During its review, the High-Level Group has identified three principles for action. These areas concern Joint Labour Committees (‘JLC’); the use of technical assessors to assist dispute resolution pursuant to Part 3 of the Industrial Relations (Amendment) Act 2015; and how ‘good faith engagement’ could be increased at enterprise level. Copies of the Group’s progress Report are available at [LEEF High Level Group on Collective Bargaining - DETE (enterprise.gov.ie)](https://enterprise.gov.ie/en/Publications/LEEF-High-Level-Group-on-Collective-Bargaining.html).

The Group, independently chaired by Professor Michael Doherty, will consider these submissions in the context of finalising its recommendations on any policy or legislative reform in these areas.

Your Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Organisation (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please indicate if this submission is made in a personal/employee capacity, an employer capacity or on behalf of your institution, organisation or group.

Name of company, institution, organisation or group covered by this submission:

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Respondents are requested to make their submissions by email to:

[irsection@enterprise.gov.ie](mailto:irsection@enterprise.gov.ie)

**The closing date for submissions is close of business Thursday, 16 June 2022**

# Background

In 2021, the Tánaiste and Minister for Enterprise, Trade and Employment Leo Varadkar set up the High-Level Group on Collective Bargaining under the auspices of the Labour Employer Economic Forum (LEEF) to review collective bargaining and the industrial relations landscape in Ireland.

The Department of Enterprise, Trade and Employment has agreed to carry out a consultation to allow for full consideration of a number of factors which the High-Level Group are considering in relation to the collective bargaining and the industrial relations landscape in Ireland.

To ensure that the views of all stakeholders are considered, submissions are now invited during a three-week public consultation period from 26th May 2022.

# Publication of Consultation Submissions and Freedom of Information

Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2018. However, please note the following:

* The information provided in the submission form will be shared with relevant Government Departments and State organisations during the review process.
* The Department will publish the outcome of the reviews and the submissions received under this consultation on its website, and
* As information received by the Department is subject to the Freedom of Information Act, such information may be considered for possible release under the FOI Act. The Department will consult with you regarding such information before deciding should it be required to disclose it.
* If you wish to submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive.

# Note Regarding Responses

Respondents are encouraged to keep their responses succinct to each question. Please answer any questions that are relevant to you or your organisation.

***Principle One – Joint Labour Committees***

*The Group recognises that the legislative intention as set out in the Industrial Relations Act 1946 and updated in the Industrial Relations (Amendment) Act of 2012, is for the Joint Labour Committee (JLC) system to operate effectively as a mechanism to promote the sectoral regulation of pay and conditions through agreement.*

*The Group acknowledges that the JLC system is not now functioning optimally in this capacity. In light of this, the Group will explore options to incentivise employer engagement with a modern evidence based JLC system, responsive to the economic environment, which can ensure this important sectoral bargaining mechanism operates effectively.*

**Question 1**

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| How could the operation of Joint Labour Committees be improved? |

***Principle Two – Referral of Disputes to the Labour Court under Part 3 of the Industrial Relations (Amendment) Act 2015.***

*The Group intends to address some of the challenges encountered by parties referring disputes to, or defending disputes at, the Labour Court under Part 3 of the 2015 Act.  In particular the Group will examine the provision of expert means to assist the Labour Court in independently assessing and verifying economic and comparator data for the parties.*

**Question 1**

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| How could this statutory dispute resolution process, before the Labour Court, be improved for both employee and employer representatives? |

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| Do you agree that the assessment of economic and comparator data by an independent assessor, in certain circumstances, might improve the statutory process for both employer and employee representatives? Please elaborate. |

**Question 2**

***Principle Three – Good Faith Engagement at the Enterprise Level***

*The current wording of the Draft EU Directive on the Minimum Wage includes a requirement for Member States, where collective bargaining coverage is less than 80%, to provide for a framework of enabling conditions for collective bargaining and the establishment of an action plan to promote collective bargaining.*

*This sits alongside growing European and International legal and policy momentum towards re-examining how employers and trade unions engage on matters of mutual interest.*

*The Group is also cognizant of a global trend towards incorporating strong environmental, social and corporate governance into business models. Taking account of these developments, whilst at all times remaining conscious of the voluntarist tradition of industrial relations in Ireland, the Group is exploring a means to promote good faith engagement between employers and workers at the level of the enterprise, where a substantial proportion of employees are represented by a trade union and without prejudice to any outcome of such engagement.*

**Question 1**

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| What are the main factors impeding the voluntary engagement between employers and worker representatives on matters of mutual interests? |

**Question 2**

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| Are there any practical measures that might assist in encouraging better good faith engagement between employers and worker representatives at enterprise level? |

**Question 3**

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| Do you agree that a statutory provision encouraging good faith engagement at enterprise level would be beneficial? Please explain. |

**Any other comments**

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