



Number 14 of 1969

INDUSTRIAL RELATIONS ACT 1969

REVISED

Updated to 31 December 2011

This Revised Act is an administrative consolidation of the *Industrial Relations Act 1969*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (6/2010)*, enacted 14 October 2010, and all statutory instruments up to and including *Medical Council - Rules for the Maintenance of Professional Competence (No. 2) (S.I. No. 741 of 2011)*, made 14 December 2011, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Industrial Relations Acts 1946 to 2004: This Act is one of a group of Acts included in this collective citation to be construed together as one (*Industrial Relations (Miscellaneous Provisions) Act 2004*, s. 17(2)). The Acts in the group are:

- *Industrial Relations Act 1946* (26/1946)
- *Industrial Relations (Amendment) Act 1955* (19/1955) (repealed)
- *Industrial Relations Act 1969* (14/1969)
- *Industrial Relations Act 1976* (15/1976)
- *Industrial Relations Act 1990* (19/1990), other than Part II (ss. 8 - 22)
- *Industrial Relations (Amendment) Act 2001* (11/2001)
- *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), in so far as it relates to the *Industrial Relations Acts 1946 to 2011*

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004)
- *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004)

- *Industrial Relations (Amendment) Act 2001 (11/2001)*
- *National Minimum Wage Act 2000 (5/2000)*
- *Employment Equality Act 1998 (32/1998)*
- *Freedom of Information Act 1997 (13/1997)*
- *Unfair Dismissals (Amendment) Act 1993 (22/1993)*
- *Industrial Relations Act 1990 (19/1990)*
- *Unfair Dismissals Act 1977 (10/1977)*
- *Industrial Relations Act 1976 (15/1976)*
- *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1975 (27/1975)*
- *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1973 (12/1973)*
- *Industrial Relations (Amendment) Act 1955 (19/1955)*
- *Industrial Relations Act 1946 (26/1946)*

All Acts up to and including *Nurses and Midwives Act 2011 (41/2011)*, enacted 21 December 2011, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Industrial Relations Act, 1990 (Definition of “Worker”) Order 1998 (S.I. No. 264 of 1998)*
- *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1983 (S.I. No. 216 of 1983)*
- *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1979 (S.I. No. 268 of 1979)*

All statutory instruments up to and including *Medical Council - Rules for the Maintenance of Professional Competence (No. 2) (S.I. No. 741 of 2011)*, made 14 December 2011, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Membership of the Court.
3. Divisions of the Court.
4. Deputy chairman of the Court.
5. Superannuation for chairman and ordinary members of the Court.
6. Industrial relations officers.
7. Interpretation of employment agreements.
8. Investigation of trade dispute to be in private.
9. Inclusion of members of the Court on public service arbitration boards.
10. Breaches of registered employment agreements.
11. Fair employment rules.
12. Enforcement of sections 10 and 11.
13. Rights commissioners.
14. Prohibition on disclosure of information.
15. Amendment of section 23 of Principal Act.
16. Amendment of section 43 of Principal Act.
17. Extension of Part VI of Principal Act.
18. Amendment of section 67 of Principal Act.
19. Amendment of section 68 of Principal Act.
20. Investigation of dispute by Court at request of parties.
21. Dissolution of Electricity Supply Board manual workers and general employees tribunals.
22. Laying of orders before Houses of Oireachtas.
23. Repeals.
24. Short title, construction and collective citation.

SCHEDULE

ACTS REFERRED TO

Industrial Relations Act, 1946	1946, No. 26.
Civil Service Commissioners Act, 1956	1956, No. 45.
Civil Service Commissioners Act, 1956	1956, No. 46.
Civil Service Regulation Acts, 1958	1958, No. 34.
Local Government Act, 1941	1941, No. 23.
Civil Service Commissioners Act, 1956	1956, No. 45.
Civil Service Commissioners Act, 1956	1956, No. 46.
Civil Service Regulation Acts, 1958	1958, No. 34.
Public Assistance Act, 1939	1939, No. 27.
Civil Service Regulation Act, 1956	1956, No. 46.
Defence Act, 1954	1954, No. 18.
Electricity Supply Board (Superannuation) Act, 1942	1942, No. 17.
Electricity (Supply) (Amendment) Act, 1949	1949, No. 12.



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AN ACT TO AMEND AND EXTEND THE INDUSTRIAL RELATIONS ACT, 1946. [3rd June, 1969.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Act included in collective citation and construction (6.04.2004) by *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), s. 17(2), S.I. No. 138 of 2004.

Short title, commencement, collective citation and construction.

17.—...

(2) In so far as it relates to the Industrial Relations Acts 1946 to 2001, this Act and those Acts shall be construed together as one and may be cited together as the Industrial Relations Acts 1946 to 2004.

Acts included or previously included in the collective citation and construction:

- *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), in so far as it relates to the *Industrial Relations Acts 1946 to 2001*, (6.04.2004) by s. 17(2), S.I. No. 138 of 2004.
- *Industrial Relations (Amendment) Act 2001* (11/2001) (31.05.2001) by s. 13(2), S.I. No. 232 of 2001.
- *Industrial Relations Act 1990* (19/1990), other than Part II (ss. 8 - 22), (18.07.1990) by s. 2(1), commenced on enactment.
- *Industrial Relations Act 1976* (15/1976) (18.05.1976) by s. 12, commenced on enactment.
- *Industrial Relations Act 1969* (14/1969) (3.06.1969) by s. 24, commenced on enactment.
- *Industrial Relations (Amendment) Act 1955* (19/1955) (29.07.1955) by s. 4(2), commenced on enactment; subsequently repealed (3.06.1969) by *Industrial Relations Act 1969* (14/1969), s. 23 and sch., commenced on enactment.
- *Industrial Relations Act 1946* (26/1946) (29.07.1955) by *Industrial Relations (Amendment) Act 1955* (19/1955), s. 4(2), commenced on enactment.

- C2** Application of collectively cited *Industrial Relations Acts 1946 to 1990* restricted (31.05.2001) by *Industrial Relations (Amendment) Act 2001* (11/2001), s. 2, S.I. No. 232 of 2001, as partly substituted (6.04.2004) by *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), s. 2, S.I. No. 138 of 2004.

Investigation of dispute by Court.

2.—(1) Notwithstanding anything contained in the Industrial Relations Acts, 1946 to 1990, at the request of a trade union or excepted body, the Court may investigate a trade dispute where the Court is satisfied that—

[(a) it is not the practice of the employer to engage in collective bargaining negotiations in respect of the grade, group or category of workers who are party to the trade dispute and the internal dispute resolution procedures (if any) normally used by the parties concerned have failed to resolve the dispute,

(b) either—

(i) the employer has failed to observe—

(I) a provision of the Code of Practice on Voluntary Dispute Resolution under section 42 of the Industrial Relations Act 1990 specifying the period of time for the doing of any thing (or such a provision of any code of practice amending or replacing that code), or

(II) any agreement by the parties extending that period of time,

or

(ii) the dispute having been referred to the Commission for resolution in accordance with the provisions of such code, no further efforts on the part of the Commission will, in the opinion of the Commission, advance the resolution of the dispute and the Court has received a report from the Commission to that effect,]

(c) the trade union or the excepted body or the employees, as the case may be, have not acted in a manner which, in the opinion of the Court, has frustrated the employer in observing a provision of such code of practice, and

(d) the trade union or the excepted body or the employees, as the case may be, have not had recourse to industrial action after the dispute in question was referred to the Commission in accordance with the provisions of such code of practice.

(2) In the course of an investigation under subsection (1) the Court shall have regard to the entirety of labour relations practices in the employment concerned including labour relations practices engaged in by the employer or an associated employer in another employment including an employment outside the State.

C3 Application of collectively cited *Industrial Relations Acts 1946 to 1990* potentially restricted (1.04.2000) by *National Minimum Wage Act 2000* (5/2000), s. 42, S.I. No. 96 of 2000.

Act not to derogate from certain provisions of or under Industrial Relations Acts, 1946 to 1990.

42.— The provisions of this Act are in addition to and not in derogation of the Industrial Relations Acts, 1946 to 1990, or—

(a) Employment Regulation Orders, and the enforcement of such Orders, made under those Acts, or

(b) Registered Employment Agreements, and the enforcement of such Agreements, on the register under those Acts on the commencement of this section,

except that where a minimum hourly rate of pay in accordance with this Act is a greater amount than the minimum rate of pay prescribed under an Employment Regulation Order or such a Registered Employment Agreement, the employee's entitlement to pay in accordance with this Act shall prevail.

C4 Terms "worker" and "local authority" in collectively cited *Industrial Relations Acts 1946 to 1976* defined (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 23(1) and (2), commenced on enactment, as amended (1.08.1998) by *Industrial Relations Act, 1990 (Definition of "Worker") Order 1998* (S.I. No. 264 of 1998), art. 2.

"worker."

23.—(1) In the Industrial Relations Acts, 1946 to 1976, and this Part, "worker" means any person aged 15 years or more who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, whether it be expressed or implied,

oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour including, in particular, a psychiatric nurse employed by a health board and any person designated for the time being under *subsection (3)* but does not include—

- (a) a person who is employed by or under the State,
- (b) a teacher in a secondary school,
- (c) a teacher in a national school,
- (d) [...]
- (e) an officer of a vocational education committee, or
- (f) an officer of a school attendance committee.

(2) In *subsection (1)* “local authority” means—

- (a) a council of a county, a corporation of a county or other borough, a council of an urban district, the commissioners of a town, a health board or a port sanitary authority,
- (b) a committee or joint committee or board or joint board appointed (whether before or after the passing of this Act) by or under statute to perform the functions or any of the functions of one or more of the bodies mentioned in *paragraph (a)*, and
- (c) a committee or joint committee or board or joint board of or appointed by one or more of the bodies mentioned in *paragraphs (a) and (b)* but not including a vocational education committee, a committee of agriculture or a school attendance committee.

...

- C5** Meaning of “rights commissioner” modified (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 35, commenced on enactment.

The Rights Commissioner Service.

35.—(1) The rights commissioners shall operate as a service of the Commission and references to rights commissioners in the Industrial Relations Act, 1969, the Unfair Dismissals Act, 1977, and the Maternity Protection of Employees Act, 1981, shall be taken to be references to rights commissioners so operating.

(2) A rights commissioner shall be independent in the performance of his functions.

- C6** Meaning of terms “independent member” and “chairman” extended (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 44 and sch. 5 para. 2(3)

FIFTH SCHEDULE

Constitution and Proceedings of Joint Labour Committees

2. ...

(3) The Minister shall appoint an independent person who shall act as independent member and chairman in the absence of the chairman and references in the Acts to an independent member or the chairman shall include references to a person so acting.

...

- C7** Application of collectively cited *Industrial Relations Acts 1946 to 1990* restricted (9.05.1977) by *Unfair Dismissals Act 1977 (10/1977)*, s. 8(10), S.I. No. 138 of 1977, as substituted (1.10.1993) by *Unfair Dismissals (Amendment) Act 1993 (22/1993)*, s. 7(d), commenced as per s. 17(4).

Determination of claims for unfair dismissal.

8.— ...

[(10) (a) A dispute in relation to a dismissal as respects which a recommendation has been made by a rights commissioner under this Act or a hearing by the Tribunal under this Act has commenced shall not be referred, under the Industrial Relations Acts, 1946 to 1990, to a rights commissioner or the Labour Court.

(b) Where, in relation to a dismissal, a recommendation has been made by a rights commissioner, or a hearing by the Labour Court under the said Acts has commenced, the employee concerned shall not be entitled to redress under this Act in respect of the dismissal.]

...

C8 Application of Act restricted (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(1), commenced on enactment.

Additional divisions of the Court.

8.—(1) Whenever the Minister is of opinion that for the speedy dispatch of the business of the Court it is expedient that there should be added to the Court another division or other divisions he may, notwithstanding anything in the Act of 1969, by order, made with the consent of the Minister for the Public Service, provide for such an additional division or divisions.

...

Editorial Notes:

E1 One year time limit for institution of summary proceedings for an offence under collectively cited *Industrial Relations Acts 1946 to 1990* prescribed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 5, commenced on enactment.

E2 Previous affecting provision: application of collectively cited *Industrial Relations Acts 1946 and 1969* extended (15.12.1975) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1975* (27/1975), s. 3(1)(b)(ii), S.I. No. 305 of 1975, ceased (29.06.1976) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act, 1975, (Expiry) Order 1976* (S.I. No. 137 of 1976).

Definitions.

1.—In this Act—

“the Court” means the Labour Court;

“the Minister” means the Minister for Labour;

“the Principal Act” means the Industrial Relations Act, 1946.

Membership of the Court.

F1**[2.—**(1) The Court shall consist of a chairman (in this Act referred to as the chairman), a deputy chairman or deputy chairmen and ordinary members.

(2) The number of deputy chairmen shall be equal to the number of divisions of the Court less one.

(3) The number of ordinary members shall be equal to twice the number of divisions of the Court and shall be divided equally among workers’ members and employers’ members.]

Annotations

Amendments:

F1 Substituted (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 9, commenced on enactment.

Divisions of the Court.

3.—Whenever the chairman is of opinion that for the speedy dispatch of the business of the Court it is expedient that the Court should act by divisions, he may direct accordingly, and, until he revokes his direction—

(a) the Court shall be grouped into—

- (i) a first division, consisting of the chairman (who shall be chairman of the division) and a workers' member and an employers' member selected by him,
 - (ii) a second division, consisting of the deputy chairman appointed under section 4 (1) of this Act (who shall be chairman of the division), a workers' member and an employers' member, and
 - (iii) if the direction so provides, a third division consisting of the deputy chairman appointed under section 4 (4) of this Act (who shall be chairman of the division) and a workers' member and an employers' member;
- (b) the chairman shall assign to each division the business to be transacted by it;
- (c) for the purpose of the business so assigned to it, each division shall have all the powers of the Court and the chairman of the division shall have all the powers of the chairman and references in this Act to the Court and the chairman shall be construed as including references to a division and the chairman of a division respectively.

Annotations

Modifications (not altering text):

- C9** Application of subss. (b) and (c) extended (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(2), commenced on enactment.

Additional divisions of the Court.

8.— ...

(2) A division of the Court provided for under this section shall consist of a deputy chairman of the Court (who shall be chairman of the division), a workers' member and an employers' member, and sections 3 (b) and 3 (c) of the Act of 1969 shall apply in relation to such a division as if it were a division under that Act.

...

Deputy chairman
of the Court.

4.—(1) The Minister shall appoint a deputy chairman who shall hold office on such terms as shall be fixed by the Minister when appointing him.

(2) The deputy chairman appointed under subsection (1) of this section shall, in the absence of the chairman, act in his place and references in the Principal Act and F2[, *this Act and the Employment Equality Act, 1998*] to the chairman shall be construed as including references to the deputy chairman aforesaid so acting.

(3) The deputy chairman appointed under subsection (1) of this section shall be paid such remuneration (by way of either fees or salary) and allowances as the Minister, with the consent of the Minister for Finance, determines.

(4) The Minister may appoint a second deputy chairman who shall hold office on such terms as shall be fixed by the Minister when appointing him.

(5) F3[...]

(6) No person shall be appointed to be a deputy chairman unless he is ordinarily resident in the State.

(7) Neither the F4[*Public Service Management (Recruitment and Appointments) Act 2004*], nor the Civil Service Regulation Acts, 1956 and 1958, shall apply to the office of deputy chairman of the Court.

Annotations**Amendments:**

- F2** Substituted (18.10.1999) by *Employment Equality Act 1998* (21/1998), s. 5(3), S.I. No. 320 of 1999.
- F3** Repealed (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(5), commenced on enactment.
- F4** Substituted (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), s. 61(1) and sch. 2 part 1, commenced on enactment.

Modifications (not altering text):

- C10** Application of subss. (4) to (7) extended (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(3), commenced on enactment.

Additional divisions of the Court.**8.— ...**

(3) Whenever the Minister makes an order under this section he shall appoint a deputy chairman of the Court, and sections 4 (4) to 4 (7) of the Act of 1969 (as amended by this Act) shall apply in relation to a deputy chairman appointed under this Act as if the references in those sections to a deputy chairman were references to a deputy chairman appointed under this Act.

...

Superannuation for chairman and ordinary members of the Court.

5.—F5[(1) The Minister may, with the consent of the Minister for Finance, make a scheme or schemes for the granting of pensions, gratuities and other allowances on cessation of office or death to or in respect of the chairman, a deputy chairman (whether appointed under section 4 (1) or 4 (4) of this Act or under section 8 (3) of the Industrial Relations Act, 1976) who is required by the Minister to devote the whole of his working time to the duties of the office of deputy chairman, and the ordinary members of the Court.]

(2) The Minister may, with the consent of the Minister for Finance, at any time amend a scheme made by him under this section.

(3) A scheme made by the Minister under this section shall be carried out by the Minister in accordance with its terms.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(5) Every scheme made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(6) The Minister shall grant and pay to Cathal O'Shannon, upon his retirement without re-appointment from membership of the Labour Court, a pension for his life of one thousand, one hundred and twenty-five pounds per annum and a gratuity of one thousand, six hundred and eighty-eight pounds.

(7) The Minister shall grant and pay to Ernest Edmonson Benson, upon his retirement without re-appointment from membership of the Labour Court, a gratuity of three thousand pounds.

F6[(8) The Minister shall grant and pay to Joseph Stapleton Quigley, upon his retirement without re-appointment from membership of the Court, a gratuity of an amount equal to one year's salary at the date of his retirement.]

Annotations

Amendments:

- F5** Substituted (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 40, commenced on enactment.
- F6** Substituted (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 10, commenced on enactment.

Editorial Notes:

- E3** Power pursuant to s. 5(2) exercised (1.04.1982) by *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1983* (S.I. No. 216 of 1983).
- E4** Power pursuant to s. 5(2) exercised (31.07.1979) by *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1979* (S.I. No. 268 of 1979).

Industrial relations officers.

6.—F7[...]

Annotations

Amendments:

- F7** Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Interpretation of employment agreements.

7.—The Court may, at any time, on the application of the parties to an agreement between an employer or a trade union of employers and a worker or a trade union of workers relating to the pay or conditions of employment of any person to whom the agreement relates give its decision as to the interpretation of the agreement or its application to a particular person.

Investigation of trade dispute to be in private.

8.—(1) An investigation of a trade dispute by the Court shall be conducted in private, but the Court shall, if requested to do so by a party to the dispute, conduct the investigation in public.

(2) Where an investigation of a trade dispute is being carried out by the Court in public, the Court may, if it is satisfied that any part of the investigation concerns a matter that should, in the interests of any party to the dispute, be treated as confidential, conduct that part of the investigation in private.

Inclusion of members of the Court on public service arbitration boards.

9.—(1) The membership of any board established either before or after the commencement of this section to report on claims in relation to the pay and conditions of service and matters relating thereto of any person who—

- (a) holds a position in the Civil Service of the Government or the Civil Service of the State,
- (b) is a member of the staff of the Houses of the Oireachtas.
- (c) is a member of the Garda Síochána,

(d) is a sub-postmaster,

(e) is employed by a county committee of agriculture, a vocational education committee or a local authority for the purposes of the Local Government Act, 1941,

(f) is employed as a teacher in a national, secondary, vocational or comprehensive school or in any similar school, or

(g) is employed by any such body established by or under statute and financed wholly or partly by means of grants or loans made by a Minister of State or the issue of shares taken up by a Minister of State as may be designated from time to time by the Minister for Finance,

shall include one workers' member of the Court and one employers' member of the Court who shall be selected by the chairman.

(2) Subsection (1) of this section shall come into operation on such day as the Minister may appoint by order.

Breaches of registered employment agreements—

10.—(1) If an employer or a trade union representative of employers affected by a registered employment agreement complains to the Court that an employer affected by the agreement has failed or neglected to comply with the agreement, the following provisions shall have effect—

(a) the Court shall consider the complaint, and shall hear all persons appearing to the Court to be interested and desiring to be heard,

(b) if, after such consideration, the Court is satisfied that the complaint is well founded, the Court may by order direct the said employer to do such things as will in the opinion of the Court result in the said agreement being complied with by the said employer.

(2) If, where an order is made by the Court under subsection (1) of this section, the direction contained in the order is not carried out, the person to whom the direction is given shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, in the case of a continuing offence, a further fine not exceeding ten pounds for every day during which the offence is continued.

(3) If a person affected by a registered employment agreement fails or neglects to comply with the agreement, the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, in the case of a continuing offence, F8[...] a further fine not exceeding ten pounds for every day during which the offence is continued.

Annotations

Amendments:

- F8** Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Editorial Notes:

- E5** Fines pursuant to subss. (2) and (3) increased (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 4 and sch. 1 ref. nos. 15 and 16, commenced on enactment. In each case the fine was increased to £1,000 and a daily default fine of £200.

Fair employment rules. **11.—F9[...]**

Annotations

Amendments:

F9 Repealed (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 7 and sch. 2, commenced on enactment.

Enforcement of sections 10 and 11.

12.—(1) An inspector for the purposes of Part IV of the Principal Act (in this section referred to as an inspector) may, for the purpose of enforcing the provisions of sections 10 and 11 of this Act do all or any of the following things, that is to say—

- (a) enter at all reasonable times any premises where he has reasonable grounds for believing that any person affected by a registered employment agreement or fair employment rules works,
 - (b) require the production of wages sheets or other records of remuneration kept by an employer and inspect and examine those sheets or records and copy any material part thereof,
 - (c) examine with respect to any matters under section 10 or 11 of this Act or this section any person whom he has reasonable grounds for believing to be or have been a person affected by a registered employment agreement or fair employment rules and require such person to answer such questions (other than questions tending to incriminate such person) as the inspector may put relating to those matters and to sign a declaration of the truth of the answers to the questions.
- (2) If a person—
- (a) obstructs or impedes an inspector in the exercise of any of the powers conferred on the inspector by this section,
 - (b) refuses to produce any record which an inspector lawfully requires him to produce,
 - (c) prevents, or attempts to prevent, a person from appearing before or being questioned by an inspector, or
 - (d) F10[...] fails or refuses to comply with any lawful requirement of an inspector under subsection 1 (b) of this section,

the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) An inspector may institute proceedings for an offence under section 10 or 11 of this Act or this section.

Annotations

Amendments:

F10 Deleted (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 55, commenced on enactment.

Modifications (not altering text):

C11 Application of section extended and its construction modified (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 52, commenced on enactment.

Powers of inspection for enforcement of registered employment agreement.

52.—The powers of inspection given to inspectors by section 12 of the Industrial Relations Act, 1969, shall be exercisable for the purpose of enforcing the provisions of section 32 of the Industrial Relations Act, 1946, and section 51 of this Act and the said section 12 and this section shall be construed as one section.

Editorial Notes:

- E6** Fine for offence under subs. (2) increased to £500 (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 4 and sch. 1, commenced on enactment.

Rights commis-
sioners.

13.—(1) The Minister may from time to time appoint a person who shall be known as and is in this Act referred to as a rights commissioner to carry out the functions assigned to him by this section.

(2) Subject to the provisions of this section, where a trade dispute (other than a dispute connected with rates of pay of, hours or times of work of, or annual holidays of, a body of workers) exists or is apprehended and involves workers within the meaning of Part VI of the Principal Act, a party to the dispute may refer it to a rights commissioner.

(3) (a) Subject to the provisions of this section, a rights commissioner shall investigate any trade dispute referred to him under subsection (2) of this section and shall, unless before doing so the dispute is settled—

- (i) make a recommendation to the parties to the dispute setting forth his opinion on the merits of the dispute, and
- (ii) notify the Court of the recommendation.

(b) A rights commissioner shall not investigate a trade dispute—

- (i) if the Court has made a recommendation in relation to the dispute, or
- (ii) if a party to the dispute notifies the commissioner in writing that he objects to the dispute being investigated by a rights commissioner.

(4) A rights commissioner shall hold office for such period as the Minister may determine and shall be paid such fees and expenses as the Minister, with the consent of the Minister for Finance, may determine from time to time and shall hold office upon and subject to such other terms and conditions as the Minister may determine from time to time.

(5) (a) A rights commissioner may be removed from office by the Minister for stated reasons.

(b) Neither the F11[**Public Service Management (Recruitment and Appointments) Act 2004**] nor the Civil Service Regulation Acts, 1956 and 1958, shall apply to the office of rights commissioner.

(6) A rights commissioner may provide for the regulation of proceedings before him in relation to an investigation under this section and may provide for the cases in which persons may appear before him by counsel or solicitor and, except as so provided, no person shall be entitled to appear by counsel or solicitor before him.

(7) The Minister, if he so thinks fit, may appoint more than one rights commissioner at the same time or appoint a rights commissioner at a time when one or more than one rights commissioner stands or stand appointed.

(8) An investigation by a rights commissioner shall be conducted in private.

(9) (a) A party to a dispute in relation to which a rights commissioner has made a recommendation may appeal to the Court against the recommendation and the parties to the dispute shall be bound by the decision of the Court on the appeal.

(b) The Court shall hear and decide any appeal to it under this subsection and it shall convey its decision thereon to the parties.

(c) A hearing under this subsection shall be held in private.

(10) The Court shall not investigate (except by way of appeal to it under subsection (9) of this section) a trade dispute in relation to which a rights commissioner has made a recommendation.

Annotations

Amendments:

F11 Substituted (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), s. 61(1) and sch. 2 part 1, commenced on enactment.

Modifications (not altering text):

C12 Procedure for appointment of rights commissioner provided (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 34, commenced on enactment.

Rights commissioners.

34.—(1) Where the Minister proposes to appoint a rights commissioner under section 13 (1) of the Industrial Relations Act, 1969, he shall request the Commission to submit to him a panel of persons and he shall not appoint as a rights commissioner any person other than a person included in such panel.

(2) The term of office of a rights commissioner appointed in pursuance of subsection (1) shall be a period not exceeding three years.

(3) A rights commissioner may be re-appointed for a further term or terms by the Minister.

C13 Application of subs. (2) restricted (9.05.1977) by *Unfair Dismissals Act 1977* (10/1977), s. 8(10), S.I. No. 138 of 1977, as substituted (1.10.1993) by *Unfair Dismissals (Amendment) Act 1993* (22/1993), s. 7(d), commenced as per s. 17(4).

Determination of claims for unfair dismissal.

8.— ...

[(10) (a) A dispute in relation to a dismissal as respects which a recommendation has been made by a rights commissioner under this Act or a hearing by the Tribunal under this Act has commenced shall not be referred, under the Industrial Relations Acts, 1946 to 1990, to a rights commissioner or the Labour Court.

(b) Where, in relation to a dismissal, a recommendation has been made by a rights commissioner, or a hearing by the Labour Court under the said Acts has commenced, the employee concerned shall not be entitled to redress under this Act in respect of the dismissal.

...]

C14 Requirements for making objection under subs. (3)(b)(ii) provided (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 36, commenced on enactment.

Objections and appeals.

36.—(1) An objection under section 13 (3) (b) (ii) of the Industrial Relations Act, 1969, by a party to a trade dispute to an investigation of the dispute by a rights commissioner shall be of no effect unless it is notified in writing to the commissioner within three weeks after notice of the reference of the dispute to the commissioner has been sent by post to that party.

(2) An appeal to the Court against the recommendation of a rights commissioner shall not be considered unless it is notified in writing to the Court within six weeks after the making of the recommendation.

(3) A rights commissioner, in addition to notifying the Court, shall notify the Minister and the Commission of every recommendation made by him.

(4) The Commission shall not exercise its function of conciliation on a dispute on which a rights commissioner has made a recommendation.

Prohibition on disclosure of information.

14.—A rights commissioner shall not include in any recommendation any information obtained by him in the course of any investigation under this Act as to any trade union or as to the business carried on by any person which is not available otherwise than through evidence given at the investigation without the consent of the trade union or persons concerned, nor shall any person concerned in proceedings before a rights commissioner under this Act, without such consent, disclose any such information.

Annotations

Modifications (not altering text):

- C15** Application of section not restricted (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 25(6) and (8), commenced on enactment, as amended (18.10.1999) by *Employment Equality Act 1998* (21/1998), s. 105(b)(ii), S.I. No. 320 of 1999.

Functions of the Commission.

25.— ...

(6) The Commission, a member of the Commission or any of its staff shall not include in any report any information obtained by it in the course of any proceedings before it under this Act as to any trade union or as to the business carried on by any person which is not available otherwise than through evidence given at the proceedings (including conciliation conferences and advisory meetings) without the consent of the trade union or person concerned, nor shall any member of the Commission or any of its staff or any person concerned in the proceedings, without such consent, disclose any such information.

...

(8) *Subsection (6)* is without prejudice to [...] section 14 of the Industrial Relations Act, 1969.

- C16** Application of section restricted (21.4.1998) by *Freedom of Information Act 1997* (13/1997), s. 32, sch. 3 part I, commenced as per s. 1(2). This section is listed in sch. 3.

Enactments relating to non-disclosure of records.

32.—(1) A head shall refuse to grant a request under section 7 if—

- (a) the disclosure of the record concerned is prohibited by any enactment (other than a provision specified in column (3) of the Third Schedule of an enactment specified in that Schedule), or
- (b) the non-disclosure of the record is authorised by any such enactment in certain circumstances and the case is one in which the head would, pursuant to the enactment, refuse to disclose the record.

...

Amendment of section 23 of Principal Act.

15.—Section 23 of the Principal Act is hereby amended by the substitution of “the Minister” for “the Government”.

Amendment of section 43 of Principal Act.

16.—Section 43 (1) (b) (iii) of the Principal Act is hereby amended by the substitution of “twenty-one days” for “thirty days”.

Extension of Part
VI of Principal
Act. **17.—F12[...]**

Annotations

Amendments:

F12 Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Amendment of
section 67 of
Principal Act. **18.—F13[...]**

Annotations

Amendments:

F13 Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Amendment of
section 68 of
Principal Act. **19.—**The following subsection is hereby substituted for section 68 (1) of the Principal Act:

“(1) The Court, having investigated a trade dispute, may make a recommendation setting forth its opinion on the merits of the dispute and the terms on which it should be settled.”

Investigation of
dispute by Court
at request of
parties. **20.—**(1) Where the workers concerned in a trade dispute or their trade union or trade unions request or requests the Court to investigate the dispute and undertake or undertakes before the investigation to accept the recommendation of the Court under section 68 of the Principal Act in relation thereto then, notwithstanding anything contained in the Principal Act or in this Act, the Court shall investigate the dispute and shall make a recommendation under the said section 68 in relation thereto.

(2) Where the parties concerned in a trade dispute request the Court to investigate a specified issue or issues involved in the dispute and undertake, before the investigation, to accept the recommendation of the Court under the said section 68 in relation to such issue or issues then, notwithstanding anything in the Principal Act or in this Act, the Court shall investigate such issue or issues and shall make a recommendation under the said section 68 in relation thereto and, for the purposes of this subsection, subsection (1) of the said section 68 shall have effect as if the references therein to a trade dispute included references to an issue or issues involved in a trade dispute.

(3) Notwithstanding anything contained in section 8 (1) of this Act, an investigation under this section shall be conducted in private and shall be given such priority over the other business of the Court as the Court considers reasonable.

Dissolution of
Electricity Supply
Board manual
workers and
general employ-
ees tribunals. **21.—**(1) The tribunal established under section 9 of the Electricity Supply Board (Superannuation) Act, 1942, and the tribunal established under section 3 of the Electricity (Supply) (Amendment) Act, 1949, are hereby dissolved.

(2) Subsection (1) of this section and section 23 of this Act (in so far as it repeals sections 9 to 11 of the said Electricity Supply Board (Superannuation) Act, 1942, and sections 3 to 6 of the said Electricity (Supply) (Amendment) Act, 1949) shall, in respect of any matter referred to either tribunal aforesaid before the passing of this Act, be

deemed, unless a party concerned in the matter objects to its being determined by the tribunal to which it is referred, never to have been enacted.

Laying of orders
before Houses of
Oireachtas.

22.—An order made by the Government or the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeals.

23.—The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of the Schedule.

Short title,
construction and
collective cita-
tion.

24.—(1) This Act may be cited as the Industrial Relations Act, 1969, and shall be construed as one with the Principal Act.

(2) The Principal Act and this Act may be cited together as the Industrial Relations Acts, 1946 and 1969.

Section 23.

SCHEDULE

ENACTMENTS REPEALED

Year and Number	Short Title	Extent of Repeal
No. 17 of 1942.	Electricity Supply Board (Superannuation) Act, 1942.	Sections 9, 10 and 11.
No. 26 of 1946.	Industrial Relations Act, 1946.	Sections 10 (2), 11, 12, 16 and 67 (3).
No. 12 of 1949.	Electricity (Supply) (Amendment) Act, 1949.	Sections 3, 4, 5 and 6.
No. 19 of 1955.	Industrial Relations (Amendment) Act, 1955.	The whole Act.