



Number 15 of 1976

INDUSTRIAL RELATIONS ACT 1976

REVISED

Updated to 31 December 2011

This Revised Act is an administrative consolidation of the *Industrial Relations Act 1976*. 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 *Nurses and Midwives Act 2011 (41/2011)*, enacted 21 December 2011, 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- *Industrial Relations (Amendment) Act 1955* (19/1955) (repealed)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Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked.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:

- *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004)
- *Industrial Relations (Amendment) Act 2001* (11/2001)
- *National Minimum Wage Act 2000* (5/2000)
- *Unfair Dismissals (Amendment) Act 1993* (22/1993)

- *Industrial Relations Act 1990* (19/1990)
- *Unfair Dismissals Act 1977* (8/1977)
- *Industrial Relations Act 1969* (19/1969)
- *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 (Fourth Division) Order 1979* (S.I. No. 161 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. Amendment of section 4 of Principal Act.
3. Consequential repeal.
4. Establishment of joint labour committee for agricultural workers.
5. Modification of Second Schedule to Principal Act.
6. Repeal of Agricultural Wages Acts, 1936 to 1969.
7. Modification of section 49 of Principal Act.
8. Additional divisions of the Court.
9. Consequential amendment of section 2 of Act of 1969.
10. Amendment of section 5 of Act of 1969.
11. Repeal of Agricultural Workers (Holidays) Acts, 1950 to 1975.
12. Short title, construction and collective citation.

ACTS REFERRED TO

Agricultural Wages Act, 1936	1936, No. 53
Industrial Relations Act, 1946	1946, No. 26
Industrial Relations Act, 1969	1969, No. 14



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AN ACT TO AMEND AND EXTEND THE INDUSTRIAL RELATIONS ACTS, 1946 AND 1969, TO REPEAL THE AGRICULTURAL WAGES ACTS, 1936 TO 1969, AND THE AGRICULTURAL WORKERS (HOLIDAYS) ACTS, 1950 TO 1975, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE AFORESAID MATTERS. [18th May, 1976]

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, collective citation, construction and commencement.

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** Period for prosecution of 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.

Summary proceedings for an offence.

5.—Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under the Industrial Relations Acts, 1946 to 1990, may be instituted within one year from the date of the offence.

- C5** 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.

...

- 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.]

Editorial Notes:

- E1** 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).
- E2** Previous affecting provision: application of collectively cited *Industrial Relations Acts 1946 and 1969* extended (13.07.1973) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1973* (12/1973), s. 3(1)(b)(ii), S.I. No. 195 of 1973, ceased (14.12.1973) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1973, (Expiry) Order 1973* (S.I. No. 335 of 1973).

Definitions.

1.—In this Act—

“the Act of 1969” means the Industrial Relations Act, 1969;

“agricultural employer” means a person who employs other persons as agricultural workers;

“agricultural worker” means a person employed under a contract of service or apprenticeship whose work under the contract is or includes work in agriculture, but does not include a person whose work under any such contract is mainly domestic service;

“agriculture” includes horticulture, the production of any consumable produce which is grown for sale or for consumption or other use, dairy farming, poultry farming, the use of land as grazing, meadow or pasture land or orchard or osier land or woodland, or for market gardens, private gardens, nursery grounds or sports grounds, the caring for or the rearing or training of animals and any other incidental activities connected with agriculture;

“the Court” means the Labour Court;

“the Minister” means the Minister for Labour;

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

Amendment of section 4 of Principal Act.

2.—F1[...]

Annotations

Amendments:

- F1** Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Consequential repeal. **3.**—Section 66 of the Principal Act, which defines “worker” for the purposes of Part VI of that Act, is hereby repealed.

Establishment of joint labour committee for agricultural workers. **4.**—(1) As soon as practicable after the passing of this Act the Court shall by order establish a joint labour committee to perform, in relation to agricultural workers and their employers, the functions assigned to it by Part IV of the Principal Act.
 (2) Sections 35 to 40 of the Principal Act shall not apply to the joint labour committee established under this section but that committee shall, subject to section 5 of this Act, be deemed to be a joint labour committee within the meaning of section 34 of the Principal Act.

Annotations

Editorial Notes:

E3 Procedure prescribed for the appointment of committee members (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 44 and sch. 5, para. 3, commenced on enactment.

Modification of Second Schedule to Principal Act. **5.**—F2[...]

Annotations

Amendments:

F2 Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Repeal of Agricultural Wages Acts, 1936 to 1969. **6.**—(1) The Agricultural Wages Acts, 1936 to 1969, are hereby repealed.
 (2) Notwithstanding subsection (1) of this section, any order made under section 17 of the Agricultural Wages Act, 1936, and in force at the commencement of this section shall continue in force and be deemed to be an employment regulation order.
 (3) This section shall come into operation on the date of the making by the Court of the first employment regulation order under section 43 of the Principal Act following proposals to the Court under section 42 of that Act submitted by the joint labour committee established under section 4 of this Act.

Modification of section 49 of Principal Act. **7.**—Section 49 (2) of the Principal Act, which relates to the posting by employers of certain notices, shall not apply to agricultural employers.

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.
 (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.

(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.

(4) A deputy chairman (whether appointed under this section or under section 4 (4) of the Act of 1969) shall be paid such remuneration (by way of either fees or salary) and allowances as the Minister, with the consent of the Minister for the Public Service, determines.

(5) Section 4 (5) of the Act of 1969 is hereby repealed.

Annotations

Modifications (not altering text):

- C8** Application of subs. (1) modified (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 41, commenced on enactment.

Divisions of Court.

41.—The Minister may amend or revoke an order made by him under section 8 (1) of the Industrial Relations Act, 1976.

Editorial Notes:

- E4** Previous affecting provision: power pursuant to section exercised (1.05.1979) by *Labour Court (Fourth Division) Order 1979* (S.I. No. 161 of 1979), subsequently revoked (26.06.1992) by *Labour Court (Fourth Division) Order, 1979 (Revocation) Order 1992* (S.I. No. 161 of 1992).

Consequential amendment of section 2 of Act of 1969.

9.—The Act of 1969 is hereby amended by the substitution of the following section for section 2:

“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.”.

Amendment of section 5 of Act of 1969.

10.—Section 5 of the Act of 1969 is hereby amended by the substitution of the following subsection for subsection (8):

“(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.”.

Repeal of Agricultural Workers (Holidays) Acts, 1950 to 1975.

11.—(1) The Agricultural Workers (Holidays) Acts, 1950 to 1975, are hereby repealed.

(2) This section shall come into operation on the commencement of regulations under the Holidays (Employees) Act, 1973, providing for the application of that Act to agricultural workers.

Short title,
construction and
collective cita-
tion.

12.—(1) This Act may be cited as the Industrial Relations Act, 1976, and shall be construed as one with the Principal Act.

(2) The Industrial Relations Acts, 1946 and 1969, and this Act may be cited together as the Industrial Relations Acts, 1946 to 1976.