

S.I. No. 145/2000 - Industrial Relations Act, 1990 (Code of Practice on Voluntary Dispute Resolution) (Declaration) Order, 2000

WHEREAS the Labour Relations Commission has prepared under subsection (1) of [section 42](#) of the [Industrial Relations Act, 1990](#) (No. 19 of 1990), a draft code of practice on voluntary dispute resolution where negotiating arrangements are not in place and where collective bargaining does not take place;

AND WHEREAS the Labour Relations Commission has complied with subsection (2) of that section and has submitted the draft code of practice to the Minister for Enterprise, Trade and Employment;

NOW THEREFORE, I, Mary Harney, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by subsection (3) of that section, the Labour (Transfer of Departmental Administration and Ministerial Functions) Order, 1993 ([S.I. No. 18 of 1993](#)), and the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 ([S.I. No. 305 of 1997](#)), hereby order as follows:

1. This Order may be cited as the Industrial Relations Act, 1990 (Code of Practice on Voluntary Dispute Resolution) (Declaration) Order, 2000.
2. It is hereby declared that the code of practice set out in the schedule to this Order shall be a code of practice for the purposes of the [Industrial Relations Act, 1990](#) (No. 19 of 1990).

SCHEDULE

1 - INTRODUCTION

1. [Section 42](#) of the [Industrial Relations Act, 1990](#) provides for the preparation of draft Codes of Practice by the Labour Relations Commission for submission to the Minister, and for the making by him of an order declaring that a draft Code of Practice received by him under section 42 and scheduled to the order shall be a Code of Practice for the purposes of the said Act.

2. In May 1999 the Minister for Enterprise, Trade and Employment requested the Commission under [section 42](#) (1) of the [Industrial Relations Act, 1990](#) to prepare a draft Code of Practice on Voluntary Dispute Resolution where Negotiating Arrangements are not in place and where Collective Bargaining does not take place.

3. The Code of Practice is in response to the recommendations set out in the Report of the High Level Group on Trade Union Recognition on voluntary dispute resolution procedures. The High Level Group, involving the Departments of the Taoiseach, Finance and Enterprise, Trade and Employment, the Irish Congress of Trade Unions (ICTU), the Irish Business and Employers Confederation (IBEC) and IDA-Ireland, was established under paragraph 9.22 of

Partnership 2000 for Inclusion Employment and Competitiveness, to consider proposals submitted by the ICTU on the Recognition of Unions and the Right to Bargain and to take account of European developments and the detailed position of IBEC on the impact of the ICTU proposals.

4. When preparing and agreeing this Code of Practice the Commission consulted with the Department of Enterprise, Trade and Employment, ICTU, IBEC and the Labour Court and took account of the views expressed to the maximum extent possible.

5. The major objective of the Code is to provide a recognised framework that has the full support of all parties for the processing of disputes arising in situations where negotiating arrangements are not in place and where collective bargaining fails to take place.

2 - PROCEDURES

Where negotiating arrangements are not in place and where collective bargaining fails to take place, the following process should be put in place with which management and unions should fully co-operate in seeking to resolve the issues in dispute effectively and expeditiously:-

1. In the first instance, the matter should be referred to the Labour Relations Commission who will appoint an Officer from its Advisory Service to assess the issues in dispute.

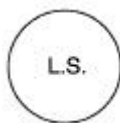
2. The Labour Relations Commission Officer will work with the parties in an attempt to resolve the issues in dispute.

3. In the event that the issues in dispute are not capable of early resolution by the Labour Relations Commission intervention, an agreed cooling-off period shall be put in place.

During the cooling-off period, the Labour Relations Commission Advisory Service will continue to work with the parties in an attempt to resolve any outstanding issues. The Commission may engage expert assistance, including the involvement of ICTU and IBEC, should that prove helpful to the resolution of any differences.

4. If after the cooling-off period all issues have been resolved, the Labour Relations Commission will disengage. Before disengaging, the Commission may make proposals to the parties for the peaceful resolution of any further grievances or disputes.

5. In the event of issues remaining unresolved after the cooling-off period, the Labour Relations Commission shall make a written report to the Labour Court on the situation. The Labour Court shall consider the position of the employer and the union and shall issue recommendations on outstanding matters.



Given under my Official Seal, this 26th day of May, 2000
Mary Harney

Minister for Enterprise, Trade and Employment

This note is not part of the Instrument and does not purport to be a legal interpretation.

The effect of this Order is to declare that the draft code of practice set out in the Schedule to this Order is a code of practice for the purposes of the [Industrial Relations Act, 1990](#) .