

Sectoral bargaining in Ireland- on the ropes again?

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This paper reports on attempts at a formal reinstatement and potential extent of sectoral bargaining taking place in Ireland. Ireland had a system of sectoral bargaining since 1946 (known as Joint Labour Committees, JLCs), of which there was 16. Sectoral bargaining in Ireland was not widespread but confined to specific low paid and vulnerable occupations (Ó'Riain, 2014). However, the system for sectoral bargaining which had been in force for over 70 years, was declared illegal by the Irish Supreme Court 2013 in the case of McGowan & others v The Labour Court, Ireland & another (Hendy, 2014).

In response the Irish Government introduced the Industrial Relations (Amendment) Act of 2015, providing for the negotiation and registration of sector and firm level collective agreements. More recently, a High-Level Working Group has been set up on the future of IR (including minimum wage protections, collective bargaining, trade union recognition) which may alter further collective bargaining and/or trade union recognition. The 2015 Act provided for the first time a legal definition of collective bargaining and for forms of sectoral bargaining through a voluntary framework of JLCs, known as Registered Employment Agreements (REAs) and Sectoral Employment Orders (SEOs). The response in Irish IR has witnessed support from trade unions for the SEOs and JLCs, but sharp divisions among employers' groups threaten the stability of the voluntarist arrangement post-Covid with one group taking a constitutional case to the courts. At the time of writing, the terms of reference for the new High-Level Group are unclear with tensions surrounding sectoral bargaining.

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