

Enhancing the Effectiveness of Social Dialogue Articulation in Europe (EESDA)

Project No. VS/2017/0434

Social Dialogue Articulation and Effectiveness: Country Report for Ireland

This report presents a case study analysing the articulation and effectiveness of social dialogue in Ireland. The analysis relies on desk research and interviews with key stakeholders including social partners, aiming at obtaining deeper insights into how issues are articulated in social dialogue, actors are interacting, and social dialogue outcomes are achieved – and ultimately implemented. Following a brief historical background on the industrial relations system and the evolutions in the Irish economy in the aftermath of the financial crisis, the report then provides both a cross-sectoral overview of social dialogue articulation and the interaction with European-level social dialogue. It also offers a sectoral perspective by looking at four sectors with a particular focus on four occupations within these sectors: commerce (sales agents), construction (construction workers), education (teachers) and healthcare (nurses). The research suggests a diversity of experiences both in cross-sectoral and sectoral social dialogue articulation and their effectiveness depending on the type of actor (e.g. trade union, employer organisation or else) as well as on the topic of priority. Interactions with European-level social dialogue and social partners is considered as important (particularly in some sectors), but the intensity of the interaction is limited when it comes to involvement in the European Semester process.

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List of Abbreviations

ASTI	Association of Secondary Teachers Ireland
BATU	Building and Allied Trades Union
CIF	Construction Industry Federation
EFBWW	European Federation of Builders and Wood Workers
EMU	European Monetary Union
ETUC	European Trade Union Confederation
ETUCE	European Trade Union Committee on Education
EU	European Union
FIEC	European Construction Industry Federation
IBEC	Irish Business and Employers Confederation
ICTU	Irish Confederation of Trade Unions
INMO	Irish Nurses' and Midwives' Organisation
ITUC	International Trade Union Confederation
HSA	Health and Safety Authority
HSE	Health and Safety Executive
LEEF	Labour Employer Economic Forum
MANDATE	Retail Workers' Union
NED	National Economic Dialogue
NESC	National Economic and Social Council
NERI	Nevin Economic Research Institute
NJIC	National Joint Industrial Council
OPATSI	Operative Plasters and Allied Trades Society of Ireland
REA	Registered Employment Agreement
SEO	Sectoral Employment Order
SIPTU	Services Industrial Professional and Technical Union
TUI	Teachers' Union Ireland
WRC	Workplace Relations Commission

1. Introduction

EESDA is a research project aiming to increase expertise on the articulation of social dialogue in Europe. Social dialogue articulation is understood as “*the ways in which social dialogue between public and private actors at different levels functions and the channels through which EU level social dialogue influences decisions, outcomes and positions of actors at the national and sub-national levels and vice-versa.*” The current paper delivers a comprehensive analysis of the stakeholders’ views in Ireland, focusing on social dialogue at the national level and in four key sectors.

As highlighted in various publications, social dialogue has been long considered as one of the prime building blocks of Europe’s social model (European Commission, 2015a; 2015b). As the main social dialogue actors, *social partners*, therefore, traditionally play a key role in this setting. However, in recent years, both the European social model and the social partners have been under severe pressure. The economic crisis starting in 2008 has resulted in government budget cuts, which have often targeted social policies. The consequences of these measures have had various repercussions across various European countries.

Against this background, the European Commission has launched several initiatives to give a new impetus to social dialogue. Its flagship initiative “*A New Start for Social Dialogue*”, launched in 2015, sets out to strengthen social dialogue in Europe. With this initiative, the Commission aims to foster social dialogue in all Member States, though specific attention is paid to countries where capacity building is needed to further develop social dialogue. In Ireland, social dialogue structures were put under severe pressure during the financial crisis, leading to a reorientation towards decentralised collective bargaining (European Commission, 2014). This makes the country one of the key cases to consider.

In Europe, social dialogue occurs at many different levels that are closely intertwined. Therefore, in the enhancement of social dialogue, it is important to account for diversity in the industrial relations and social dialogue traditions and structures that prevail in Member States, as well as particular social dialogue structures developed at European level (Kahancová et al., 2019). EESDA research takes these into account by looking first at European level broadly and then focusing on the experiences of social dialogue articulation and effectiveness at European and national levels in selected Member States.¹ This report focuses on the case of Ireland in particular. In addition to national-level cross-sectoral social dialogue in Ireland, four sectors considering specific occupations are also examined in depth: Healthcare and hospitals (focusing on nurses), education (focusing on teachers), construction (focusing on construction workers) and commerce (focusing on sales agents). These four sectors represent different sides of social dialogue in Ireland and together provide a nuanced and comprehensive picture of collective bargaining structures in the country.

Methodologically, this report relies mainly on qualitative research tools, combining desk research on social dialogue in Ireland with interviews of social partner representatives and other relevant actors at national and sectoral level. For this purpose, we conducted 10 interviews with stakeholders at the national level and 16 interviews at the sectoral level (four in each sector).² However, it should be noted that there were some data collection issues that might limit the insights that can be gained from this

¹ The selected Member States for detailed case studies in EESDA research are Estonia, France, Ireland, Portugal, Slovakia and Sweden.

² The interviews were conducted with the support of the team lead by Tish Gibbons based in Ireland during May-July 2019.

research. In particular, due to the fragmented nature of social dialogue in Ireland, it was not always feasible to connect to the representatives from employers' organisations or government representatives (as a public employer). Therefore, on balance the insights from the interviews tend more heavily towards the point of view of employee representatives, which is reflected in the results of the research. While the interviews can offer a valuable insight into the nature of social dialogue in Ireland, results should, therefore, be interpreted with this caution in mind. Furthermore, while the aim of the research was to obtain information on articulation of social dialogue between the European, national and sectoral level, representatives interviewed could not always offer insights on European level social dialogue, and as a result, this topic can only be addressed with regard to some of the sectors. Wherever available, interviews were complemented with findings from the literature on social dialogue in Ireland in order to ensure robustness of the results.

The plan of this report is as follows. Section 2 provides an overview of the articulation of social dialogue at the national level in Ireland, aided by analyses based on the interviews conducted with Irish social partners at national or cross-sectoral level. Section 3 then summarises and analyses the results from interviews with representatives from four key sectors in Ireland. Section 4 provides a comparative perspective of the findings, concluding remarks and develops policy recommendations.

2. Analysis of social dialogue articulation and its effectiveness at cross-sectoral level in Ireland

2.1 Introduction

Historically, Ireland has been characterised as part of the **Anglo-Saxon model of industrial relations**, which entails low levels of worker participation, **voluntarist labour relations** and dependence on a state regulatory framework for industrial relations (European Commission, 2014). Prior to 1987, trade unions in Ireland were generally excluded from policymaking and the focus of the decentralised industrial relations system was on wage bargaining at the company level, with little to no coordination among trade unions (Culpepper and Regan, 2014).

However, in the context of economic unrest and mass protests organised by unions following tax and benefit reform (Culpepper and Regan, 2014), as well as the need to adjust to the European Monetary Union (EMU) in 1987 (European Commission, 2014), **sweeping reforms** were introduced to industrial relations in Ireland through the **establishment of a system of social partnership**, leading to a **re-centralisation of the collective bargaining system**. More precisely, starting in 1987, collective bargaining took place within the framework of national successive three-year **National Partnership Agreements** between the government, the peak-level employer organisations and trade unions, as well as farmers' organisations, leading to agreements that had no legal force but were generally adhered to (ETUI, 2016). These agreements helped the relatively weak government gain legitimacy, as trade unions were able to mobilise support for reforms and the threat of collective action was diminished (Culpepper and Regan, 2014; European Commission, 2014).

From 2000 onwards, a fourth group of actors, representatives of the community and voluntary sectors such as the unemployed, women or disadvantaged communities, joined the negotiation process as the content of agreements expanded to deal with a range of issues of concern to socially excluded or disadvantaged groups (Ishikawa, 2003). As such, the Irish system constituted an example of a wide, **tripartite plus form of social dialogue** covering a range of economic and social issues such as **social**

welfare, government spending and overall macroeconomic strategy, with the government holding responsibility for facilitating the implementation of the negotiated partnership agreements (Ishikawa, 2003). This system was underpinned by the **National Economic and Social Council (NESC)**, consisting of a range of social partner, government and civil society representatives, which provided the framework for negotiations and provided strategic advice to the Taoiseach³ (Culpepper and Regan, 2014).

However, the use of National Partnership Agreements to negotiate a succession of national tax-based income policies to control inflation grew more and more unsuccessful after the completion of the EMU in the late 1990s (European Commission, 2014). What is more, during the course of the **financial crisis of 2008-2009, the system of social partnership in Ireland collapsed** and tripartite social dialogue mechanisms were abandoned. Under economic strain, government rejected the process of negotiated adjustment that included unions and employer organisations withdrew from the collective bargaining processes at national level (Culpepper and Regan, 2014). During the crisis, the government imposed **unilateral wage policies such as minimum wage cuts** and the role of the NESC was fundamentally weakened, with the Department of Finance reasserting itself over the process of policy coordination (European Commission, 2014).

Overall, this has resulted in a **process of decentralisation back to company and, to some extent, sectoral level social dialogue** in Ireland. In the private sector, bipartite collective bargaining has taken place at enterprise level since 2009; however, in accordance with the **voluntarist approach**, the results of bargaining are not binding or enforceable, though neglect could give rise to industrial action or disciplinary measures (Eurofound, 2017). The main national confederation of employers has effectively shut down their social dialogue efforts, rather focusing on **lobbying activities on the national and European levels** (European Commission, 2014).

Recently, there has been **some strengthening of social dialogue at sectoral level**, following the reestablishment of Joint Labour Committees in 2015, and the conclusion of Sectoral Employment Orders covering pay and pensions in some sectors, such as construction (Eurofound, 2017). Moreover, despite the collapse of social partnership, **a legacy of bipartite negotiation between trade unions and government (as employer) remains in the public sector**, facilitating the emergence of a succession of important public sector industrial relations agreements (Regan, 2017).

2.2 Actors

In Ireland, national level social dialogue is influenced by **two main confederations**, one for workers and one for employers. **The Irish Congress of Trade Unions (ICTU)** is the national confederation of trade unions in Ireland, representing members in both the Republic of Ireland and Northern Ireland (ETUI, 2016). All in all, ICTU has a membership of close to 800,000 workers, with 48 individual trade unions affiliated to it, the largest of which are the general trade union (SIPTU), the public services union (FORSA), the retail workers union (MANDATE), the Irish Nurses and Midwives Organisation (INMO) and the Technical Engineering and Electrical Union (previously TEEU, now known as CONNECT). As stated in the interview, the ICTU is involved in European social dialogue as a member of the European Trade Union Congress (ETUC) executive, and is also involved in the European Semester process. At the national level, the ICTU, as the only trade union confederation, provides the main channel through which trade unions can cooperate in Ireland.

³ Taoiseach is the official title of the Prime Minister of Ireland.

On the employer side, the national level confederation is the Irish Business and Employers Confederation (IBEC). Spanning every sector of the economy and representing Irish business both domestically and internationally, its members altogether employ over 70% of the private sector workforce in Ireland.⁴ IBEC is also a member of BusinessEurope, a European level recognised social partner, which represents enterprises in 35 European countries, with national business federations as its members.

Finally, **a significant actor in the Irish social dialogue is the Workplace Relations Commission (WRC).** The WRC is an independent statutory body, established in 2015 to replace a variety of previously existing services, and it has a responsibility for promoting and maintaining harmonious industrial relations in the country.⁵ As such, the WRC provides a variety of services including conciliation, guidance and arbitration. It functions as the national body for social dialogue in Ireland and is responsible for the enforcement of employment rights.

2.3 Topics

On the trade union side, it was stated that attempts are generally made democratically, using the input of the members, to identify topics that are relevant for social dialogue. The ICTU has a biennial conference and issues for social dialogue are commonly picked through this process, as well as through the executive and general-purpose committees. The ICTU is the key actor, which defines issues in both its private sector and public sector committees, which then aim to engage in social dialogue. The sectoral unions, which are members of the ICTU, feed in the views of their members in consultation with the ICTU, which then also influences topics raised on the national level. As regards the IBEC, there are a range of policy committees, which meet four times a year, and where issues are raised. Policy committees typically focus on sector or issue specific subjects.

In the earlier EESDA analysis of European level social dialogue, three pillars of topics were identified as particularly important and discussed most frequently in the European social dialogue committees: **(i) skills, training and employability, (ii) health and safety, well-being at work, and (iii) working conditions (working time regulation, type of contracts etc.).** The ICTU representative stated that for the Irish trade union confederation, the issues of skills and working conditions were particularly important, with health and safety being slightly less relevant depending on their own priorities of issues. Representatives from sectoral unions generally agreed that all three topics were important, though the precise order in which the issues were ranked in terms of priority differed across organisations. The IBEC representative also agreed that all the issues were of importance, with health and safety as well as well-being at work, which should be more broadly defined, being particularly relevant.

Asked to state which issues were most important for the ICTU in recent years, **housing, pensions and just transition** were mentioned, as well as the issue of **employment rights and collective bargaining** itself. It was argued that without the establishment of strong structures of collective bargaining, nothing else could be meaningfully achieved. The representative from the IBEC also agreed that all three topics mentioned as being central in European social dialogue were important. However, from the employer side, other issues are also extremely relevant, particularly the **ageing workforce, the changes in industry and corresponding skills demand, and funding.**

⁴ This information can be accessed on the [IBEC website](#).

⁵ More information can be found on the website of the [Workplace Relations Commission](#).

2.4 Social dialogue outcomes

As regards the views of the ICTU, as stated, the most important issue dealt with through social dialogue is **collective bargaining** itself, and the principal outcome aimed at should be the strengthening of collective bargaining structures in Ireland. The ICTU is hopeful that the European level social dialogue could make a contribution here, and they are actively engaging with the European Commission, the European Parliament and the Council of Ministers on this issue. In particular, a desirable outcome would be a European framework directive on collective bargaining.

“The most important issue dealt with through social dialogue is collective bargaining because if we do not have that, we have nothing. We are planning to promote the idea of an EU Framework on Collective Bargaining... I would like to see us move away from the voluntary model and towards a more European model of social dialogue.” (Representative of ICTU)

In the context of the UK leaving the EU and being a country that traditionally had similar social dialogue structure to Ireland, the EU could help elevate countries with weaker social dialogue structures to the level of countries with more established collective bargaining systems, according to the trade union confederation representative. In particular, European social dialogue could **encourage mutual learning** and eventually develop structures that are more similar to those of, for instance, the Nordic countries.

More generally, trade union representatives agreed that given the Irish context, where there is **no enforcement of the outcomes of social dialogue** and things are based on a **voluntarist system**, the most (and sometimes the only) useful outcome of European social dialogue is legislation. However, while previously some directives have been transposed from the EU level, this has not happened since 2015. In contrast, the adoption of frameworks negotiated at European level is not useful for Irish social partners, as non-binding agreements are not implemented or enforced. However, an important outcome of European social dialogue cited by one trade union representative is its **agenda-setting function**. If issues are picked up at the European level, this can create a debate at national level and help trade unions lobby the government to introduce a legislation, as in the case of precarious employment, for instance.

On the employer side, in contrast, there was less of an emphasis on legislation as a necessary or desirable outcome of social dialogue. Rather, it was underlined that it is essential that all parties involved are engaged with and **committed to the agreement**, for, otherwise, outcomes can be ignored or will not be enforced, rendering them pointless. This aspect was also mentioned by some trade union representatives, although the general emphasis was still on the **need for legislation to ensure compliance**.

At the national level in Ireland, there are **no national binding outcomes of social dialogue**, as the system of social partnership agreements was eliminated during the financial crisis. The current structure of national social dialogue in Ireland does not allow for implementation of a legislation. However, in some cases trade unions may influence legislation at the national level through lobbying efforts or consultation with the government. An example of a legislation that trade unions influenced was the 2017 Employment (*Miscellaneous Provisions*) Bill on working hours for individuals in insecure contracts.

Rather than social dialogue on the national level, as outlined in the introductory section, **collective bargaining structures** have largely become **decentralised to the enterprise or, in some cases, sectoral level**. Social dialogue on the sectoral level has been somewhat revived in recent years, leading to the conclusion of agreements (e.g. Sectoral Employment Orders) in several sectors, such as construction. Generally, there are, however, limited outcomes of national level social dialogue in Ireland. However, bipartite social dialogue structures have been upheld in the public sector, leading to significant agreements, such as the *Croke Park Agreement*, the *Haddington Road Agreement* and the *Lansdowne Road Agreement* (Regan, 2013), as well as the most recent *Public Service Agreement 2018-2020*.

2.5 Actors' interaction

The ICTU is engaged in the European social dialogue through the ETUC, and through this platform, can engage with a variety of important actors, such as employer organisations, governments and the European institutions. The ICTU aims to actively participate in all available social dialogue platforms in Brussels. Moreover, the ICTU is involved in the **European Semester** process alongside other relevant Irish social partners. In particular, they have an engagement twice a year with the relevant European Commissioner, alongside IBEC, the Farmers' Association, the Nevin Economic Research Institute (NERI), and various other social partners. There, various fiscal and economic issues are discussed. However, it was stressed that it is more a process of consultation where the Commissioner can be informed on the views of the relevant stakeholders, rather than a form of social dialogue that can truly inform on policy issues. As regards the sectoral unions, some, but not all of them, were involved in the European Semester; however, some stated that they would like to see more social partner consultation in the process.

As discussed earlier, the model of social partnership at the national level has disintegrated in Ireland since the financial crisis in 2009. While some processes that facilitate information sharing between stakeholders and consultation between the government and the social partners have been instituted, substantive social dialogue is limited to the sectoral and, predominantly, the company level, meaning that its substantive policy impact is limited.

Nevertheless, **avenues for social dialogue have remained open to a greater extent in the public sector** compared to the private sector. In particular, as a result of the institutional memory of social partnership, there have been **successive bilateral agreements** between the unions (e.g. the ICTU public sector committee) and the government (as the employer). Several such **public sector agreements**, which define and address a broad range of issues including pay, have been agreed, for instance the *Croke Park Agreement*, the *Haddington Road Agreement* and the *Lansdowne Road Agreement* (Regan, 2017) and the recent 2018-2020 Public Service Agreement. However, according to the stakeholders interviewed, these agreements are **less wide-ranging** than the previous agreements reached through the social partnership process, which used to cover issues such as tax policy and housing policy.

In contrast to the public sector, **avenues for social dialogue have been drastically limited in the private sector** and as such, interaction between different types of stakeholders mainly takes place through fora instituted by the government in order to facilitate exchange of views, but not negotiation. For instance, trade unions and employer organisations participate in the **Labour Employer Economic Forum (LEEF)**, introduced in 2016. There, representatives of employers, trade unions and government ministers discuss economic, employment and labour issues (e.g. employment rights, pensions, housing, Brexit etc.), in meetings chaired by the Taoiseach (once a year) or the Minister of Finance

(three times a year) and attended by the relevant minister. However, it was made clear by interviewees that the purpose of this forum is to engage and exchange views after policy has been set, rather than to come up with or implement policies within the context of a working group or similar format. This suggests that LEEF presents a **form of consultation** and illustrates the limited interest on the part of the Irish government in social dialogue as it used to be during the social partnership era, according to the trade union representative.

In addition to the LEEF, social partners also participate in a similar forum, the **National Economic Dialogue (NED)** for consultation of civil society groups and information exchange. Another remaining **statutory tripartite body and forum for social dialogue is the NESD**; however, it has not been involved in crisis or post-crisis reform, whereas originally it was mandated to advise the Prime Minister on strategic policies pertaining to socioeconomic development (Regan, 2017). Rather, public policy has increasingly become the preserve of the parliament and not in organised interest groups, while the role of the NESD has been reduced to providing technical reports.

A further body that exists to facilitate social dialogue at the national level is the **Health and Safety Authority (HSA)**, of which both the IBEC and ICTU are part. This is a tripartite board where unions, employers and ministries are represented and discuss issues pertaining to health and safety in the workplace. As unions and employers can theoretically – though in practice it is usually unnecessary – outvote the governmental representatives on this board, involvement here is judged to be influential and of high importance. Through regular involvement with the HSA through plenary meetings as well as legislation and guideline committees, social partners can have an influence in this field. In Ireland, health and safety is judged to be quite a mature field with strong protections that are often already ahead of European standards.

All stakeholders agreed that **cooperation**, both with those that pursue the same aims and those that pursue different ones, is **essential for effective social dialogue**. This requires engagement with all stakeholders in social dialogue, including trade unions, employer representatives and government. On the employee side, individual trade unions in Ireland mainly cooperate through the offices of the ICTU. It was also stated by some representatives that cooperation between different private sector unions may be more effective than between those in the public sector, as this field can be more disjointed and goals may differ. Generally, cooperation among trade unions is judged to be working well, despite the fact that there can be contentious issues. However, it was pointed out that **better coordination between trade unions** would be desirable in order to better achieve the desired aims.

There was general agreement that, particularly in the Irish context that relies on voluntarist industrial relations, very little can be achieved without buy-in from all partners, making **good cooperation essential**. Given that the existing spaces for national level dialogue are quite *light touch*, there seems to be comparatively **little rivalry between partners**, meaning that good cooperation can often be achieved, although there may be disagreement over certain issues. An example of a particularly pressing issue was **Brexit**, where good cooperation was highlighted, given that all stakeholders are united in their views on the issue.

From the employer side, cooperation with trade unions was generally judged positively, particularly in the field of health and safety, where common goals often apply and **relationships of trust** had been built up in the context of the HSA. On the union side, it was stated that more employer buy-in into social dialogue would be desirable particularly, since in Ireland industrial relations are voluntarist and hence employers have no obligation to recognise trade unions at all, if they wish so. This means that

in some cases, social dialogue is not possible because employer organisations in a sector or company choose not to engage with unions.

Furthermore, the respondents agreed that **informal ties can be important** for effective social dialogue, particularly in a small country such as Ireland. Usually, the same people are involved in negotiations, and close informal ties can be necessary in order to **solve industrial issues and disputes**. In general, informal ties were thought to lead to the **building of alliances** and reductions in “game playing”, particularly when it comes to normally opposing sides. One example cited was that of cases of company closures, where informal ties can help to prepare for negotiations. Respondents also thought that informal ties hold an increasingly important role in the **maintenance of good industrial relations**. Moreover, informal ties were thought to be improving in recent years in the absence of social dialogue at the national level. Alongside an observed improvement in economic conditions, it was claimed that the trust that had collapsed during the crisis between the social partners was rebuilding to an extent, and that trade unions were more welcome in consultations than they had been in the crisis context.

“There was a lot of mistrust between the partners built up during the financial collapse 2011-2012. Trust has re-emerged since then... The informal ties are critical and it is something that Irish partners are good at... as they contribute to a greater understanding and helps to break down mistrust.” (Representative of employers’ organisation)

2.6 Perceived effectiveness of social dialogue

The perceived effectiveness of social dialogue in Ireland depends on the level of social dialogue considered. In general, most stakeholders agreed that **effectiveness on the sectoral level was improving** in recent years, whereas it was argued, particularly by the trade unions, that **national level dialogue, since the crisis, has been ineffective**, if not non-existent.

At national level social dialogue, trade union representatives agreed that social dialogue could not be considered as effective, and stated that since the crisis there had not been real social dialogue in Ireland. While there was some anecdotal evidence mentioned that the NED may have an influence on political thinking within the government, there is no hard evidence of this and **social partners are not formally part of the policymaking process**. This was linked to the fact that in Ireland there is no meaningful history of social dialogue, and that, similar to other Anglo-Saxon countries, social dialogue had historically been conducted on an adversarial rather than a consensual basis. While the government consults unions on their views of policy, this was not considered as true social dialogue by unions. Rather, the government, which had withdrawn from social dialogue during the crisis and limited future collective bargaining to the sectoral level, if at all, was seen as being opposed to meaningful social dialogue.

“I would rate the effectiveness of social dialogue in Ireland at 2 on a scale of 1 to 10. The Government is opposed to any meaningful social dialogue structures. They do what they have to do and then no more.

We want the Government to buy into the concept of social dialogue. We want proper social dialogue where the Government sits down with unions and employers and get real outcomes. It should not just be a form of consultation.” (Representative of a service trade union)

On the part of employers and the WRC, the effectiveness of social dialogue was not perceived as negatively as by the trade unions. In particular, the employer representative highlighted the HSA, which was regarded as an example of very successful social dialogue at the national level, leading to various advances health and safety regulation in Ireland. Similarly, the representative of the WRC outlined that social partnership at the national level was seen as having had its time, and that through decentralising social dialogue to lower levels, more clear and fair arrangements could be achieved.

At the sectoral level, the effectiveness of social dialogue was regarded quite positively by all parties. Some trade unions highlighted the success of sectoral agreements (Sectoral Employment Orders) in some sectors, such as construction, security and contract cleaning. This has been achieved through the reintroduction of **Joint Labour Committees for bipartite negotiation**, including on the issue of pay. Social dialogue was also highlighted as having achieved significant improvements in health and safety regulations in the construction sector.

Finally, **local level negotiations** and **third party interventions** are becoming increasingly important in Ireland following the decentralisation of collective bargaining. It was argued by some trade union representatives that the **company level is where trade unions can most effectively make a difference** for their members.

However, given the limited nature of social dialogue in Ireland, it was also highlighted by trade unions that they need to adopt **a range of different strategies** in order to push through their policy messages. These included **campaigning, building alliances, lobbying, communication** and **awareness raising campaigns** as well as **collective industrial action**. Such measures can be effective in raising attention when it comes to issues that cannot be addressed through social dialogue in Ireland. However, it was also stated that while such forms of campaigning can help to address specific issues, it is less effective when it comes to broader issues, which may be better addressed through formal forms of social dialogue.

“It is very effective if you can get the other side to do something. The frustration is, it can take a long time to get the wheels turning, but once they are it is very effective. But you have to work very hard to get to that point.

Beside social dialogue, we use campaigning; lobbying; disputes, to achieve our goals. They complement social dialogue. Sometimes you need a dispute or a campaign to get something on the social dialogue agenda. Sometimes you have to lobby to make sure people understand your position. Ideally if you could use social dialogue to sort an issue it would be great, but sometimes that will not work.”
(Representative of service sector trade union)

2.7 Suggestions for improvements

Overall, most of the stakeholders interviewed agreed that **social dialogue should be strengthened** in Ireland, though there was some disagreement over the precise forms such strengthening should take. In particular, representatives from trade unions strongly emphasised the demise of social partnership since the financial crisis in 2009, and argued for an enhancement of social dialogue in Ireland. Some trade unions, in this context, saw a return to a tripartite system of social dialogue with strong involvement from both the government and employer representatives, leading to enforceable outcomes, as desirable. The strengthening of social dialogue could be modelled after other European countries with stronger systems of social dialogue, such as the Nordic countries, Belgium or the

Netherlands. The ICTU emphasised that a desirable outcome would be a framework directive at the European level on collective bargaining in order to facilitate this.

It was also emphasised that both trade unions and employers should **articulate more strongly** what they expect from social dialogue. For instance, the LEEF process is currently under review, which may be an opportunity for **reforming social dialogue**. Some trade union representatives underlined that there is a need for trade unions to coordinate better in order to achieve their common aims.

The IBEC representative generally did not perceive social dialogue as negatively as trade union representatives, and a return to social partnership was not mentioned. However, it was stated that the influence of national agencies can sometimes be limited as they are only advisory boards and government agents can be risk averse; the presence of more high level government representatives on boards would be desirable.

As regards, the WRC, social partnership was similarly regarded as no longer a model fit for the Irish context as it used to be a *one size fits all approach*. Rather, **sectoral agreements were seen as the way forward** to provide a level playing field for all partners.

Finally, an additional area mentioned was **enforcement**. A trade union representative argued that the **dispute resolution procedure should be improved**, as it was perceived too easy for government to fall behind in agreements (with public sector employees). As such, it was suggested that more robust oversight through an implementation body was needed.

3. Sectoral case studies

3.1 Commerce

3.1.1 Introduction

This section examines the structure of social dialogue in the commerce sector in Ireland.⁶ This section draws on interviews with four trade union representatives and desk research. **Traditionally, collective bargaining in the Irish retail sector was conducted at shop or town level**, with agreements reached locally. This process evolved with the **arrival of large supermarket multiples** on the scene, which had separate negotiations. Eventually, social dialogue structures grew over time, with negotiation committees concluding agreements and a sectoral Joint Labour Committee that agreed a rate of pay for all grocery workers. On these councils, an even number of union and employer representatives were present with an independent Ministerial appointee functioning as chair. In the registered agreements, pay and working conditions were covered.

During the recent financial crisis, national social partnership and together with it all structures of social dialogue in Ireland collapsed, and there was a successful legal case against the existence of Joint Labour Committees. Since then, social dialogue in the retail sector has been extremely limited. In general, it is **conducted on a single-company basis**, although some employers choose not to engage in collective bargaining at all and have no legal obligation to do so. Approximately 25% of workers in the sector are covered by bargaining agreements (Eurofound, 2018).

⁶ The commerce sector was commonly referred to as retail in the Irish context.

3.1.2 Actors

At European level, the two main social partners in commerce are the sectoral trade union UNI Europa and, on the employer side, EuroCommerce. At the national level, there are several actors involved in social dialogue in the retail sector in Ireland. Two main trade unions, namely the Services Industrial Professional and Technical Union (SIPTU) and the retail and administrative workers union (MANDATE), represent workers in this sector. Jointly, these two unions cover 50,000 workers in this sector (Eurofound, 2018). The unions are involved in single employer bargaining, and in very rare cases, multi-employer bargaining. MANDATE is also affiliated with the sectoral trade union UNI Europa.

Three employer organisations exist in the retail sector in Ireland. The Irish Business and Employers Confederation is the national confederation for Irish employer organisations. In addition, relevant organisations are the Retail Grocery Dairy & Allied Trades Association (RGDATA), affiliated with IBEC, and the Irish SME Association (ISME) (Eurofound, 2018). These employer organisations are also affiliated with EuroCommerce. In general, there is **no social dialogue in retail beyond company-based collective bargaining**. Rather, employer organisations engage in lobbying efforts for their members.

3.1.3 Topics

Trade union representatives underlined that issues for discussion and negotiation are identified democratically through the structures of the union. This can take place through two main processes that were outlined by the respondents (and are common to most unions in Ireland). In some cases, issues are brought up directly by individual members in shops. They can then be raised by shop stewards in national negotiation committees to consider inclusion in social dialogue. Each grade has its own such negotiating committee. If the issue is deemed to be common to many workers, it will be dealt with by the national executive, usually through collective bargaining processes.

Alternatively, topics can be dealt with through the **democratic structures of the union**. In this case, topics are framed in resolutions for the biennial delegate conference, and if adopted, become part of national union policy. Resolutions adopted at the conference are then commonly pursued in order to secure legislative changes, rather than through collective agreements.

In earlier EESDA research, three topics were identified as particularly relevant and frequently discussed in social dialogue committees at the European level. These are (i) skills, training and employability, (ii) health and safety, well-being at work, and (iii) working conditions (working time regulation, type of contracts). Trade union representatives agreed that all three issues were certainly very relevant for workers in the retail sector, but they had a different order of priority. For example, it was commonly emphasised that working conditions are of particular importance in the specific context of retail sector, and more so than the other two topics. **Very poor conditions** are a common occurrence in the retail sector, such as working in very cold or very hot environments or working for many (or too few) hours. Training and development is also key, but rather in some specific retail sectors such as in pharmacies. It was pointed out that these are often very small and specific issues, which may not be very well addressed by social dialogue at higher levels such as the EU level.

Low pay and low earnings were singled out as the most important issue for workers in the retail sector. The distinction is made between low pay and low earnings, since in this sector it is possible to have a good hourly rate of pay, but to have so few hours, that earnings are extremely low. This is closely related to debates about working time – as many employees are employed casually with no consistency in the number of hours worked per week, earnings can vary from week to week. Such

unpredictability has severe consequences for housing as well as various household arrangements such as childcare. It was mentioned the current housing crisis and lack of affordable rental accommodation in Ireland is exacerbated for workers on such **precarious contracts**, as they have no guaranteed income to secure adequate housing and they are locked out of the mortgage market.

In addition, **union recognition** is an important issue in the retail sector. In Ireland, no right to collective bargaining exists and employers have no obligation to recognise unions, something which has occurred several times in the retail sector in Ireland. Relatedly, full-time union organisers may also be refused access to the workplace.

3.1.4 Social dialogue outcomes

In the Irish retail sector, **collective bargaining** is limited to the company level. As such, outcomes from social dialogue are by nature limited to individual agreements. Nevertheless, all trade union representatives stressed the importance of agreements reached through collective bargaining. Agreements reached through social dialogue can be very effective because they fit the individual enterprise (given that sectoral dialogue does not exist anymore in retail). It was argued that where unions are recognised in retail, dialogue should be the central piece.

“The right to collective bargaining/social dialogue/union recognition, whatever you want to call it is an absolute essential for this country. There is no sanction on employers who decide to ignore the union their employees have chosen and in the words of others (Ewing & Hendy) without sanction all we are engaged in is ‘collective begging’.” (Representative of trade union from retail sector)

Legislation was also seen as a valuable potential outcome of social dialogue, which has its own place. On the one hand, legislation was seen as less individualised than collective bargaining outcomes and that it cannot be controlled in the same way as social dialogue outcome and is not always balanced. On the other hand, it can provide a **level playing field** outside of collective bargaining and is often the only avenue in retail when employers are refusing to engage with social dialogue. However, there were also some more sceptical opinions by union representatives on legislation, arguing that reliance only on legislation will be the “death” of the trade union movement.

3.1.5 Actors’ interaction

In principle, the respondents agreed that collaboration among the various actors in social dialogue is essential in order to make satisfactory progress. There are dedicated spaces created for unions to come together to collaborate and work together outside the workplace, such as the ONE movement spearheaded by ICTU and the trades councils, which can be very effective. The ICTU was often highlighted as the central body bringing unions together. As the strongest voice for trade unions nationally, it can highlight issues and raise awareness better than individual unions would be able to.

However, there can also be tensions between individual unions. In particular, it was pointed out that, in the context of sectoral differences in the structure of collective bargaining processes, there can be **tensions between public and private sector unions**. It was stated that the public sector is often pitted against the private sector, and such a divided workforce can be problematic in reaching agreements. Nevertheless, overall the interactions between unions were judged to be working well.

“There are some tensions between private and public sector unions. The neo-liberal agenda has pitted public sector against private sector workers – divide and conquer – and it is important that the unions work to counter this. A divided workforce will never achieve anything. The unions all have far more in common than will ever separate them and it is important to make common cause with one another and work together to effect change. There is power in numbers.”
(Representative of trade union from retail sector)

Given that social dialogue in the classic sense is not taking place in the retail sector, unions are working together with a **range of actors** that diverge from social partners in the traditional sense. This can include **political parties, community groups and diverse interest groups**. The work of unions with new partners is increasing in the context of the growing prominence of issues such as housing which affect a diverse range of actors. **Collaboration and synergy** in working on these issues is essential.

Moreover, in some cases collaboration with certain employers may be possible, depending on the issue being discussed. However, interaction with employers can be very difficult in the retail sector, as they have **no obligation to recognise unions**. For example, several large international supermarket multiples have decided to derecognise the large unions in the sector, leading to a refusal to engage in social dialogue, even locally. It was also stated by union representatives that there are some organisations with whom collaboration is impossible due to fundamental ideological differences, such as the chambers of commerce.

While it had been expected that there would be improvements in social dialogue with the economic upturn, this did not materialise as expected. It was stated that since the breakdown of national social partnership and the reduction of collective bargaining to a single-employer process, social dialogue has become a lot more difficult. Relations with employers were described as cool, with unions hesitant to push too far in bargaining for fear of employers disengaging completely. It was also argued that the government was letting employers disengage by not being involved at all in collective bargaining processes.

At the same time, social dialogue in retail varies a lot and in some cases, better relations with employers were forged. Depending on who is involved in the process, social dialogue can include consultation processes, information gathering or even collective bargaining. For instance, the example of the **pharmacy sector** was cited as an instance where small multiples were **engaging actively in social dialogue**, leading to ongoing and detailed negotiations.

Trade union representatives agreed that **informal ties** in social dialogue are very important, as they give an indication of the position of other negotiating parties and where solutions may be found. In a small country like Ireland, there will often be the same people working on issues for years, and informal ties can influence the style of engagement and improve dialogue. Such ties may be especially important in the retail sector because social dialogue exclusively takes place at the local level, so that good working relationships with employers are essential. If the relationship is hostile, the agenda cannot be progressed through dialogue, and the actors progress their agenda through the industrial relations mechanisms of the state.

While acknowledging the importance of informal ties, some respondents offered pessimistic assessments of these relationships. There are very few informal ties between union representatives

and employers in retail. It was also stated that as a result of **legislative changes to lobbying rules**⁷, informal ties with politicians have worsened in recent years. As relations have seriously diminished in recent years, unions have had to resort to alternative means of advocating for their goals such as campaigning and strikes, rather than social dialogue.

“Informal ties with politicians have reduced in recent times. The new lobbying legislation has made it really difficult for that to happen easily. While it (the legislation) was introduced probably for very good reasons, to prevent abuse of planning laws etc., it has had a detrimental effect on particularly left-wing groups and unions lobbying. It has formalised the process. The politician and the union often represent the same constituency and now the process has become so formal as to be useless.” (Representative of a trade union from retail sector)

3.1.6 Perceived effectiveness of social dialogue

Overall, the assessment of the effectiveness of social dialogue in the retail sector was rather negative. As social dialogue in this sector is **extremely fragmented**, success depends on individual cases and which companies are involved in negotiations. Overall, the dismantling of sectoral bargaining has reduced the impact of social dialogue. Many workers in retail have completely unregulated pay and working conditions. Where there are issues, they are often resolved away from the workplace rather than through collective bargaining. For instance, in some cases trade unions have to go through the courts in order to achieve outcomes under certain already existing legislation.

As a result of the **limited effectiveness of social dialogue** in retail, trade unions often resort to other actions to pursue their policy goals. In the retail sector, trade unions have become very **active in political campaigning and lobbying**. An example that was cited as effective was the **campaign on banded hours** in order to ensure workers have more certainty about their working hours. While there had been previous agreements with some multiples, others refused to engage with unions, so that a campaign was developed. This included demonstrations, the lobbying of local members of parliament as well as a large-scale strike in 2015. It was also made more effective by working together with unions in other sectors affected by the same problem. Eventually, legislation on banded hours was introduced in Ireland.

3.1.7 Suggestions for improvements

For trade union representatives, the fundamental problem was judged to be the **weakness of social dialogue in retail** in Ireland. As such, it was argued that social dialogue should be restored at a national level. Unions should interact more with other community interest groups and be involved with the social justice conversations. It was also pointed out that there has recently been a return to sectoral agreements in other sectors, and there was a hope that there could be a return to this in retail as well. Employers and unions have joint problems, which should be solved jointly, it was suggested.

In a similar vein, one representative suggested that the Irish Constitutional Convention should be expanded in order to be able to run a tripartite model alongside it, with government, employers and workers present and drawing on issues raised at grassroots level.

⁷ Information on the Regulation of Lobbying Act 2015 can be found [here](#).

It was also pointed out that a fundamental problem in retail is that too many employers do not engage in social dialogue at all, meaning that there are too few opportunities to engage in a dialogue and too many issues are outside of the remit of social dialogue. It was suggested that, therefore, a right to collective bargaining and union recognition in the sector should be introduced.

3.1.8 Articulation of social dialogue

While some unions in the retail sector are affiliated with European sectoral social partners, the representatives interviewed were not able to provide details of involvement in European social dialogue. As such, articulation as regards the European level can unfortunately not be assessed. Similarly, none of the interviewees were involved in the European Semester process.

Between the sectoral and national level, articulation of social dialogue was regarded as effective by trade unions, as regards exchange on topics discussed. Given the absence of national or sectoral social dialogue in the retail sector, no outcomes could be transposed between different levels.

In order to **identify topics for discussion**, democratic processes are employed throughout the structures of the union. This can take place through two main processes, which are common to most unions in Ireland, as outlined by the interviewees. In the first process, issues are brought up directly by individual members (workers) in shops. Such issues can then be raised by shop stewards at that multiple's national negotiation committees. If the issue is deemed to be common to many workers or many multiples, it will be dealt with by the national executive, and matters are usually settled by collective bargaining processes. Generally, local issues are processed by the full-time union organiser in this first type of process. In the second type of process, topics can be dealt with through the democratic structures of the union, where resolutions are proposed at the biennial delegate conference, and if adopted, become part of national union policy. Issues with broader effect or political matters use the latter avenue and are often dealt with via legislation.

3.2 Construction

3.2.1 Introduction

This section examines the structure of social dialogue in the Irish construction sector. It draws on interviews with three trade union representatives, one employer organisation representative and desk research. Traditionally, social dialogue in Ireland functioned based on a model of national social partnership, where employers, unions and government jointly negotiated national partnership every three years (Ishikawa, 2003). However, in the context of the financial crisis, in 2009 employers withdrew from the process of negotiating partnership agreements. Since then, social dialogue in Ireland has been decentralised to the sectoral and company level (European Commission, 2014).

In the Irish construction sector, there have recently been some advancements made in social dialogue at the sectoral level. In particular, recent years have seen the agreement of **Sectoral Employment Orders (SEO)**, which **govern pay and some other working conditions** in the sector (Regan, 2013). While not a return to collective bargaining in the traditional sense, this distinguishes the construction sector in Ireland from most other sectors, where collective bargaining is reduced to the company level.

3.2.2 Actors

The European Sectoral Social Dialogue Committee for Construction was set up in 1999 (Eurofound, 2015). The two main European social partners in the construction sector are the employer

organisations, namely, European Construction Industry Federation (FIEC) and European Builders Confederation (EBC), and the trade union, namely European Federation of Building and Woodworkers (EFBWW). At European level, Irish actors were regularly involved in discussions, typically meeting several times a year.

In Ireland, a number of trade unions are involved in the construction sector. These include the Services Industrial Professional and Technical Union (SIPTU), the Operative Plasters and Allied Trades Society of Ireland (OPATSI), the Building and Allied Trades Union (BATU), the Union of Construction, Allied Trades and Technicians and the Connect Trade Union. These trade unions are affiliated with the Irish Trade Union Congress (ICTU). Moreover, SIPTU is also affiliated with EFBWW (Eurofound, 2015), while CONNECT is a member of the European Alliance for Apprenticeships.

The central employer organisation in the Irish construction sector is the Construction Industry Federation (CIF) and it is affiliated to FIEC at the European level (Eurofound, 2015).

3.2.3 Topics

At European level, both unions and employers reported that they were regularly involved and able to raise issues of concern to them. There are a variety of construction committees at EU level, which examine a range of topics including **employment matters, legislation, wages, conditions of employment and skills**. A particular issue discussed at European level was **social dumping**, where workers move into a different EU state and are not able to access the same level of pay and benefits. Furthermore, the use of European Works Councils is frequently discussed. The representative from the CONNECT union highlighted that apprenticeships are an important issue to discuss at European level, as there are opportunities to discuss the level and quality of training and to benchmark the Irish performance against that of other countries. Apprenticeships were discussed both at the European Alliance for Apprenticeships and in meetings with ETUC.

At national level, both representatives of employer and employee organisations highlighted that topics are decided on with as much member involvement as possible. In trade unions, issues are typically raised first by members at the company level when talking to union organisers. Issues are then passed on to sector committees and discussed at either the sectoral or national level, depending on how many workers are concerned by the issue in question. On the employers' side within the CIF, issues also generally come from members. At times, the CIF may also by itself identify issues that are coming down the track and bring them up for discussion. There are many internal groups and committees aimed at discussion and consultation for this purpose.

EESDA research identified three topics as relevant and frequently discussed in social dialogue committees at the European level: (i) skills, training and employability, (ii) health and safety, well-being at work and (iii) working conditions (working time regulation, type of contracts). Representatives from both the trade union and the employer side agreed that all three topics are relevant for construction workers. **Health and safety** is a particularly important issue in construction sector due to the **risk of accidents and even fatalities at work**. In a very transient industry such as construction, working conditions are also of concern. The topic of skills and training is becoming ever more relevant as social partners aim to **attract workers – particularly young workers** – to the industry.

Another issue raised by union representatives was addressing the tendency towards looser definitions of employment status and particularly bogus self-employment, where a worker can only get a job if he or she is willing to take it on a self-employed basis. Furthermore, pay is an essential topic of discussion.

Beyond the issue of pay as such, pensions and sick pay are an essential topic, particularly in a hazardous industry such as construction.

3.2.4 Social dialogue outcomes

At the European level, no binding or non-binding outcomes from social dialogue were recalled by respondents. However, it was pointed out that on the issue of social dumping, European legislation is currently in the process of being approved, the **result of a bottom-up process** with national unions raising this issue.

Up **until 2013**, a key characteristic of the construction sector was a **Registered Employment Agreement (REA)**, which set out legally binding terms and conditions for certain grades in the sector after employers and unions had come to an agreement on a wide range of pay and working conditions that would function as a legally binding standard for the whole industry. This system, which resulted in high collective bargaining coverage in the sector, was struck down by the Irish Supreme Court in 2013 (Eurofound, 2015).

In the construction sector in Ireland, the agreement on the **Sectoral Employment Order** is the primary outcome of social dialogue. The SEO gives workers **minimum legal rates of pay** for the categories they cover and are binding. The next SEO (SI 244 2019) came into effect on 1st October 2019, a two-year agreement aimed at bringing more stability into the industry. SEO contains a definition of the sector, the workers involved in it and there are two phases of pay rise for 2019 and 2020, which becomes a statutory instrument that is signed by the Minister. These are negotiated by way of employers and unions both presenting their case to the Labour Court, which then issues an order on the terms and conditions of employment for construction. Usually, employers and unions will meet in a series of fortnightly formal meetings about 3-4 months prior to this process in order to find common ground to then present to the Labour Court. On the trade union side, continuous meetings take place within the Construction Congress Industrial Committee, which meets at least once a month and includes all unions in the construction sector. Employers and unions meet on the **National Joint Industrial Council (NIJC)**, which includes SIPTU, ICTU, BATU, OPATSI, UNITE and CONNECT, as well as staff and members from the CIF on the employer side. Usually, a facilitator from the Workplace Relations Commission is present in order to chair the meeting and set the agenda after prior discussion with the relevant stakeholders involved. The NIJC discusses issues going on in the industry with regard to industrial relations and those that could become relevant in the future. After the Labour Court has issued the SEO, there is also political involvement, as the SEO has to be signed off by the Minister and then signed into legislation.

Generally, representatives agreed that **collective agreements** are important. Trade union representatives emphasised that, where employers are cooperative, collective agreements are the best way of reaching agreements, while legislation may be required in other cases in order to ensure minimum rights of workers and minimum obligations of employers. The CIF representative stated that legislation is seen as the most important outcome on the employer side, as it is applicable to everyone when it comes out, not just to members. For collective agreements that only apply to some members, a competitive disadvantage for those members may ensue.

“We have the agreement that was achieved through social dialogue, but we need some sort of arrangement in relation to being able to monitor and enforce that agreement. All the agreements in the world are great, but unless there is a way of

*enforcing them or putting pressure on an employer, it is just going to sit there.”
(Representative of trade union from construction sector)*

3.2.5 Actors' interaction

The respondents agreed that it was essential to work together with a range of actors in order to secure good outcomes. Among the unions, **cooperation** typically took place through the ICTU and was generally judged to be working well. However, it was also highlighted that some **expansionist unions take a competitive rivalry approach**. This is **not as pronounced in the construction sector** as each of the five trade unions represent different grades meaning there is less competition for members.

In construction, representatives also work together with actors from the electrical and mechanical contracting sector, as well as parliamentarians to push through new legislative measures or when it comes to disputes, where the Workplace Relations Commission is the key body. The training body, Solas, is a key partner when it comes to **apprenticeships**.

Good collaboration between unions and employers was seen as **key to effective social dialogue**. Overall, the cooperation was judged to be working well on both sides. While there can be disagreement on issues such as pay, there is generally a consensus found. It should be noted, however, that one union representative also stated that there are some employers that are too fundamentally opposed to collective bargaining to engage with, such as some multinational or national companies.

In addition, there are several other boards where social partners are consulted. The CIF and trade unions participate in the LEEF in national discussions with government on everything that has to do with the general state of the economy and employment. The **Construction Sector Group** involves government departments, other stakeholders, trade union and employer representatives. This is a formal government-led group that addresses a lot of the topical issues in industrial relations in the construction sector. The **Construction Safety Partnership Advisory Committee** exists to drive a health and safety agenda, to which several other bodies are also dedicated. Most of these groupings would sit every six to eight weeks, though the NIJC may meet more often, if necessary. It was stated that there is **more involvement now compared to previous years** as the economy has improved and the size of the construction sector has grown again.

Respondents also agreed that **informal ties can be helpful** as they can be used to probe for answers to problems and seek solutions. If there is a shared interest and connection, people will be more comfortable and more willing to explore alternative solutions. In addition, informal ties can help to set the agenda for discussions in the first place, and can play a role in lobbying efforts. In general, it was judged that there are **constructive relationships between social partners** in the constructions sector. While there may be some situations where alternative forms of dispute resolution have to be found, this is not generally the case.

3.2.6 Perceived effectiveness of social dialogue

In general, the assessment of social dialogue in construction was very positive. Respondents on both the trade union and the employer side agreed that the process was generally quite effective and engaged a lot of relevant actors well. It succeeds at **achieving industrial peace** and in rare cases where there are disputes that cannot be solved constructively, there are mechanisms for resolution. It was pointed out that the new SEO has much higher coverage than the previous one, also covering agencies and subcontractors, which was regarded as a big improvement.

However, it was also pointed out that compared to how the process used to work, **social partners are less involved than previously**. With registered employment agreements, unions and the CIF would agree on an agreement together that was subsequently ratified by the Labour Court, whereas now they present their views to the court and the decision is then taken out of their hand. However, **social dialogue can function to set expectations and understand the perspective of others**.

*“While there is no scale for effectiveness, I think it can prove effective; however, that doesn’t mean that because there is dialogue trade unions always get what they want, it is a two-way process, with employers equally making demands.”
(Representative of trade union from construction sector)*

Trade unions also use some other strategies, mainly recruitment, **dispute resolution and industrial action**. For the employer organisation, **lobbying** government is their other main course of action. Overall, collective issues will be usually dealt with between employers and unions as social dialogue is quite strong, and alternative strategies will not be used as often as they may be in other sectors.

3.2.7 Suggestions for improvements

In general, the assessment of social dialogue structures was quite positive and no radical changes were suggested. One aspect mentioned was that those that are currently not part of social dialogue should be able to engage with the process. The trade union representatives also suggested that it would be good to reintroduce registered employment agreements, as these cover areas that the SEO cannot cover, such as travelling time, breaks and other terms and conditions.

Moreover, trade unions pointed out that while the general SEO agreement process is quite good, it is essential to **better disseminate information** on the agreements and **ensure enforcement**. They argue that workers should know about their rights so that they are able to inform unions when these are not being upheld; currently, there is not sufficient monitoring of implementation. To this end, an official entity to ensure compliance specifically for the construction sector, which is very large, should be introduced according to trade union representatives.

“The process is fine, until you get down to making sure that it is actually implemented on the ground to the members and the workers themselves. Unless we chase it up as union officials, and unless we can convince those who aren’t in membership to come into membership to get it enforced, it just doesn’t happen. No employer is just going to do it because they are being told to do it. At the ground level, we still have to go to sites.

...where there are migrant workers, who we know are not getting the rates, but nobody will talk or highlight that this is the case. Over in the corner, they are being watched by their ‘master’ and they are afraid of being sent home. Implementing and enforcing the order (SEO) is where work still needs to be done. Obtaining information can be difficult, unless we can prove non-compliance, there’s little that can be done.

...The only group now that can obtain information are labour inspectors; they are already overworked and looking after every sector in the economy. We need somebody assigned to look at compliance in construction alone as it is such a big industry.

...All the checks are getting weaker and weaker as you get down the line. This is why it continues to be important to visit the sites and talk to the actual worker on the site.” (Representative of trade union from construction sector)

On the employer side, perception of social dialogue was generally very positive. It was pointed out that it is important to set realistic expectations about potential changes given the nature of the construction sector and the economic cycle. It was hoped that trade unions can have a more economically focused (and less ideological) point of view, in a way that that does adequately consider the state of the economy and the sector.

3.2.8 Articulation of social dialogue

At the European level, sectoral trade unions generally felt that they were able to articulate their concerns well. Issues of concerns to Irish trade unions were brought up in committees at the European level, and subsequently addressed, such as social dumping. It was felt that this was an effective bottom-up approach. However, almost none of the interviewees from construction sector was involved in the European Semester process.

At national level, within the trade unions topics can be articulated from the local level up to the sectoral and even national level through the structures of the union. Issues are typically raised first by members at the company level when talking to union organisers. Issues are then passed on to sector committees and discussed at either the sectoral or national level, depending on how many workers are concerned by the issue in question. Within the CIF, issues generally come from members and are brought up to the national executive. There are many internal groups and committees that have the purpose of identifying issues of concern. It may also sometimes be the case that the CIF identifies issues that are coming down the track and bring them up for discussion.

3.3 Education

3.3.1 Introduction

This section analyses the structure of social dialogue in Ireland within the **education sector, looking specifically at teachers**. It draws on interviews with three trade union representatives, one (former) government representative and desk research. Following the collapse of the system of social partnership in Ireland in 2009, described in the previous section, the organisation of collective bargaining in teaching has been conducted in a similar manner as that in nursing (see Section 3.4 for nursing sector). That is, national-level social dialogue in the public sector, and national-level negotiations on agreements that govern issues such as pay and working conditions, apply to public sector workers in teaching. The result of such negotiations are **multi-sectoral partnership agreements**, the most recent of which has been concluded for 2018-2020.

However, no such equivalent structure exists for private sector workers in teaching, who have to rely on company level bargaining, if anything. This implies that the coverage by collective bargaining agreements will tend to be much lower for teachers in private schools, and genuine collective bargaining cannot really be observed (Eurofound, 2011b).

3.3.2 Actors

There are a variety of significant actors in the Irish social dialogue in education that are actively involved at the European, national and sectoral level.⁸

At the European level, the European Social Dialogue Committee for Education was established in 2010. European social dialogue in education includes a variety of actors, such as the European Trade Union Committee for Education (ETUCE), the European Federation of Public Service Unions (EPSU), the European Confederation of Independent Trade Unions (CESI) and the European Federation of Education Employers (EFEE).

Within the education sector in Ireland, there are a variety of trade unions that are involved in collective bargaining and consultation. The Association of Secondary Teachers Ireland (ASTI) has approximately 18,000 members. The Irish Federation of University Teachers (IFUT) represents approximately 2,000 teachers at university level. Additionally, the Teachers' Union of Ireland (TUI) represent approximately 16,000 teachers ranging from primary to third level in the education service. The Irish National Teachers' Organisation (INTO) is the largest union representing exclusively primary school teachers in Ireland, with 45,000 members in both the Republic of Ireland and Northern Ireland. Moreover, some teachers are represented through more general unions, in particular the Services Industrial Professional and Technical Union (SIPTU), with about 4,000 members in this sector representing either further or higher education (mostly in the university and IT sectors), and the retail and administrative workers' union (MANDATE), that has approximately 6,000 members working in education. All of these national unions are affiliated with the Irish Congress of Trade Unions (ICTU), the national trade union of confederations in Ireland, through which they participate in national level social dialogue. Moreover, ASTI, IFUT, INTO and TUI are members of the European Trade Union Committee for Education (ETUCE).

Equally, there are a range of employer representatives in the education sector in Ireland, who are involved in negotiations with trade unions and government departments. These include the Association of Community and Comprehensive Schools (ACCS), the Catholic Primary Schools Management Association (CPSMA), the network of equality-based primary and secondary level schools in Ireland (Educate Together), the network of Irish-medium schools (*Gaelscoileanna*), the Irish Vocational Education Association (IVEA), the Joint Managerial Body for Voluntary Secondary Schools (JMB) and the National Association of Boards of Management in Education (NABSME). These associations are involved in consultations and some are also involved in collective bargaining. The IVEA is also affiliated with the European Federation of Education Employers (EFEE).

Negotiation with the government is key in teaching as a large proportion of education is provided in the **public sector**. Here, the Department of Public Expenditure and Reform is the key entity in the conclusion of national agreements, while the Department of Education is more involved in implementation.

3.3.3 Topics

All trade union representatives emphasised that **topics for negotiation are determined** through a democratic, **bottom-up process** in this sector. A key process is the determination of subjects to be discussed during the negotiation of public sector partnership agreements. Efforts are made to **identify**

⁸ The information in this section is taken from Eurofound (2011b).

subjects at local levels, and these are then fed through to the sectoral and national structures. A process of dialogue and debate is used to identify the most relevant issues for all members, formalised through motions at conference. Once priorities are identified at the national level, they are put on a list of negotiations for the public sector committee of the ICTU. If other issues come up outside of the period of negotiation of public sector partnership agreements, they can similarly be brought up from the local level to the national structures, if they cannot be solved otherwise or if they apply more broadly.

Earlier EESDA research has identified several topics that are the most frequently discussed at the European social dialogue committees: (i) skills, training and employability, (ii) health and safety, well-being at work, and (iii) working conditions (working time regulation, type of contracts). Trade union representatives agreed that all these issues were central concerns for teaching, though some emphasised the **importance of working conditions** for trade unions in particular, given the post-recession context. Teaching as a stressful profession is affecting the work-life balance and well-being of teachers, which means that better working conditions are central. **Working time** for teachers in public sector was also **increased by 2-5 hours per week**, even though it still remains within the legal framework. In addition, many issues that are of relevance to trade unions were identified as a **legacy of the recession**, such as **pay restoration and improvement, job security**, including the **issue of temporary contracts**, and **outsourcing** within the Irish public sector. Furthermore, for education unions the topics of social justice, investment in education as part of the social contract and the rise of the far right and populism are also of relevance.

3.3.4 Social dialogue outcomes

As regards European level social dialogue, no binding outcomes were recalled by trade union representatives, apart from earlier ones in the area of employment law. However, European social dialogue can have other outcomes that affect national outcomes. In particular, the importance of the **Europe 2020 agenda for education** was highlighted. It can be used in dialogue with the Department of Education at national level to **inform education policy decisions**, and evaluation models used by unions are informed by European social dialogue on education and training. In this way, European social dialogue can have an influence on national policymaking by influencing the topics addressed (**transposition from the European to the national level**).

At the national level, the central outcomes of social dialogue are the multi-sectoral public sector partnership agreements, which are concluded every three years and determine pay and working conditions for a large proportion of teachers. In general, trade union representatives argued that agreements are essential, as they ensure that all involved buy into the agenda through communications and dialogue. In addition, agreements can be reached as a result of negotiations specific to issues in the education sector. One result that was pointed out as particularly **successful social dialogue outcome was the right to a permanent contract**. This refers to the precarious work issue, when previously a teacher needed to work for four years before being awarded a permanent contract. Thanks to the social dialogue process, this has been reduced to two years.

Legislation as an outcome of social dialogue was also regarded as significant by all trade union representatives, especially if it is brought about by tripartite structures of negotiation. It was stated that in the public sector, legislation may be the most effective tool, and employers feel that they must adhere to legislation more than to collective agreements.

3.3.5 *Actors' interaction*

All respondents emphasised the importance of **collaboration and exchange** in order to come to an agreement in social dialogue in education. On the union side, it was stated that cooperation is desirable and should be further strengthened, the ICTU public services committee being a key channel in this regard. However, it was also stated that there can be an **element of rivalry between the unions** in education and that policy positions do not always line up. This can result in a reduced effectiveness of social dialogue in the education sector.

Some trade unions, such as ASTI, also emphasised regular collaboration and meetings with actors on the European and international level, including **dialogue with other bodies** such as the OECD. This engagement was highly valued as a means of exchanging views.

At national level, the primary forum for interaction is during the negotiation of public sector agreements. Trade unions are still very much involved in the model of social partnership in education – while it has formally broken down, it was emphasised that a **culture of social partnership** remains in the sector, with all major stakeholders consistently present in negotiations, including trade unions, employers, government and voluntary organisations. There were differing views within the trade unions on the nature of such interaction though. While some observed that a longstanding culture of partnership means that social dialogue could be productive, others stated that employer engagement was not strong and interactions tended to be confrontational.

The public sector partnership agreements, which hold for a number of years, cover a number of areas such as pay and also include mechanisms for dispute resolution or interpretation matters, usually using an oversight body which has nominees from both the unions and the employer/government side as well as an independent chair from the Workplace Relations Commission or the Labour Court. **Oversight bodies** exist on both the national and the sectoral level in education.

Moreover, there exist bodies of tripartite consultation in education in Ireland (Eurofound, 2011b). These include the **Education Sector Performance Verification Group**, which assesses progress made in delivering on the change and modernisation agenda set out for the sector, and the **Teacher Arbitration Board**, which is tasked with conciliation and arbitration.

Interaction with government agencies is key for social dialogue in Ireland, both as part of the partnership agreement negotiations and beyond this. The Department of Education and the Department of Finance are key partners in this regard, as well as the associated statutory bodies on whose governing councils unions are represented. While it was acknowledged that discussions can be difficult, eventually a way forward is found. Having a seat at the table and **access to local representatives in government is crucial** in order to be able to voice issues. Education partners are often present in the Irish parliament to present evidence and make submissions.

At the same time, since the recession, the local level is gaining in importance. Unions increasingly **work with local organisations** to try and improve their involvement at community level. However, industrial relations mechanisms do not take place at this level.

All representatives agreed that **informal ties** are crucial to any negotiation, as they are essential in building trust through networks. Informal ties make it easier to help figure out where the other side is willing to compromise. As stakeholder coalitions become more complex, the role of informal ties is becoming ever more critical.

3.3.6 Perceived effectiveness of social dialogue

At European level, sectoral dialogue was perceived quite positively, with trade unions generally having the impression that others at the table were interested in their position. However, it was also recognised that there is not necessarily a general awareness in Ireland of the potential benefits of European social dialogue. The nature of social dialogue in Ireland means that generally output from the European level can be used to form policy ideas through the frameworks and research provided; however, this requires interest and engagement from the national level. If used well, taking the **broad parameters of European policy and shaping them for the Irish context can be very effective**.

Trade union and government representatives disagreed in their assessment of effectiveness of social dialogue in the education sector in Ireland. Representatives from government and some unions thought that structures in education were very effective and remained critical, continuing to work in a similar way to the former system of social partnership. The complex Irish education system – involving a mix of structures and funds – was regarded to be managed well in this regard.

“The institutions of the State like the Workplace Relations Commission and good labour law, and a lot of the European rights like working time form a really important structure within which you can have social dialogue and reach some sort of agreement.” (Representative from government – education sector)

However, another view from the trade union side was that social dialogue in Ireland had significantly decreased in quantity and quality since the recession due to entrenchment on both sides and a lack of trust and sense of partnership. It was stated by the latter interviewee that the government departments involved (Ministry of Education and Ministry of Finance, Public Expenditure and Reform) were seeing social partnership rather negatively and were reluctant to engage, in his opinion.

“It tends to be very confrontational from my knowledge. Once again, bargaining partners: the word partners is not used in Irish industrial relations in the public service since the recession. It tends to be very much the government negotiators coming in with a list of demands and the union side through ICTU coming in with a list of counter demands, it’s confrontational. I wouldn’t say that it is even fruitful at this stage, it got very negative during the recession.” (Representative of a trade union from education sector)

It was acknowledged by trade unions that other means such as **lobbying efforts, information campaigns and industrial actions** were sometimes necessary to put their points across. However, industrial action was identified as the least preferred option. It was argued that industrial action and strikes cannot cover broad issues in the way that social dialogue can, though it may be effective if there is a breakdown in the national level engagement. Moreover, teachers are not always committed to industrial action and prefer cooperative means of engagement.

3.3.7 Suggestions for improvements

Trade union representatives agreed that there should be a stronger platform for social dialogue in Ireland, and potentially a return to social partnership. Moreover, sectors that are left out of dialogue on the national level currently should be brought back in. It was suggested that **a right to collective bargaining should be enshrined in legislation**.

Moreover, it was emphasised that the Department of Education could increase awareness of European social dialogue structures, for instance by hosting an annual seminar on the Europe 2020 agenda. This could allow stakeholders to come together and assess their plans collectively.

Finally, some trade unions suggested that government should devolve power to employers in the public sector; currently, the centralised system means that employers cannot negotiate on financial issues, such as pay. Currently, the situation is being regarded as micro-management by the Department of Finance, so that a lot of areas cannot be progressed. Relatedly, the Department of Education was argued to have too little power to negotiate currently, rendering engagement meaningless.

3.3.8 Articulation of social dialogue

As regards articulation in connection with the European level, trade unions involved in European structures stated that there had been several instances where they had specifically articulated topics of interest to them, such as the integration of migrant children into education structures, at the European level. There was a feeling that there had been a substantial level of interest from European partners, and European dialogue was working well on the basis of such exchange.

Equally, outcomes from European social dialogue can influence national level outcomes, though not formally. Rather, policy items such as the Europe 2020 agenda can inform trade union policy and subsequently dialogue with the government in education. This can be a very effective way of **shaping policy in the Irish context**.

At national level within the trade unions, there was argued to be a strong connection between the local, sectoral and national level. Topics for discussion are decided on democratically and commonly through a bottom-up process of deliberation. Equally, once topics have been negotiated at the national level, feedback is given to the local level and the draft agreement is decided on through a members' ballot.

3.4 Health care

3.4.1 Introduction

In this section, social dialogue in the Irish **health care sector, with a focus on nurses**, is examined. This section draws on interviews with four trade union representatives in nursing as well as desk research. As laid out in the previous section, following the recent economic and financial crisis of 2009, the system of social partnership in Ireland broke down as the confederation of employers, IBEC, withdrew from collective bargaining (Culpepper and Regan, 2014). However, despite the breakdown of national social dialogue in the private sector, national level social dialogue persisted in the public sector, where negotiations between the government (as employer) and trade unions representing public sector workers govern a variety of aspects, including pay and other working conditions (Regan, 2013). These **inter-sectoral agreements**, the most recent of which is the **2018-2020 Public Sector Agreement**,⁹ **cover all Irish public sector workers, including nurses** working in the health sector.

Collective bargaining at national level is a process of multi-employer bargaining, with the **Health Service Executive (HSE)** as the employer representing the public health care sector (Eurofound, 2011a). Furthermore, there is the **Health Service Joint Labour Council** that conducts social dialogue

⁹ More information on the agreement can be found [here](#).

on issues specific to the healthcare sector, which the HSE and nurses are represented on (Eurofound, 2011a).

In contrast, given the withdrawal of employers from collective bargaining, there is **only limited company-level collective bargaining in private healthcare**, while others elect to copy the agreements reached through multi-employer bargaining (Eurofound, 2011a). This implies that while all nurses in the public sector are covered by collective bargaining agreements, this is not the case for those employed in the private sector.

3.4.2 Actors

At European level, the sectoral trade union body for the organisation of public services is the European Federation of Public Service Unions (EPSU), which embraces the public segment of the hospital sector; the equivalent body on the employer side, the hospital and wider healthcare sector is part of the European Hospital and Healthcare Employers' Organization (HOSPEEM) (Eurofound 2009).

There exists a range of significant actors in social dialogue in nursing in Ireland.¹⁰ As stated in the introduction, for public healthcare in Ireland, there is **one main employer body in the public healthcare sector since 2005, the Health Service Executive (HSE)**. The HSE has full operational responsibility for running Ireland's public hospital and healthcare services and is **involved in collective bargaining as well as bipartite and tripartite social dialogue**.

In addition, there are some **private entities** providing healthcare in Ireland, which includes private hospitals and private nursing homes. There is **no official employer body on the sectoral level for nursing in the private sector**. However, the Irish confederation of employers, IBEC, has a number of health service employers in its membership, and frequently works in partnership with the HSE.

On the employee representation side, there are a number of significant trade unions representing nurses. The main union for nurses is the **Irish Nurses and Midwives Organisation**, which has around 40,000 members in the healthcare sector. Furthermore, the **Psychiatric Nurses Association** represents psychiatric nurses only and has 6,500 members. Both of these unions **participate in collective bargaining at both the sector and the company level**, as well as in bipartite and tripartite social dialogue. In addition, the **Services, Industrial, Professional, Technical Union (SIPTU)** is a general union whose organisational domain span a range of sectors including healthcare. Its Health Services Branch represents a range of employees in healthcare, among them around 20,000 nurses. The **Irish Municipal Public and Civil Trade Union (FORSA)** is a mainly public sector union that represents some care workers and nurses. Both SIPTU and FORSA participate in cross-sectoral, sectoral and company level collective bargaining, as well as in bipartite and tripartite social dialogue.

Finally, there are **statutory and regulatory bodies**, such as the **Nurses and Midwives Board of Ireland**, which is the regulatory body for nursing and midwifery charged with protecting public standards.

3.4.3 Topics

The trade union stakeholders interviewed emphasised that issues are generally identified and discussed in a very **bottom-up, democratic fashion**. There is a conscious effort to come together at a **local level** and collect views and criticisms from members. Local associations will usually also attempt to exchange views with other associations. If issues cannot be solved through local level dialogue or

¹⁰ The sectoral background information here is largely borrowed from Eurofound (2011a).

are of broader national concern, then the local association will raise the issue with the general union. Sometimes, this can be done by **bringing motions at the conference of the union** concerned, or at that of the ICTU in order to facilitate a discussion. It may also occur that union leadership has a specific interest in certain topics, for instance, because there have been changes in relevant legislation or because there are structural or funding issues, so that these issues are put on the agenda.

In some cases, there will be issues that only apply in specific cases, such as for public health nurses in particular. When this happened, the issue may be addressed in specific subcommittees before being looked at by the union's executive council and subsequently the national stage.

In the earlier phase of EESDA research, the issues identified to be particularly relevant and frequently discussed in social dialogue committees at the European level were (i) skills, training and employability, (ii) health and safety, well-being at work and (iii) working conditions (working time regulation, type of contracts etc.). Trade union representatives from health care sector generally agreed that all three of these are essential issues addressed in social dialogue.

Sectoral stakeholders also pointed out **other sector-specific issues** that they regarded to be particularly pertinent within the nursing profession. First, **pay is an issue** that is much debated within Irish social dialogue for nursing at the moment, as many nurses identify themselves as underpaid and there is a strong push for higher pay. Second, there are increasing **health and safety concerns**, particularly as related to worsening working conditions and increasing working hours caused by staff shortages, which can lead to increased risks for accidents or other incidents at work. The worsening working conditions and limited rest time also lead to **absenteeism or sick leaves**, which have become major issues. Third, **training** is essential for nurses, but such training is not always rewarded financially, which can be an issue. Finally, nursing is a female-dominated profession, and **gender inequality** is an important issue, both in terms of many female nurses perceiving their work to be undervalued and in terms of male-dominated management on the employer side.

3.4.4 Social dialogue outcomes

In Ireland, in contrast to most sectors, there are Public Sector Agreements as the main relevant outcomes at the national level from social dialogue in public sector nursing. These agreements may be copied by certain private sector providers, though they have no obligation to do so. In addition, there is collective bargaining both at the sectoral level and the company level.

Employee representatives in nursing tend to agree that **collective agreements are the most beneficial outcome** from social dialogue. It was argued that collectivism can have a huge impact and is most beneficial to trade unions because it shows that there is **a trade union premium**. Moreover, having both sides buy into an agreement is better than imposing it, and as such, collective agreements were thought to be the most powerful way of seeing change in the workplace.

As regards **legislation**, it was acknowledged that it can be **an essential tool to ensure basic rights**, and one representative argued that it should be preferred because legislation is the most likely form of outcome to have a long term impact. However, others stated that legislation is not always successfully enacted and enforced, particularly when there is no buy-in from the employer side, and legislation does not always go far enough to ensure fairness, rather it only ensures basic provisions.

3.4.5 *Actors' interaction*

In the nursing sector in Ireland, there are **interactions between actors at various levels**. First, trade union representatives emphasised that they attempt to collaborate among themselves. Most trade unions in the health sector are affiliated with the ICTU and work with each other in this context. Overall, this cooperation between unions was judged to work well.

Moreover, various stakeholder organisations are working together in Irish social dialogue in nursing, including the relevant unions, government agencies and departments, the HSE and representatives of private health care. Social dialogue can take place at **local, sectoral or national level**, and trade unions and the HSE will usually be taking part at various levels. At local level, there are negotiations taking place with representatives from the company level on issues that are not covered by other agreements, or where existing agreements do not cover the workforce (i.e. in the private health care sector).

At the national level, **Public Service Agreements** and the **Public Sector Pay Commission** cover all of the public sector and nurses participate in these through several unions. The Public Sector Agreement determine essential issues such as pay and set the parameters for discussion with government departments and employers.

In addition, there is the **National Joint Council** for the health services, which is the **official forum for industrial relations at national level**. Here, several unions, the HSE and independent hospitals take part in negotiations that cover all grades of workers in the health sector. The National Joint Council is where industrial relations discussion on issues specific to healthcare and not covered by the multi-sectoral agreements takes place. The stakeholders generally meet regularly in plenary, but there are also breakout sessions particularly directed at issues that affect nurses. In general, however, issues addressed are major and health-service wide. In addition to the National Joint Council, there are also meetings of a system of hospital groups, which are usually used to implement practicalities of higher level agreements.

Trade unions also attempt to engage directly with government departments such as the Department of Health and the Department of Public Expenditure and Reform. These are key for the healthcare sector in Ireland as they are determining levels of **funding**. However, meeting will usually not take place as regularly and rather be determined on a needs basis. Some interviewees observed that in recent years interest from the Department of Health in a collaborative approach has increased.

All stakeholders acknowledged that **collaboration and negotiation are key in social dialogue**. However, it was also acknowledged that depending on the type of discussion and the type of stakeholders involved, discussions can be difficult and rigid. In recent years, discussions have been perceived as **more combative** than previously, which may be related to discussions on more contentious issues related to funding, such as pay and staff shortages.

The respondents agreed that **informal ties can be key to effective social dialogue**, as these types of relationships can create better working relationships and open up discussions in less threatening ways. In particular, informal ties may be becoming more important due to the issues that need to be discussed related to funding. However, it was also mentioned that informal ties, especially with the employer side, can be limited, and that informal ties should not detract from having a clear stance on important issues. Naturally, informal ties cannot influence formalised processes for agenda setting within the union, but they can matter for **lobbying and political support**.

“...informal ties are imperative, because you can build up a working relationship and the atmosphere can be less hostile... if you give information, you get information. If you can talk on a natural level, you achieve more, because you are open to listening. Informal chats are brilliant! Lobbying for something specific has a bigger impact if you can have informal chats, because it gives opportunities to open up the discussion in a non-threatening way.” (Representative of a trade union from healthcare sector)

3.4.6 Perceived effectiveness of social dialogue

When asked about how they judge the effectiveness of social dialogue in Ireland, the assessment by trade union representatives was overall quite positive. In particular, it was argued that the national level dialogue in health was generally effective, since a lot of workers were affected by it and the public service agreement that is in place was seen as the result of a **healthy social dialogue**, especially when compared to the situation in Ireland in other sectors that are not covered by public sector social dialogue. Other means of social dialogue that were not on a statutory footing, such as the hospital group, were seen as less effective, though it was noted that there are ongoing discussions on how this institution could be reformed.

Despite the overall positive assessment, there were also **some criticisms**. Some trade unionists emphasised that the recession certainly had a negative impact on the progress of the health sector and that the old social partnership agreement system was better for the health sector overall. Some representatives of trade unions asserted that, in the current system, agreements are more dependent on who is in power politically than they used to be. Moreover, the process of dealing with the public sector and government department was described as frustratingly slow by some interviewees, as well as the fact that there are restrictions to the public service agreements, which can limit the aspects that can be addressed through social dialogue.

The trade unions also emphasised that there are **limits to what social dialogue can achieve**, and that in some cases other types of initiatives need to be considered, in particular certain **industrial actions such as work to rule or strikes**. This was seen as an undesirable form of reaching consensus compared to cooperation, but it was nevertheless considered necessary in some cases. Industrial action can be contentious in the public sector as public opinion will not be sympathetic, and, therefore, communication should always be used to achieve things, if possible.

“... We needed to ballot our members for strike and industrial action and we achieved more by doing that than we did through months and months of social dialogue. So I think as a union our strength is always in our ability to conduct a dispute when social dialogue does not deliver.” (Representative of a trade union from healthcare sector)

3.4.7 Suggestions for improvements

In general, the assessment of social dialogue in nursing was positive and there were no calls for major overhauls to the whole system, though some trade union representative argued that the previous system of social partnership had been preferable. One aspect that was pointed out was that **the system had become rather politicised** and that the influence of the reigning political party on outcomes of collective bargaining should be reduced. For instance, the Department of Expenditure

and Public Finance, now subsumed within the Department of Finance, has a veto right on all spending decisions for all department. This was seen as not conducive to progressive social dialogue.

Another aspect mentioned was that it would be desirable to have **more coordination between different types of workers** in the health sector in order to **increase bargaining power of workers and develop greater cohesion in policy positions**. For instance, it was suggested that there should be boards or committees within unions that bring together representatives from different professions.

“On an ongoing basis you need a healthy social dialogue so you need a mixture of being able to conduct an effective dispute, but also have the maturity to be able to develop social dialogue.” (Representative of a trade union from health sector)

Finally, the issue of **training for union representatives** was also brought up. It was expressed that if union representatives do not receive time off from work to attend training to make social dialogue more effective, this undermines their ability to participate in collective bargaining and thus the quality of the system.

3.4.8 Articulation of social dialogue

Unfortunately, while Irish trade unions in nursing do take part in social dialogue at the European level, the representatives interviewed were not involved in this process. Therefore, the articulation of social dialogue in nursing as regards the European level cannot be assessed.

As recounted by the trade union representatives, **bottom-up articulation** appears to be relatively common in social dialogue in nursing. There are opportunities to raise issues at company level and when these cannot be addressed at lower levels they will be brought up first to the sectoral union and, if necessary, to the ICTU to be addressed at national level. Trade union representatives placed a lot of importance on collecting views from all members and determining the agenda in a formal and democratic fashion. While some issues are directly brought up by union or ICTU leadership, this appears to be more rarely the case.

On the other hand, engagement with the national level can also occur at the invitation of higher-level organisations. For instance, it was noted that the Department of Health can invite union representatives for discussions on important issues on the agenda.

4. Discussion and concluding remarks

This report provides a case study for Ireland focusing on the stakeholders' experience and views in the articulation of social dialogue at the national level, the interactions with the European-level social dialogue structures and qualitative evaluation of the effectiveness of social dialogue in general. The report is organised in a way to cover these issues both at the cross-sectoral level as well as sectoral level, focusing on specific occupations in four key sectors: commerce (or retail), construction, education and health. The research methodology mainly consists of desk research and semi-structured interviews with national stakeholders in Ireland.

Irish industrial relations have been characterised as belonging to the Anglo-Saxon model, with generally low levels of worker participation and voluntarist labour relations. However, starting in 1987, reforms have been introduced in the framework of industrial relations and thus social dialogue has mostly operated (and rather successfully so) under the tripartite system of social partnerships, which included a wide range of actors such as trade unions, employers' organisations, government as well as

members of civil society. This system has literally collapsed during the financial crisis of 2008-2009, which hit the Irish economy severely, and resulted in a process of decentralisation back to sectoral and company-levels. However, more recently some avenues for social dialogue have been opened particularly in the public sector (e.g. public sector agreements in education or healthcare) as well as, in some cases, in private sector (e.g. sectoral employment orders in construction sector).

In terms of priorities of issues, the research and analysis suggest that in addition to the topics such as employability, health and safety, well-being and working conditions identified by EESDA research as the most frequently discussed during the meetings of the European social dialogue committees, housing, pensions, ageing, skills and fair transition are also mentioned as important issues by interviewees both from cross-sectoral and sectoral perspectives.

As regards the interaction between national and European level social dialogue, while the details of the involvement of Irish social partners at the European social dialogue were often not provided, we found that there was a general positive interest by social partners in the latter in terms of attending meetings in Brussels and discussing certain issues at a more international environment with other European counterparts. The intensity of the engagement with European social partners and participation in European social dialogue structures depend on the organisation type (e.g. trade union or employers' organisation) as well as on the sector of activity. Nevertheless, it was found that an important element of the European social dialogue relates to its agenda-setting function in the national social dialogue. Moreover, since the Irish industrial relations is mostly based on a voluntary system with not much enforcement of the social dialogue outcomes or binding outcomes generally, the most effective outcome of European social dialogue could be considered to be its legislative function, when there is such an outcome (i.e. top-down transposition). However, even then, depending on the sector, while the transposition of the social dialogue outcomes from European to national level was generally deemed fine, in some sectors interviewed stakeholders considered Ireland to have more advanced regulation than at the European level. Last but not least, and as another channel of interaction between the European and national level, our research found that the involvement of Irish social partners in the European Semester process was rather limited, if not non-existent.

In terms of effectiveness of Irish social dialogue, trade union representatives argued that the effectiveness has decreased dramatically compared to the period of social partnership, even though there was some revival of an effective social dialogue in some sectors. Employers' organisations have more positive perception of the effectiveness of social dialogue in Ireland and are generally satisfied with the transformation of the previous partnership system.

The findings of sectoral case studies suggest diversity of experiences in these sectors and different perceptions of effectiveness of social dialogue depending on the type of actor (e.g. trade union or employer organisation representative). In the commerce (retail) sector, it is found that social dialogue is rather fragmented and decentralised to the most local level possible, i.e. company-based collective bargaining, given the structure of the sector, with almost no representation at the employer level, making the social dialogue challenging for trade unions. Closely related to this is the issue of union recognition by some employers in this sector. Among the main priorities (mostly of trade unions) are poor working conditions, low pay and earnings and precarious contracts.

Social dialogue in construction sector is mainly characterised by the Sectoral Employment Orders, which determine the pay and working conditions in the sector. Among the priorities of the stakeholders are working conditions, health and safety and labour mobility (e.g. posting of workers).

Effectiveness is generally considered positively, even though interviewed stakeholders emphasise the importance of compliance with regulations and enforcement on the site level.

Social dialogue in education and healthcare, which are in majority part of public sector, is mostly organised under the multi-sectoral partnership agreements, where pay and working conditions are negotiated with relevant parties. In the private education and healthcare, there is only limited company-level collective bargaining. In these sectors, the main challenge for social partners relates to financial issues, since they are generally determined by the ministries and government, mostly in a top-down manner. Nevertheless, most of the interviewed stakeholders consider the social dialogue effectiveness in these sectors as positive, where one can argue that the legacy of the previous social partnership era is somewhat present in these sectors. The priorities relate again to pay and working conditions, lifelong learning and skills as well as contracts. There appears to be a mitigated attitude about the effectiveness of the social dialogue particularly in healthcare sector.

Almost all stakeholders from different sectors emphasised the importance of informal ties and how they could help creating an environment of trust, where social dialogue can take place. Social partners also use a variety of industrial relations tools ranging from formal negotiations and information campaigns to lobbying and industrial action. Depending on the topic and sector, they choose to use the relevant tool(s) towards achieving their goals and make social dialogue effective.

All in all, Ireland provides an interesting case study to research the articulation and effectiveness of social dialogue, given its history and developments with the recent economic crisis. Moreover, Irish industrial relations will clearly remain an important one after the Brexit in the European context, since the country will be the main one representing the Anglo-Saxon industrial relations regime in Europe.

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