

Address by Congress General Secretary Patricia King,

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Friday April 17, 2015.

Apart from those who tragically lost their jobs and livelihoods public sector workers paid a bigger price than most for an economic crash that they didn't cause.

On the question of pay restoration, a number of points are worth making:

There is no mystery as to why public sector pay restoration talks are due to begin. There is a provision in the current agreement which provides for it as and when the economic circumstances improved. My memory tells me that your own General Secretary was to the forefront in ensuring that such an inclusion was made - a word expert, as we all know.

So, the economic conditions have improved significantly and the discussions will begin shortly. On the productive private sector side pay increase agreements have been ongoing since late 2013 and in some companies they are on their 2nd round. The group who have not benefited from any such pay movements are the low paid in the services sector in areas such as hospitality and some retail where the employers have refused to utilise the JLC mechanisms, despite the enactment of the legislation and are robustly arguing against an improvement to the current minimum wage.

The subject matter is pay restoration - nothing else. The employer is at pains to point out to us the various new EU rules in relation to national spending, the words 'horse and stable, come to mind. Nor should we allow ourselves to be diverted by the ongoing noise, from the usual actors, in relation to public sector pay. Those who engage in phoney comparisons are attempting to drive a wedge between public and private sector workers. My view is we shouldn't pay a lot of attention to them. Nobody can question the public sector worker contribution, a lot more than some of the nosiest. Public sector workers have given all they are going to give and we are now engaging on a public sector pay restoration programme.

Let me just refer in more detail to the **Dunnes Stores** dispute.

Firstly let me thank this union for your support for these workers and their union Mandate in this strike.

It is clear that this employer's moral compass is completely skewed. Nobody doubts the magnitude of the challenge ahead to achieve any alteration to their current approach.

Both in the lead up to and post the one day strike these workers have been subjected to the most appalling and wholly unacceptable employer behaviour: they have been threatened, punished and in some cases summarily dismissed. Why? Because through their trade unions they requested that their employer worked with them to develop a reasonable hours' roster to ensure that that they could have some certainty over their earnings and hours of work, which would allow them some control over their own lives.

This dispute highlights a number of very serious issues in the current Irish industrial relations system, issues that 44% of Ireland's workforce who enjoy collective bargaining rights, often find it difficult to comprehend.

Dunnes Stores, together with some like-minded employers in this state, believe that the employer/employee relationship is entirely one-sided. They have all the power: workers should do as they say, should accept their demands no matter how unreasonable and fear for their job if they don't comply.

They show contempt for the state's third party institutions and will only address any case put in the tribunal of last resort, often years after the event. Their philosophy is clear and simple: *'Nothing gets in the way of profit making, we will never deal with trade unions, and we will not permit the commodity titled Labour to stand in the way of our profit progress.'*

This is a cruel and unyielding philosophy, one which denies workers the most basic entitlements and is especially linked to low pay employments. However, the law of our land accepts and permits this.

This is despite Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which provides: *"Everyone has the right to freedom of peaceful assembly and to the freedom of association with others, including the right to join and form Trade Unions for the protection of their interests."*

The main reason we find ourselves in this position is as a result of the Supreme Court judgement handed down in the Ryanair Case v Impact in 2007, when the learned judge declared that 'there is no law in Ireland that obliges a company to recognise a Trade Union nor can a law be passed to do so.' That provision is often referred to as a constitutional impediment to trade recognition which can now only be resolved by referendum.

I believe the pending legislation on Collective Bargaining, if passed, has the capacity to remedy a sizeable proportion of the crucial issues in this dispute, including the anti-victimisation provisions which will ensure judicial review prior to any dismissal and will also outlaw other forms of employer abuse. A Labour Court determination will ultimately be implementable through Circuit Court order.

The overall solution to this dispute, in the absence of an employer response, will also require an amendment to the Organisation of Working Time Act to provide for banded hour

contracts and the transposition of the part-time workers directive on the right to seek fulltime work. I have put that proposition. It could be done quickly and offer some immediate respite.

It is not an accident that this legislation has not been published as yet.

And you can make up your own mind as to why this is. However, I think we would be naive in the extreme to think that it is solely due to political ineptitude. We must recognise that there are strong forces at play here whose interests are not served by such statute.

This particular dispute is a stark manifestation of the most regressive employer behaviour which renders the terms ethical and decent work meaningless and where labour is commodified and the needs and concerns of workers as fellow human being are totally disregarded.

We cannot allow this to continue and we cannot accept it as part of working life in Ireland.

The strength of the trade union movement in this country lies in its industrial leverage. That is very high in some key sectors including in this room. If this Collective Bargaining legislation fails to pass through the Oireachtas or is weakened through challenge by those with very deep pockets, then there may come a day when all the membership of this great movement has to decide to come together and demonstrate the true meaning of solidarity by utilising our collective industrial leverage and power to say 'enough is enough'.

No more intimidation, no more victimisation, no more summary dismissal, because of trade union activity.

Let us pledge to stand together, rid ourselves of this curse, and vindicate the stance taken by these brave workers.

Irish Congress of Trade Unions,

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