Workers and the EU

Reflections on Ireland's membership

STRONGER TOGETHER
CONGRESS
Irish Congress of Trade Unions

Preface

To mark 50 years of Ireland in the European Union, the Irish Congress of Trade Unions invited our senior officials to lookback at the impact of EU membership on their own work and on workers' rights.

Public opinion tracker polls consistently show the vast majority of Irish people feel that EU membership has had a positive impact on their life. While the EU is a major force for good in our working life, most people have no idea of the full extent. From equal pay for women and men doing the same work to a living wage for our lowest paid workers, a shorter working week, family leave and safe workplaces, EU membership has played a pivotal role in improving workers' rights and working conditions. In fact, nearly every piece of progressive employment legislation from the last 50 years originated in a European directive – not withstanding some Irish governments elevating to an art form the blocking, delay and minimalist transposition into national law.

But while EU membership has had a significant, positive effect on workers' rights, it has not been costless for workers nor has the trade union movement always been enthusiastic about membership.

Fear of job losses caused the Irish Congress of Trade Unions to mount a campaign of opposition to joining, under the rallying cry "Into Europe. Out of Work." In the event, our fears were well founded. The casualty rate in the progression towards free trade was horrendous. At the time of entry in 1973, half the employment in indigenous firms was in sectors facing full free trade competition, like textiles, clothing and footwear. By 1980, one in four jobs was lost and in bigger companies with over 500 employees, the losses were even more devastating. And, it was workers and jobs again who would bear the heaviest burden of the conditions of the €85 billion bailout agreed with the troika of the European Commission, European Central Bank and IMF in 2010.

Across the collection of fifteen papers that follow we set out first-hand accounts and insights in to landmark EU-related events and some of the many ways EU membership transformed workers' rights and working conditions in Ireland. Taken together they present a recent history of the immense progress in our workplaces and the not always straightforward journey getting there.

We are grateful to the generosity of our colleagues and former colleagues who engaged so enthusiastically with this project, both those who wrote the papers and those who dug around archives. We hope you enjoy reading and share widely.

Owen Reidy
General Secretary, ICTU

May 2023

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1. An Economy and Workforce Transformed

Minister Simon Coveney TD

It is fair to say that when Ireland joined the EU in 1973, it did so as a laggard in terms of economic and social policy. Social policy was relatively underdeveloped, patriarchal, and familial. This is exemplified by the fact that the Irish female employment participation rate was 27% in 1973. Fifty years later – with a transformed policy and regulatory landscape built on ambitions for fair treatment and equality of opportunity - female employment participation is closer to 70%.

In assessing the impact of EU membership, it is impossible to separate out the EU as a causal factor from other variables including domestic politics, demographic, economic and social factors including external phenomena deriving from modernisation and globalisation. Nevertheless, Ireland's membership of the European Union has gone hand in hand with an extraordinary expansion of workers' protections and rights across the Union. Every worker in Ireland now enjoys enhanced rights relating to health and safety, working conditions, access to the labour market, equal opportunity, and protections from discrimination, harassment/ sexual harassment and penalisation.

Over the fifty years, we have witnessed truly momentous changes in how we work in Ireland. Our once agriculture dependent economy is now largely driven by hi-tech industry and global exports. We continue to adapt to new global developments including digitalisation, the use of new technologies and the rapid expansion of new forms of employment. Ireland has witnessed a dramatic diversification and expansion of its workforce, which has more than doubled from 1,132 million in 1973 to 2.5 million people for the first time in our history.

EU labour laws have undoubtedly had a positive impact on the daily lives of workers. The Union has introduced a wide range of minimum common standards which improve workers' conditions, including maximum working hours, mandatory annual leave, rest periods and rules on night work, shift work, right to reasonable accommodation, and patterns of work. The EU Working Time Directive, for instance, sets out the minimum daily and weekly rest periods that are required to safeguard workers' health and safety across the EU. Standardised labour law rules have also ensured that our companies compete fairly on the strength of our products, not by lowering labour law standards.

Since the Covid 19 pandemic, the change in how and where we work has been perhaps more rapid than ever. This is bringing new opportunities and challenges. Although remote working has increased flexibility for employers and employees, the Government will need to continue to work closely with social partners in its ambition to address policy in a manner that benefits us all.

And we continue to work together with our EU partners to strengthen the rights of workers. New rules were adopted by the EU in 2019 introducing minimum working conditions for vulnerable workers on 'atypical' contracts which, among a range of other protections, banned restrictive contracts and enhanced transparency and predictability with regards working conditions.

Minimum standards concerning the adequacy of minimum wages have recently been agreed across the Union and will need to be in place by November 2024. Ireland already has one of the highest minimum rates of pay in the EU, and the Government have committed to phasing in a statutory living wage by January 2026.

The breadth of worker's rights introduced across the EU have made the single market and its workers safer, healthier, and more prosperous. These rights coupled with the free movement of workers across the Union, have contributed to the unprecedented economic growth in Ireland. Better working and living conditions have benefitted both workers and businesses alike.

There are challenges ahead. With an expanding and diversifying world of work, there will always be a need for agile and responsive policy changes. Social dialogue will continue to have an integral role in informing how these challenges are tackled. The Member States have recognised the importance of protecting these rights and negotiations are underway to ensure that the Union can continue to ensure continued participation of social partners in the development of proposals as well as ensuring that the autonomy of social partners is protected.

Collective bargaining is a way of improving working conditions in a manner that is appropriate to a given enterprise or sector and is another shared European value. Indeed, Ireland is obliged to develop an action plan to enhance an environment in which collective bargaining can flourish by 2024. These developments will build on the national systems and will continue to recognise social partners right to voluntarily agree to negotiate and form agreements.

I strongly believe that by working closely with our social partners in Ireland alongside our European partners, Ireland can play a key role in building a new world that is greener, more digital, more resilient and fit for the workers of the future.

2. Trade Union Opposition to EEC Membership

Patricia O'Donovan

The following is an extract from Patricia's paper 'Irish Trade Unions and the EU' written in July 1999.

When the 465 delegates to the annual delegate conference of the Irish Congress of Trade Unions (Congress) gathered in Limerick in July 1971, one of the most contentious and important subjects for debate was the question of Ireland's proposed membership of the European Economic Community (EEC). Six motions on this topic had been placed on the agenda for debate. Some of them advocated outright opposition to EEC membership, others expressed qualified support. In spite of the contradictory terms of these motions, all six were successfully composited into one comprehensive motion, which was debated and adopted by the conference. This followed an earlier decision by the Conference to reject a proposal that the six motions would just be discussed and referred to the executive council without the delegates having an opportunity to vote on them.

The decision to debate and vote on the composite motion was taken against the background of an announcement that day by the executive council of Congress to hold a special delegate conference on the question of the trade union attitude to EEC membership. Such a conference would consider this question in detail and enable trade unions to fully debate all the implications of membership and decide on whether or not the trade union movement should support or oppose Ireland joining the EEC. Some delegates were clearly suspicious that this was a ploy on the part of the pro-European members of the executive council of Congress to defer a decision on this crucial policy question. Nevertheless, the conference delegates entered into the debate on the composite motion with gusto and conviction enhancing their speeches with references to economic research and data, international authorities on political and economic theory and quoting poets and writers in support of their arguments.

The composite motion expressed serious concern with "all aspects of the proposed accession of Ireland to the EEC." It was critical of the government's failure to adequately survey and quantify the effects of membership on employment and workers' living standards and its failure to get the EEC to recognise the special industrial and regional development needs of Ireland; it expressed concern

about loss of effective control of political and economic policy and possible involvement in military commitments and concluded by stating that the conference could not express any support for the proposed entry of Ireland given the inadequacy of the information available. Adoption of this motion would not therefore amount to a clear-cut decision to oppose EEC membership per-se, but would be an interim decision to withhold support for EEC membership at that stage because of the dearth of information and the perceived weakness of the Irish negotiating position.

The debate was opened by Ruadhri Roberts, General Secretary of Congress. He made a comprehensive statement to the conference which analysed the main economic threats posed by membership of the EEC, identified vulnerable sectors, pointed to the potential negative impact on agriculture, regional development and unemployment. Summing up at the end of his speech, he said:

"the position at the present time is we have not enough information to justify an expression of support for EEC membership and such information as does exist would appear to lead toward the conclusion that the government of Ireland has not done its job in presenting the special position of Ireland to the EEC and in making the necessary plans and taking the necessary steps to secure the development of industry in Ireland".

The General Secretary was followed by 16 speakers representing a broad cross-section of the unions affiliated to Congress. Most of these contributions continued the negative tone set in the introductory speech expressing serious reservations about job security, industrial development and economic independence. The contributors to the debate included Brendan Corish, T.D. (then leader of the Labour Party and an ITGWU delegate to the conference) who expressed a fear "of Ireland becoming the Alabama of the EEC." Barry Desmond T.D. (also a delegate from the ITGWU) described the EEC as "a Western European, neo-colonial trading block." Another delegate (T. Foley from the AUEW) described the EEC as "a rich man's club in a world where the widening gap between the rich and poor nations was an indictment of modern humanity."

Even though the debate was overwhelmingly negative, a number of delegates courageously came to the rostrum to put forward a contrary view. Among them was Professor Charlie McCarthy from TCD (a delegate from the Vocational Teachers' Association) who concluded his speech by saying that "the answer lies in looking vigorously outward, not in putting up the shutters and withering away inside." D. Nolan (a delegate from the ASTI) posed the following question:

"Do we remain a small country as we are with a small mind and isolate ourselves from mankind or do we see ourselves in a new role with a large mind and a large influence? This can only be achieved within the ambit of the Common Market and there is where our true role lies".

The composite motion was passed on a vote and the debate concluded on the understanding that the issue would be fully aired again at the promised special delegate conference. That special delegate conference was held on 27/28 January 1972. Four motions were before the conference. The first motion simply called for special safeguards for employment in the event of EEC membership; the second motion was pro-EEC membership recognising that it was in Ireland's interest; the third motion explicitly opposed EEC membership on social, economic and political grounds and the fourth motion called on Congress to organise a trade union campaign of opposition to membership. The first motion was adopted; the second motion supporting EEC membership was defeated and the third and fourth motions opposing membership were adopted. The underlying division on this issue among trade unions was reflected in the votes on the third and fourth motions opposing membership. The third motion was adopted by a majority of only 45 votes; the fourth motion was adopted by a majority of only 51 votes. The significant minority voting against these was a clear signal that there was a substantial number of unions in favour of EEC membership, a fact which is often overlooked.

Following this conference, a campaign committee was established which was chaired by Senator Fintan Kennedy (President, ITGWU and Treasurer of Congress. The campaign committee concentrated on the publication and dissemination of an 8-page broadsheet paper entitled "Economic Freedom". It comprehensively analysed the economic implications of EEC membership; presented detailed data on production and employment in individual sectors; vigorously promoted the view that there were viable alternatives to EEC membership and focused on the cost of living increases which EEC membership would inevitably bring with it. This latter aspect was reinforced by reference to a Financial Times survey which compared prices across a number of European cities, including Dublin. For example, its survey on the cost of women's clothing showed that in Brussels, the cost was 124% above the Dublin price. The women's clothing priced included "two medium-priced summer dresses off-the-peg from a multiple store, a pair of medium-priced nylons and a pair of day shoes." Readers of "Economic Freedom" were assured that "we are not considering high fashion wear here" and even went so far as to acknowledge that "it may not be surprising that Parisians paid even more" - a staggering 255% above the Dublin price!

The first print run of "Economic Freedom" was 500,000 copies. Due to an unexpected heavy demand for additional copies, a second printing of 250,000 copies was necessary. The 1972 executive council report

ECONOMIC FREEDOM

PUBLISHED BY THE IRISH CONGRESS OF TRADE UNIONS

APRIL, 1972

LET THE FACTS GUIDE YOUR DECISION

Senator Fintan Kennedy

Senator Fintan Kennedy: "We foresee, if Ireland joins, an economic catastrophe in which large numbers of Irish workers will lose their jobs and the capacity of the country's economy, on which we depend for our standard of living, will be seriously undermined."

Senator Fintan Kennedy's speech

AT THE OPENING of the Congress E.E.C. Campaign at a meeting on Tuesday, 28 March, 1972, Senator Fintan Kennedy, Chairman of the Congress Campaign Committee made an appeal to the electorate to decide the referendum on the facts.

Senator Kennedy made three appeals.

First, he asked the news media to give priority to factual evidence and to challenge the Government, the pro-Market apologists and themselves to produce the evidence on which their claims are based.

Second, he appealed to every trade unionist to familiarise himself with the Congress case.

Third, he appealed to the Government to Fianna Fail and to Fine Gael to pause in their campaign and look at the facts as they stand now in 1972.

We print hereunder the opening paragraphs of Senator Kennedy's address:

"The Irish Congress of Trade Unions is opposed to membership of the E.E.C. because it is our function to protect the interests of workers, their jobs and their standard of living.

"We foresee, if Ireland joins, an economic catastrophe in which large numbers of Irish workers will lose their jobs and the capacity of the country's economy, on which we depend for our standard of living, will be seriously undermined.

"This viewpoint, so diametrically different from that of the Government and of the largest Opposition party, is based on a cold appraisal of the facts.

"It will be our objective throughout our short campaign to bring the facts before the Irish people, so that they may reach their decision on an informed and rational basis.

"This will not be easy. So much has been said [illegible] is being said every day by way of large assertion, unfounded claim in favour of the Common Market, in speeches by Government Ministers, in publications published for out of our taxes by the Department of Foreign Affairs and by State-aided pro-Market propagandists, that it will be very difficult for us to cut through this tangle of verbiage and gain a hearing for any rational assessment of the true position.

"I therefore open with three appeals:

"First, I ask the news media, in recognition of their high responsibility to the Irish people and the function of information which they must perform as one of the instruments of democratic government, to challenge the Government and the pro-Market apologists to produce the evidence upon which they base their claims, to probe, assess and present to the public the facts behind the assertions and to give to these facts the prominence that they deserve and to the unfounded assertions the contempt that they deserve. Challenge us, too, by all means, for it is on facts we base our whole approach, and if at times we err we shall welcome correction.

"My second appeal is to the trade union movement; I appeal to every trade unionist to acquaint himself with the Congress case, which will shortly be published in one fairly comprehensive pamphlet, and to help to ensure that it achieves widespread distribution.

"Thirdly, even at this late stage, I would appeal to the Government, the Fianna Fail Party and Fine Gael to pause in their campaign; to pause, look at the facts as they stand now in 1972, not as they seemed ten years ago, reconsider the situation in the light of what we now know, and call off their Godzilla gallop into disaster."

Senator Kennedy went on to challenge the Government's assertions on both agriculture and industry and to point out that outside the E.E.C. few workers in export industries would be adversely affected, whether compared with the total number of workers in export industries or with the number of workers who would lose their jobs in the home market industries if Ireland enters the European Economic Community.

Chairman Sicco Mansholt

Sicco Mansholt, President of the Commission. He has plans for you. *See page 8.*

IF WE SAY

NO to EEC

THIS QUESTION MUST BE ANSWERED

IS THERE AN ALTERNATIVE?

In pages 6 & 7 of this paper we demonstrate that there is an alternative — indeed there are several. All but one of these alternatives require negotiation. One does not. If we don't or can't negotiate a satisfactory agreement with anybody what happens? Read the articles "On Our Own" and "The Worst — Let's Face It". You may be surprised to find that this, by definition the worst of all the alternatives, has many attractions, and very real advantages compared with EEC membership—and not on the basis of cutting each other's turf either.

INTERESTED? SEE PAGES 6 & 7

SOME FACTS YOU SHOULD KNOW

Industries in danger

[illegible] can many of our traditional industries survive the sheer weight of free competition in the Common Market? Industries like clothing, textiles, food processing and shoe and leather manufacture, are those with very high labour content. In free-trade conditions they stand to lose their grip on the home market with consequent loss of jobs. But this is also the case for other industries such as paper making, printing, metals and engineering and food. Some new high technology based industries, mostly foreign-owned, will survive because they were given permission to set up on condition that they would export the vast proportion of their output. That is what they are doing. But many of these industries are highly automated and use a low labour content.

It is, therefore, the case, in general, that workers in the traditional Irish industries depending largely on the home market will find themselves in the unemployment queues, or on their way to the great ghettos for migrant workers throughout Europe. Is it [illegible] ridiculous policy to sacrifice the high-employing traditional industries before the new high industries become the [illegible] feature of our industrial economy. And as more people are encouraged to leave the land under E.E.C. policy, just where are they to find jobs? The figures for ensuing unemployment, in the country industry, as outlined in this article, are a frightening prospect for the 1970s if we enter the Common Market.

Job figures

We will have a 50,000 increase in industry 1978 if we join the E.E.C. says the Government's White Paper. No reasons are given, no evidence is produced. It becomes the most amazing [illegible] of all — "Unlike [illegible] in the Government White Paper programmes, direct contact with individual industries are not considered appropriate because of uncertainty [illegible] the difficulty of defining a network of assumptions . . ." Was the figure just pulled out of the air? We did not pull our figures out of the air. Just look at the figures in this paper for projected unemployment if Ireland joins Europe, industry by industry.

Unique position

The volume of shipping passing within 30 miles of Cork is the heaviest in the world. The volume of international air traffic passing over Ireland is similar to the volume of air traffic throughout the world. Outside the E.E.C. Ireland would have substantial opportunities to attract some part of this trade. Ireland also has a potential as an assembly point for goods imported in semi-finished form from both the U.S.A. and the E.E.C., and not bearing import tariffs levied by either. No attempt has been made to sell the obvious natural advantages which Ireland would enjoy as an independent country with power to draw up its own regulations to reap the maximum advantage from her unique geographic position.

French farms

In recent years farms in France have disappeared at the rate of one every 12 minutes, according to the Ministry of Agriculture in Paris. Over 700,000 farms went out of business in the 14 years up to 1970—50,000 a year or five every hour. People employed in agriculture have decreased from 5 million to 3 million between 1956 and 1970.

The Government's case on Ireland's entry into the highly competitive industrial economy of the E.E.C. is based on a bonanza for farmers. For how many of our present farmers, one wonders!

VOTE NO

Migrant workers

There are almost 2 million migrant workers in West Germany, over a million in France and a further half million in other E.E.C. countries. They comprise Europe's "third world", strangers in an affluent society, sharing in the high salaries, but deprived of almost all other basic human rights—the right to housing, the right to strike, the right in many cases to have their wives and children live with them. The ghettos of the great European cities are well know to all the European commentators.

Immigrants from Italy, Spain, Portugal, Turkey, Greece, Algeria, Morocco and other countries, are used by employers to depress wages and to weaken trade union organisations. National governments have done nothing significant about this scandal; they plead they cannot plan for thousands of workers who may not be allowed to stay on if unemployment increases. Already the unemployment in the E.E.C. is 2½ million, a figure the O.E.C.D. regards as an underestimate. Unemployed Irish workers would be adding to this pool of unprotected migrant workers in the Common Market.

Japanese growth rates

Japan is not a member of the E.E.C., or of a free trade area or any other trading bloc.

Japan retains protection which is selectively used to protect her own internal markets.

Japan is an island occupying roughly the same position in relation to the Asian mainland as Ireland does to Europe, and a great part of that Asian mainland is not particularly friendly towards Japan.

But Japan has become one of the great industrial exporting nations of the world. Not one of the E.E.C. countries can match or come near to Japan's growth rate.

In the period 1959 to 1969 the Japanese growth rate was about 12% per annum or 194% over the period. Compare this with the growth rate in European countries. It should not be imagined that Japan has now a very low growth rate per head. G.N.P. per head is at any rate higher than Italy and about level with Ireland.

So it doesn't seem to follow that an independent protectionist island community is unable to engage in world trade or become a growth centre, does it?

EXPLAINING THE TERMS

WE ADMIT IT. Jargon has crept in and proliferated in these pages, particularly the "initialitis" virus, like E.E.C. for European Economic Community.

So that you may identify the bugs, we give you their titles and descriptions hereunder:

E.E.C. — European Economic Community, otherwise know as the Common Market. Consists of Belgium, Netherlands, Luxembourg, France, Germany and Italy. Applicant countries are Britain, Norway, Denmark and Ireland. Norway and Denmark have to have referenda followed by parliamentary decision. Present indications are that Norway may well vote against. The Trade Union movements in Norway, as in Ireland, are opposed, and opinion polls suggest that a substantial majority of the electorate will be opposed as well.

E.F.T.A. — European Free Trade Area. His none of the politically oriented objectives of E.E.C. Consists of a free trade area in non-agricultural goods, so that these goods can pass without tariff between the member countries. Originally, before E.E.C. was established, Britain urged the adoption of this form of trading agreement for Western Europe as a whole.

A.I.F.T.A. or A.I.F.T.A.A. — Anglo Irish Free Trade Area Agreement. Established by agreement between the Governments of Ireland and the United Kingdom (Labour Party voting against) this agreement provides for the admission of Irish industrial goods to Britain and British industrial goods to Ireland, subject to a few limiting clauses, and a period during which Irish tariffs are being reduced. Irish agricultural goods, which already had entry to Britain were given more favourable terms. Now that quotas have been removed and the removal of tariffs has gone half way, many Irish industries are feeling the bite of serious competition from Britain.

G.N.P. — Gross National Product. The value of what we produce in this country, that is, the value of our total agricultural production, our total industrial production and the services we provide, such as Government services, education, health services, transport, tourism, distribution, etc.

Net Output, also "Added Value." — The value of output, for example, of a factory, after deducting the cost of the materials (and services) bought,

states that "the physical distribution of some 60 tonnes of printed matter throughout the country itself posed problems which were, however, resolved by the excellent co-operation received from CIE." The report also records dissatisfaction with the level of media coverage given to important statements from Congress and complains bitterly that "no publicity or wholly inadequate publicity" had been given to their views during the referendum campaign.

Given the outcome of the referendum held in early May, 1972 which recorded an overwhelming 83% support for EEC membership based on an exceptionally high electorate turnout of 70%, it is clear that the trade union campaign had very limited impact and had spectacularly failed to convince workers and their families to vote 'No'. Congress accepted that the campaign was not successful. In analysing this failure in its report to the 1972 annual delegate conference, it identified a number of factors, which it believed contributed to this failure. These included the unanimous support of all the national newspapers, the support of the two largest political parties and of the farmers' organisations for EEC membership and "other irrelevant, political considerations." On that desultory note, the executive council concluded its report on the campaign thus closing this contentious chapter in the first phase of its relationship with the EEC.

In sharp contrast to the 1971 annual delegate conference in Limerick, there were no motions on the EEC on the agenda of the 1972 annual delegate conference and no debate on the outcome of the referendum or the Congress campaign. The brief section of the executive council report on the EEC was agreed without discussion.

Throughout 1972 and 1973 the trade union movement set about coming to terms with the practical implications of membership of the EEC. By the end of 1972, Congress had submitted trade union nominations to a number of important EEC advisory and consultative committees and had participated in a number of briefing sessions on a wide range of issues. At that time, there were 12 committees/commissions at European level, which provided for trade union representation and by the end of 1973, Congress had ensured its participation in all of these.

3. The Demise of Ireland's Car Assembly Industry

Patricia King

In the early 1930s, in a trade war with the UK, the newly independent Free State government put tariffs on goods imported from Britain, including 3,000 motor cars imported annually. This in turn led to favourable tax treatment for cars assembled in Ireland, which created a booming industry. Some 53 different car models were assembled and tens of thousands of skilled workers were employed over the next half century. While this supplied nearly all of the cars on Irish roads, cars were also exported to as far afield as Argentina.

Import tariffs however weren't compatible with the free trade rules of the European Economic Community (EEC) which Ireland joined in 1973. A 12-year transitional period was secured for the motor assembly industry to prepare for the lifting of our protective industrial tariffs. But when it ended in 1985, the Irish market was effectively flooded with cars built in European plants, which were cheaper and more easily accessible to Irish buyers.

In a fairly short time frame, post our accession to the EEC, the production of some of the most well known models, such as the Volkswagen Beetle and Hillman Hunter, ceased in Ireland. Amalgamation of car assemblers, such as Brittain's takeover of Lincoln and Nolan and the Booth Poole companies, also featured in an attempt to stave off the worst effects of changed market conditions. However, the decline continued and large employers such as the Ford plant in Cork, which had at its peak employed 7,000 workers, closed in 1984. Not only were the Ford jobs lost, but the Cork-based main tyre supplier to Ireland's motor industry, Dunlop closed too. British Leyland took over the Austin, Jaguar and Rover franchises and continued the Austin Mini assembly in Reg Armstrong's in Ringsend until the very early 1980s. It was only a matter of time before Fiat Ireland followed the same path and in 1984 Ireland's car assembly industry came to a full and final stop.

This was an economically gloomy period with unemployment high and rising. The loss of thousands of skilled jobs and virtually no prospect of replacement employment, left little hope for workers in the motor industry. I was one of those workers, having been employed in the British Leyland factory in Crumlin from 1976 until our collective redundancy in 1984. Those eight years were marked by constant trade union-led industrial unrest and strikes. I well recall participating in an all-out strike

relating to job losses in the British Leyland assembly plants in Ringsend and the North Wall, which began in September 1976 and concluded in May 1977. Nine months of picketing and trade union protesting, with little or no effort on the part of the employer to address the core issues, including fair redundancy payments, resulted in enormous financial hardship for thousands of workers. The industrial turbulence did not end on our return to work in 1977 and eventually culminated in a ten-week sit-in in 1984, following which the vast majority of jobs were lost through redundancy.

While the arrival of some well known Japanese car manufactures helped secure a small number of 'final finish' jobs, effectively the Irish car assembly industry was decimated. There was no particular interest by government or state agencies in assisting workers find alternative employment. Who could forget the infamous Haughey deal relating to the striking Chrysler workers? The Chrysler assembly plant in Santry was in the then Taoiseach Charlie Haughey's constituency and its workforce were about to be laid off in 1984 and Chrysler allowed to freely import cars into the country. Led by Matt Merrigan, an ATGWU (now Unite) official and future president of the Irish Congress of Trade Unions, the workers occupied the factory. The dispute escalated. The ATGWU was threatened with being held responsible for compensating the Chrysler corporation for its financial losses, who in turn threatened to bring out the entire membership in the ESB and close the power stations. Haughey intervened and agreed that each and every one of the workers made redundant would be given a job in the civil service.

Looking back on this period it is clear that those in authority who were charged with managing Ireland's accession to the EU failed to deliver a Just Transition for workers in jobs most at risk from the new Common Market trading rules. Severe financial hardship was visited on thousands of workers who fought so bravely to save their own livelihood and that of their families. While, as a country, our 50-year membership of the EU has produced countless benefits, the bleak history of the demise of the Irish car assembly industry should not be forgotten, if only to ensure what happened to those workers must never, ever happen again.

Members of the National Union of Vehicle Builders demonstrating against EEC membership, Dublin 1972

4. The EU, Irish Employment Law and Workers' Rights

Kevin Duffy

When Ireland joined what was then the European Economic Community in 1973 the employer/ employee relationship was largely unregulated by law. There were some Conditions of Employment Acts from the 1930's which were of limited application. Their scope was mainly confined to certain types of employment, mainly the distributive trade. Employment statutes of more general application were confined to the Factories Act 1955, the Office Premises Act 1958, the Redundancy Payments Act of 1967 and the Holiday (Employees) Act 1961.

There are now 45 primary enactments and 14 statutory instruments that regulate aspects of the employment relationship over a wide sphere. The vast bulk of these enactments are derived from social policy directives of what is now the European Union and were enacted in consequence of Ireland's membership of the Union.

While the primary source of statutory employment rights in Ireland are the political and legislative developments in the field of European social policy, they have also been significantly influenced by a number of key decisions of the former European Court of Justice (now the Court of Justice of the European Union, CJEU). The most impactful of these decisions relate to the development of what is referred to as the Doctrine of Supremacy and the related Doctrine of Direct Effect. The practical effect of the Doctrine of Supremacy is that European law must always be regarded as superior to national law, including Constitutional law. Hence, any legislative provision introduced by a Member State in order to implement a provision of European law is immune from challenge on grounds that it would otherwise be repugnant to a provision of national Constitutional law.

A practical illustration of the effectiveness of this principle can be seen in the legislative history of what is now the Employment Equality Acts 1998 to 2015. It will be recalled that the first attempt to extend the legislative protection against discrimination beyond gender equality were contained in the Employment Equality Bill 1996.

That Bill, introduced by the first Minister for Equality, Mervin Taylor, anticipated what was then in contemplation in Europe and ultimately enacted in the Framework Equality Directive. That Bill was significantly diluted by the Supreme Court in *re Article 26 and the Employment Equality Bill 1996* [1997] 2 IR 321. Here, the Court found that some

of its central provisions, principally those relating to the provision of reasonable accommodation for those with disabilities and the provisions making an employer vicariously liable for harassment and sexual harassment in the workplace, were repugnant to the Constitution.

The revised legislation, the Employment Equality Act 1998, which deleted the provisions struck down by the Supreme Court was subsequently amended by the Equality Act 2004 which implemented the Framework Directive. That Act essentially restored the provisions that had been held as unconstitutional. But it was rendered immune from constitutional challenge because it was necessary to comply with the State's obligation to implement European law. The Act was further amended in 2015 so as to limit the scope for imposing compulsory retirement ages. This again was necessitated by a series of decisions of the CJEU which held that forced retirement constitutes discrimination on grounds of age, which required objective justification on grounds unrelated to a persons age.

The Doctrine of Direct effect, which is derived from the jurisprudence of the CJEU, means that where a Member State fails to implement a provision of European law, or does so inadequately, an individual can rely directly on the European law provision in proceedings before a national Court or Tribunal. Again, the effectiveness of this legal doctrine is illustrated by the decision of the CJEU in *Impact v Minister for Agriculture and Food* (C-268/06) decided in 2008. That case arose against the background of Ireland's failure to implement the Directive on fixed-term work within the time specified in the Directive. The Directive should have been implemented by July 2001. The transposing legislation was only enacted in July 2003.

Impact (now Forsa) brought proceedings before a Rights Commissioner, and subsequently the Labour Court, on behalf of some 80 Civil Servants in respect of contraventions of the Directive between 2001 and 2003, when the Protection of Employees (Fixed-Term Work) Act 2003 was eventually enacted. These claims were vigorously opposed by the State on various grounds, including that as a matter of Constitutional law the Labour Court could not apply the legislation retrospectively. The Rights Commissioner found for the Union. In the subsequent appeal, the Labour Court referred a number of questions to the CJEU, including the question of whether it could apply the terms of the Directive in respect of the time before the national legislation was enacted. The CJEU was emphatic in pointing out that not only was the Court entitled to apply the Directive directly but that it was obliged to do so. There are many other examples, in Ireland and elsewhere in the EU, which are beyond the scope of this contribution, in which workers and their trade unions, have succeeded in enforcing employment rights in reliance on European law in circumstances where Member States have either failed to implement, or improperly implemented, social policy Directives or Treaty provisions on worker protection.

While EU labour law now impacts across a wide range of employment conditions, it is, perhaps in the eradication of discrimination that it is most associated. Younger readers may find it difficult to believe that in 1973 discrimination against women in employment was not only permitted but was institutionalised across the labour force. In the public sector, the law itself was the tool by which women were oppressed. The Civil Service Regulation (Amendment) Act 1926 and the Civil Service Commissioners Act 1956 provided that unmarried women could have limited access to employment in the public service and prohibited married women from applying for, or remaining in public sector jobs. Women were paid less than men even when they were engaged in exactly the same work. While this systematic discrimination was a legal requirement in the public sector it was replicated widely across the private sector.

An early, and in its time, a profound consequence of Ireland's membership of the EEC was that the State was forced to end these pernicious practices. Shortly after its accession, Ireland was obliged to introduce legislation providing for equal pay for work of equal value as between men and women by the Anti-Discrimination (Pay) Act 1974. This was soon followed by the Employment Equality Act 1977, which prohibited other forms of discrimination on gender grounds in employment, again necessitated by Directive 75/117 EEC. The ambit of anti-discrimination law now extends beyond gender discrimination and covers the nine protected grounds provided for in the Employment Equality Acts 1998-2015. This was predominately influenced by the EU anti-discrimination policy anchored by Article 13 of the Treaty of Amsterdam.

As the social policy dimension of the European Union developed over the past 50 years the range and scope of anti-discrimination protection has expanded. Less favourable treatment of part-time workers, fixed-term workers and agency workers, which was widely practiced, is now unlawful.

The provision of adequate employment rights within the EU is now established as an essential element of the European Social Model. It is primarily directed at setting regulatory floors to competition for job creation investment within the Union. It is also directed at preventing investment being diverted from Member States that may observe fair labour standards to those that do not. It remains an evolving process. Under Article 151(1) of the Treaty on the Functioning of the European Union (the Lisbon Treaty), the Union is now able to use the ordinary legislative procedure to regulate on a list of labour and employment law issues, including individual employment rights, anti-discrimination, information and worker involvement and employment security.

An exciting and potentially very significant development can be seen in the Directive on minimum wages, and in particular, in the emphasis that it places on the importance of collective bargaining as the primary mode of wage determination. That Directive will require Member States to work toward achieving 80% coverage by

collective agreements; a level that is far beyond what is current in Ireland. The fact that any implementing legislation will be necessitated by European law will overcome any Constitutional impediment that might otherwise exist to ordinary legislation in this crucial sphere.

On any objective analysis membership of the European Union has enhanced the range and robustness of labour law protection in Ireland. But as in all situations, while a lot has been done, there is a lot more to do.

Reproduced from the INMO's members magazine WIN, February 2015 p. 18

Landmark victory in EC pay case

Decision confirms no difference between EU and Irish experience

The INMO received official confirmation from the European Commission on January 5 that the HSE had agreed to review the INMO's complaint of pay discrimination of two nurses who were placed on a new entrant pay scale despite previous public service work in another Member State.

The HSE has now confirmed its intention to reverse new entrants pay scales (10% less in 2011) and instead apply 2010 salary scales to the two INMO members working in Cork.

The background to the case involves two nurses who returned to Ireland in 2012 from working in the UK public service. The HSE refused 2010 salary scales and instead placed them on new entrants salary scales. The Irish government attached a 10% reduction in pay to anyone who had not worked in the Irish public service on or before December 31, 2010.

The INMO made an extensive complaint to the HSE and appealed the decision via the Labour Relations Commission, the Labour Court and latterly the European Commission as a breach of Article 45 (Treaty of the Functioning of the EU) as a fundamental right of EU workers to freedom of movement in the EU.

In order to protect the pay from commencement of employment, the INMO initiated a parallel action through the Labour Relations Commission and the Labour Court.

The European Commission served infringement procedures on November 13 2014 and the HSE then informed the EC that it would accept its opinion that the nurses' service within the UK public sector entitled them to 2010 pay scales. The Irish authorities also stated that arrangements have been made to place the nurses concerned on the 2010 scales with retrospection.

These arrangements will also be applied to other midwives/ nurses with relevant public sector employment in any EU Member State.

INMO Industrial Relations Officer, Patsy Doyle said *"This is a landmark victory for our members who had the courage and tenacity to challenge an incorrect pay scale which breached their rights as EU citizens."*

Key EU directives improving workers' rights and conditions

Year	Directive	Main Features
1975	Equal Pay Directive (75/117)	Ensures men and women receive equal pay for equal work or work of equal value
1975	Collective Redundancies Directive (75/129)	Requires employers to consult with the employee representatives and supply certain information when proposing to make redundant a certain number of employees.
1976	Equal Treatment Directive (76/207)	Ensures equal treatment between men and women in access to employment, vocational training and promotion and in working conditions.
1979	Social Security Directive (79/7)	Ensures equal treatment of men and women in work-related social welfare payments.
1989	Worker Protection Framework Directive (89/391)	Lays down general principles for the prevention and protection of workers against occupational accidents and diseases.
1991	Written Statement Directive (91/533)	Entitles employees to a detailed written employment contract within two months of starting a job.
1992	Pregnant Workers Directive (92/85)	Protects the health and safety of workers at work when pregnant or after they have recently given birth and who are breastfeeding.
1993	Working Time Directive (93/104)	Sets limits on working hours, rest periods and annual leave.
1995	Data Protection Directive (95/46)	Regulates how employers collect, store and use personal data held by them about their employees (past, prospective and current).
1996	Parental Leave Directive (96/34)	Entitles each working parent with a right to a minimum of 3 months' unpaid leave for caring purposes. It also entitles employees to paid time off work for urgent family reasons (force majeure).
1996	Posted Workers Directive (96/71)	Ensures the working conditions of workers temporarily posted abroad by their employer are in line with workers in the host country in respect to minimum wages, maximum working hours, holiday entitlements and health and safety requirements.

1997	Part-time Workers Directive (97/81)	Ensures part-time workers' pay and conditions are no less favourable than those of comparable full-time workers.
1999	Fixed-Term Work Directive (99/70)	Ensures employers treat fixed-term workers no less favourably than comparable permanent workers and prevents abuses arising from the use of successive fixed-term contracts.
2000	Equality Framework Directive (2000/78)	Lays down general principles for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation in the workplace. It accompanies Directive 2000/43 on equal treatment irrespective of racial or ethic origin in the EU, including employment.
2001	Acquired Rights Directive (2001/23)	Protects the terms and conditions of employees working in businesses that are transferred between owners.
2002	Employee Involvement Directive (2002/14)	Lays down general principles for informing and consulting employees on developments affecting employment in the workplace.
2008	Temporary Agency Workers Directive (2008/104)	Ensures equal pay and conditions for those working through employment agencies with comparable employees in the same business.
2019	Working Conditions Directive (2019/1152)	Entitles workers to more predictable working patterns. Improves protections for gig workers and other in precarious employment. Restricts the maximum duration of probationary periods. Reduces an employer's ability to restrict parallel employment.
2019	Work-Life Balance Directive (2019/1158)	Lays down minimum requirements for parental leave, paternity leave and carers' leave and gives parents and carers with a right to apply for flexible work arrangements for care purposes.
2022	Minimum Wages Directive (2022/2041)	Requires Member States to improve the adequacy of their minimum wage and to develop an action plan to increase collective bargaining coverage.
2023	Pay Transparency Directive (2023/...)	Requires employers to provide pay details in job adverts and they can no longer ask interviewees about their previous pay. Entitles employees to information from their employer on their own pay and the pay of male and female colleagues doing the same work or work of equal value. Requires big employers to report on gender pay gaps in their organisation.

5. Ending the Employment Ban on Married Women

Kevin Callinan

It is 50 years since legislation abolishing the civil service marriage bar came into effect on 31 July 1973, the year Ireland joined the EEC.

The marriage bar had required single women to resign from their job when they married and disqualified married women from applying for permanent, pensionable posts. A ban on the employment of married women had been the norm in both public and private sector jobs and throughout Europe and the English-speaking world from the late 1800s. What makes Ireland unusual is that we were one of the last countries to outlaw marriage bars.

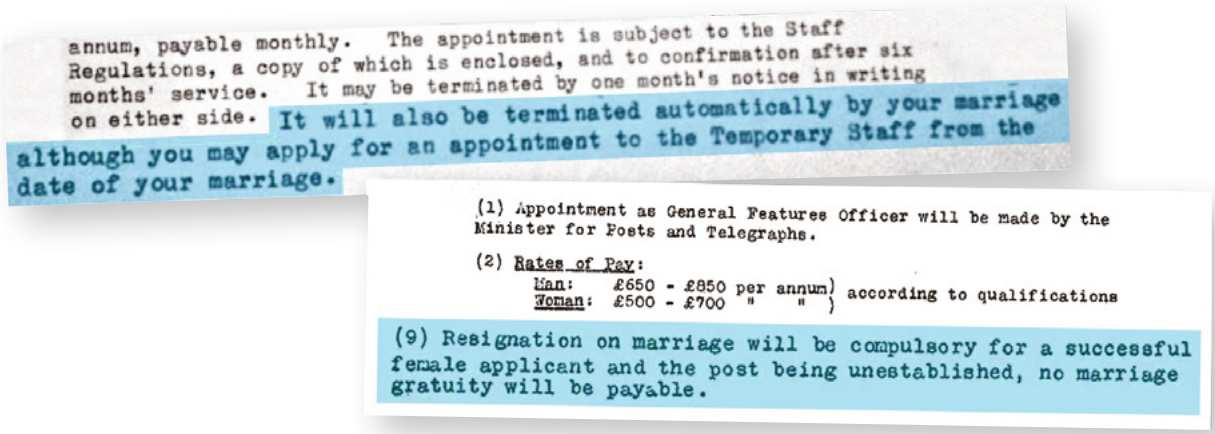
In 1890, when Ireland was part of the United Kingdom, women first entered the civil service, as typists, on a trial basis. Within two years they were successfully employed in seven government departments. When, in 1893, the women typists campaigned to be made permanent this was agreed but also that their contract would terminate automatically when they got married. In place of her pension contributions, and to reduce any temptation not to marry, she would be paid a 'marriage gratuity' lump sum payment of one month's salary for each year worked, up to a maximum of twelve months.

The marriage bar was primarily a cost saving initiative – if women were forced to retire on marriage they would not remain in the service long enough to rise very high on the pay scale. The bar also reflected the social attitudes of the time that it was a husband's duty to financially support his wife and a married woman's duty was as a wife and mother.

Women workers differed in opinion on the marriage bar. Those employed in routine and low paid work were generally in favour whereas the few employed in the higher ranks, as clerks and factory inspectors, were more likely to resent it.

During the First World War the number of women in the civil service increased five-fold to 200,000 and they were employed in most government departments performing every type of work. Despite the contribution of women civil servants to the war effort, at the end of the war the government strengthened the marriage bar by making legally binding what had to-date been a department staff regulation.

Irishwomen's access to employment and equal treatment at work worsened following Independence in December 1922, including for those employed in the civil service of the Free State. Within



annum, payable monthly. The appointment is subject to the Staff Regulations, a copy of which is enclosed, and to confirmation after six months' service. It may be terminated by one month's notice in writing on either side. It will also be terminated automatically by your marriage although you may apply for an appointment to the Temporary Staff from the date of your marriage.

(1) Appointment as General Features Officer will be made by the Minister for Posts and Telegraphs.

(2) Rates of Pay:
Man: £650 - £850 per annum) according to qualifications
Woman: £500 - £700 " ")

(9) Resignation on marriage will be compulsory for a successful female applicant and the post being unestablished, no marriage gratuity will be payable.

the first year, legislation removed a widow's right to be reinstated in her job in the civil service after the death of her husband. From 1925, a married man's pay scale was introduced (and subsequently throughout the public service). While women civil servants would continue to be shown the door on marriage, men civil servants would move to a higher rate of pay when they married. The married man's pay rate was 20% higher than the single rate. The following year, access to the upper ranks of the civil service was closed to female university graduates when they were banned from sitting competitive examinations for vacancies in the higher grades.

Local authority staff, schoolteachers, nurses and the Garda didn't escape the scope of the marriage bar or successive Irish governments euthanistic support for it. While private and semi-state employers were not bound by legislation to apply a marriage bar, it was common practice to include a clause in letters of appointment to women workers that their employment ended once they got married. An Post, CIE, Aer Lingus, the banking sector and, two major Dublin employers, Jacobs Biscuits and Guinness brewery all had a marriage bar.

Marriage bars fell out of fashion after the Second World War across Europe and America, including in the British civil service from 1946. Largely because of our late industrialisation, high unemployment and the iron grip of the Catholic Church on public policy and social attitudes, Irishwomen, with the exception of primary schoolteachers (1958), would have a long wait for similar progress. Progress eventually arrived when a commission of inquiry established by the government in 1970 to investigate the status of women recommended ending the civil service marriage bar. The Commission on the Status of Women had noted that any practices of systematic downgrading of women workers were incompatible with the requirements for EEC membership from 1973.

The Civil Service (Employment of Married Women) Act came into effect from the 31 July 1973 ending the ban on the recruitment or employment of married women. Local authorities, health boards and the Garda removed their bars the following year. Former civil servants had the right to re-join the service at the grade they had

serviced before marrying, but only on condition that she was no longer supported by her husband due to his death, desertion or permanent disability. This so-called hardship clause in the Act also required her to repay her marriage gratuity. Higher pay rates for married men in the civil and public service continued until new EEC equal pay law put an end to this discrimination in 1974.

A 1976 Equal Treatment Directive made it unlawful to discriminate on the grounds of sex and marital status in employment which brought an end to the remaining marriage bars in semi-state and private sector jobs. The ending of marriage bars was not universally popular at a time when jobs were scarce nor did the discrimination against working married women suddenly disappear from our workplaces. Many women would have to rely on EEC anti-discrimination legislation to vindicate their right to equal treatment in recruitment and conditions of employment for years to come.

As an elected leader of one of the forerunner unions to Fórsa, the Irish Local Government Officials Union, a former trade union colleague of mine in Dublin Corporation, Evelyn Owens (1931-2010), was centrally involved in mobilising women in the 1960s to campaign in their unions against the discrimination. Evelyn went on to serve as Chair of the Labour Court. I dedicate this article to her memory and to the thousands of women, including my own mother, who were denied access to financial independence and careers due to the marriage bar.

6. 50 years of European Trade Unionism

Esther Lynch

It is easy to forget our history or the recent past. But jubilee celebrations, like the one Ireland is commemorating the year, give us an opportunity to reflect on what has been achieved. Indeed, Ireland has achieved a lot in the last fifty years. One achievement is having one of the world's most educated workforce. This is partly as a result of the investment through the European Social Funds, which contributed €6.5 billion towards the education and training of Irish workers.

In 1973, as Ireland joined the brand new 'Europe of the Nine', another historic first was taking place - the birth of the European Trade Union Confederation (ETUC).

The Irish Congress of Trade Unions was among the first organisations to join the ETUC. No sooner had the ETUC been formed, it found itself confronted with the first oil price shock, bringing an abrupt end to a period of uninterrupted economic growth and full employment that had lasted from 1945.

The ETUC was fast to respond. On 15 May 1973, it addressed a memorandum to the European institutions in which it set out its requirements for an action programme for working people - full and high-quality employment, regional development, unemployment income protection, price stability, workers' participation rights within companies, safety at work, equal pay and conditions for men and women, in-work training, protections for immigrants, and the drafting of collective agreements at European level.

Fifty years on, these are still burning issues, even if the context has changed.

In May 2004, the then Europe of 15 became the Europe of 25. The enlargement was the biggest expansion the European Union had ever known, welcoming Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The ETUC, itself already enlarged, warmly welcomed the arrival of the 10 new Member States, and the ICTU played a central role. David Begg, the then General Secretary of the ICTU, led the ETUC in formally welcoming the working people of the accession countries, presenting the trade union leaders from the ten new Member States with a European Union Card, telling them that anyone carrying the card would find a friendly welcome from trade unions anywhere in Europe. Enlargement was seen as a historic opportunity to unite a growing number of workers and their trade unions around

the fundamental trade union value of solidarity. It marked an end to the painful divisions that had split the continent since the end of the Second World War. In 2007, Romania and Bulgaria would also become part of this Europe, followed by Croatia in 2013.

Today, the European Union has 27 Member States and over 194 million people employed, 60% of whom are covered by a collective agreement, although this ranges from 80% or more in some member countries to less than 10% in others. The danger of unfair competition and social dumping increases when employers reject collective bargaining and when workers are denied a collective agreement. That's why the ETUC campaigned for the Adequate Minimum Wage Directive to ensure that wages would be collectively agreed, as this is the only way to end the race to the bottom and boost upward convergence for all workers in Europe. The ICTU was to the fore in this successful ETUC campaign.

The Directive on Adequate Minimum Wages adopted in October 2022, is a shield in the fight against austerity. It requires Member States to promote collective bargaining and combat union busting as well as to ensure the adequacy of statutory minimum wages taking account of purchasing power and the cost of living. A strong, unified European trade union movement is central to meeting the Directive's goal of increasing collective bargaining coverage, and stronger sectoral bargaining in particular will be needed to protect workers from competition on working conditions and wages.

Over the past fifty years, workers in Ireland have benefited from a wide range of social initiatives and legislation adopted by the European Union. The benefits that each worker in Ireland and in the EU enjoy, have been the result of the work of the trade union movement. This does not mean that it is a utopia, far from it. Ireland and the EU has still more to improve.

It is only through strong trade union cooperation across Europe that the trade union movement has continued to strengthen the European social model. This has not always been easy. Having a diverse membership from different regions of the continent is a value. History has shown us that it is through such differences that the movement becomes stronger, and that it is through solidarity and unity that much can be achieved. Every step of the way, ICTU has been an integral part of the efforts of the ETUC and a strong affiliate.

Looking forward, the ETUC Congress taking place in Berlin this year has an ambitious agenda for developing social Europe, trade union renewal, a fair future of work, an economy for people and the planet, along with a plan to work together for our European future. Let us not forget what we have done together and let us strengthen our efforts to keep on fighting for European workers and an EU that works for all.

7. Social Europe and the European Pillar of Social Rights

Blair Horan

The genesis of Social Europe was a key provision of the founding Treaty of Rome 1957, with provisions on equal pay, non-discrimination, and improved working and living conditions, that has now evolved into a social market economy providing prosperity and social progress for workers.

Its impact on Irish social policy arose with the refusal of the Commission to postpone equal pay in the public sector in 1976, when the previous year the European Court of Justice held in the Defrenne/Sabena case that equal pay forms part of the foundations of the Community, which is not merely an economic union but is intended to ensure social progress. Directives on equality, social welfare, redundancy, transfer of undertakings and insolvency, followed in the 1970s.

The Single European Act 1986 promoted by the Delors Commission gave a significant boost to Social Europe with the drive to complete the Single Market by 1992, being twinned with a range of social policy initiatives built on the Community Charter of the Fundamental Social Rights for Workers 1989. This secured major advances in workers health and safety standards including, protection for pregnant workers and the strict control of working time. It also made provision for the social partners to conclude Union wide collective agreements with later Treaty amendments giving this legal force. Parental leave, fixed-term work, part-time workers, agreements were concluded. The Amsterdam Treaty expanded the range of non-discrimination grounds to include race, ethnicity, religion, disability, age and sexual orientation. Other social policy measures enacted included, information and consultation, contracts of employment, pensions, protection of young workers, agency work protections and works councils.

The Lisbon Treaty 2009 gave the Charter of Fundamental Rights of the EU, legal force with new rights for workers, including collective bargaining. In 2016 proposals for a European Pillar of Social Rights were developed and adopted at Gothenburg in 2017. The 20 principles of the Pillar cover a wide range of economic and social issues of significance for workers from prosperity through employment, training and life-long learning to key

new protections for workers. The Pillar Action Plan puts these principles into legal rights and represents the greatest advance for Social Europe since the Jacques Delors era. It has the potential to eliminate discrimination in employment around equal pay and secure much improved pay and working conditions, along with collective bargaining rights for workers including many solo self-employed who lack bargaining power.

A key provision includes a Directive to eliminate the 14.1% Union gender pay gap which requires pay to be set by neutral criteria with a right to salary and career progression data and pay information by gender. With a pay gap of 5%, firms (250 employees) must carry out a joint assessment with worker's representatives. Where the gap isn't justified it must be rectified. Minimum wages in most Member States are inadequate, being below the threshold for decent living. A Directive now requires minimum wages which will promote adequacy to achieve decent working and living conditions, reduce in work-poverty, promote upward social convergence and reduce the gender pay gap. To implement principle 8 of the Pillar on collective bargaining, where coverage is below an 80% threshold, an enabling framework must be put in place, by law or agreement, with an action plan to support collective bargaining. For public procurement contracts, economic operators, including sub-contractors, are now required to comply with the provisions of these Directives regarding the right to organise and collective bargaining on wages, including equal pay.

Jacques Delors, President of the Commission addressing the ICTU seminar on Completion of the Internal Market, Dublin 28 October 1988

Parental leave of three months up to age eight for each parent was agreed by the European social partners in 1996 and given legal effect, along with time-off on grounds of force majeure. It was revised in 2009 by increasing it to four months with one month non-transferable. A new Work-Life Balance Directive aimed at encouraging greater sharing of family responsibilities now provides for ten days paternity leave for every father on birth, four months parental leave with the right to request flexible means, and two months now non-transferable to encourage better sharing. Each worker now has a right to five days

carer's leave a year, and a right to request flexible working for children up to at least eight or for caring responsibilities with reasons given for any refusals.

A new Directive on transparent and predictable working conditions covers all workers with a 3-hour weekly average over any 4-week period, and for all on-demand workers contracts, whose use and duration is limited by this law. It requires clear start/finish times for hours/days, or time-slots on specified days for more flexible working, with a minimum notice period. All pay and working conditions must be specified, and working elsewhere cannot be prohibited. Platform workers, on-line or location are covered, once employees. But 90% of 500 Platforms in EU classify them as self-employed. A proposed directive, along with ECJ case law, will improve their working conditions by verifying employment status based on actual performance of work, and with a presumption of that status, if any two of five conditions, such as work supervision, are met. A limitation for EU competition policy for many solo self-employed workers, who lack bargaining power, has also been resolved in new Commission Guidelines which will exclude Article 101 on competition policy from these workers. This will apply more widely and cover other areas such as translators and freelance journalists.

Making EU free movement a reality for disabled persons along with the right to independent living is now an EU priority. A review of the Working Time Directive aimed at making its application consistent across the Union, has led to tighter limits on harmful substances to improve health and safety standards.

In a submission on the Review of the Equality Acts, Congress has sought the removal of the religious ethos exemptions, that discrimination on grounds of disability be established where an employer fails to provide accommodation within a reasonable timeframe, or does not consult with a disabled person or their representative on what is required, along with the extension of disability protections to conditions related to the menopause. Congress considers the exemption which can allow lower rates of pay for some disabled workers should be removed, and supports the inclusion of socio-economic status as a ground for discrimination, along with that for gender identity, expression, and sex characteristics. Consideration should also be given to mandatory pay gap reporting being extended to other non-discrimination grounds.

Under the Pillar of Rights children have rights in relation to early childhood education and care with those from disadvantaged backgrounds a right to specific measures to enhance equal opportunities. The EU Child Guarantee 2021 aims to tackle the dangerous cycle of the almost 25 million children under 18 in the EU at risk of poverty and social exclusion, then becoming adults living in poverty. It proposes that children at risk have a guarantee of effective and free access to high quality early childhood education and care, education and school-based

activities, at least one healthy meal each school day along with health care and adequate housing.

The EU Gender Equality Strategy 2020-2025 shows that gender-based violence against women is a serious problem with 33% of women in the EU experiencing physical and/or sexual assault, 22% of women experienced violence by an intimate partner and 55% of women in the EU have been sexually harassed. The EU commits to addressing this issue through concrete action including by acceding to the Council of Europe Convention on combating violence against women and domestic violence or by alternative Union legal measures.

EU anti-discrimination legislation currently extends beyond the employment sphere only in respect of sex, racial, or ethnic origin. The EU Anti-Racism action plan 2020-2025 found that despite Treaty and legal requirements that racism persists in a range of areas including access to housing, goods, and services. Despite the Framework Decision on combatting racism and xenophobia by means of criminal law and the Victim's Rights Directive being enacted, the Commission found that there are serious concerns about the extent to which national criminal codes correctly criminalise hate crime and speech. As a matter of priority, the Commission will make a comprehensive effort to ensure full and correct transposition and implementation of the Framework Decision on racism. In addition, the Commission will continue to encourage progress for the necessary Council unanimity to secure the implementation of the 2008 draft directive so as to extend the anti-discrimination grounds in respect of religion or belief, disability, age and sexual orientation beyond the employment sphere.

Joining the EU in 1973 led to the transformation of workers' rights, living standards and economic prosperity. It consigned to history the social conservative policy approach that led through the 'male breadwinner concept', to so much discrimination against women in work and society in Ireland. Now the progressive advances through EU treaty change and continuous social policy developments has made the EU one of the most equal, progressive and prosperous areas today.

8. Equality in Social Welfare – the struggle to get Directive 79/7 implemented

Rosheen Callender

1973 is a year I remember vividly, for many reasons. I had just moved back to Dublin, after four years in Belfast. I had just started working in the research department of the ITGWU (now SIPTU). Ireland had just joined the EEC, and I was in a minority, among my left-wing and trade union friends, who thought this was great.

In the mid-1970s a small group of women from different unions came together to form the Trade Union Women's Forum (TUWF) to campaign for equality on the many issues of the times. Campaigning for the full and proper implementation into Irish law of the first two employment equality directives from Europe, on equal pay and then equal treatment in employment, was long, hard work. But it was relatively easy by comparison with the third one, on equal treatment in social security. Member States were given six years, until 23 December 1984, to end gender discrimination in work-related social welfare, such as unemployment and disability payments. However, it would take until 1995, eleven years after the deadline, five High Court hearings, an appeal to the Supreme Court, three references to the European Court of Justice and infringement proceedings initiated by the European Commission for Ireland to fully comply with Directive 79/7.

Back in December 1978, when Directive 79/7 was adopted by the European Council, working married women in Ireland (1) didn't qualify for non-contributory unemployment assistance, unless her husband was permanently unable to work or she had been 'deserted' by him and had at least one dependent child; (2) received lower contributory unemployment and disability payments and (3) for a shorter duration than men and single women, and (4) did not qualify for top-up payments for dependents, again unless her husband was incapacitated or he had left her with a young family.

The Trade Union Women's Forum (TUWF), the Council for the Status of Women (now the National Women's Council) and others lobbied for prompt implementation of Directive 79/7: for equal access and equal entitlements to social welfare and an

end to discriminatory questioning of unemployed women when making a claim, such as questions about their childcare and domestic arrangements to test their availability for work. But, political and economic turmoil dominated much of the six-year transitional period and so next to nothing was done to remove the inequalities against working women from the welfare system.

When the Social Welfare (Amendment) (No. 2) Bill (1984) was eventually published in mid-December 1984 to give effect to Directive 79/7, less than a fortnight before the EEC deadline, it was seen as inadequate and flawed by the ICTU, ITGWU, TUWF and others. In the first half of 1985, trade union activists and others continued to lobby for improvements.

The Bill became law in July 1985, but none of its provisions were activated until 1986. The duration and rates of contributory benefits were equalised in May 1986 (17 months after the deadline) and the remaining provisions came into effect in November 1986 (23 months late): access to non-contributory unemployment payments and (newly redefined i.e. reduced) top-up payments for dependents. The latter had become the subject of major concern – that equality for women should come at a cost to low-income families - and even public protest in the lead-up to its implementation in November 1986. A large demonstration had been organised by the Dublin Council of Trade Unions, supported by many women, trade unionists and social welfare claimants; and, after strenuous lobbying by their constituents, a number of backbenchers (whose votes were crucial to that coalition's survival) had made representations to the then Minister for Social Welfare Gemma Hussey.

Eventually a deal was devised whereby weekly transitional (cushion) payments were introduced to compensate existing recipients (i.e. married men) adversely affected by the changes to dependency allowances. They were initially intended to last one year but were renewed each year. As they were not paid to married women they were in breach of Directive 79/7 and became the subject of a long, acrid and costly legal battle between women and successive governments.

Successive governments also refused to pay the arrears that were owed to many thousands of women for the long-delayed implementation of the directive. Their argument was that the country couldn't afford to pay; but of course, the longer they put off paying, the greater would be the accumulated cost of paying those arrears.

The unions mounted a major campaign on this; and together with eminent lawyers like the future President of Ireland Mary Robinson (a Senior Counsel at the time), fought legal battles in the High Court and the matter was referred to the European Court of Justice. The ECJ ruled that the individuals had the right to rely on Directive 79/7 before the national courts from December

1984 (deadline for transposing). The case was won and a claim for arrears was subsequently lodged by thousands of married women who were encouraged by a band of ordinary housewives 'Married Women for Equality' who toured the country informing women of their rights under the Directive and ECJ rulings.

By this time, the European Commission had initiated infringement proceedings against Ireland for failure to properly implement Directive 79/7. As a result, in January 1992, the then Minister for Finance Bertie Ahern made millions available to backdate payments to all married women arising from the delayed implementation. However, the repayments were restricted in ways that failed to comply with the ECJ rulings and did not include any repayments for the transitional payments, again in breach of the court decision. Frustrated by the refusal to discharge its legal obligation towards them, in April 1994, Married Women for Equality travelled to Brussels to present complaints against the Government to the European Parliament's Petitions Committee.

Eventually, the arrears 'problem' was resolved in the context of the negotiations, in December 1994, on the formation of the 'Rainbow Government', as it came to be called. It was agreed that each of the three parties – Fine Gael, Labour and Democratic Left – would have one issue that would have to be resolved, early in the life of the new government, even if the other parties disagreed. The then Leader of Democratic Left, Proinsias De Rossa, made payment of the equal treatment arrears his party's condition for entering government. Even then, there was a difficulty: the Attorney-General cautioned strongly against, on grounds of cost. But weeks later, in February 1995, the High Court ruled in favour of 71 women who had taken a test case. The Rainbow Government agreed to pay 77,500 married women their entitlements under the Directive, at total cost in the final settlement of £250 million. In the words of one former Minister for Social Welfare during those years, Charlie McCreevy:

"... suffice it is to say that, the entire mess should be prescribed reading for any student of public administration and an object lesson to any future administration on how not to go about implementing an EU directive" (Dáil Debate, 16 November 1995).

Perhaps a slight understatement, but what else can one say!

THE IRISH TIMES, Saturday, February 4, 1995 HOME NEWS 3

Judge rules women should receive backdated benefits as equality directive was not followed

State faces bill of up to £265m for arrears

Welfare groups welcome equality ruling

Governments ignored EU directive

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9. Safe and Healthy Workplaces

Peter Cassells

The Organisation of Working Time Act 1997 was introduced giving effect to the EU Working Time Directive to protect the health and safety of workers. It gave workers across the Irish economy a legal right to rest periods during the working week, rest breaks while at work, a 48 hours maximum working week and a minimum 20 days paid annual leave. The following is an edited extract from Peter Casssels' introductory remarks to an Irish Congress of Trade Unions guide to the Act for union officials published in March, 1998.

The Organisation of Working Time Act, 1997 is the most comprehensive reform of working time legislation in Ireland since the first Acts regulating working hours were introduced in the 1930s.

It repeals seven major pieces of legislation dealing with working hours and puts in place an overall framework for regulating working hours, holidays and rest breaks for all employees. It extends statutory protection to many workers who were outside the scope of application of the existing legislation which was put in place piecemeal over the years to protect limited numbers of workers in particular sectors or workers engaged in certain activities such as the Night Work (Bakeries) Act, 1936 or the Shop Acts 1938 -1942. Even though these seven Acts provided very important protection for the workers concerned, large sections of the workforce did not have any protection in relation to their working hours.

The Organisation of Working Time Act transposes into Irish law the provisions of the EU Directive on Working Time. The Directive is based on the Maastricht Treaty which allows laws concerning the health and safety of workers in the EU to be adopted by qualified majority vote rather than unanimity. Excessive working hours have been linked to accidents in the workplace, to stress and health problems. In 1996, the European Court of Justice rejected the UK Government's challenge which tried to establish that it was not a health and safety instrument to have the Directive annulled.

Trade unions have long sought the proper regulation of working hours in the interest of protecting the health and safety of workers. It should help also to prevent the exploitation of vulnerable workers who are still required to work long and unhealthy hours without minimum breaks and rest periods.

The legislation introduces an innovative approach to the implementation of the legal rights to workers through the mechanism of approved collective

agreements. This represents a major departure from the traditional approach to the implementations of such rights and introduces a new element into industrial relations practices and procedures in Ireland. Congress believes that it represents an important step in the modernisation of our industrial relations systems as both employers and unions have the opportunity under the Act to enter into collective agreements which can meet the requirements of the legislation while taking account to the need for flexibility in the interests of both the employees and the employer.

Postscript, May 2023

Europe has been good for Irish society, the Irish economy and for workers and their families.

In May 1972, 83% of voters, including myself, voted for Ireland to join the European Common Market. The Irish Congress of Trade Unions (Congress), concerned about job losses, recommended that workers vote against full membership favouring associate membership instead.

Since then, many have assumed that Irish unions were opposed, or at least sceptical, to involvement in Europe. In fact, several prominent unions and union leaders, including Jim Larkin's Workers Union of Ireland (now SIPTU), Donal Nevin, Denis Larkin, and Dan Murphy strongly supported Ireland embracing European peace, prosperity, and values.

When I started to work for the Irish Congress of Trade Unions in 1974, it had just joined the European Trade Union Confederation (ETUC), its first international affiliation. Congress soon used that affiliation to show how the power of Europe could be used to stop the Irish Government undermining workers' rights. In order to comply with an EEC directive on equal pay, Government had introduced the Anti-Discrimination (Pay) 1974 to come into effect on 01 January 1976. At the time, women workers in Ireland earned 53% of men's earnings. But a month before the 1976 deadline for transposing the directive into national law, the then Minister for Labour Michael O'Leary introduced, at the request of the Shoe and Leather Workers Union, amongst others, an inability to pay amendment that excluded for a period of up to two years employers where the introduction of equal pay might lead to job losses. Congress, through the ETUC, lodged a complaint with the European Commission. The Commission ruled that the Irish Government was in breach of Directive and equal pay for equal work became law.

Despite that significant victory the level of contact and knowledge of Europe within Irish unions was minimalist for the next decade. The early beneficiaries from EC membership were farmers, rural communities, and the food industry from participation in the Common Agricultural Policy (CAP). The 1980s were very difficult years for working people and their families. Unemployment reached 17.3% and mass emigration returned. Living standards were less than 60% of the European average. Unions negotiated

pay increases but these were eroded by inflation and tax increases. By the end of the decade workers living standards were 7% less than in 1981 and our national debt stood at 140% of the country's gross domestic product (GDP), one of the highest in Europe.

This crisis in jobs and living standards brought about a significant shift in thinking. Unions began to recognise the need for a shared understanding between government, unions, and employers of the requirements for success in Europe. There was a greater appreciation and acceptance of the level interdependence between the private and public sector; between the indigenous economy and the international economy and between the economic, the social and the political domains.

In that context, Congress recommended that Ireland should embrace the European Social Model and accept the social market as the fairest and most effective way of combining market economics and social equity. Also, that we should learn from those countries in Europe, such as Germany and Denmark which had already achieved full employment and recognise that our future lies in a high skilled, high waged workforce using modern technologies both in manufacturing and the delivery of social services. And, that we should move away from our traditionally voluntarist and adversarial, and sometimes highly divisive, system of industrial relations to the European system of social partnership.

The introduction of European social partnership in the 1990s brought about unprecedented economic and social progress. Never had we so many people living in the country, so many people in gainful employment and so many people enjoying a standard of living amongst the highest in the world.

But, while the European model of development including the partnership process was successful in the areas of macro-economic policy and the evolution of incomes, it was less successful in the areas of structural reform and the modernisation of critical areas of Irish life. The changes needed in areas such as housing, health, and social care, including disability rights, the environment, public transport, and childcare were not anticipated and tackled. While partnership improved living standards for everyone, it also accommodated a widening disparity of incomes.

Once again Europe, including Ireland, is facing major challenges with the war in Ukraine, Brexit, the cost-of-living crisis, and fundamental differences between key Member States on the way forward. And once again Irish unions as part of the European Trade Union Confederation, now led by Irishwoman Esther Lynch, need to develop a strategy on what kind of Europe we want and how we will make that Europe work for us.

Reproduced from the INMO's members magazine WIN, May 2010 p. 14

EFN/INMO lobby successfully for better sharps injury protection

*An update from **MEP Marian Harkin** on the introduction of legislation to provide added protection to workers from sharp injuries.*

At the moment, bad news is all pervasive – whether its negative equity for households, black holes in the economy, small businesses failing or jobs being lost – there is little respite. That's why I am pleased to be able to write about a snippet of good news for a change. It won't make the headlines but nonetheless it is of real importance to healthcare workers.

The European Parliament in conjunction with the social partners HOSPEEM and EPSU and the European Council have ensured that a piece of legislation, which will protect healthcare workers from sharp injuries, is finally going to be put in place. This piece of legislation has taken nearly eight years to be brought to a satisfactory conclusion.

Now that we have a Framework Agreement to protect Europe's healthcare workers from potentially fatal blood borne infections due to injuries with needles or other sharp medical instruments – we must make every effort to ensure its speedy implementation.

My own involvement in this mater came about as a result of a contact from the INMO and Anne Kennedy who was president of the European Federation of Nurses at the time. They successfully lobbied MEPs for their support on this matter on a number of occasions and following on from their campaign I put down two amendments both of which were incorporated into the final text from the Parliament.

This I think is a good example of how national organisations who are affiliated to European organisations can successfully lobby the European Parliament on matters that are of concern in all Member States. In this particular instance great credit is due to those who consistently kept up the pressure to get a successful outcome.

The final Framework Agreement provides for an integrated approach to risk assessment, risk prevention, training, information awareness raising and monitoring and follow-up procedures.

The Agreement applies to all workers in the hospital and healthcare sector. It involves specifying and implementing safe procedures for using and disposing of sharp medical instruments and contaminated waste, eliminating the unnecessary use of sharps and crucially the provision of medical devices incorporating safety – engineered protection mechanisms.

Now the challenge is getting Member States to implement it as speedily as possible and Ireland could and should be to the fore.

10. EU Law and Industrial Disputes

Éamonn Donnelly, Catherine Keogh

When thinking of landmark judgments emanating from the Court of Justice of the European Union and European directives we normally think of cases like Hill and Stapleton v Revenue Commissioners and Department of Finance [1998] ECRI-3739 which held that jobsharers are entitled to pro rata entitlements and IMPACT v Minister for Agriculture and Food and others [2008] EUECJ C-268/06 which held that civil servants on fixed term contracts were entitled to no less favourable treatment than established civil servants on contracts of indefinite duration.

However, one great success came about when IMPACT (now Fórsa) harnessed the fact that the existence of the European directives when transposed into Irish law could assist with the resolution of industrial disputes. IMPACT decided to use this fact to resolve a long running dispute involving social care workers who were required to do sleepovers at their place of work.

Social care workers work mainly in the often-invisible care sector. They provide residential care for people accessing the services of the intellectual disability sector, children and families sector, and homelessness sector. On top of their normal weekly hours staff were required to sleep over

on the employer's premises for eight hours usually two or three times a week. The rate of pay for this varied from organisation to organisation but was generally only a nominal payment.

However, the Court of Justice of the European Union held that for the purpose of Directive 93/104 on the Organisation of Working Time

(now Directive 2003/88) time spent by workers at their place of work during which they remain liable to be called upon to perform the duties of their employment is to be regarded as working time. The Directive was transposed in Ireland by the Organisation of Working Time Act 1997.

IMPACT at the time had the approximately 4,500 members affected by sleep over hours. Rather than take this number of individual cases under the Organisation of Working Time Act, (Irish law does not provide for class actions) IMPACT, alongside other unions affiliated to the Irish Congress of Trade Unions, tried to negotiate directly with management resulting in the issue being referred for conciliation under the auspices of the then Labour Relations Commission (now Workplace Relations Commission). As the issue could not be resolved following numerous conciliation conferences the matter was jointly referred to the Labour Court.

We were seeking that the sleep over hours should be counted as working time and that the workers should be paid their hourly rate for those hours. We were also seeking that workers would not be required to work for more than the 48 hours per week, allowed for by the Directive, in circumstances where at the time they were working on average 60 hours per week.

In September 2014, the Labour Court in HSE v IMPACT, SIPTU, and UNITE (LCR 20837) recommended that time on sleep over would be acknowledged as constituting working time, the workers weekly hours should not exceed 48 hours and that the hourly rate for sleepovers should be equal to the national minimum rate of pay.

This delivered a significant increase in the sleepover rate alongside a reduction in the hours the workers were required to work. When implemented it immediately benefited over 10,000 workers, drawing a tangible line between trade union organising, an EU directive, the resolution by IMPACT of a longstanding industrial dispute and the working lives of union members.

Reproduced from the CPSU's members magazine Aontas, December/ January 1997

Advocate General of the European Court of Justice Rules in Favour of CPSU Jobsharers

In the first case referred by the Irish Labour Court, the Advocate General of the European Court of Justice recently ruled in favour of two jobsharers Ann Stapleton and Catherine Hill who were denied increments on their salary scale when they transferred from job-sharing to full-time work.

In 1991, the CPSU took an equality case on their behalf when after two years job-sharing in the Revenue Commissioners, they were reduced on their salary scale by one increment. Ann Stapleton was recruited as a Clerical Assistant job-share in 1986 and assigned to full-time work in 1988. Catherine Hill was recruited as a full-time Clerical Assistant in 1981, took job-sharing in 1989 and returned to full time-work in June 1990.

Catherine Hill was job-sharing on the 9th point in the 11 point Clerical Assistant salary scale and paid pro rata 50% of that point to the full-time salary scale.

Ann Stapleton was refused her normal increment because Revenue stated they had in error neglected to deduct an increment in 1988. This decision resulted from a Finance instruction that two years service as a jobsharer was only to count for one increment on the full-time salary scale.

This decision which reduced their hourly rate of pay was challenged by the Union under the 1974 Equal Pay Act and Article 119 of the Treaty of Rome. The Union argued that the reduction in job-sharers hourly rate of pay compared to a man working full-time constituted sex discrimination because 98% of the jobsharers are women.

The Equality Officer rule in the Union's favour and the Revenue Commissioners and the Department of Finance appealed the Equality Officer's decision to the Labour Court.

The Labour Court decided that job-sharing was in a unique category different to a career break, as the jobsharer was in constant touch with her employment albeit on reduced hours. The Union argued that calculation of service for pay increments should be based on calendar years and not the number of actual hours worked.

The Labour Court decided to refer the case to the European Court of Justice for guidance.

The European Court heard oral submissions from the Union and Finance at the hearing on 10 December. Irish equality legislation, both the Equal Pay Act 1974 and the Employment Equality Act 1977, were enacted to comply with European Union Equal Pay and Equal Treatment Directives, along with Article 119 of the Treaty of Rome on equal pay which takes precedence over Irish legislation.

The case law of the European Court of Justice which is responsible for ensuring compliance with Article 119 and Equality Directives has developed a three stage process to test whether gender discrimination is involved.

1. Is there a difference in treatment?
2. If a difference in treatment exists does it predominately effect women?
3. Where 1 and 2 are met sex discrimination occurs unless the employer can provide objective justification.

The Advocate General of the European Court of Justice ruled definitively in the Union favour. He held that because regressing jobsharers on the incremental salary scale reduces their hourly rate of pay and predominately affected women that it constituted impermissible indirect sex discrimination under Article 119 of the Treaty of Rome.

Commenting on the result, Deputy General Secretary Blair Horan who took the case said that this was a very important ruling for women in employment which would ensure that women cannot suffer a loss of pay because they take time out of the workforce for family and domestic reasons.

11. EU Enlargement and Migration

David Begg

In late 2008, the European Commission hosted a series of public debates on Ireland's relationship with the EU in the aftermath of the first Lisbon Referendum. The following is an edited extract of David Begg's opening remarks at the 'Displacement – Real or Imagined?' debate on 06 October 2008.

The Irish Congress of Trade Unions (Congress) strongly supported the enlargement of the EU. But, we did not know that the Irish government intended to immediately throw open the labour market, in conjunction with the UK and Sweden. We were not consulted about this.

This exposed an existing labour market of 2 million to one of 72 million. Moreover, it was a virtually unregulated labour market because the then Minister for Enterprise, Trade & Employment, Ms Harney, had refused all previous exhortations from Congress to increase the size of the Labour Inspectorate. The entirely predictable result was a sharp rise in the incidence of exploitation and abuse.

This decision was taken solely at the behest of the business community, a fact subsequently acknowledged by government. If we had been consulted we would have demanded increased regulation. In the event the issues of exploitation and threatened displacement were crystallised in the Irish Ferries dispute, which highlighted the damaging potential for social cohesion of not having adequate labour market regulation and enforcement in place. This was subsequently addressed in the Towards 2016 Agreement, although we are still awaiting much of the legislation required.

Given that tonight's discussion has been organised in the context of the outturn of the Lisbon Referendum I intend to focus my remarks on the effects of migration to Ireland of people from the ten new states which acceded to the EU on 1 May 2004.

The numbers of people who came to Ireland and their low expectations in terms of pay and their concentration, despite being highly qualified, in low paid sectors suggested potential for displacement. Yet, at an aggregate level there is no evidence of this. In the three years following enlargement 143,000 Irish people and 129,000 from the EU10 secured employment.

However, when you drill down into separate economic sectors and sub-sectors a more complex position is indicated. In the hotels and restaurants sector 18,000 new

jobs were occupied by people from the EU10 countries but Irish employment levels remained static.[1] If this is not displacement it does suggest some degree of crowding out or Irish workers from the sector. It is sometimes suggested that Irish workers don't want these jobs anymore. It is interesting to note that on 02 October 2008, the day after the CSO published figures showing unemployment at 6.3%, there were 23 advertisements by Irish employers seeking staff on a Polish website www.myireland.pl – in Polish! I do not know whether these jobs were advertised anywhere else in English.

The position in the manufacturing sector is more clear-cut. In the period under review people from the EU10 countries filled 23,000 new jobs while 34,000 Irish people left the sector. In the food processing sub-sector the figures were 5,000 and 9,000 respectively. The average wage increase in food processing was 7% as against 12% in manufacturing generally in the period reviewed. Prima facie therefore it would seem that there has been displacement in manufacturing and that it has served to moderate wage development.[2]

Back in 2005 when this problem first surfaced it was not possible to argue from the standpoint of empirical data because it did not exist. That did not stop certain agencies from asserting that there was no problem. I recall that on the day we commenced negotiating the *Towards 2016* national agreement we were presented with three reports – from the EU Commission, the ESRI and AIB – all confidently asserting this proposition. One feature of the agreement is a request to the CSO to provide data which would allow a more scientific evaluation. This data has proved to be notoriously elusive.

Personally, I think 'Displacement' is the wrong question for this debate tonight. It implies some fault on the part of immigrants and, as already explained, the data is not sufficiently precise to ensure an accurate conclusion. A more useful line of enquiry, for reasons which I will return to, would be whether there is a downgrading of employment standards taking place in the economy.

Looking back to 1 May 2004 when enlargement happened what it meant was that Ireland, together with the UK and Sweden, opened its labour market of 2 million to one of 72 million. Moreover, it was a labour market which at that time was, to all intents and purposes, unregulated. There was no legal framework adequate to the task of preventing exploitation and there were only 17 Labour Inspectors to enforce the little legal protection that did exist. This was not an accident. It was part of the neo-liberal viewpoint that guided labour market policy at the time.

1 *McCormick, Brian (2008) 'Analysis of Irish Labour Market and Immigration since EU enlargement' FAS Labour Market Analysis. Vol. 3, issue 1, spring 2008*

2 *ibid*

The menu of options for forcing down labour standards is comprehensive. It includes:

- Direct replacement by lower cost workers;
- Outsourcing;
- Off shoring;
- Use of Temporary Employment Agency Workers;
- Bogus self-employment (mainly in construction);
- Bogus educational establishments which are really Employment Agencies.

Congress has used the machinery of Social Partnership to impose some regulation on the labour market. This has had a measure of success with the establishment of the National Employment Rights Authority (now the Workplace Relations Commission, WRC), the Exceptional Redundancies Act and the forthcoming Employment Law Compliance Bill. The EU Directive on Agency Workers is also very helpful. Nevertheless, it has been an uphill struggle with legal counter attacks by employers, for example, the Supreme Court case to prevent collective bargaining brought by Ryanair and High Court cases against decisions by Labour Court bodies in respect of the hotel industry and the electrical contracting industry.

Winston Churchill, no great friend of organised labour, when explaining the need for trade boards to set minimum employment standards to the House of Commons said that their purpose was 'to protect good employers from the bad, and the bad from the worst'.

This is a distinction to keep in mind because it is the last two types of employers that most concerns about displacement arise. We should therefore distinguish between an inflow of workers into an Irish labour market vacuum and certain types of employers who deliberately seek out foreign workers – especially those with a poor command of English in order to pay them less and treat them worse than the norms established in the Irish economy.

In a recent development the Polish chaplaincy in Ireland secured funding from the Polish Government to fund a rights advice service. In their first quarter's work, most worrying aspect of their report was that the largest proportion of their queries was about wages and about wages not being paid. This would be inconceivable for Irish workers who in the words of the British historian of the eighteenth-century EP Thompson would resort to 'collective bargaining by riot' in such circumstances. In my view this shows the widespread displacement of decent employers and of decency among some employers in certain areas of economy.

Recalling that this debate is taking place in the context of rejection of the Lisbon Referendum two findings of the recent research conducted by polling company Millard Brown[3] for the Government are of special interest:

3 *Millward Brown IMS (2008) 'Post Lisbon Treaty Referendum Research Findings'.*

- Immigration per se did not emerge as an issue

And

- 40% who voted yes and 55% who voted no identified workers rights as an important issue for them.

It seems to me to follow logically from this that attention must be given to dealing with the underlying reasons for this concern. Securing employment standards for all workers and insulating the lower skilled from the effects of an open labour market are central. Upskilling and preventing concentration of immigration into certain sectors are necessary. Part of the solution is to find out what the blockages are to immigrants getting jobs commensurate with their qualification which, on average, are higher than for the indigenous population.

It is necessary also to have regard to a concern voiced by MacEnri and White[4] relating to the social consequences of allowing a two-tier labour market in which immigrants are concentrated in sectors like hotels in which they are widely dispersed in rural Ireland but cannot earn a living wage. The authors observe that while this generation of immigrants may be prepared to accept this treatment their children are unlikely to. They assert that this is contrary to the European social model and is unsustainable.

Those who supported Lisbon but who are concerned about workers' rights are likely to have taken the view that giving legal effect to the Charter of Fundamental Rights would act as a counterweight to the four freedoms in respect of movement of capital, goods, services and labour and the right of establishment of business contained in the existing treaties. An emerging jurisprudence, based on a balance of rights and freedoms, would serve to consolidate employment conditions against the ravages of globalisation.

This may indeed be the case but four recent European Court of Justice (ECJ) cases – Laval, Viking, Luxemburg and Ruffert – have demonstrated an established disposition towards the four freedoms by the Court. The trade union view now is that it is no longer sufficient to leave it to the Court to work out the balance. The ETUC is calling for a social protocol to give the Court guidance about how the provisions of the Charter should be interpreted. It is not likely that this can be done for the Lisbon Treaty at the stage but it could be appended to some future treaty such as the accession of Croatia.

Finally, we need to be conscious that our experience of the labour market effects of immigration has been associated with a period of unprecedented economic expansion and low unemployment. The onset of recession may bring forward more acute challenges.

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4 MacEnri, Piaras and White, Allen (2008) 'Immigration into the Republic of Ireland: A bibliography of recent research' Irish Geography. Vol. 41, No 2, July 2008, 151-179

12. Work and Care

Phil Ní Sheaghdha

When we joined the European Community in 1973 Irish public policy and social attitudes expected men to provide financially for their family and women to provide full-time care for their children and aging relatives. It was next to impossible for men and women to reverse roles or to combine paid work and unpaid care.

Even on the death of his wife, a man did not qualify for the widow's contributory pension or any other lone-parent social welfare payment, which had the effect of forcing him to remain in employment and have a female relative or housekeeper take care of his children.

For women, the workplace was outright hostile at every turn. It was not unlawful for job adverts to specify only men need apply. Interviewers were free to ask a woman candidate about her plans to marry and have children or how she expected to run her home and care for her family if she got the job. She was paid a lower rate of pay to a man doing the same work and was overlooked for training and promotion, because it was assumed she was only working for pocket-money whereas her male colleagues had or would one day have a family to keep. There was a clause in her contract of employment that required her to resign from her job if she married. If she worked after marrying she was only hired on temporary contracts. Her employer could sack her because she was pregnant. She had no guaranteed right to maternity leave and, if she did take maternity leave, she had no right to get the same job back on the same terms and conditions when she returned to work.

EEC membership and three employment equality directives in the 1970s outlawed much of this blatant gender discrimination and put working men and women on an equal footing. However, women's employment and earnings remained much lower than men's across Europe and in Ireland in particular. From the 1990s onwards, European legislators and policymakers aimed to help to make it easier for women, and later men, to strike a balance between their working and caring responsibilities.

The position of part-time workers, the great majority of whom are women caring for children or other family members, improved. Their pay rates and terms of employment could no longer be less favourable to those working full-time hours. Equal treatment of temporary and agency workers to comparable workers was also secured under later directives from Europe that had to be transposed into national employment law.

Employers could no longer sack a woman on any pregnancy-related

grounds. While a 1976 directive had introduced protections against unfair dismissal, it did allow a woman to be sacked if her pregnancy meant she could not do her job safely and no alternative work was available for her. A 1992 Pregnant Workers Directive required Member States to provide paid health and safety leave for pregnant workers and women who have recently given birth or are breastfeeding if no safe work is available. It also entitled pregnant workers to paid time off for antenatal care. In the same Act, the role of fathers in infant care was recognised for the first time in Irish law. He became entitled to paid leave but only if the death of the mother occurred within 14 weeks of the birth of a surviving child (currently 26 weeks). This would remain the only circumstances under which new fathers in Ireland had a statutory right to paid leave up until 2016, over two decades later, when 10 days paid paternity leave was introduced in anticipation of a revised Pregnant Workers Directive coming from Europe.

The 1997 Organisation of Working Time Act, transposing a Working Time Directive, put a cap on the number of hours employees can work and provides for minimum rest periods. This shortened the length of the working day and week which, although intended to improve health and safety at work, freed up many hours for care-giving. It was also the first legislation to specify that employers must have regard to balancing family needs with work requirements. While significant, the progress was again small. Far from taking into consideration the day-to-day work-life balance needs, the Act only required that employers give reasonable advance notice of working hours so that workers can plan family social occasions, and to take account of workers' family circumstances in the timing of annual leave. Also, the many exemptions from the legislation, such as hospitals, excludes categories of workers and weakens the aim and effect of the Directive on working excessive hours.

Further progress was made when a Parental Leave Directive came into force the following year. The 1998 Parental Leave Act gave both fathers and mothers a new right to up to 14 weeks leave of absence for each child up to eight years of age, in order to fulfil their caring responsibilities (currently up to 26 weeks). The leave was to be non-transferable from one parent to another to encourage fathers to assume a share of care-giving. However, the leave was unpaid and it had to be taken in one continuous period or two separate blocks of a minimum six-weeks. As a result, many families, fathers especially, could not afford to take parental leave and the legislation would prove ineffective in promoting the equal share of caring. The Irish legislation had also restricted the entitlement to parents of children born after the Directive was signed on 03 June 1996, narrowing the pool of working parents eligible for the leave. In April 2000, the European Commission issued Ireland with a reasoned opinion taking issue with the cut-off date on the basis it infringed "the spirit of the EU Directive".

Government subsequently amended the date to include all children aged under eight years.

The Parental Leave Directive was the first piece of EU and Irish legislation to recognise workers' caring responsibilities went beyond care for young children, which up to this point had barely been acknowledged. The Directive required Member States to provide force majeure leave. This gave workers a new right to a brief period of paid leave (three working days in any 12 consecutive months, up to a limit of five days in any 36 consecutive months) to deal with an illness or injury emergency of a close family member. It would be another 20 years before Member States were required to cater for the day-to-day work-life balance needs of working carers.

The Work Life Balance Bill 2022 was signed into law by President Higgins last month, in April 2023, giving effect to the 2018 EU Directive on Work Life Balance for Parents and Carers. Under this Directive, EU law brings the minimum family-friendly provisions available to workers in Members States in line with changed social attitudes and norms, in order to address the under-representation of women in the workforce and to narrow the gender pay gap. As a result, workers in Ireland gained new rights to (1) two months paid parent's leave payable to each parent (non-transferable) during their child's first two years. The level of compensation is left to be determined by the Member State. In Ireland it is set at a flat €262 a week, which replaces a mere 30% of the average wage. (2) Five days leave a year for medical care purposes for a child or a relative or someone in the worker's household. The Directive does not impose an employer obligation to pay during the care leave, but the Commission Guidelines recommend that Member States introduce such a regulation. The Government has not followed this recommendation, and carers' leave is unpaid. (3) A right to request flexible working arrangements, such as flex-time, job sharing, spilt shifts, for parents and carers for caring purposes.

Without doubt EU legislation over the past 50 years has been instrumental in transforming Irish workplaces for women and, more recently, fathers and families. But more needs to be done. Family leave needs to be paid and payments need to replace all or most of a worker's wage if taking time off work to care is to be a realistic option for all. Equally, affordable and accessible child and adult care services are needed alongside paid family leave and the normalisation of flexible working if the work-life balance choices of working parents and carers are not to be limited. These demands will be continued to pursued by the trade union movement at the domestic and European levels.

13. The Implications of EU Membership on Economic Crises

Tom McDonnell

Ireland entered the then European Economic Community as its poorest member in 1973. While Ireland may now be one of the richest and most open economies in Europe, it has been a long and winding road to get there.

By the 1980s the Irish economy was in a state of crisis. In 1987 its budget deficit was 8.3%, debt servicing was 94% of income tax receipts, and unemployment was at 17%. The economy was in fiscal paralysis.

The scale of the subsequent recovery and Celtic Tiger boom of the 1990s could not have been predicted and has many interlocking causes. One key factor was the availability of EU Structural Funds. These funds enabled the Irish Government to fix the public finances without undermining the domestic economy. The EU structural fund investments were effectively a stimulus without a fiscal cost.

The EU's Single Market was completed in January 1993 and was arguably the key underlying reason for the Celtic Tiger of the 1990s. Crucially, Ireland was able to exploit its new position as a low cost member of the Single Market to entice a disproportionate amount of high value inward investment from the United States. GDP per capita more than doubled over the subsequent decade while employment increased by over 50%. Ireland opened up its labour market to 10 new Member States in 2004 which further propelled the growth of the economy.

By the early 2000s the Irish economy was overheating. The Euro area's interest rate was much too low for Ireland. The unsuitably low interest rates were maintained by the European Central Bank to suit the weak German economy. Loose monetary policy was compounded by reckless fiscal policy in Ireland including a range of extremely generous property related tax breaks. There was also a catastrophic failure of banking regulation in Ireland, in Europe and in the United States. A housing bubble was replaced by a severe financial, economic and fiscal crisis in Ireland along with a €64 billion bank bailout.

Rising bond prices were creating the risk of sovereign default in Ireland and in other Euro area countries. Irish sovereign bonds were over 7% in 2010 and further market borrowing had become unrealistic. Help from the

Photo call ahead of the ICTU-led Lift the Burden - Jobs Not Debt countrywide protests on 09 February 2013

EU was made contingent on Ireland undertaking a process of internal devaluation to restore competitiveness (effectively wage cuts) as well as fiscal austerity to restore the public finances.

The 'troika' of the European Commission, European Central Bank and International Monetary Fund (IMF) agreed an €85 billion bailout of the Irish economy in November 2010. The conditions were very harsh though mostly followed the then government's own programme of economic adjustment and fiscal austerity. The Memorandum of Understanding agreed with the Troika included measures that damaged the position of workers and the impact of the Troika's influence was to push the wage-setting legislation (Industrial Relations Amendment, 2012) in a pro-employer and anti-worker direction.

The consequences for Irish workers were dire with the unemployment rate exceeding 16% in 2010 and employment falling 12.5% (270,000) in the six years after 2007. Wages in the economy were effectively stagnant in the decade following the financial crisis. Anti-austerity protests wracked the country as the 30th Amendment to the Constitution enshrined the EU Fiscal Treaty into the constitution in 2012.

The Euro crisis finally exited its acute phase when the head of the European Central Bank (ECB) Mario Draghi announced in July 2012 that the monetary authority would do 'whatever it takes to preserve the Euro'.

This was widely perceived as an implicit acknowledgement that the ECB would act as a lender of last resort for Euro area countries. Ireland officially exited the Troika bailout in December 2013.

The economy subsequently entered an economic upswing that lasted until the onset of the Covid pandemic. The EU's response to the Covid pandemic was the polar opposite of its response to the Euro crisis and showed a welcome capacity to learn from the response to the financial crisis. The fiscal rules were temporarily suspended and the European Commission took steps that eventually lead to the establishment of a recovery fund worth €750 billion, called Next Generation EU, and financed by joint borrowing in the financial markets. This fund provides financial assistance for Member States to build a more resilient and green economy. In addition, the ECB kept monetary policy supportive, at least until the onset of the sharp uptick in inflation in 2022.

Finally, the new EU Directive on Minimum Wages shows a marked change in attitude since the days of the Euro crisis. It focuses on improving the adequacy of statutory minimum wages as well as the promotion of collective bargaining. Ireland is required to strengthen the capacity of social partners, to encourage constructive, meaningful and informed negotiations, and to take steps to enable collective bargaining and protect workers and unions.

The EU has had an enormous impact on Irish workers over the last 50 years. Membership of the Single Market has made Ireland one of the richest and most open economies in the world. The EU's rules and how the institutions respond to future crises, such as climate change and ageing, will profoundly shape the future for Irish workers.

14. Northern Ireland and the UK EU Exit

Patricia McKeown

On the 27 September 2016, the Committee on the Administration of Justice (CAJ) and the Transitional Justice Institute held a public seminar in the MAC Belfast on the human rights and equality implications of the EU referendum result. The following is an abridged version of Patricia McKeown's paper – "Implications for Equality and Socioeconomic Rights in Northern Ireland following a UK exit from the EU – a trade union perspective."

On 23 June 2016, the UK voted to leave the European Union. However, the majority of voters in Northern Ireland voted to remain. UNISON campaigned for a vote for the UK to remain a member of the EU, in line with the wishes of our members, in order to ensure that workers' rights were protected and to protect our public services from further damaging austerity if the economy declined. We recognised the invaluable contribution made by migrant workers to our public services. We wanted to remain within the EU so that we could then fight to reform it – we had been critical of, for example, the Transatlantic Trade and Investment Partnership (TTIP) and the threats it posed in terms of the potential for the privatisation of public services, but believed that we needed to be within the EU in order to create positive reform for our members, their families and their communities.

Following the referendum result, deep uncertainties exist in so many areas. Whilst Theresa May has told us that 'Brexit means Brexit', there are many things that we do not yet know – when will the UK trigger Article 50? What sort of arrangement will the UK seek to develop with the EU in terms of the single market? What will happen in terms of the free movement of persons? What will happen to all of our laws which have been brought in since the 1970s as a result of the UK's membership of the EU? In any event, 'Brexit' is a phrase which would sit uneasily with a large section of the community in Northern Ireland, immediately highlighting the unique impact any withdrawal of the UK from the European Union will have, not just on people in Northern Ireland, but across the island of Ireland.

The consequences for the economy and the value of the pound following the referendum result are still to fully materialise, but the economy has weakened and its prospects will be dominated by the process of leaving the EU; the constitutional future of the 'United' Kingdom in which Scotland and Northern Ireland voted to remain is unclear; the prospect of a return to a border on the island of Ireland is up in the air; and the form of any future support for our farmers, community projects or for the development of infrastructure is uncertain.

For UNISON's migrant worker members and their families, the most significant question following the referendum result has immediately been whether or not they would be granted an automatic right to remain in the UK following an exit from the EU. The referendum and the fallout from it have allowed hatred, xenophobia and racism to dominate discussion around immigration, ignoring the vital contribution made by migrant workers to the public services that benefit us all. An exit from the EU will have potentially massive consequences for migrants who lose their jobs; work on a precarious contract; become carers; or need to go home for a short period, all examples of issues that our non EU migrant worker members within UNISON will be all too familiar with.

For UNISON members, outside of these significant issues, their socioeconomic rights could be threatened, and exiting the EU could negatively impact on the equality and human rights protections that are so important within post-conflict Northern Ireland.

I think it is important within our discussions today to recognise that within Northern Ireland, unlike England, Scotland and Wales, EU membership is something that forms a major strand of our peace agreement. An assumption of continued membership of the EU is something that permeates through the Good Friday Agreement – in terms of the institutions established by the agreement, the Assembly and the Executive; in terms of the North/South Ministerial Council and North/South cooperation; and in terms of the British-Irish Council. EU membership is something that was wrapped into the constitutional framework that was created within the Good Friday Agreement. It was an inherent part of the Good Friday Agreement that UNISON and others very publicly urged and campaigned for everyone to vote 'YES' to in another referendum in 1998, on the basis that we wanted to create a fairer, more just and more equal society. Over 70% of people in Northern Ireland voted in favour of the Good Friday Agreement, including UNISON members – anything that alters that agreement, or the conditions in which it operates must be taken very seriously indeed.

This would serve as another example of a 'rollback' from the terms of the Good Friday Agreement – a further serious development in this regard may be the attempts that are currently being made to repeal the Human Rights Act and replace this with a British Bill of Rights, with no attempt being made to introduce a Bill of Rights for Northern Ireland. A strong, enforceable Bill of Rights for Northern Ireland is now more important than ever – in this time of austerity and uncertainty we need strong socioeconomic protections. Withdrawal from the EU would also mean that the EU Charter of Fundamental Rights would no longer apply in the UK.

A particularly serious implication in terms of socioeconomic rights, promoting equality and peace

building, that is starting to be seen as a result of the vote to leave is the status of future funding that would have been provided under the PEACE IV and INTERREG VA Programmes. The Executive's Finance Minister has suggested that this effectively means that £300 million of future funding that had been earmarked for these programmes is in peril. He has also warned of hundreds, if not thousands, of job losses. UNISON members have benefitted hugely over many years from these programmes. Such a loss of funding is simply unacceptable.

I'm conscious that employment law protections are going to be discussed later. Following the vote to leave the EU, all of these vital rights and measures which have helped to promote equality for workers in Northern Ireland are now vulnerable to being removed, or weakened. This is because UK law will no longer be required to comply with the various EU laws which underpin these rights, or which created them in the first place, if the UK is no longer a member of the EU. This could have potentially disastrous consequences for workers and their families. There is no doubt that there will be many who will be calling for such rights to be scrapped, or significantly altered, particularly given the opposition that was shown in the past to some of them being introduced in the first place.

Another area that could be significantly affected by a withdrawal of the UK from the EU is public procurement. In its 2014 Report on Public Procurement and Human Rights, the NI Human Rights Commission (NIHRC) estimated that annually, £11.5 billion is spent through public procurement in Northern Ireland. EU law, such as Directive 2014/24/EU on Public Procurement, has a major impact in this area. It states that public bodies have to act in a transparent and proportionate manner in procurement processes. Member States have to take appropriate measures to ensure that in the performance of public contracts, economic operators comply with obligations in the fields of environmental, social and labour law established by the EU, national law or collective agreements. The EU Regulations also allow economic, social or employment-related conditions to be included as conditions for the performance of contracts.

Public procurement is of real relevance to UNISON and our members because it is the process that is used to effectively outsource and privatise public services, such as domiciliary care, in Northern Ireland. We regularly demand assurances of an open and transparent procurement process, such as access to tender documentation, as well as influence in the construction of contracts, and the inclusion of conditions such as the real Living Wage. We have been seeking a commitment to best practice models in procurement that protect equality and human rights by placing ethical procurement and the NIHRC recommendations on human rights and procurement on all public service negotiating agendas.

Assorted Irish Congress of Trade Union policy position papers on Brexit

We believe that the procurement process in Northern Ireland needs more transparency, not less, and needs to be used to give effect to socioeconomic rights and promote equality of opportunity. UNISON has always pressed for equality of opportunity to be applied to the spending of public money. This should be done in a manner capable of changing the old patterns of inequality and discrimination in our society. There has been a resistance by public bodies and government departments to using public procurement as a genuine tool to promote equality of opportunity. If Government were to attach the right conditions to contracts it would create an economic upturn, decent jobs, help tackle discrimination and disadvantage, regenerate our communities most in need and strengthen our society.

A withdrawal from the EU however could open up the opportunity to alter the procurement process in a potentially negative way, as once again EU law will no longer need to be complied with. Any moves which could be made to undermine the principle of transparency in public procurement, and which could set back the target of including conditions in contracts which give effect to socioeconomic rights and promote equality of opportunity, would be very damaging.

In summary, exiting the EU will have significant implications for socioeconomic rights and equality in Northern Ireland. The exact implications at this stage are unclear. However, we must be vigilant to the threats and we must begin to organise to combat these threats immediately.

15. The Irish Trade Union Movement's Place is in Europe

Owen Reidy

The Irish trade union movement's attitude towards Europe and its institutions has varied over the years depending on the prevailing political and economic winds both in Dublin and Brussels. There is no doubt that sentiment towards Europe, whatever we mean by that, was negative during the Barroso period and during the economic crash. However, the chaos and tragedy of Brexit that we are seeing play our on our own island and in Britain has certainly left Irish trade unionists and indeed citizens more positively disposed towards the EU.

However, from a practical and strategic perspective it is critical that the Irish trade union movement starts to take its engagement and relationship with the various European institutions much more seriously and less ad hoc. The employers, the farmers and the community and voluntary sector do. We must also start to do so.

The recently agreed Adequate Minimum Wages Directive is potentially one of the most significant and progressive directives to emerge from the European Union in recent decades and could be transformative not just for workers working in Ireland but right across the twenty-seven Member States. It emerged from a context of declining wages, declining union density and declining collective bargaining coverage. A number of member countries have had chronic levels of youth unemployment and clearly the European project was not working for everyone. The political class in Brussels could see the centre ground failing to maintain its presence and coherence with the steady and gradual increase of populist, nationalist right-wing parties in many Member States whereby another version of Brexit elsewhere could not be ruled out. They also realised post pandemic that for too many people work was simply not paying and something needed to be done.

Commissioner for Social Affairs, Nicolas Schmit published his draft directive in October 2020 and the social partners and various institutions commenced engagement on the proposal to raise the wage floor. The European Trade Union Confederation led by Irishwoman and former ICTU official now General Secretary of the ETUC, Esther Lynch steered the work of the European trade union movement on the Directive. She argued that for work to pay we really needed to promote collective bargaining and that minimum wages on their own

was not the answer. ICTU probably engaged and involved itself in the work of the ETUC in Brussels and at home like never before with any other directive. We saw up close how the EU can work with the tireless and excellent leadership shown by the Parliament's co-rapporteurs, two MEPs Agnes Jongerius from the Netherlands and the Socialist and Democrats group along with Denis Radtke from Germany and a member of the EPP. Both trade unionists, both progressives, working in partnership with each other and the trade union movement.

Indeed, we found our engagement with our Irish MEPs excellent on this issue. All MEPs irrespective of their party or political allegiance supported the co-rapporteurs' position and voted in favour of the outcome. The Directive will require Member States to promote and strengthen collective bargaining like never before. Trade unions and employers must be facilitated to have meaningful and informed negotiations on an equal footing to bargain on wages at cross industry level. Collective bargaining coverage in Ireland is 35%, across the EU the average is 60%. There is an implicit target of 80% across each Member State. Member countries will be obliged to develop an action plan in conjunction with the social partners with real actions and clear and concrete timelines to achieve progress. Irish governments can no longer be passive or disinterested bystanders when it comes to promoting collective bargaining in the future.

We in the Irish trade union movement now look forward to engaging with the employers and the government on the transposition of this Directive. We have had several false dawns before with other EU directives. The directives have been good. But governments have been conservative and narrow in transposing into Irish law. We cannot and will not accept this on this occasion. Nothing short of the full transposition of the text and ambition of this Directive will do.

When workers ask the question "what has Europe ever done for us?" I think they are asking the wrong question. The real issue is what have we done to take Europe, our role in it, our activity in the institutions to leverage our interest, seriously? The answer is, not enough. Now is the time for our movement to engage in a more meaningful and strategic way so we can play our full role. EU directives are very important. We must treat them as such. EU law takes precedence over Irish law, so we must ensure the Irish trade union movements voice is both heard and heeded at the heart of Europe. We intend to do just that. The values of the trade union movement are international, now more than ever we need to take our rightful role at the centre of Europe and in the European trade union movement.


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