

9. Social dialogue and the new world of work in Ireland

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1. INTRODUCTION

1.1 Institutional Context of Collective Bargaining in Ireland

Irish industrial relations are a post-colonial inheritance from the British voluntarist system, in which employers and workers' representatives enter into free collective bargaining over terms and conditions of employment (D'Art et al. 2013). A core assumption of voluntarist conflict-resolution systems is that employers and trade unions regulate their affairs in the absence of state regulation, and the role of the state is that of an honest broker in dispute regulation, as well as in the implementation of legislation to protect workers and to regulate health and safety. Crucially, in Ireland the state does not legislate for either trade union recognition by employers or collective bargaining rights, a long-held aspiration of Irish unions. In this respect Ireland differs from Britain and the United States, where unions do enjoy such rights.

Voluntarism has two other important consequences for collective bargaining. First, union density is important: workers in enterprises and sectors in which unions are strong are able to press their claims, often in adversarial conflict. Where unions are weak, workers are unable to press their interests. Union density has been falling in Ireland over the past three decades, and it is unevenly distributed across economic sectors. Second, collective bargaining coverage is limited: collective agreements are negotiated between pairs of actors – employers and unions – and typically do not extend beyond the signatories of those agreements.

Wage costs are an essential component of competitiveness in a small, open economy. Developments in collective bargaining during the 1970s saw a series of bipartite national wage agreements negotiated between unions and employers. Over the course of that decade the state became increasingly involved directly in supporting national collective wage bargaining through the use of budgetary incentives, including higher spending and greater equality of taxation (Hardiman 1988). These early attempts at tripartite social dialogue collapsed in the face of dissatisfaction among employers with the number of days lost to strikes owing to industrial conflict and the extent of wage drift from national agreements through local bargaining. Growing pressure on state finances undermined its capacity to underwrite further national-level collective bargaining. Collective bargaining was decentralized during the early 1980s.

In 1987, the state again became involved in tripartite collective bargaining with employers and unions in response to the deep economic and fiscal crisis during the 1980s.

Centralized collective bargaining in the Irish model of social partnership would dominate industrial relations in Ireland for the next two decades until the next economic and fiscal crisis in 2009 (O'Connell 2019). Seven national social partnership agreements were negotiated over this period, setting wages through centrally negotiated pay deals every three years or so.

The initial tripartite social partnership agreements represented an exchange of tax reductions for wage moderation, designed to enhance competitiveness and thus increase employment. Later agreements expanded the coverage of social partnership to general economic, fiscal and social policy, and included a wide range of actors, including non-governmental organizations, which played an important role in delivering elements of social policy in education, health and social services. The series of social partnership agreements are considered by many commentators to have facilitated the industrial peace and gains in competitiveness that ushered in a period of economic growth that resulted in economic convergence with the developed economies of the European core.

The severe economic crisis experienced in Ireland between 2008 and 2013 brought the era of social partnership to an end. Since then, there has been a dualization of industrial relations. In the public sector, collective bargaining eventually resumed between the state, as employer, and the public sector unions. In the private sector, collective bargaining, where it occurs, has been decentralized to sector and firm level.

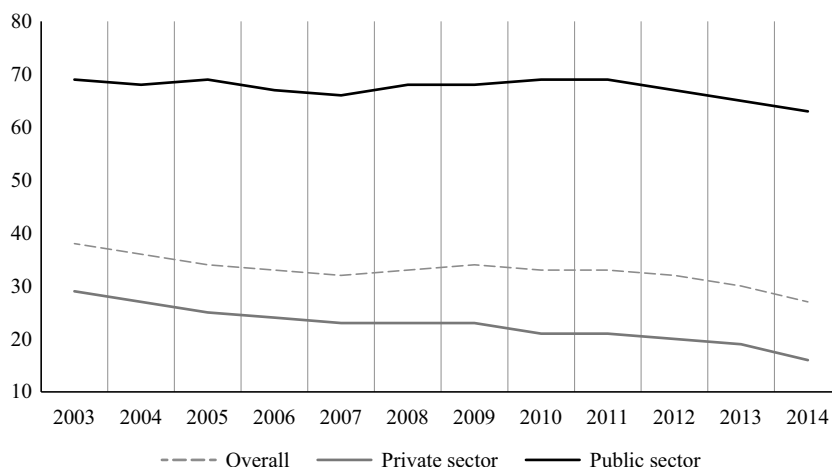
1.2 Socio-economic Context: Crisis and Recovery

The Great Recession had a very severe impact in Ireland, leading to a crisis that entailed the bursting of a property bubble, a systemic banking crisis, a severe economic contraction, a fiscal crisis of the state, and a dramatic contraction in employment and sharp rise in unemployment. Gross national product contracted by 20 per cent between 2007 and 2010, unemployment increased from 5 per cent of the labour force in 2007 to almost 16 per cent in 2012, and the national debt increased to 120 per cent of gross domestic product in 2011 under the combined pressures of bailing out the failed banking system and sharply falling tax revenues (O'Connell 2019). A programme of assistance was agreed, with a loan of €67.5 billion from the European Commission, the European Central Bank and the International Monetary Fund, and this 'Troika' supervised domestic policy-making from 2010 to 2013. Economic growth resumed in about 2013, led largely by exports to markets beyond the ailing Eurozone, associated with foreign direct investment, mainly of US origin; employment has grown and unemployment has fallen. Indeed, unemployment fell below 5 per cent at the beginning of 2019, and the number of people employed was at an all-time high of over 2.3 million, although, expressed as a percentage of the population, the employment rate still lagged below its pre-Recession peak.

2. THE REPRESENTATIVENESS OF THE SOCIAL PARTNERS

2.1 Trade Union Membership

We noted previously that union density is very important in a voluntarist system: where unions are strong, workers are able to pursue their material interests. Union density has



Source: Roche (2017), derived from Walsh (2014).

Figure 9.1 Trends in union density, Ireland, 2003–14

been in steady decline in Ireland for decades. Walsh (2014) shows that union density declined from about 46 per cent of employees in 1994 to about 27 per cent in 2008. Figure 9.1 shows that union density fell from 38 per cent in 2003 to 32 per cent in 2007, and then recovered to 34 per cent in 2009. Thereafter, in the context of economic contraction and declining employment, the decline accelerated, to a low point of 27 per cent in 2014.

The overall pattern conceals important differences between the public and private sectors in both level and trends over time in union membership. In the private sector, union density is low, never higher than 30 per cent in the twenty-first century. Moreover, while the decline in union density appeared to level out during the latter years of the boom, there has been a steady decline since the recession, to just 16 per cent in 2014.

Table 9.1 shows union membership rates by economic sector in 2007 and 2018. The Labour Force Survey (LFS) data show the decline in union membership from 30 per cent in 2007 to 25 per cent in 2018: the total number of union members fell from 560 000 to fewer than 460 000 over this period. The data also reveal very substantial variation by economic sector. Union membership rates are extremely low in agriculture and in accommodation and food, where than 4 per cent of employees are unionized. Union membership is also low in professional and scientific activities, and in information and communication, where there was a sharp decline in union density between 2007 and 2018. Density is also low in wholesale and retail trade. Union membership is much higher in sectors with large proportions of public sector workers, including public administration and defence, in education, and to a lesser extent in health and social work. Union density fell in every sector except education, which saw a 3.6 percentage point increase in the proportion of union members in the sector, between 2007 and 2018.

Collective bargaining coverage rates have followed the downward trajectory, from 46 per cent in 2003 to 39 per cent in 2008 and 32 per cent in 2013 (OECD.stat, n.d.). These declines in trade union density and coverage prior to the crisis may have been

Table 9.1 *Employment and union density by economic sector, Ireland, 2007 and 2018*

	2007		2018	
	Employment	Union density	Employment	Union density
	Number	%	Number	%
Agriculture	22 536	8.2	27 825	3.6
Industry	290 902	32.5	251 069	18.3
Construction	179 489	21.5	94 840	16.8
Wholesale and retail trade	277 452	16.0	263 673	11.8
Transport and storage	67 861	45.3	77 456	36.6
Accommodation and food	124 217	7.3	157 648	2.3
Information and communication	77 870	22.6	101 526	9.6
Finance, insurance etc.	98 170	30.7	100 356	19.3
Professional, scientific	90 936	15.1	103 018	8.0
Administration and support	85 135	16.7	89 532	14.9
Public administration and defence	94 713	78.4	103 262	66.9
Education	132 250	59.3	155 726	62.9
Health and social work	213 611	47.3	263 180	44.3
Other	83 637	13.8	85 827	10.0
All	1 843 332	30.4	1 883 801	25.0

Note: Columns do not sum to 100 per cent owing to missing economic sector data.

Source: Analysis of LFS micro data, 2007 and 2018 (quarter 2).

partly due to the tendency for nationally agreed pay agreements in the social partnership system to function as benchmarks for pay trends across the entire labour market, thus creating a free-rider problem in which individual workers benefit from the collective bargaining organized by unions of which they may not be members.

A new public service union, Fórsa, with over 80 000 members, came into being in 2018 through the amalgamation of three public sector unions: the Civil, Public and Services Union (CPSU), IMPACT and the Public Service Executive Union (PSEU). Fórsa is the second largest union in Ireland, representing a wide spectrum of occupations and grades, including about 30 000 civil servants, 30 000 health workers, 12 000 education staff, 10 000 local authority workers, and 6500 people in semi-state organizations and private companies. According to the leadership of the Irish Congress of Trade Unions (ICTU), the amalgamation was intended to reduce the fragmentation of union organizations, highlighted in a 2011 report by a commission into the union movement, and to enhance the capacity and effectiveness of the wider trade union movement (Sheehan 2017).

Table 9.2 examines union membership rates among different groupings of employees. In general, young people are much less likely to be members of a union than older age groups: in 2018, less than 12 per cent of employees below 30 years of age were union members, compared with 29 per cent of adults. Union membership declined among both age groups between 2007 and 2018.

Recent entrants to jobs are less likely to be union members than are longer-term incumbents, which reflects unionization rates among newly created or newly filled jobs.

Table 9.2 Union membership as percentage of employees, selected groups, Ireland, 2007 and 2018

	2007	2018
Aged below 30	17.5	11.6
Aged 30 or more	39.7	29.2
In job more than 24 months	40.0	31.8
In job less than 24 months	12.1	10.3
Irish	34.9	28.5
Non-Irish	16.6	8.8
All	31.1	25.0

Source: Analysis of LFS micro data, 2007 and 2018 (quarter 2).

In 2018, just 10 per cent of employees who had been in their jobs for less time than 24 months were union members, compared with over 28 per cent of those who had been in their jobs for more than 24 months. Unionization rates declined for both new entrants and long-term incumbents between 2007 and 2018, although the decline was greater among those with longer job tenure.

Non-Irish nationals are also less likely to be members of a union: in 2018 than 9 per cent of non-Irish national employees were union members, compared with over 28 per cent of Irish nationals. The decline in union membership among non-Irish employees was particularly marked.

These data on union membership by sector and by population sub-group indicate areas of the economy and workforce in which union membership is particularly weak. Individual unions have sought to respond to this with membership drives in particular sectors and targeting particular groups, such as young workers and immigrants (ICTU official, interview). Several unions, including the largest union, the Services Industrial Professional and Technical Union (SIPTU), the retail workers union, MANDATE, and Fórsa, the public sector union, have established organizing departments to increase membership.

The SIPTU established a National Organizing Unit in 2003 to counteract the decline in union density, particularly among workers in precarious and non-traditional jobs, and it sought to learn from organizing campaigns by Australian, British and American unions (Geary and Gamwell 2019). The union appointed young, female and immigrant organizers who would identify with an increasingly diverse workshop in a 'like recruits like' approach to organizing (Murphy and Turner 2016). The SIPTU established a hotels division within the National Organizing Unit in 2008. Union membership is low in the hotel sector: less than 8 per cent of workers were unionized in 2008 and only 14 per cent of hotels recognized unions or bargaining. A Joint Labour Committee (JLC) had operated in the sector setting working conditions, and wages above the national minimum, through Employment Regulation Orders (EROs) (Murphy and Turner 2016). In 2011, the JLC system was found to be unconstitutional in a case taken to the High Court by an employer organization representing the accommodation and food sector (described in greater detail in section 5 of this chapter). The JLC system was reinstated in 2014, with restricted powers, and its operation has been hampered by the refusal of employers to

participate in the system. Wages are low in the hotel sector and non-standard working is common, with high levels of part-time and temporary working. Murphy and Turner (2016) document a range of additional issues in the sector, including those relating to health and safety, bullying and harassment, unfair treatment, job security, and a high incidence of breaches of employment law detected by the National Employment Rights Authority (NERA) relating to pay, underpayment of the national minimum wage, and records of contracts.

The SIPTU's organizing attempts had two dimensions. First, the initial grassroots drive to mobilize hotel workers began in 2008 in a harsh economic climate of contracting employment, growth in unemployment, falling wages and declining hotel occupancy. The campaign met with employer resistance and difficulties in mobilizing a sector with high rates of turnover and a part-time, casual and diverse workforce. Second, in 2010, the SIPTU adopted an alternative approach to increasing public awareness and mobilizing public, and customer, opinion in favour of hotel workers through the 'Fair Hotels' campaign. In the campaign, hotels were deemed fair based on staff treatment, wages, representation, health and safety and job quality. The campaign sought to undermine non-union hotels and poor employers by encouraging individuals and organizations to use 'fair hotels'. The campaign was supported by the union movement, non-governmental organizations and other civil society organizations. Murphy and Turner (2016) estimate that over 50 hotels with collective bargaining arrangements already in place signed up to the campaign, and they argue that the SIPTU achieved recognition agreements with another ten hotels, extending collective bargaining coverage to an additional 1000 employees. Murphy and Turner regard the outcome of the campaign as a mixed success. On the one hand, the SIPTU secured a foothold in the hotel industry despite the adverse economic and institutional environment and the difficulties of organizing a precarious and diverse workforce. On the other hand, the tactic of waging a public campaign, while it garnered support for the mobilization effort, 'failed to forge a sense of community, collective identity and solidarity among hotel workers' (Murphy and Turner 2016, p. 603). That failure exposed the unions' weakness and the strength of the employers' refusal to recognize the union or to enter into collective bargaining.

The SIPTU's organizing efforts have not been confined to the private sector. A campaign to organize home care workers was conducted over nine years between 2004 and 2013. Employment in the home care sector is split between 10 000 direct employees of the state through the Health Service Executive (HSE), about 5000 employees of not-for-profit voluntary organizations funded by the HSE, and 9000 employees of private sector agencies and companies (Murphy and Turner 2014). The campaign involved grassroots mobilization through home visits and communication with home-workers organized in partnership between the SIPTU and the HSE. These road shows built support for the campaign but also offered the union a recruitment mechanism. The grassroots activism was supported by a public campaign, 'Be Fair to Those Who Care', to mobilize the support of care recipients, their families and the general public. Initial success came by way of increased membership and a 2009 non-binding ruling by the Labour Court that home care workers should be covered by a 2004 agreement covering employment contracts, pay scales and pension rights. However, that recommendation was not implemented by the HSE (Murphy and Turner 2014). The campaign was reinvigorated by the SIPTU with a new public campaign, 'Time to Care', in 2012, seeking to mobilize

support from clients and the wider community, knowing that the state industrial relations machinery had already ruled in favour of the care workers. A new hearing was secured at the Labour Court in 2013, which resulted in a binding recommendation that guaranteed a minimum of at least seven hours per week for care workers. Murphy and Turner note that the campaign secured collective bargaining rights for almost 12 000 home care workers. This was important for the union in a broader context of declining union membership and recognition. They argue that the success of the campaign derived from three elements: the grassroots membership recruitment; the appeal to clients and the wider public; and the reliance on state industrial relations institutions.

Geary and Gamwell (2019) provide an analysis of SIPTU organizing campaigns in three sectors: the red meat industry, contract cleaning and the hotel sector in the late 2000s and early 2010s. All of these sectors faced intense competition, wages were key to competitiveness and they employed many workers outside traditional union constituencies: female, immigrant or precarious workers. The organizing tactics were adapted to the specific conditions in each sector and employed combinations of grassroots mobilization, top-down organizing and public appeals to consumers. The meat industry campaign targeted a large multi-establishment company. The cleaning campaign focused on large employers. The hotels campaign combined grassroots organizing with a public campaign focusing on consumers, as described previously.

Geary and Gamwell argue that the three campaigns met with mixed results. The hotels campaign achieved union recognition in 70 hotels, a 24 per cent increase in the number of unionized hotels, but membership remained low. The meat and cleaning campaigns achieved increased union density and greater activism, and succeeded in reducing divisions between different groups of workers. The campaign in the cleaning sector resulted in a collective agreement in the large cleaning companies, which then served as a launch pad for a wider campaign across the industry. The wider campaign brought about the negotiation of the Registered Employment Agreement (REA) for the contract cleaning sector in 2012 that set wage rates, introduced a sick-pay scheme and allowed for the deduction of union dues at source (Geary and Gamwell 2019).

These union organizing campaigns reflect the challenges encountered by unions in seeking to recruit and represent often precarious and diverse groups of workers in industrial sectors where wages are of key importance to competitiveness, and frequently in the face of employer resistance. The campaigns employed a combination of tactics, including bottom-up mobilization and top-down organizing, with public relations campaigns to secure public support from clients and consumers. In both the contract cleaning and home care sectors, the institutions of the state industrial relations machinery proved important in securing collective rights for workers.

2.2 Business Organization

Ibec (formerly the Irish Business and Employers' Confederation) is Ireland's largest membership organization representing business interests. Its membership is drawn from a wide range of firms, small and large, indigenous and multinational, and its combined membership employs 70 per cent of the private workforce in Ireland. It organizes 36 trade associations covering a range of industry sectors, and undertakes lobbying activities on their behalf. Ibec also provides a wide range of professional services for its

members, including an advisory service on employer–employee relations, legal services, and management training on human resource management, occupational health and safety, employee relations and employment law. Its employer relations executives advise and support member firms in negotiations with trade unions, with conciliation, and with hearings at the Work Relations Commission and the Labour Court. Most of this support activity takes place at firm level, although there has been a return to information exchange and some negotiation at industry-sectoral level (Ibec official, interview).

Ibec was a key participant in the social partnership arrangements until their demise in 2009. After the collapse of social partnership in the context of economic crisis, Ibec withdrew from national-level collective bargaining and redirected its activities towards lobbying on behalf of business in general and of its industry-sector trade associations (Regan 2012). However, it continues to participate in consultative for a, such as the National Economic and Social Council (NESC) and the Labour Employer Economic Forum (LEEF), and attends the annual National Economic Dialogue (LED) meetings, all of which are described in this section. Ibec also participates, with the ICTU, in European Union (EU) committees on social dialogue at the European level.

Gunnigle et al. (2007) argue that many multinational corporations in Ireland adopt sophisticated union avoidance strategies. Foreign-owned companies employ about 45 per cent of employees in manufacturing industry, and account for about 80 per cent of total industrial production. Foreign direct investment (FDI) is particularly important in information and communications technology (ICT), pharmaceuticals, medical devices and food processing. Resistance to union organization has not been confined to the multinational sector. Murphy (2016) provides an account of the tactics employed by employers in Ireland to avoid unions and resist union activists.

Other industry-specific employer organizations have also been involved in industrial relations. The Quick Service Food Alliance (QSFA), which was formed in 2008 to represent over 180 employers in the fast-food sector, including multinationals as well as local independents, has played a particularly prominent role. The QSFA took a successful challenge to the High Court in 2011, arguing that the JLC system, which had set minimum pay and conditions in the catering industry since the early 1990s, was unconstitutional, because JLCs set legally binding regulations, which was the exclusive preserve of Parliament under the Irish Constitution (O’Sullivan and Royle 2014). The abolition of the JLC system left many low-paid and precarious workers without recourse to state protection, until subsequent legislative reforms were attempted.

2.3 Social Dialogue at the National Level

During the era of social partnership, wage bargaining was highly centralized. Seven national social partnership agreements were negotiated between 1987 and 2008, setting wages through centrally negotiated pay deals every three years or so under the auspices of the Office of the Taoiseach, the Prime Minister’s office. National agreements set benchmarks to be followed voluntarily across the economy and non-unionized firms tended to shadow the national benchmarks (McGuinness et al. 2010). In contrast with earlier attempts at centralized bargaining, under social partnership a high degree of control was exercised with limited scope for bargaining at local or company level during these two decades (Roche 2007; Teague 2009).

The consensus approach to social partnership was one of the first casualties of the Great Recession in Ireland. The social partners had negotiated a national wage agreement, 'Towards 2016: Review and Transitional Agreement 2008–2009' (T16), immediately before the economic collapse in 2008, which agreed temporary pay-pauses in both public and private sectors, to be followed by a 6 per cent increase over an 18-month period. The agreement also included government commitments to improve collective bargaining and employment rights, issues that had been on the trade union agenda for a number of years (Regan 2012).

The Irish model of social partnership was at odds with several dimensions of the Irish political economic structure. First, centralized collective bargaining, the key element of social partnership, fits uneasily with the voluntarist, liberal model of industrial relations, in which collective bargaining is usually conducted at enterprise level. Second, centralized bargaining was also at odds with the high level of dependence on mostly United States-owned FDI, which has resisted union organization and collective bargaining. Third, social partnership in Ireland entailed an unusual combination of national social dialogue through the social partnership institutions with a liberal welfare regime. Typical of liberal welfare regimes, Irish welfare policies are dominated by market provision, with low rates of social provision and an emphasis on cash transfers that are targeted and largely allocated on a means-tested basis. The tax reductions offered in exchange for wage restraint under social partnership deals set fiscal constraints on the type of welfare state expansion more common in other countries with extensive social partnership arrangements.

In addition to the structural dissonance, social partnership as practised in Ireland between 1987 and 2009 was distinctive in several other respects. Its institutional basis was underdeveloped. Most of the social dialogue focused on the seven wage agreements, with many other elements of economic and social policy added on. There was an implementing body, the National Implementation Body, with senior government officials in addition to the ICTU and Ibec representatives, but little else in the way of institutional structures. A great deal depended on personal relationships in a network of contacts. This informality may be more feasible in a small country with a highly centralized state.

Social partnership was also born of union weakness. This reflected relatively low and declining membership. It also included, in the context of the economic and fiscal crisis of the 1980s, that there was a good deal of concern, particularly in union circles, about a shift to the type of radical neoliberal Thatcherite policies that had taken hold in the United Kingdom. Social partnership was seen as an alternative.

Corporatist-type arrangements are generally expected to increase pay and union influence at national level, as well as to increase union density and improved workplace access for unions. With trade unions exerting greater influence on policy, what did social partnership achieve at national level in Ireland? D'Art and Turner (2011) show that union density declined during the period of social partnership, from between 39 to 43 per cent in 1990 to between 21 and 23 per cent in 2007. Union density in the public sector more or less held up at around 80 per cent over the same period.

Union density decreased throughout the social partnership era, partly because centralized collective bargaining created a free-rider problem and undermined the case for local organization of workers in unions. In a context in which the right to bargain is not recognized in Irish law, union density is important in regard to whether bargaining takes place and who is covered by any agreements.

The ICTU campaigned for union recognition and collective bargaining rights in the workplace. Tripartite negotiations under social partnership created bargaining rights under the Industrial Relations Acts 2001 and 2004. Maccarrone et al. (2019, p. 321) argue that under the 2001 and 2004 Acts the right to bargain was intended to ‘provide unions with the opportunity to obtain a legally binding determination from the Labour Court regarding pay, conditions of employment and procedures for conflict resolution in firms in which collective bargaining did not take place.’ This did not, however, address the issue of union recognition. D’Art and Turner (2011) argue that this light regulation had little impact on trade union access to the workplace, or on reversing the decline in union density in the private sector. However, a limited number of collective agreements were negotiated under the system regulated by the 2001 and 2004 Acts, leading to pay increases and improved working conditions for some workers in non-unionized firms (Cullinane and Dobbins 2014).

At the macro-level, over the two decades from 1987 to 2007, a period that saw seven national-level social partnership agreements, real wages increased by 35 per cent averaged across all industries (CSO 2017). However, these pay increases did not keep pace with productivity increases, and the wage share of national income fell over the period of partnership. Strike rates also fell to historically low levels.

Two institutions to improve pay and conditions for vulnerable and poorly organized workers were initiated during the social partnership era. The National Minimum Wage was established by legislation in 2000 covering many low-paid workers, bringing Ireland into line with practice in many other European countries. The initial standard rate was €7.65 at the time of its introduction, and had increased by €1 by 2007, just before the Great Recession.

The National Employment Rights Authority (NERA) was established in 2005 following a number of scandals over the treatment of workers by rogue employers. Unions used the social partnership processes to argue for the establishment of a dedicated employment rights regulator with adequate resources to inspect working conditions and prosecute employers in breach of regulations. In 2008, the NERA found breaches of JLC regulations and other employment regulations in 79 per cent of catering establishments inspected. O’Sullivan and Royle (2014) argue that the success of the NERA was one of the stimuli for the fast-food catering employers’ group to challenge the JLC system in court.

Social partnership took on some of the blame for the economic crisis that had brought about the devastating impact on the state, businesses and workers. Regan (2017b, p. 125) argues that social partnership ‘expanded to include almost every interest group in civil society’, leading to mounting expenditure commitments and declining tax returns, particularly from income tax. This was considered to have exacerbated the fiscal crisis of the state when the Recession hit and government revenue collapsed. Wages increased steadily, and the gap between average public and private sector pay expanded after a public sector increase of nearly 9 per cent was awarded to all public sector workers in 2002 in addition to a 3 per cent increase in the National Wage Agreement (Kelly et al. 2009). Social partnership now came to be regarded as bypassing parliamentary democracy and favouring the interests of insiders to the partnership process, particularly those represented by the top organizations of employers and workers.

Alternatives to austerity in response to the crisis were proposed early on by the National Economic and Social Council (NESC), the state agency with core responsibility

for supporting tripartite social partnership institutions and by the ICTU (Roche et al. 2017). While the NESC accepted the need for fiscal consolidation and stabilization of the banking system, it argued for lower cuts in capital spending, greater consultation with the social partners and protection of the most vulnerable in society from the burden of fiscal adjustment. The ICTU advocated a Keynesian response to the economic crisis, emphasizing the need for social solidarity in negotiations with government. The ICTU was opposed to austerity cuts and sought to sustain pay levels, and even to honour pay increases that had been negotiated under the T16 national agreement, to extend the repayment period for the growing public debt and deficits, and to increase infrastructural spending to stimulate employment and economic activity. ‘The ICTU proposals gained little traction from employers and government and lost ground completely with the collapse of social partnership in late 2009’ (Roche et al. 2017, p. 8). The failure of the NESC and the ICTU to influence the austerity response to the crisis marked a sea change in Irish political economy, and is symptomatic of what was to follow in relation to the capacity of unions to represent the interests of their members, and workers in general, throughout the crisis and the recovery.

Despite strong growth in the economy and in employment since about 2013, there has been little appetite among the principal actors for a return to centralized tripartite bargaining. The centre-right Fine Gael government has shown no interest in a tripartite approach. For example the Taoiseach (Prime Minister) from 2011 to 2016, Enda Kenny, is quoted in Regan (2017a, p. 157) as saying ‘We are not going back to social partnership in the way that it was’ and ‘the social partnership model practiced by previous governments had become a closed shop, where decisions with national consequences were made behind closed doors by a chosen few, accountable to nobody’.

After the Great Recession and the euro crisis, the increasing concentration of economic influence in the European Commission (EC), national governments, perhaps particularly in countries that became dependent on the EC, European Central Bank (ECB) and International Monetary Fund (IMF) Troika, are less likely to develop tripartite approaches in order to implement labour market and fiscal reforms and more likely to impose reforms dictated by the new economic governance regime (Regan 2017b).

Ibec, has shown no interest in a return to any form of centralized collective bargaining (interview, Ibec official). The unions would be more favourably disposed to some form of national level social dialogue (ICTU official, interview). Regan (2017a) argues that unions need the access to government that participation in social partnership afforded them. Regan also notes that unions and employers would have a preference for a return to a narrower labour–employer conference that would not include all of society. However, D’Art and Turner (2011) argue that social partnership was a Faustian bargain that caused a weakening of labour’s collective organizing capacity in exchange for access to government and limited improvements in workers’ terms and conditions.

In recent years there have been three institutional fora in which the social partners meet: the NESC, the NED and the LEEF. Participation in these fora has been more consultative than representative in the post-social partnership era.

The NESC is a statutory body with an independent secretariat charged with advising government on strategic economic and social policy, and under the auspices of the Office of the Taoiseach (Prime Minister) was the state agency which had orchestrated the social dialogue underpinning the national wage agreements at the core of the Social Partnership

era and had taken over core responsibility for supporting tripartite social partnership institutions. With the collapse of social partnership, and in a context in which social partnership took some of the blame for the economic crisis, the NESC was effectively marginalized (Roche et al. 2017). Regan (2017a) argues that the role of the NESC has been reduced in the absence of national tripartite dialogue. The NESC ‘used to provide a problem-solving forum for the leadership of unions and employers to engage in dialogue, and it was not obliged to represent the immediate concerns of its members. This enabled the leadership of various organizations to reach a “shared understanding” on certain policy priorities.’ (Regan 2017a, p. 158).

The NED was established in 2015 to facilitate discussions on the economic and social priorities confronting the government. It has become an annual consultative event hosted by the Department of Finance and the Department of Public Expenditure and Reform. It includes representatives of all main interests in society, including Ibec and ICTU, voluntary groups, experts in various policy fields and members of the Oireachtas (houses of parliament). Regan (2017a) notes that the NED differs from social partnership and the NESC in three key ways. First, it is an open consultation observed by the media. Second, it is not a negotiation between independent parties entailing a quid pro quo. Third, the Department of Finance sets the agenda by laying out the fiscal and macroeconomic policies to be discussed. Regan (2017a, p. 158) comments that the ‘process is more an exchange of information than effective social dialogue’. However, he also notes that the 2015 NED was the first time since the collapse of social partnership that Ibec and the ICTU had been at the same table to discuss public policy. An Ibec official also commented that there were many other participants at that table representing various civil society interests, and that the event was entirely consultative (Ibec official, interview).

The LEEF was established in 2016 to act as a ‘formal structure for dialogue between representatives of employers and unions to discuss economic and social policies insofar as they affect employment and the workplace’ (Paschal Donoghue, Minister for Expenditure and Reform, quoted in Sheehan 2016a). The LEEF’s role is to provide a space in which to discuss areas of shared concern affecting the economy, employment and the labour market on a thematic basis, such as competitiveness, sustainable job creation, labour market standards and equality and gender issues in the workplace. At its inception, Minister Donohoe noted that ‘this is not Social Partnership. The Labour Employer Economic Forum will not discuss or determine wage levels or wage increases within the public or private sector’ (quoted in Sheehan 2016a). The Labour Court and the Workplace Relations Commission (WRC) remain the key dispute-settling industrial relations institutions.

The role of the LEEF was extended in 2018 to cover four key policy issues: employment rights, pensions, childcare and housing. This extension took place in a context in which employers and union leaders had been seeking more than the limited LEEF meetings (Sheehan 2018). The consultative nature of the LEEF was confirmed in interviews with representatives of both Ibec and the ICTU. However, in 2019, the LEEF also provided an institutional forum in which the leaders of the ICTU and Ibec jointly appealed to government to develop a scheme to protect employment in the context of a disorderly Brexit (Sheehan 2019a).

With relatively rapid growth, a surge in employment levels and unemployment falling below 5 per cent in 2019, wage pressure intensified. Average hourly earnings increased by over 4 per cent in the 12 months to quarter 3 in 2019, up from 2 per cent the previous

year (CSO 2019). Increasing wage pressure may eventually lead to a fresh consideration of the potential contribution of centralized collective bargaining. In 2019, the chief executive officer (CEO) of Ibec, Danny McCoy, suggested that a social partnership-type moderate wage arrangement, in return for agreed commitments on social infrastructure, should be seriously considered (Sheehan 2019a). McCoy argued that pay demands were being driven by the lack of social infrastructure, such as in housing, and consequent high rents and house prices. Moderation in pay agreements could be traded for social infrastructure benefits in much the same way that tax cuts had been traded for moderate wage increases in the early National Wage Agreements negotiated in social partnership in the late 1980s. However, the leader of the SIPTU, the largest private-sector union in Ireland, Gerry McCormick, responded that the trade unions are not interested in a centralized wage agreement, in view of the successes of its local bargaining strategy (Sheehan 2019b). McCormick also argued that local bargaining needed a national framework to deal with national issues, such as industrial relations legislation, pensions, innovation and serious industrial disputes requiring state intervention or mediation.

3. THE AUTONOMOUS ROLE OF SOCIAL PARTNERS

3.1 Institutional Context

The voluntarist features of Irish industrial relations have undergone significant changes over time. First, a number of state institutions were established to support the collective bargaining system. The Labour Court was set up in 1946 to provide impartial arrangements for the resolution of industrial disputes. This court operates as an industrial relations tribunal, issuing non-binding recommendations setting out its opinion on disputes and the terms on which they should be settled. It also serves as an enforcement mechanism for employment legislation. The role of the Labour Court has evolved over time and, under the Industrial Relations Act 2015, it has sole appellate jurisdiction in all disputes under employment rights enactments. The Labour Court deals with both rights-based and interest-based disputes. The Labour Relations Commission was established in 1990 to promote workplace dispute resolution through conciliation and advisory services, and was concerned mainly with interest-based disputes.

Joint Labour Committees were set up in the 1940s as independent wage-setting institutions to determine pay rates in certain low-wage sectors, particularly where union organization was weak, such as agricultural labouring, catering, hairdressing, hotels, cleaning and retail. Joint Labour Committees were composed of representatives of workers and employers, with independent chairs, and the Registered Employment Agreements (REAs) for each sector were implemented through EROs via the Labour Court. Joint Labour Committees also set overtime rates and other minimum employment conditions, such as sick pay. The effect of the JLC/REA system was to raise wages and reduce inequality among vulnerable workers (O'Connell 2019). Here the state intervened because of union weakness. The JLC/REA came under pressure when a group of fast-food employers successfully challenged their legality in court in 2008.

Other institutions focused more on individual employment rights. The Employment Appeals Tribunal was established in 1967 and evolved to adjudicate in disputes on

individual employment rights, particularly in relation to unfair dismissals and equality issues (O'Mahony 2017). The Rights Commissioner Service was set up in 1969 to resolve disputes over industrial relations or employment rights affecting individuals or groups of employees. (Teague 2009). The Equality Tribunal, set up in 1999 to investigate and adjudicate discrimination, also had a role in employment relations. Teague (2009, p. 505) argues that in the decade preceding the Recession, public agencies became increasingly concerned with 'rights-based employment grievances alongside the decline of large-scale industrial relations disputes'.

The Workplace Relations Act (2015) represents a major reform of labour market institutions concerned with employment rights and collective bargaining designed to improve the efficiency of Irish industrial relations institutions through the establishment of the WRC. The WRC took over the functions of the Labour Relations Commission, responsible for dispute resolution, the Employment Appeals Tribunal, governing unfair dismissals, the NERA, which supervises employers' compliance with employment rights legislation, and the Equality Tribunal, which adjudicates on cases of alleged discrimination under Irish equality legislation. In the new system, all workplace disputes are referred to an adjudication officer in the WRC with a view to resolving conflict through mediation. Where disputes cannot be settled, they can be referred to the Labour Court, which has become the single appeal body for all decisions by the institutions gathered under the umbrella of the WRC. The Board of the WRC includes representatives of the social partners, as does that of the Labour Court.

Industrial relations practitioners have raised concerns about a lack of balance between disputes of rights and disputes of interest in the greater emphasis on rights determination than on collective industrial relations issues in the WRC, leading to a possible diminution of traditional industrial relations solutions within the dispute resolution system (Prendergast 2017). Hickland and Dundon (2016) argue that the newly reformed industrial relations architecture is heavily legalistic and emphasizes individual employment rights over collective interests. Both of these characteristics tend to weaken collective organization through unions in pursuit of shared material interests. Sheehan (2016b) quotes Kevin Duffy, former Chairman of the Labour Court:

Industrial relations, as that term is historically understood, refers to collectivism and the regulation of the employer/employee relations by negotiation between trade unions and employers. The very significant body of employment rights legislation that we now have has resulted in a narrowing of the range of issues dealt with collectively. Disputes concerning employment rights raise what are by definition individual rather than collective issues.

However, this is a question of balance, and the WRC and Labour Court also deal with more traditionally articulated disputes between unions and employers. Indeed, Roche and Gormley (2018) note that the WRC and the Labour Court, in attempting to resolve pay disputes, have tended to respect the 2 per cent norms established in other companies and sectors, thus providing institutional support and legitimacy to the emerging forms of coordination. Institutional support for the more widespread proliferation of the 2 per cent pay norm has also facilitated convergence with European wage trends and inflation targets, and has supported competitiveness.

Part of the reason for the increase in rights-based disputes was the increase in employment legislation since the 1990s. Irish membership of the EU, since 1973, brought with it

an increase in individual employment rights through the transposition of a range of EU directives. Employers refer to ‘70 EU directives’ and perceive the labour market in Ireland to be highly regulated with a strong concentration on individual employees’ rights (Ibec official, interview). However, unions would challenge the notion that Ireland’s labour market is highly regulated, noting that Ireland typically adopts a minimal compliance approach to EU directives on the labour market, and that much of the legislation implementing EU directives focuses on health and safety standards (ICTU official).

The series of interventions on the part of the government to overcome the impediments to sectoral wage-setting institutions in a manner that would be compatible with the Constitution, shows that the state was proactive in seeking solutions to protect vulnerable workers with weak collective bargaining capacity (interview with Department of Business, Enterprise and Innovation official). However, these attempts at reforming the system were not an outcome of social dialogue. These and other reforms, including the establishment of the Low Pay Commission and increasing the National Minimum Wage, were promoted by the Labour Party as a minority partner in the coalition government from 2011 to 2016, and thus emerged from the electoral process not from social dialogue (Regan 2017a).

Other state interventions have been in response to lobbying by social partners. For example, legislation on minimum working hours was passed in the Employment (Miscellaneous Provisions) Act 2018 which introduced banded working hours and outlawed zero-hour contracts in Ireland. The act was an initiative of government that was lobbied for by unions and with the agreement of employers (interview with Department of Business, Enterprise and Innovation official).

The increased state intervention in the labour market in dispute resolution in response to weak collective bargaining in low-paid sectors has made it easier for unions to represent employees to the WRC and the Labour Court, even where an employer refuses to engage in collective bargaining. However, even where the Labour Court recommends a settlement in favour of employees, this does not include union recognition. This enhanced role of the state in the labour market offers protections to workers, particularly in sectors with weak collective bargaining. This may undermine autonomous union organizing attempts along traditional interest-based lines.

3.2 Collective Bargaining in the Public Sector

From the onset of the crisis in 2008, the state retreated from the tripartite social partnership system and, as an employer, reneged on the T16 wage deal. The vast majority of private sector employers followed suit, signalling a shift from national to local enterprise-level bargaining (Hickland and Dundon 2016; Roche 2017). Cuts in public service pay and numbers were central to the fiscal consolidation policies adopted in response to the crisis after 2009. Three pay cuts were implemented across the public service, in 2009, 2010 and 2013: the 2009 cut entailed a public service pension levy averaging 7 per cent and the two subsequent pay cuts averaged 6 per cent each, although all three cuts were progressive, cutting more from those on higher incomes (Roche 2017). Overtime rates were cut, and premium salary payments reduced. In an effort to secure a long-run reduction in pay rates, all new entrants to the public service from 2010 were appointed at salary scales that had been reduced by 10 per cent of the scales applying to incumbents (O’Connell 2013).

Total numbers working in the public sector fell by 10 per cent between 2008 and 2013 and the total public service pay bill fell by almost 13 per cent (Malone 2019a).

After the demise of social partnership two different forms of collective bargaining developed in the public and private sectors. In the public sector, the institutional heritage of social partnership facilitated the emergence of a series of centrally negotiated agreements that were limited to public sector and semi-state organizations (Regan 2017a; O'Connell 2019). In the private sector, the pattern of collective bargaining 'changed almost overnight from national corporatism to multiple local bargaining levels, without any intermediary mechanism or formal sectoral or industry structure' (Hickland and Dundon 2016, p. 246).

Bipartite centralized collective bargaining re-emerged in the public sector in 2010, following the unilateral imposition of two wage cuts. These were concessionary agreements on the part of the ICTU as a damage limitation exercise. Regan (2017a) argues that the institutional heritage of social partnership facilitated the emergence of these centralized agreements. In spring 2010, the public-sector unions and the government re-engaged in dialogue and the Public Service Agreement 2010–2014 (known as the Croke Park Agreement, referring to the conference venue) was negotiated between the ICTU and the Department of Public Expenditure and Reform, reflecting the withdrawal of the Prime Minister's office from the partnership process. The government undertook not to implement further pay cuts for four years and to demand no compulsory redundancies. The agreement also provided for substantial reductions in public service numbers, largely via voluntary redundancies, revised work practices, organizational restructuring and redeployment of staff across the public sector, and an industrial peace clause.

The Croke Park Agreement was formally endorsed in June 2010 by the ICTU. The rationale on the union side was that the agreement represented 'an avenue to save people's jobs' (MacCarthaigh 2017, p. 171). A significant minority – seven trade unions representing some teachers, nurses, lower paid public servants and others – voted against the agreement, but most subsequently accepted it.

The Public Service Stability Agreement 2013–2016, known as 'the Haddington Road Agreement', imposed additional pay cuts, progressively from 5.5 per cent of salaries over €65 000 to 10 per cent of earnings over €100 000 and increased working hours (about two hours per week), but also provided for the restoration of these pay cuts to follow an anticipated recovery after 2016. The agreement also sought further flexibility from workers on redeployment, performance management, work-sharing arrangements and workforce restructuring. The first draft of the Haddington Road Agreement had been rejected by a majority of unions, and the final agreement was accepted after the government threatened to again legislate for cuts in the absence of an agreement (MacCarthaigh 2017). The Lansdowne Road Agreement 2013–2018 was negotiated in a context of economic recovery and an improvement in the fiscal outlook. Trade unions pressed for repeal of the cuts imposed under the emergency legislation and the Haddington Road deal and increases in public service pay and an end to the moratorium on recruitment. The new agreement represented an extension of the Haddington Road Agreement and provided for restoration of pay cuts and reductions in the public sector pensions levy, although the extent of any public sector pay increases were constrained by new European fiscal rules, which required any increases in public spending to be offset by tax increases, which faced resistance from the electorate.

A particular feature of the series of wage cuts imposed in the public sector during the Irish crisis, and of the series of collective agreements surrounding those cuts, was the differential treatment of new entrants. From 2010, in an effort to secure a long-lasting structural reduction in pay rates, all new entrants to the public sector were to be appointed at salary scales reduced by 10 per cent relative to the scales applying to incumbents.

Since the recovery, public sector unions have sought to restore the pay cuts imposed during the crisis and to unravel the differential pay scales between new entrants and incumbents. The Haddington Road Agreement provided for the reintegration of the new, lower scales with the older, higher scales, and added two additional points at entry level. Therefore, public-sector workers are now on the same incremental scales, but new entrants come in at a lower entry level, entailing a cumulative loss of earnings until they reach the top of the scale.

Notwithstanding the more robust relationship evident in this bipartite collective bargaining between government-as-employer and public-sector unions, the series of agreements after 2009 represent some degree of continuity in social dialogue that delivered pay cuts and reductions in public sector numbers, as well as reforms in work practices and redeployment, while providing job security for public servants on permanent contracts. They also provided for pay restoration when macroeconomic and fiscal conditions improved. Hickland and Dundon (2016) argue that the agreements indicate the utility of maintaining social dialogue as a problem-solving response to economic crisis.

3.3 Wage Setting in the Private Sector

In the private sector, collective bargaining was decentralized to the sector and firm levels. Collective bargaining in the private sector shifted to local and enterprise level after Ibec withdrew from the T16 national pay agreement. The remnants of social partnership in the private sector took the form of a protocol between Ibec and the ICTU for the 'Orderly Conduct of Industrial Relations and Local Bargaining in the Private Sector', which was agreed in 2010 and renewed in 2013 as a mechanism to promote industrial peace (Hickland and Dundon 2016). Regan (2012) argues that the accord is premised on a strategy to sustain employment and that it has a symbolic function of demonstrating to the state dispute resolution authorities that the erstwhile social partners still recognize each other. During the Recession, from 2009 to about 2011, unions mainly engaged in decentralized firm-level concession bargaining with private sector employers, exchanging concessions on pay, conditions and work practices for commitments to protect jobs (Roche 2017). Unions were mainly concerned with protecting jobs in the face of the sharp contraction in private sector employment: there was little scope for pay increases except in the most resilient and profitable firms (Roche and Teague, 2015).

In 2011, in an effort to reinvigorate collective bargaining in the very difficult context of recession and mass unemployment, the SIPTU developed an enterprise-level campaign in pursuit of modest pay rises of about 2 per cent (Hickland and Dundon 2016). The 2 per cent strategy entailed bargaining for modest incremental increases with carefully targeted profitable enterprises, mainly in pharmaceuticals and electronics – foreign owned companies exporting to markets outside of the Eurozone. The strategy was to negotiate directly between the union and the company without the involvement of outside bodies, including Ibec and the Labour Relations Commission. Roche and Gormley (2018) argue

that this represented a form of pattern bargaining in which deals reached in the buoyant and profitable export sectors spread progressively beyond those sectors into engineering, large retail chains, construction supply, banking and state-owned commercial enterprises as economic recovery gathered pace. The 2 per cent target originally set out by the SIPTU was respected by other large unions, including Unite, the Technical Engineering and Electrical Union (TEEU) and Mandate. Roche and Gormley also argue that the 2 per cent strategy took account of wage rises in Germany, as well as the ECB target of 2 per cent inflation. This attempt to match wage increases to wage movements in Germany and to European inflation would suggest that the effect of industrial relations practices in this phase was to increase the extent of convergence with European trends. The 2 per cent strategy was regarded by unions as providing for modest pay increases and protecting jobs while also supporting competitiveness. By 2014 the 2 per cent strategy had delivered over 220 collective agreements covering 'upwards of 50,000 workers' (Hickland and Dundon 2016, p. 246).

A lot of the international literature contends that one effect of the Great Recession was to accelerate trends towards decentralization of pay bargaining in a disorganized manner that compromised the capacity for unions to represent their members (Visser et al. 2015; Koukiadaki et al. 2016). Ireland was one of the European countries that suffered deep recession and fiscal contraction, entered a programme of financial support managed by the EU/ECB/IMF Troika and saw a decline in collective bargaining coverage, leading to what Visser et al. (2015) terms 'disorganized decentralization' of collective bargaining. However, the resumption of collective bargaining across most of the public sector, and the development of pattern bargaining in the private sector in the context of economic recovery, suggests some continuity, and a degree of coordination in social dialogue. Thus, Roche and Gormley (2017) argue that the conduct of Irish industrial relations did not follow the path expected by commentators who saw disorganized decentralization as the outcome of recession and weakening of trade unions. Instead, they argue that pay bargaining in Ireland after the crisis represents orderly decentralization, entailing new forms of coordination based on pattern bargaining in the private sector and sectoral bargaining in the public sector.

Sectoral bargaining took place mainly through the JLC/REA system. Joint Labour Committees mostly covered employment in service sectors, such as restaurants, hotels, retail sales, cleaning and security. Thirteen JLCs in 11 sectors protected about 17 000 employees, which is about 9 per cent of employees in Ireland (O'Sullivan and Royle 2014). In 2008 a group of fast-food companies undertook a court challenge against the JLC in the catering sector. They argued that JLCs were unconstitutional since they set legally binding regulations, which under the Irish Constitution, only the Dáil (the Parliament) had the competence to do. In June 2011, in the middle of the economic crisis, the High Court found in favour of the fast-food employers, deeming the JLC in catering to be unconstitutional. The government introduced legislation in the form of the Industrial Relations (Amendment) Act 2012 to reform the JLC system. There were two objectives. One was to restore wage-setting in vulnerable low-wage sectors. The other, introduced at the behest of the Troika, was to include an inability-to-pay clause whereby employers could be exempted from pay increases mandated by EROs. A legal challenge in the Supreme Court in 2013 found that the REAs were unconstitutional.

The most recent attempt to legislate to provide for wage setting in low-paid sectors was the Industrial Relations (Amendment) Act 2015 under which unions and employers can no longer autonomously negotiate an agreement for a sector. Instead, either unions or employers can ask the Labour Court to make a recommendation for a Sectoral Employment Order (SEO) (Regan 2017a). This requires several conditions: the union must be substantially representative of the sector, and the employer and union must represent a sufficiently large proportion of employees in the sector. The meaning of the requirement that a union be substantially representative is not well established, although an Ibec official suggested that a union which represents 21–30 per cent of a group may be recognized by the Labour Court (interview, Ibec official). The Labour Court must take into account a number of additional economic criteria, including the potential impact on employment, existing national wage agreements, firm competitiveness and rates of pay of similar workers in the same sector. It is important to note that SEOs do not result from an agreement between employers and unions (Higgins 2015). Even where the Labour Court awards a pay increase, the 2015 Act does not require employers to recognize unions for collective bargaining purposes, a long-held aspiration of the trade union movement in Ireland.

Few SEOs have been implemented to date. Employers in many sectors, including catering, have refused to engage with the system, arguing that unions representing 4000 workers are not representative of the 50 000 employed in the catering sector (Regan 2017a). Employers in security and cleaning and in construction and electrical trades have engaged, partly as SEOs can provide certainty and a level playing field. The resistance of many employers, particularly in small and medium-sized enterprises (SMEs), to sectoral wage setting in EROs and REAs means that many workers in SMEs are outside sectoral pay regulation and lack representation by unions. Ibec, however, has reservations about statutory wage-setting mechanisms such as JLCs owing to the extensive legislative framework on employment rights, equality, health and safety and industrial relations, as well as relatively high minimum and hourly wages (respectively second and fifth highest in the EU) and rapid wage growth (Ibec 2019; and interview with Ibec official). Those SEOs that have been established involved situations in which both employers and unions jointly requested intervention by the Labour Court. If the Labour Court were to seek to impose a wage increase based on a unilateral application, it is likely that such an SEO would be challenged in the High Court (Ibec official, interview).

4. DIGITALIZATION AND THE NEW WORLD OF WORK

Technological change and the increase in non-standard employment relationships are expected to transform the world of work in coming decades. Developments in artificial intelligence and machine learning have dominated recent debates on the future of work, raising fears that many occupations are at risk of being automated. Frey and Osborne (2013) suggest that up to 47 per cent of jobs in the United States are at high risk of being automated. Nedelkoska and Quintini (2018), refining the Frey and Osborne methodology and applying it across 32 Organisation for Economic Co-operation and Development (OECD) countries, suggest that about 14 per cent of jobs in OECD countries are highly automatable, with a probability of automation of over 70 per cent. Another 32 per cent

of jobs have a risk of between 50 and 70 per cent automation, with the potential for significant changes in the way these jobs are carried out as a result of automation. Applying the two alternative approaches to Irish data, Doyle and Jacobs (2018) finds that between 15 and 33 per cent of jobs in Ireland are at high risk of automation, while another 19–25 per cent of jobs are at significant risk. The average risk of automation across the labour force is between 45 and 48 per cent. The most exposed economic sectors are transport and storage, agriculture, forestry and fishing, and administration. Doyle and Jacobs also show that there is an inverse relationship between education and automation: those with higher levels of education are less exposed to automation.

The Irish government launched a strategy document, 'Future jobs Ireland 2019: preparing now for tomorrow's economy' (Government of Ireland 2018). The document sets out the government's approach to supporting enterprises and workers in the rapidly changing global economy. The strategy focuses on five pillars:

1. embracing innovation and technological change;
2. improving SME productivity;
3. enhancing skills and developing and attracting talent;
4. increasing participation in the labour force; and
5. transitioning to a low carbon economy.

The approach was developed through a series of engagement events which brought government together with stakeholders. This represents a form of public consultation involving a wide range of actors in the economy and civil society instead of social dialogue between the social partners. There has been little evidence of dialogue between the social partners on the workplace issues raised by new technology. Even in the public sector, where the series of Public Service Stability Agreements negotiated between 2013 and 2018 provided for wage setting as well as a series of reforms in relation to working hours, rostering, redeployment and performance management of public servants, there is no mention of new technology.

Employers see great potential in the digital economy, although Ibec regards the pace of technological change as challenging and disruptive, particularly for SMEs (Ibec official). Employers also argue that it is hard to get ahead of the rapid changes in technology, and emphasize the importance of skills development through lifelong learning to equip employees and firms to take advantage of new technologies. While the union stance on the impact of digitalization is still being developed, unions would argue that there is a need for a just transition in the adoption of new and digital technology in the workplace (ICTU official).

Non-standard employment is on the increase in most countries and is often facilitated by digitalization, particularly through digital platforms that disrupt more traditional forms of work organization and employment relationships. Non-standard workers are under-represented by unions and less likely to be covered by collective bargaining. This is particularly true of workers who fall between conventional distinctions between self-employment and dependent employment. Bogus self-employment is an issue of conflict between the social partners in Ireland. Unions see bogus self-employment as open to exploitative employment practices and the undermining of union solidarity. Employers seek to maximize the flexibility afforded by these contracts, although Ibec would be

concerned to ensure a level playing field between employers (Ibec official). As regards the potential abuse of bogus self-employment, an Ibec official argued that current legal remedies are available to distinguish self-employment from dependent employment, and that collective bargaining is unnecessary. The state has developed mechanisms to adjudicate between self-employment and dependent employment. In 2018 the Department of Employment Affairs and Social Protection (DEASP) launched a new awareness campaign on bogus self-employment, with instructions on how to pursue a claim through the department's Scope section. The DEASP initiated the campaign with the aim of informing workers about what constitutes genuine self-employment and how it is distinguished from bogus or false self-employment. The DEASP also notes the role of the WRC in this context, in that, if a worker thinks that he or she is an employee and have a complaint about how he or she is being treated in relation to employment rights or equality matters, he or she may bring it to the attention of the WRC. However, unions are concerned about what they consider to be state weakness in developing adequate protections for workers on bogus self-employment contracts (ICTU official). It should be noted that McGuinness et al. (2018), analysing LFS data, show that freelancers, defined as self-employed without employees outside the traditional professions, account for less than 2 per cent of total employment: those engaged in false self-employment could only account for a sub-set of these freelancers.

The OECD (2019, p. 230) argues that 'collective bargaining systems can still play a key role in promoting inclusive labour markets for workers and a level playing field for all companies'. The lack of development of social dialogue on the impact of technology and new employment relationships in Ireland represents a missed opportunity to respond to technological and organizational change in the workplace in a manner that shares the benefits between employers and workers.

5. CASE STUDIES

5.1 Case Study 1: Precarious Work in Ireland

There has been a great deal of interest in the growth of precarious work in recent years. Kalleberg (2018) defines precarious work as 'work that is uncertain, unstable, and insecure and in which employees bear the risks of work (as opposed to businesses or the government) and receive limited social benefits and statutory entitlements'. This is similar to Vosko (2010), who includes low income, uncertainty and limited social benefits.

One of the common threads in the atypical work debate concerns the decline of traditional full-time permanent jobs and their replacement by part-time, temporary and self-employment. This atypical working may entail flexibility for employees, and provide a route out of unemployment, or lead to increased inequality and insecurity (OECD 2014).

Table 9.3 shows trends in temporary contracts as a percentage of total employees for different groups in 2007, 2012 and 2018, the latest year for which we have micro data from the Labour Force Survey (LFS). Just under 10 per cent of all employees were on temporary contracts in 2007. This increased to 11 per cent in 2012, but by 2018, with the recovery, the proportion on temporary contracts had fallen to 10 per cent of total employment. Historically, women were more likely to be working on part-time contracts

Table 9.3 Temporary employment contracts, Ireland, 2007, 2012 and 2018

	2007	2012	2018
Men	8.2	10.4	10.0
Women	11.1	11.6	10.1
Age less than 30	16.6	23.2	22.9
Age 30–64	5.2	6.7	6.0
In job more than 2 years	3.6	3.9	3.5
In job less than 2 years	22.7	34.7	25.2
Non-Irish nationals	12.3	10.7	8.3
All	9.6	11.0	10.1

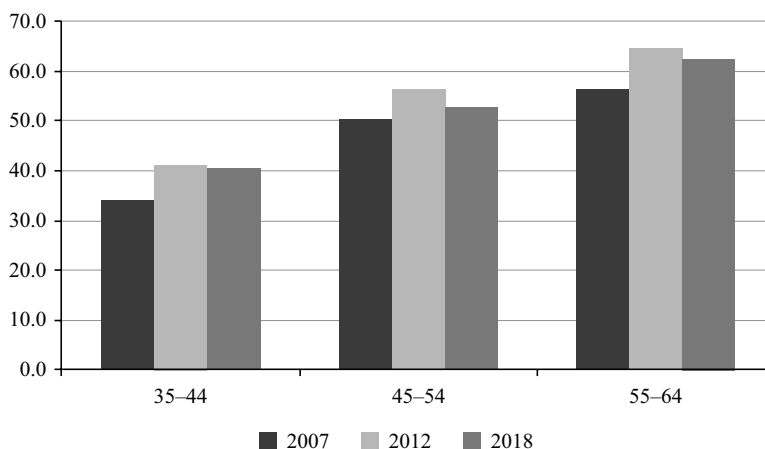
Source: Analysis of LFS micro data, 2007, 2012 and 2018 (quarter 2).

than are men, but gender differences declined during the recession and the gender gap has been eliminated.

Young people are much more likely than their older colleagues to be on temporary contracts. During the Great Recession the share of young people on temporary contracts increased sharply to 23 per cent compared with less than 7 per cent among those aged 30–64 years. In 2018, the share of young people on temporary contracts remained at this elevated level (23 per cent), substantially higher than among their older counterparts, and higher than among young employees before the Recession. The proportion of non-Irish nationals with temporary contracts was higher than average in 2007, but this declined steadily over the Recession and the recovery.

We can also examine the incidence of temporary employment among new entrants to jobs – defined here as those who have been in their current job for less than two years – and compare them with those with longer job tenure. This allows us to obtain a sense of conditions in newly created or newly filled jobs and may help us to identify emerging trends in job quality. In general, those who have been in their jobs for less than two years are more likely than those with longer tenure to be on temporary contracts. There is an element of selection in this as temporary workers are more likely to be new entrants. In 2007, 23 per cent of new entrants were temporary, compared with less than 4 per cent of those who had been in their jobs for more than two years. The gap expanded during the recession: in 2012, 35 per cent of new entrants, compared with 4 per cent of longer-term incumbents, were on temporary contracts. Six years into the recovery, the incidence of temporary employment had almost returned to its pre-crisis level (25 per cent in 2018 compared with 23 per cent in 2007) among those who had been in their jobs for less than two years, suggesting a strong business-cycle effect rather than a long-term change in the incidence of temporary work among new entrants.

Concern has also been raised about a decline in job stability (for example, Gregg and Wadsworth 2002). This refers to the decline in expectations of a job for life, with individuals taking on multiple jobs or occupations over the course of a working life. This is regarded as a structural shift owing to technological change, globalization, the shift from manufacturing and the growth of neoliberal approaches to labour market regulation. It is unclear, therefore, whether the boom–bust cycle experienced in Ireland may have given rise to a decline in job stability. Direct evidence from Ireland is not available. However,



Source: Author's analysis of Labour Force Survey micro data.

Figure 9.2 Proportion of employees with tenure of ten years or more in the current job, Ireland, 2007–2018

it is possible to examine trends in job tenure – the length of time an individual has been in their current job. If job stability is on the decline, then we would expect to observe a decline in the proportion of workers who have been in their jobs for an extended period.

Figure 9.2 shows estimates of the proportion of employees who have been in their current job for ten years or more, based on data collected in the LFS. The data suggest three patterns. First, job tenure increases with age. Second, it varies with the business cycle. When companies reduce their workforces they usually impose a last-in, first-out rule, so that those with longer tenure are less likely to lose their jobs. If there are widespread job losses, as occurred in the Irish labour market between 2007 and 2012, then the share of those with longer tenure increases. When total employment grows, the number of new entrants increases, so the share of long-tenure jobs in the total will fall. Third, notwithstanding this cyclical pattern, the proportion of employees with tenure of ten years or more in the current job has increased over time. Thus, over 62 per cent of those aged 55–64 had been in their job for ten or more years in 2018, compared with 56 per cent in 2007, while the share of those with such long tenure in the 45–54 year age group increased from 50 per cent in 2007 to 53 per cent in 2018.

Table 9.4 shows rates of part-time employment. Overall, part-time employment increased from 18 per cent of total employment in 2007 to 24 per cent in 2012. By 2018, after six years of recovery, part-time working had fallen to 19 per cent, marginally higher than before the Recession. Part-time employment increased sharply among men between 2007 and 2012 and remained substantially higher (11 per cent) in 2018 than in 2007 (less than 8 per cent). Part-time employment is generally substantially higher among women than men: it increased by three percentage points between 2007 and 2012, and had fallen below the pre-crisis level by 2018, to 29 per cent.

Young people often take part-time jobs, frequently combining education with work. In 2007, 19 per cent of those in the 15–29 age group worked part-time, compared with

Table 9.4 Part-time employment, 15–64 years of age, Ireland, 2007, 2012 and 2018 (percentage)

	2007	2012	2018
Men	7.6	14.0	10.9
Women	32.4	35.2	29.2
Age less than 30	19.1	32.9	28.5
Age 30–64	18.0	21.4	16.9
In job more than 2 years	15.5	20.0	16.5
In job less than 2 years	25.1	37.9	27.5
Non-Irish nationals	13.6	22.2	16.8
All	18.3	24.1	19.4

Source: Analysis of LFS micro data.

an average of 18 per cent of those aged 30–64. During the Recession, part-time working accounted for almost one-third of all those in work aged under 30, reflecting the disproportionate impact of the crisis on the labour market for young people. In 2018 part-time employment among young people remained at over 28 per cent, substantially higher than among the older age group (17 per cent) and much higher than was observed among young people before the Recession.

In general, new entrants to jobs are more likely than those with longer tenure to be working part-time: in 2007, 25 per cent of new entrants were part-time, compared with just over 15 per cent of those who had been in their jobs for more than two years. The gap expanded during the Recession: 38 per cent of new entrants, compared with 20 per cent of longer-term incumbents, were working part-time in 2012. With the recovery, the rate of part-time working almost returned to its pre-crisis level (16.5 per cent in 2018) among those who had been in their jobs for two years or more. However, the part-time rate among new entrants (27.5 per cent) was substantially higher than among those with longer tenure and higher than among new entrants before the Recession. Non-Irish nationals have lower levels of part-time working.

Many workers choose to work part-time to combine work with other activities, such as students or those working in the home. However, many others would prefer to be in a full-time job but cannot find one: they are considered to be involuntarily underemployed. Involuntary underemployment increased from just under 11 per cent of all part-time employment in 2007 to 38 per cent in 2012 before declining to 18 per cent in 2017.

Table 9.5 shows trends and patterns in involuntary part-time underemployment expressed as a percentage of total employment. Involuntary part-time working increased sharply from 2 per cent of total employment in 2007 to 9 per cent in 2012 and with recovery declined to just 3.5 per cent in 2018. Greater proportions of women and young people are in involuntary part-time underemployment; both groups saw substantial increases in underemployment during the recession. Young people continue to show elevated levels of underemployment. In 2007, over 4 per cent of new job-entrants were underemployed, compared with just 1 per cent of those who had been in their jobs for two years or more. During the Recession, 18.6 per cent of new entrants were involuntary part-time, as were

Table 9.5 *Involuntary part-time employment as a percentage of total employment, Ireland, 2007, 2012 and 2018*

	2007	2012	2018
Men	1.4	7.2	3.5
Women	2.7	11.1	3.4
Age less than 30	2.2	12.7	4.6
Age 30–64	1.8	8.0	3.1
In job more than 2 years	1.1	6.4	2.4
In job less than 2 years	4.1	18.6	6.1
Non-Irish nationals	3.1	11.1	4.7
All	2.0	9.1	3.5
As % of part-time	10.7	37.7	17.8

Source: Analysis of LFS micro data.

Table 9.6 *Part-time employees on temporary contracts, Ireland, 2007, 2012 and 2018 (percentage)*

	2007	2012	2018
Men	3.4	5.7	5.4
Women	6.4	7.2	5.9
Age less than 30	8.5	14.4	13.6
Age 30–64	2.5	3.7	3.1
In job more than 2 years	2.0	2.4	2.3
In job less than 2 years	11.0	19.3	13.1
Non-Irish nationals	3.7	5.3	3.4
All	4.8	6.4	5.6

Source: Analysis of LFS micro data.

6 per cent of longer-term incumbents; in 2018, despite the recovery, still 6 per cent of all new job entrants were involuntary part-time.

To identify workers with particularly atypical arrangements, Table 9.6 looks at the proportions of employees combining part-time working with temporary contracts. About 5 per cent of employees are found in this particularly atypical category, which increased to over 6 per cent during the Recession. However, prior to the crisis, this atypical combination accounted for 8.5 per cent of young employees in 2007 and climbed to over 14.4 per cent in 2012. This proportion fell only lightly to 13.6 per cent in 2018, much higher than among older workers and higher than before the Recession. New entrants showed a similar pattern, with part-time temporary working increasing during the Recession and remaining higher in 2018 (13 per cent) than in 2007.

An alternative approach to the instability dimension of precarious work is to focus on variation from week to week in the number of hours worked. There has been a great deal of interest in the United Kingdom in the rise of zero-hours contracts (Brinkley 2013).

O'Sullivan et al. (2017) argue that zero-hour contracts are unusual in Ireland, but they also suggest that if-and-when contracts are growing and are prevalent in particular industries. Under if-and-when contracts, employees are not guaranteed any given hours of work, but they differ from zero-hours contracts in not requiring the employee to be available for work, allowing the individual worker to be free to engage in other work. Unfortunately, representative data on these contracts are not available in Ireland.

O'Connell (2021) develops a new approach to estimating the extent of precarious working hours by combining the information in the Irish LFS on actual hours of work in the reference week based on responses to a question relating to usual working hours. This is not an estimate of zero hours working or of if-and-when contracts, but it does attempt to assess the extent of precarity in working hours. Table 9.7 shows that in 2018, 2.7 per cent of all employees (almost 47 000 workers) reported that they had worked less than ten hours in the reference week of the LFS. Of these, 7.3 per cent indicated that their 'usual hours cannot be given because hours worked vary very considerably from week to week and month to month'. These employees who combined both very short actual working hours and highly variable usual working hours accounted for just 0.2 per cent of all employees.

Those who worked 10 to 19 hours in the reference week but were subject to considerable weekly variation accounted for another 0.4 per cent of all employees, while those who worked 20 to 29 hours in the reference week but were subject to weekly variation accounted for another 0.3 per cent of all employees. These estimates suggest that in any given week in 2018 up to 1 per cent of all employees could be regarded as working precarious hours in that they combined short working hours (less than 30) with substantial

Table 9.7 Precarious working hours: comparing actual with usual hours worked, Ireland, 2007, 2012 and 2018

	Hours actually worked in the reference week				
	Less than 10 hours	10 to 19	20 to 29	30 or more	All
2007					
% of employees actually worked these hours	2.8	7.3	13.3	76.6	100.0
of which usual hours vary	10.5	6.5	4.8	4.4	4.8
% of all employees	0.3	0.5	0.6	3.4	4.8
2012					
% of employees actually worked these hours	3.4	9.2	16.4	71.0	100.0
of which usual hours vary	18.1	12.9	10.3	6.7	8.3
% of all employees	0.6	1.2	1.7	4.8	8.3
2018					
% of employees actually worked these hours	2.7	7.1	12.5	77.6	100.0
of which usual hours vary	7.3	4.9	2.7	1.5	2.1
% of all employees	0.2	0.4	0.3	1.2	2.1

Source: Analysis of LFS micro-data.

Table 9.8 Proportion of employees with a precarious combination of short and variable working hours, Ireland, 2018

	Less than 19 hours	20–29 hours
Men	0.6	0.2
Women	0.5	0.5
Age less than 30	1.2	0.6
Age 30–64	0.3	0.3
In job more than 2 years	0.4	0.3
In job less than 2 years	0.8	0.5
Non-Irish nationals	0.3	0.4
All	0.6	0.3

Source: Analysis of LFS micro data.

variation in working hours from week to week. Further analysis of the LFS data suggests that about 2 per cent of employees in accommodation and food services were subject to this precarious combination of short and highly variable working hours, as were about 1.5 per cent of those in agriculture and in wholesale and retail sales. Table 9.8 shows that younger workers, below 30 years of age, are more exposed to this precarious combination of working hours.

By this measure, precarious working hours were more common during the Recession as employers sought to increase the flexibility with which they employed workers and, in a context of high unemployment, employees had reduced bargaining power. In 2012, 29 per cent of all employees worked fewer than 30 hours in the reference week, and 8 per cent indicated that their usual hours varied considerably from week to week. A total of 3.5 per cent of all employees combined short actual working time (fewer than 30 hours) with substantial week-to-week variation in 2012, and this proportion was substantially higher than at the end of the boom in 2007, when 1.4 per cent of all employees combined short with variable working hours.

Younger workers, below 30 years of age, are more exposed to this precarious combination of short and variable hours. In 2018, 1.8 per cent of workers under the age of 30 worked less than 29 hours in the reference week and were subject to substantial week-to-week variation. This was true of just 0.6 per cent of workers aged over 30 years. New entrants, less than two years in their current job, also showed a higher incidence (1.2 per cent) than those with longer job tenure (0.7 per cent).

These patterns suggest that this particularly precarious combination of short actual hours with substantial weekly variation is relatively unusual in Ireland, and that it has declined considerably in the context of the economic recovery.

While concerns have been raised about a deterioration in the quality of jobs and an increase in precarious work in the Recession and its aftermath, the available evidence suggests a mixed picture. Overall, atypical work increased during the Recession and declined in the recovery. The proportion of temporary employees, which increased during the Recession, had fallen nearly to the pre-crisis level by 2018. Part-time working also increased and then returned to pre-Recession levels, although involuntary part-time employment remained at elevated levels in 2018. The proportion of employees who

combine short working hours in a given week with substantial variation in hours worked from week to week accounted for less than 1 per cent of all employees in 2018, although this precarious combination increased during the Recession and fell subsequently.

In general, there is no evidence to suggest a long-term decline in job stability: the proportion of employees who have been in their jobs for ten years or more has increased over time. Survey evidence indicates that subjective insecurity, measured by the share of employees who believe they might lose their job in the next six months, also increased and then declined. This is borne out by survey data relating to subjective assessments of job security: European Social Survey data show that the proportion of workers in Ireland who believed that their jobs were secure declined from 43 per cent in 2004 to 25 per cent in 2010, in the middle of recession, but increased to 43 per cent in 2018, in a context of economic recovery.

Not everyone has participated in these positive trends. Young people in particular stand out as having higher rates of atypical or precarious work. The labour market for young people collapsed in the Recession and employment rates remain far below their pre-Recession peak. Young people are still far more likely to be on temporary contracts and in part-time work, compared both with older people and with the situation before the Recession. They are also more likely to be involuntarily part-time. Young people also show higher rates of the precarious combination of short hours with variable working time. Young people, and new job entrants, are much less likely to be members of trade unions than their older counterparts, or those who have been in their jobs for longer.

5.2 Case Study 2: Teachers' Unions

A particular feature of the series of wage cuts imposed in the public sector during the Irish crisis, and of the series of collective agreements surrounding those cuts, was the differential treatment of new entrants. From 2010, all new entrants to the public sector were to be appointed at salary scales reduced by 10 per cent relative to the scales applying to incumbents. New teachers suffered larger losses. Teachers who entered the profession after 2010 were put on different pay scales than their established colleagues, who had the same duties and responsibilities. Budget 2011 cut teachers' pay by 10 per cent. In addition, from 2011, new teachers were appointed to the first point, rather than the third point, of the pay scale. In 2012, qualification allowances, such as the degree and Professional Master of Education (PME) allowances, were abolished for those entering teaching.

Since the recovery, public sector unions have sought to restore the pay cuts imposed during the crisis and to unravel the differential pay scales between new entrants and incumbents. The Haddington Road Agreement provided for the reintegration of the new, lower, scales with the older, higher, scales and added two additional points at entry level. This means that public-sector workers are now on the same incremental scales, but the new entrants came in at a lower entry level, entailing a cumulative loss of earnings until they reach the top of the scale.

Young teachers were hit particularly hard by the pay cuts as they lost additional allowances (of up to five incremental points on the salary scale) for higher education degrees, while their older colleagues retained those allowances, and these have not been restored to the younger teachers.

Table 9.9 Salary and allowances of teachers: pre-versus post-2011 entrants, Ireland (€)

Year	2019 (for entrants pre-2011)				2019 (for entrants post-2011)			
	Entry	After 5 years	After 12 years	After 25 years	Entry	After 5 years	After 12 years	After 25 years
H.Dip. in Education/ Postgrad. diploma in Education (Hons)	1 236	1 236	1 236	1 236	–	–	–	–
Primary degree (Hons)	4 918	4 918	4 918	4 918	–	–	–	–
Total qualification allowances	6 154	6 154	6 154	6 154	0	0	0	0
Salary	36 985	42 059	54 584	64 302	36 953	43 431	56 417	69 407
Total salary	43 139	48 213	60 738	70 456	36 953	43 431	56 417	69 407

Source: Malone (2019b).

Malone (2019b) provides estimates of both salaries and allowances for new entrants compared with those that would have applied for those who entered the teaching profession before 2011. Table 9.9 shows that teachers who entered before 2011 with both a Primary Honours Degree and a Higher Diploma in Education (the basic teaching qualifications) were entitled to a qualification allowance of over €6150, generating a total salary of over €43 000 on entry. These teachers would earn a total salary of over €48 000 euros after five years, and over €70 000 after 25 years of service.

Teachers entering after 2011 are no longer entitled to qualification allowances, so their starting salary, at 2019 rates, amounting to almost €37 000, is about €6000 euros lower than the entry starting salary of their older colleagues. The shortfall is almost €5000 after five years. Teaching unions have been in conflict with government, seeking to restore these differentials between new entrants and incumbents. Under the Haddington Road Agreement, new entrant teachers were able to skip increment points 4 and 8 in their scale, with the consequence that the gap between new entrants and incumbents fell in respect of those with service of 12 years, to about €4000 per annum, and to about €1000 euros for those with 25 years of service. While pay restoration achieved by collective bargaining by the teachers' unions has restored most of the differentials in salary, the differences in allowances remain. Malone (2019b) estimates that the cumulative differential between pre- and post-2011 entrants would amount to almost €95 000 over 25 years of a teaching career.

Teaching unions adopted differing approaches to the cutbacks relating to new entrants. The Association of Secondary Teachers in Ireland (ASTI) took a more militant approach, refusing to sign up to the Lansdowne Road Agreement and engaging in strike action. The Teachers' Union of Ireland (TUI) took a more conciliatory approach and did eventually sign up to the agreement. The ASTI saw its members threatened with being left behind in elements of pay restoration, and penalized for strike action with loss of salary increments. These penalties were applied to ASTI members in 2016–17, following strike action. While the increment freeze ended in June 2017, the original increment dates were not restored. Higgins (2018) notes that these lost increments are unlikely to be restored

until after the current public service agreement ends in 2020, leading to cumulative future losses compared with what they would have been paid had they not taken industrial action.

Here we find an example of more militant unions and their members continuing to suffer from cuts that have been returned to those of more compliant unions. This has given rise to the continued controversy of unequal pay for younger teachers. It has also led to tensions between teachers' unions with the emergence of turf battles over membership; over 1000 ASTI members transferred to the TUI during the period when the ASTI was outside the Lansdowne Road Agreement (Higgins 2019). This conflict over members led to a complaint by the TUI to the International Labour Organization (ILO) arguing that the pay cuts imposed on teachers under the Financial Emergency Measures in the Public Interest legislation led to ASTI members being compelled to switch unions. These inter-union rivalries weakened the unions' bargaining position. The more militant stance adopted by the ASTI has also caused tensions with the wider union movement. Sheehan (2016b), citing a 'well-placed ICTU official' argues that the other public sector unions that signed up to the Lansdowne Road Agreement, representing over 260 000 public sector workers, would not encourage the government to cave in to the ASTI, as this would undermine the Lansdowne Road Agreement and potentially compromise the fiscal stability of the state.

6. CONCLUSIONS

Ireland has a voluntarist system of industrial relations, with employment terms and conditions shaped by free collective bargaining between employers' and workers' representatives. Traditionally, the state has played a relatively light role. A distinctive and important feature of the Irish system is that the state does not legislate for either union recognition by employers, or for collective bargaining rights: both parties must be free to associate or not.

Under these circumstances, union density is important: in sectors and firms where unions are strong, workers can press their claims; where they are weak, workers are vulnerable. Union density has been falling in Ireland throughout the twenty-first century and it is unevenly distributed: throughout much of the private sector, unions are very weak, while union density has generally held up in the public sector. Collective bargaining coverage has also declined in recent years. Unions have responded by increasing their mobilization and organizing drives, but they have met with mixed results in seeking to recruit new members from increasingly diverse workforces in sectors characterized by weak existing organization and diverse and often precarious employment conditions.

While legislation to support collective bargaining has traditionally been relatively weak in Ireland, this has been boosted in recent years by legislation to enhance the capacity of the state to regulate the labour market. The Industrial Relations Act 2015 sought to address the problem of union recognition and the reluctance of employers to engage in collective bargaining, particularly where collective bargaining has been weak and workers vulnerable. The Workplace Relations Act 2015 sought to simplify and enhance the institutional framework for the resolution of industrial disputes.

In parallel with this increase in state intervention in industrial relations, there has been a sustained increase in legislation to underpin individual workers' rights. This emerged

in part owing to the adoption in Ireland of a series of EU directives on workers' rights. However, it also derived from indigenous initiatives, including the establishment of the Low Pay Commission and the National Minimum Wage, and legislation to outlaw zero-hours contracts and to set minimum banded hours. As Regan (2017b) argues, many of these initiatives emerged from the electoral process instead of social dialogue.

The enhanced role of the state in regulating the labour market and enhancing industrial relations machinery may represent a shift from traditional collective organization and collective bargaining towards more legalistic dispute resolution of individual rights (Maccarrone et al. 2019). This enhanced role of the state in the labour market offers protections to these workers, particularly in sectors with weak collective bargaining. However, this may undermine autonomous union organizing attempts along traditional interest-based lines. As the dispute resolution system currently stands, even where the Labour Court issues a binding recommendation for an SEO, this may not result from an agreement between employers and unions, and it does not require that the employer recognize the union for collective bargaining purposes.

The most important structural change in collective bargaining in the twenty-first century to date was the collapse of social partnership in 2009 during the Great Recession and the economic crisis in Ireland. Social partnership, and the associated centralized National Wage Agreements had dominated industrial relations for the previous two decades, although I have argued previously that the extent of its impact on labour market policy may have been overemphasized: union density fell throughout the era of social partnership, real wage gains over the period were modest, compared with productivity, and the issue of union recognition remained unresolved. After the demise of social partnership, collective bargaining revived in the public sector, giving rise to a series of collective agreements that initially facilitated fiscal adjustment and helped to resolve the fiscal crisis of the state, and subsequently saw restoration of the wage cuts imposed during the fiscal crisis, although, in relation to the teachers' unions, this process was not without conflict and it led to continuing disputes over fairness relating to the manner in which the cuts were imposed. In the private sector, in contrast, collective bargaining was decentralized to sector and firm levels. As economic recovery took root, a form of pattern bargaining developed in the private sector, beginning in the more profitable sectors and gradually extending beyond them.

During 2019, after several years of strong growth in the economy and employment, and a sharp decline in unemployment, wages have increased and wage pressure has begun to intensify. In that context, there have been cautious calls for a more orderly approach to pay at national level, and suggestions that a conversation might be had about a more centralized approach to wages, mainly on the part of employers. Unions have not been enthusiastic. Given the favourable macroeconomic conditions, and in the absence of a formal institutional forum for engaging in social dialogue, unions may choose to flex their muscles in more traditional forms of industrial action. One trade-off that might be considered in such an impasse might be an agreement between the social partners on a concession on the long-held aspiration for union recognition and collective bargaining rights, perhaps mediated by a government seeking to encourage stable and peaceful industrial relations.

Union officials contend that successive governments have resisted union demands for legislation to enable mandatory union recognition by employers (Geary and Gamwell

2019; ICTU 2019). State officials working in the area maintain that this legislation is impossible under the Irish Constitution, which guarantees freedom of association, but prevents mandatory engagement. Employers are opposed to mandatory union recognition on the grounds that forcing them to engage in collective bargaining with unions where they do not wish to do so is precluded by the Irish Constitution and would be an impediment to competitiveness. Ibec (2019) asserted its opposition to proposed reforms to industrial relations legislation that would allow the Labour Court to impose a settlement against employers, and noted that this would probably prompt a legal challenge by employers.

In a recent report the OECD (2019, p. 14) noted that ‘Collective bargaining and workers’ voice are key labour rights and important labour market institutions that matter for job quality. ‘Collective bargaining, provided that it has a wide coverage and is well-coordinated, fosters good labour market performance’. The ICTU (2019) is in broad agreement with this argument that collective bargaining can yield both equity and efficiency.

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