



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

The Many About-Faces of Labour Law Reform

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Context and scope

Process and legitimacy

Institutional ecosystem

Special case: trade unions

Challenges of future reform

Procedural legitimacy

- Legitimacy v justice
- Decision-making process – how
- Decision-making actors – who

Lemass (1946):

- ‘This Industrial Relations Bill was drafted after discussions with organisations representative of trade unions of workers and employers but I wish to make it clear that the Government alone is responsible for its provisions... Nevertheless, I think that it is right to say that, without the constructive help afforded by the representatives of these organisations, the preparation of the measure would not have been possible.’



Source:
<https://www.mundoformativo.com/historia/sean-lemass/>

Lemass (1946):

- '[However] I do not regard this Bill as a Government measure in the ordinary sense. It is a measure designed to facilitate trade unions of workers and employers ... and I can say that, within very wide limits, *it will be framed as they want it framed*, subject to the willingness of the Dáil as a whole to accept what is proposed. I regard myself merely as the instrument for bringing the Bill before the Dáil... I have invited... trade unions to submit their observations on it, to suggest any changes which they think will improve it and *generally to regard it as their Bill*... In framing the Bill, therefore, we must aim, first of all, at securing agreement. I do not necessarily mean Party agreement here, but agreement at least in regard to its important provisions by the organisations of trade unions that will have to use the Bill when passed.'



Source: <https://irishhistorian.com/Years/1963.html>

Institutional ecosystem of labour law reform

Government (DETE)

Labour Court

Workplace Relations Commission

Low Pay Commission

Employment Law Reform Group



Labour-Employer Economic Forum

National Economic Dialogue

Social Partnership

- social partners (small-s, small-p)

Political parties

NGOs / think-tanks – ESRI, NERI, etc



Sources:
<https://emojiterria.com/pt/bebe/>
<https://iconduck.com/icons/162192/tombstone-rip>
<https://www.lawreform.ie/>

Trade unions as a special case

Source: <https://www.rte.ie/archives/2018/0412/953914-pay-protesters-prepared-to-strike/>



The future of Irish labour law reform

- After the retreat from formal social partnership after the crash, we hear more and more about social dialogue
- At EU level also, BUT there the Commission has cut funding for social dialogue committees (and CJEU in EPSU judgment downgraded social dialogue)
- Are things moving in different direction in IE?
- IE: is the State willing to support (financially and politically) SP capacity-building though AMWD CB action plan?
- Has the Supreme Court's recent 'pro labour' turn demonstrated a better understanding of the role of collective labour relations?
- If not, does labour law increasingly come within the scope of 'expert' groups (largely composed of legal experts: ELRG)?
- Is this inevitable/desirable?





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Thank You

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