

Press Release

Ministers receive Report of Enquiry into the dispute between the TEEU and employers in the electrical contracting industry

Ms Mary Coughlan T.D., Tanaiste and Minister for Enterprise, Trade and Employment and Mr Dara Calleary, TD. Minister for Labour Affairs have received an independent report into matters in dispute (excluding pay) between the Technical Engineering and Electrical Union and Employers in the electrical contracting industry. The report was commissioned by the Department under Section 38 (2) of the Industrial Relations Act 1990.

Minister Calleary said:

"I would like to thank Peter Cassells and Finbarr Flood for completing this thorough enquiry and for indicating in their report where the best options now lie for restoring the orderly conduct of industrial relations to the electrical contracting sector. Their report sets out the background to the dispute which resulted in a nationwide strike in July of this year and which has also seen legal proceedings launched before the High Court in a challenge to the validity of the registered employment agreement for the electrical contracting sector."

The Minister also expressed his appreciation to all the parties involved in the dispute for having cooperated with the Enquiry and for assisting in the completion of its investigation.

The report will focus attention on the areas that can be usefully addressed to improve relationships between all the parties in the electrical contracting sector. It affords all stakeholders a timely opportunity for reflection on the best means of achieving a comprehensive integrated solution to all the issues raised in the context of this long-running dispute.

The report sets out a series of recommendations that highlight the scope for

- effecting improvements in the representative decision making structures dealing with industrial relation issues in the sector;
- adapting the current sectoral collective agreement to the changing needs of the sector and the wider economy in the current environment; and
- effecting improvements in the current system for achieving compliance with employment standards within the sector.

The main thrust of the recommendations in the report is directed to the stakeholders in the electrical contracting sector. There are also a number of areas in which the report has highlighted how the State's industrial relations agencies together with the public bodies responsible for the public procurement policy, can assist those involved in establishing better and more inclusive negotiating arrangements.

Minister Calleary commented:

"I would urge the parties to this dispute to reflect on the recommendations in this report and to avail of the expertise and the resources of the industrial relations dispute settling bodies that are available to assist them to respond constructively to the directions offered for implementing a new and more inclusive framework for the future of industrial relations in the electrical contracting sector".

The report will be available on www.entemp.ie/publications from 14th December 2009.

Note for Editors

Enquiry under the Industrial Relations Acts

Section 38(2) of the Industrial Relations Act 1990 states: *Where the Minister is of the opinion that a trade dispute is a dispute of special importance, he may request the Commission or the Court or another person or body to conduct an enquiry into the dispute and to furnish a report to him on the findings.*

This section has been invoked on 2 previous occasions:

- In the Dublin Airport baggage handlers dispute in 1998, and
- In the TEAM Aer lingus dispute in 1994

Mr Finbarr Flood is a former Chairman of the Labour Court

Mr Peter Cassells is Chairperson of the National Centre for Partnership and Performance (NCP) and former General Secretary of the Irish Congress of Trade Unions.

Terms of Reference of Enquiry

The Terms of Reference envisaged an enquiry into and report upon

- The adequacy of current negotiating and collective bargaining arrangements within the sector and their effectiveness in providing representative decision making structures in industrial relations matters for employers, workers and their trade unions.
- The need, if any, for adaptation and change in collective agreements to meet the current and emerging needs of the sector and the wider economy and the most effective means of implementing any necessary change identified.
- Current systems of promoting adherence to established employment standards within the sector.
- To make such recommendations as are considered appropriate.

Registered Employment Agreements

Employment Agreements (provided for in the Industrial Relations Acts, 1946 to 2004), negotiated by the two sides in an industry or enterprise, may be presented to the Labour Court for registration. When registered with the Court, Registered Employment Agreements are legally binding, not only on the parties to the agreement but also on others who are in the class, type or group to which the agreements apply.

Legal proceedings

High Court proceedings in relation to challenges to the Registered Employment Agreement for the electrical contracting sector commenced on 1st December 2009.