Chapter 15
Ireland: recovering after being put off balance by the Great Recession?

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This chapter describes the features and fortunes of the Irish union movement over the last thirty years, highlighting the issues it faced and the strategic responses it adopted. Whereas the collapse of social partnership agreements and the unilateral imposition of wage cuts after the financial crisis put unions very much on the defensive, it would be wrong to write off the Irish union movement.

From 1987 to 2008, Irish industrial relations were dominated by a series of centralised, tripartite social partnership agreements. In exchange of wage moderation, these agreements gave unions some influence on policy making. Most importantly, however, wage moderation and industrial peace brought by these agreements also favoured a substantial increase in foreign direct investment. This national 'competitive corporatist' approach led to both substantial increase of Irish workers' real wages as well as a substantial decline of the share in the GDP given to wage earners (Teague and Donaghey, 2009; Erne 2008). As long as social partnership guaranteed a growing economy, Irish union leaders and workers accepted wage moderation; notably as social partnership model compared favourably to developments in Britain where unions had been weakened by the onslaught of Thatcherism. Yet, the decades of partnership agreements saw also a significant decline of unions' mobilisation and organisational power, as evidenced by the significant fall of unionisation rates and strike activity). Furthermore, despite partnership, the legislative framework for collective labour rights remained weak.

The 2008 financial crisis therefore caught the Irish union movement wrongfooted. After all, accepting a "smaller slice of a shrinking cake" hardly represents an attractive union strategy (Erne 2013). Social Partnership and centralised collective bargaining collapsed in 2009, following the implementation of unilateral wage cuts in the public sector. Further austerity measures followed in subsequent years, when Ireland entered the Troika bailout programme of the European Commission, the European Central Bank (ECB) and the International Monetary Fund in 2010 and became subject to the EU's commodifying new economic governance prescriptions (Jordan *et al.* 2021). To complicate further this picture, some employers launched successful legal challenges to the only existing sectoral wage setting mechanisms in Irish legislation. Ireland left the bailout programme at the end of 2013. With the Troika out of the country and an improved economic situation, unions faced a more favourable environment. In some cases, they even succeeded where they had hitherto failed, namely when they successfully collaborated with unions across borders to compel the Irish low-cost airline Ryanair to eventually grant union recognition. Even so, Irish unions are still facing tough challenges, as they have not yet fully recovered from being put off balance by the 2008 crisis and from decades of social partnership, which significantly hampered their mobilisation and organisational power resources.

Table 15.1: Principal characteristics of unionism in Ireland [RoI only]

	1990	2000	2019
Total trade union membership	442,000	495,000	454,000 [2017]
Share of total membership that are women	33.9%	43.4% [2001]	56.5% [2016]
Gross union density[1]	NA	NA	NA
Net union density[2]	51.1%	36%	25.1%
Number of confederations	1	1	1
Number of affiliated unions (federations)	50	NA	29
Number of independent unions	17	NA	7 [4]
Collective bargaining coverage[3]	62.8%	44%	34% [2017]
Principal level of collective bargaining	National intersectoral level	National intersectoral level	Company-level in private sector[5]; national-level in public sector
Days not worked due to industrial action per 1,000 workers	264	72	18

Notes: [1] Gross union density expresses union membership as a proportion of the employed labour force, including the unemployed.
[2] Net union density expresses trade union membership as a proportion of the employed labour force.
[3] Collective bargaining coverage expresses the proportion of the labour force whose terms and conditions of employment are set by collective bargaining as a proportion of the entire labour force.
[4] This is an estimate. Whereas Irish law is preventing the unions of the Gardaí (police) and Defence Forces from joining ICTU, other representative bodies willingly choose to remain outside of ICTU, namely the Psychiatric Nurses Association, the Irish Hospital Consultants Association, and the Irish Dentists Association. There is also the Independent Workers Union which claims to have about 1,000 members and to uphold the syndicalist ideals of early trade unionists such as James Connolly and Jim Larkin (Darlington 2008).
[5.] In a few sectors, namely in the construction, cleaning, and the security industry, sectorial level bargaining persists.

1. Historical background and principal features of the industrial relations system

The history of the Irish trade union movement intertwines with the process of formation of the Irish state and the struggle for independence from the British Empire (O'Connor 2011; Gumbrell-McCormick and Hyman 2013).

Craft unionism dominated the scene throughout the 1800s. It was only towards the end of that century that British unions attempted to organise unskilled workers (O'Connor 2011). Meanwhile, intersectoral local trade councils were established throughout the island (*ibid*.). Irish delegates attended the British Trade Union Congress (TUC), founded in Manchester in 1868, but the reduced space devoted to Irish matters reflected in a limited involvement. This led to attempts to create an Irish confederation, which culminated in the birth of the Irish Trade Union Congress (ITUC) in 1894. While the ITUC was initially dominated by the Irish branches of British craft unions, 1909 saw the birth of the Irish Transport and General Workers' Union (ITGWU) which organised workers irrespective of their trade and would soon become the largest Irish union. The ITGWU joined the Congress in 1910. Over time, industrial and general unions acquired increasing importance, though a tradition of craft unionism has persisted until today.

Following the creation of the Irish Free State and the partition of the island, the ITUC continued to represent both Irish and British based unions on both sides of the border (Roche *et al.* 1999). Yet, tensions remained between Irish and British unions (Ní Lochlaínn 2005), eventually leading to a split in 1945, with nationalist Irish unions

creating the Congress of Irish Unions. The schism lasted until 1959 when the two confederations dissolved to form the Irish Congress of Trade Unions (ICTU) which continues to operate across the border. In what has been described as a 'distinctive complexity' (Gumbrell-McCormick and Hyman 2013), ICTU thus is a confederation of 'Ireland based unions who operate in the Republic of Ireland only, Republic of Ireland based unions who operate in both the Republic of Ireland and Northern Ireland, Northern Ireland based unions who operate in Northern Ireland only, unions headquartered in the UK who operate in both the Republic and Northern Ireland, or who operate only in Northern Ireland' (ICTU 2011, p. 7). In this chapter, we focus on developments in the Republic of Ireland.

As in Britain, voluntarism dominated Irish industrial relations also after the creation of the Irish state, with employment conditions regulated by collective bargaining between employers and unions rather than by law (Von Prondzynski 1998). In such context, the role of the state is to provide an adequate framework in which this can happen (Doherty 2014), for instance, by sponsoring various institutions for conflict resolution, such as the Labour Court.

In contrast to Britain, however, the main cleavage in Irish politics remained – until very recently – the national question rather than class. Thus, although the ITUC created the Irish Labour Party in 1912, this remained always a minoritarian force, occasionally going into government as junior partner of one of the two largest Irish parties, Fianna Fáil and Fine Gael. Whereas both parties positioned themselves on the centre-right on socio-economic issues, they emerged from a bloody civil war over the Anglo-Irish Treaty in 1922-1923. With the support of Ireland's ruling class, the Catholic Church and large sections of the country's working people, Fianna Fáil (FF) – Ireland's republican party – dominated Irish politics from 1932 to 2011 (Roche 2009; Allen 1997; Hardiman 1992). Over the last decade, however, the Irish political spectrum is re-aligning along more traditional left-right divides.

Since the late 1930s, trials of 'quasi-corporatism' (Gumbrell-McCormick and Hyman 2013) characterised Irish labour relations (Roche et al. 1999), despite the legacy of pluralist, British industrial relations traditions in the country. In 1987, a FF-led government brokered the first 'competitive corporatist' Social Partnership agreement (*ibid.*), involving ICTU and the two peak-level employer organisations, the Confederation of Irish Industry and the Federated Union of Employers.[2] Over time, however, FF's capacity to integrate all social classes declined, culminating in the collapse of national social partnership agreements under its watch in 2009.

2. Structure of trade unions and union democracy

Irish organised labour displays a variety of associational forms, ranging from large general unions to industrial unions, but also including craft and professional unions. Despite these differences, the structure of unions is broadly similar. Where unions are present at the workplace, members are represented by shop stewards who are either elected by their colleagues or appointed by the union. The basic unit of organisation are branches, organised on an industrial or a geographical basis. The governing authority of a union is usually the national executive council, which is elected by a conference of delegates of union members. The national executive council appoints a general secretary who manages the affairs of the union, along with a team of industrial officers and staff members.

[2] The two organisations merged in 1993 to form the Irish Business and Employers Confederation (Ibec), which is the largest employer organisation in Ireland.

In terms of union internal organisation, centralisation and decentralisation tendencies co-exist. While the era of Social Partnership saw little involvement of workplace union members in collective bargaining (Doherty and Erne 2010), one side effect of the end of national wage agreements has been a greater engagement of local shop stewards in the private sector in formulating claims and implementing collective agreements (Roche and Gormley 2020). Whereas public sector bargaining remains centralised at the national level, the agreements are subject to an aggregate ballot. Thus, rank-and-file members can overturn the result of an agreement, even against the recommendation of the union leadership. This happened in 2013 with the concessionary 'Croke Park II' public sector agreement (Erne 2013).

With very few exceptions, unions in Ireland are affiliated to ICTU, which is the sole Irish affiliate to the European Trade Union Confederation (ETUC). In 2019, 43 unions were affiliated to it, of which 29 organising in the Republic of Ireland. ICTU's governing authority is the Executive Council, which is elected at a Biennial Delegate Conference by delegates of affiliated unions. The Executive Council appoints ICTU's general secretary who runs the organisation along with an assistant general secretary and a small number of officers based in Dublin and Belfast.

Like the British TUC, ICTU does not direct its affiliates. The conduit of collective bargaining is left to its affiliates, whereas the confederation is tasked to influence the state, employers, and society on matters of concern for labour. This includes not only individual and collective workers' rights but also other social issues, such as health and education policy, as well as European and international affairs, including the European Semester process (Maccarrone 2020). From 1987 to 2008, ICTU was more influential when its officers were central in the negotiation of national tripartite social partnership agreements. After their collapse, ICTU's Public Service Committee continued to coordinate collective bargaining in the public sector. By contrast, however, ICTU's Private Sector Committee was reconstituted only in 2015, to issue guidance on recommended pay targets for its affiliates.

Given the high number of affiliates of ICTU, more than one union may represent workers in a sector or company, something which at times can give rise to disputes, that are dealt by a committee within the confederation. Even so, most members are concentrated in a few unions (table 15.2). The general Service Industrial Professional and Technical Union (SIPTU) – which originates from the ITGWU –- accounts for over a third of ICTU's members in the Republic. Overall, in the private sector, SIPTU, the retail union Mandate, the engineering union Connect and the general (British based) union Unite organise approximately 85 per cent of union members (Roche and Gormley 2020). In the public sector, the largest union is Fórsa [Irish for 'force'], established in 2017 from the merger of three unions.[3] Fórsa represents approximately a third of ICTU affiliated union members in the public sector. Sectoral trade unions organising public sector workers such as nurses and midwifes (INMO), doctors (IMO) and teachers (ASTI, INTU, TUI) also play an important role (see Table 15.2).

[3] These are Irish Municipal, Public and Civic Trade Union (IMPACT), Public Service Executive Union (PSEU) and Civic and Public Services Union (CPSU).

Table 15.2: Membership of ICTU and its largest affiliates

Name	Type	Membership (Dec 2008)	Membership (Dec 2018)
Irish Congress of Trade Union (ICTU)	Confederation	612,676	517,830
Service Industrial Professional and Technical Union (SIPTU)	General	209,881	173,000
FÓRSA	Service Sector (predominantly public sector)	87,225[a]	89,401
Connect Trade Union	Craft (predominately construction trades)	55,245[b]	39,000
Mandate	Service Sector (mostly retail)	45,206	33,462
UNITE	General [UK-based]	40,363[c]	21,440
Irish Nurses and Midwifes Association (INMO)	Occupational	40,100	39,150
Irish National Teachers' Organisation (INTO)	Occupational	31,345	38,546
Communications Workers' Union (CWU)	Occupational	19,550	15,003
Association of Secondary Teachers in Ireland (ASTI)	Occupational	18,064	16,849
Teachers' Union of Ireland (TUI)	Occupational	15,417	18,352
Financial Service Unions (FSU)	Service Sector (financial industry)	15,052[d]	8,521
Irish Medical Organisation (IMO)	Occupational	6,144	4,685

Source: ICTU (2009; 2019). Note: excluding membership in Northern Ireland.
[a] Obtained as the sum of members of IMPACT (61,450), CPSU (13,775) and PSEU (12,000)
[b] Sum of members TEEU (45,035) and the members of UCATT in the Republic of Ireland (10,210)
[c] Sum of members of Amicus (28,500) and ATGWU (11,863) in the Republic of Ireland
[d] Members of the Irish Bank Officials' Association (IBOA)

Hence, 'the double face of high concentration in few general unions and fragmentation in many small unions' (Roche *et al.* 1999, p. 345) still marks Irish unionism. Reducing fragmentation has been a concern for ICTU's leadership since its early days (O'Connor, 2011). Over time, the number of its affiliates declined through amalgamations. In 1959, the confederation included 70 affiliates that were operating in the Republic (Roche et al., 1999) by comparison to 29 in 2019. The most notable merger took place in 1990, when the ITGWU merged with the Federated Workers Union of Ireland to create SIPTU. ICTU's representativeness also increased over time, with the two largest independent unions – the nurses' union INO (now INMO) and the banking union IBOA (now FSU) joining it in the 1990s (Roche et al., 1999). Roche et al. (1999) calculate that throughout the 1990s ICTU included approximately 95 per cent of unions operating in Ireland, a figure which still stands today.

After the 2008 financial crisis, ICTU established a commission that proposed to reduce the number of affiliates to six larger federated sectoral organisations (Geary 2016; Hickland and Dundon 2016). Although its 2013 biennial conference adopted a plan to move in this direction, little has been done apart from two exceptions: the

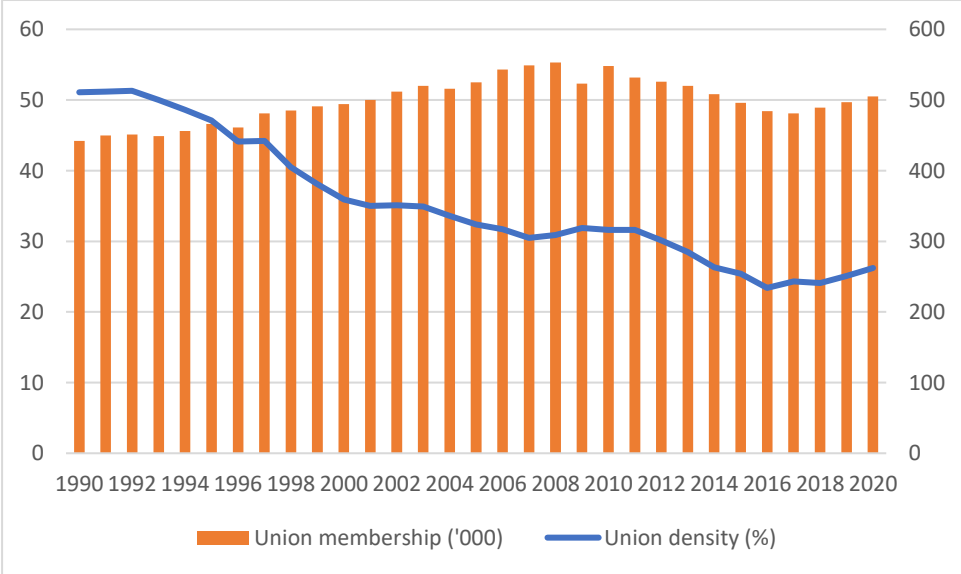
merger between the (public) sector unions IMPACT, CPSU and PSEU, which led to the creation of Fórsa (which is the Gaelic word meaning a 'force' or body of people, as well as 'leverage') in 2017; and the merger of the Technical Engineering and Electrical Union (TEEU) and the Irish section of the British construction sector union UCATT, which led to the birth of Connect in 2018.

3. Unionisation

There are two data sources on unionisation in Ireland. One is the administrative data reported by the unions themselves. Since the early 1990s, union density data is also available from the Labour Force Survey of the Central Statistics Office (CSO). The two sources differ, as unions may count among their members also self-employed, pensioners and unemployed, while the CSO survey data only includes employees.[4] Overall, the CSO data show consistently a lower level of unionisation in comparison to the administrative data provided by the unions (Roche 2008; Walsh 2015). This also explains the discrepancy in the data on unionisation in tables 15.1 and 15.2.

Even taking these differences into account, all statistical sources point to a decline in union density during the last decades, like in most other European countries (Vandaele 2019). Having reached a peak of 62 per cent in 1980, union density in Ireland was still over 50 per cent at the beginning of the 1990s (Roche 2008). It subsequently diminished almost uninterruptedly until the Great Recession (figure 15.1). By 2008, density was around 31 per cent according to survey data. Union membership had increased significantly throughout the 1990s (figure 15.1). However, density decreased because membership did not keep pace with the huge growth in employment recorded throughout the period of economic growth that became known as 'Celtic Tiger' (*ibid.*).

Figure 15.1: Net union density and membership in Ireland (1990-2020)



Source OECD/AIAS ICTWSS database 2021. Note: employees only

This downward trend reversed for a short period of time following the 2008 financial crisis. Membership fell, but density increased slightly until 2011. This was likely because unionised occupations – such as those in the public sector – suffered a

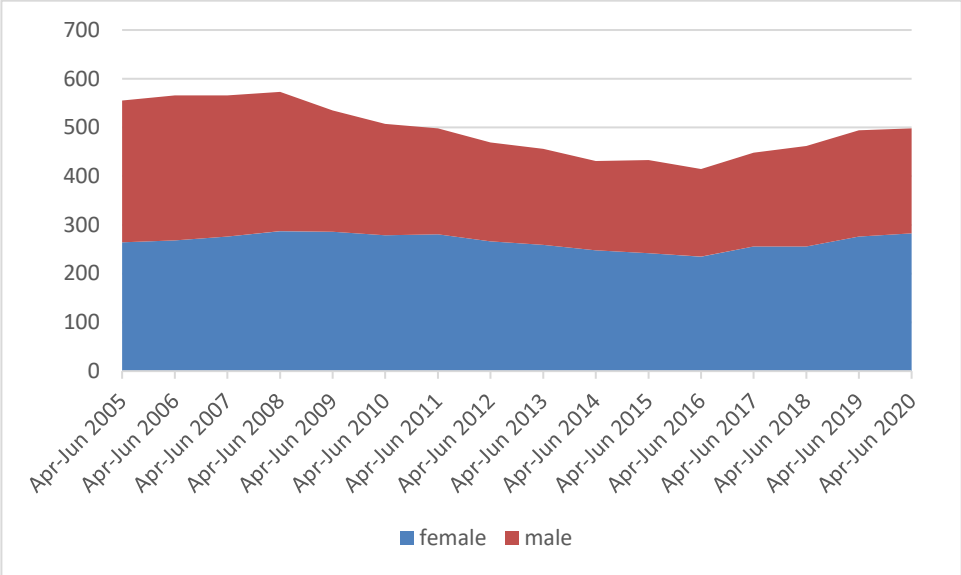
[4] This also explains the discrepancy between some of the data reported here and the data provided in the Appendix 1.

relatively minor contraction in terms of employment vis-à-vis non-unionised ones (Wallace *et al.* 2020). Yet, since 2012, density started to lower, as union membership dropped more than employment. In fact, the number of people in employment started to grow since 2013, while union membership continued to fall until 2016, to then recover, but still well below the 2008 levels. As a result, density had dropped to 23 per cent by 2016, before recovering slightly to 26 per cent by 2020 (CSO 2020). Such a low level of union density was seen last between the 1920s and 1930s (Roche 2008). The stark decline is important, as union density is a key determinant for the extent of collective bargaining in Ireland, given the limited role played by extension mechanisms (Maccarrone *et al.* 2018).

These overall trends mask further differences by sector. In general, in line with other European countries (Vandaele 2019), union density is much higher in the public by comparison to the private sector. In 2004, union density in the Irish public service was slightly below 70 per cent, whereas it hovered between 27 and 28 per cent in the private sector (Roche 2008; Walsh 2015). By 2014, density had fallen to 62.9 per cent in the public sector and to only 16.4 per cent in the private sector (Walsh 2015). As a result, the share of public sector workers in terms of total union membership rose from 40 to 55 per cent between 2004 and 2014 (*ibid*.). Within the public sector, union density in public administration declined from 78 per cent in 2007 to 65 per cent in 2018. In education, however, it has remained stable at 61 per cent, while the healthcare sector has seen a minor decline from 49 to 43 per cent (Wallace *et al.* 2020). In the private and semi-state sector, the most relevant decline is in manufacturing where union density declined from 32 to 19 per cent (*ibid*.). In banking and finance, it fell from 30 to 18; in information and communication from 22 to 9, in construction from 21 to 17, and in transport from 45 to 39 per cent in the same period (*ibid*.).

It is also interesting to break down the data according to demographic characteristics. The growing importance in defining trends in total union membership of the public sector – where female employment is significantly higher than male – can account for the rising share of women as union members (Wallace *et al.* 2020). In 2005, women made up 48 per cent of total union membership (CSO 2020). By 2020, this percentage had climbed to 57 per cent (*ibid*., figure 15.2.), although the male employment rate remains overall higher than the female one in the Irish economy. Just as more generally across Europe (Vandaele 2019), unions in Ireland are struggling to unionise younger workers: according to CSO data, union density for the age group 15-34 was 15 per cent in 2018 by comparison to an overall density rate of 24 per cent (Wallace *et al.* 2020). Usually, density rises with age, reaching its highest level for workers older than 55 years (*ibid*.). This 'greying' of union membership poses obvious challenges for unions' future perspectives. Unions are also underrepresented among migrant workers, where density in 2018 was at 9 per cent.

Figure 15.2: Union membership by gender (2005-2020)



Source: authors' elaboration on CSO (2020a) data. Note: employees only.

Whereas the economic cycle is an important determinant in explaining trends in unionisation, also structural factors – a higher growth of employment in industries and occupations that are generally associated with lower unionisation rates – may be possible explanators (Ebbinghaus 2002). In the case of Ireland, these seem relevant to explain the decline that took place since the 1990s until the 2008 economic and financial crisis (Roche 2008), though evidence of the effect of structural factors for more recent years seem inconclusive (Walsh 2015, 2018).

In addition to cyclical and structural factors, institutional elements, such as the legal framework for union recognition and employers' attitude towards collective bargaining are relevant (Roche 2008). The Irish framework lacks an enforceable legal framework for union recognition which hinders union presence in the workplace, arguably a key factor for unionisation (Toubøl and Strøby Jensen 2014). While workers have a constitutional right to join a union, Irish law does not require employers to recognise or negotiate with them (Cullinane and Dobbins 2014). In this respect, the reliance of the Irish economy on foreign direct investment played a key role, as multinationals (especially of US origin) increasingly preferred to operate non-unionised workplaces (Gunnigle *et al.* 2009). The attitude of the government on the matter also shifted: whereas state agencies tasked with attracting foreign direct investment flows would routinely recommend to foreign multinationals to recognise unions in the 1960s and the 1970s, they ceased to do so in the 1990s (Wallace et al., 2020).

To motivate employers to engage in collective bargaining, the Industrial Relations Acts 2001-2004 nevertheless provided that in workplaces where collective bargaining would not take place unions could obtain binding determinations on pay, working conditions and conflict resolution practices from the Labour Court instead (Cullinane and Dobbins 2014; Doherty 2016). Following a legal challenge by Ryanair in 2007, the legislation was deprived of its meaning by the Supreme Court. Its ruling accepted Ryanair's argument that it would not be bound by the determinations of the Labour Court, as Ryanair's engagement with its internal staff committees would be "collective bargaining" in the sense of the law, despite their lacking independence from the company management. Although the Industrial Relations Act was amended again in 2015, following a long-standing campaign from Irish unions, not much has changed

in practice (Dobbin et al., 2020). Until 2020, only four cases have been heard by the Labour Court, given the new law's restrictions for unions to bring up a case (Duffy, 2019).

Attempts to provide a stronger legal basis for collective bargaining rights backed by opposition parties had been opposed by successive coalition governments. To complicate this situation further, even if a better law was to be approved by the Parliament, employers can still challenge their constitutionality in court, as it happened in the case of a new law on Sectoral Employment Orders in 2020 (see section 5 below). Given the difficulties in securing effective Irish labour laws, ICTU decided to campaign for an EU directive on collective bargaining (ICTU 2019). Accordingly, ICTU welcomed the Commission's draft Directive on "adequate minimum wages in the European Union" (COM(2020) 682 final), which also includes provisions to improve collective bargaining in member states – such as Ireland – where bargaining coverage is less than 70 per cent. It remains to be seen if the Directive will be implemented and in which forms, given the opposition of some governments, including the Irish one.

In addition to an unfavourable legal framework and growing employers' hostility towards union recognition, one must add unions' own strategies towards recruitment of new members. During the era of Social Partnership, as wage bargaining took place at the national level, Irish unions mostly displayed a passive attitude towards organising and recruiting new members (Roche 2008; Erne 2013). While there was a growing awareness of this issue within the Irish trade union movement already in the mid-2000s, the end of Social Partnership accelerated the urgency to tackle it (Murphy and Turner 2016).

Some unions have therefore adopted organising models (Geary 2016; Hickland and Dundon 2016). SIPTU, for instance, created a new organising department and appointed organisers from under-represented groups, such as migrant workers (Murphy and Turner 2016). Beyond workplace organisation, SIPTU and Mandate also launched public campaigns to raise awareness of poor working conditions in low-paid industries, like hospitality, cleaning, and retail, though with uneven success (Murphy and Turner 2016; Geary and Gamwell 2019; Murphy *et al.* 2019).

Some unions have also given more attention to the challenges brought by the rise of the gig economy. The former Irish Bank Official Association, which rebranded itself as the Financial Service Union in 2016 to organise workers also in other industries (Hancock 2016), established a new branch for workers in the video game industry. SIPTU also supported efforts of food delivery gig workers to ameliorate their working conditions.

ICTU and its affiliates have worked towards legislative measures to tackle precarious work. Examples include the Irish Competition (Amendment) Act 2017, which extends collective bargaining rights to freelance workers, and the Employment (Miscellaneous Provisions) Act 2018 that limits the use of zero-hours contracts. By contrast to other European unions (see: Bender 2020: 218), Irish unions also vetoed the inclusion of opt-out clauses by collective bargaining from the EU's equal treatment principle for atypical workers (temporary agency, fixed term, and part time workers) during the transposition of the corresponding EU directives into Irish law.

The main challenge in terms of unionisation, however, remains the organisation of workers in multinational companies, which play an ever-increasing role in the Irish economy (Brazys and Regan 2017). Whereas there is a union presence in some foreign chemical and pharmaceutical companies as well as Apple, which came to Ireland when the Irish Development Agency (IDA) was still recommending MNCs to recognise unions, the FDI-dominated sectors display very low unionisation rates. Multinationals,

especially of US origins, are increasingly using 'double breasting' practices, that is, adding new non-unionised plants to an older unionised establishment (Gunnigle et al., 2009). While recent developments in the US tech industry, such as the unionisation drive at Google, might also have a positive impact in Ireland, it remains to be seen whether Irish unions will be able to capitalise on them.

4. Union income and expenditure

The bulk of unions' resources in Ireland come from membership fees. As Hillery (1974 p. 345) observed in a rare piece on union finance in the Republic 'members cannot figure on a balance sheet, but they are nevertheless the union's real asset'. Table 15.3. shows the income of some of the main unions, highlighting the dominant role played by members' contribution.

Table 15.3: Union finances of ICTU and its five largest affiliates

Name	**Staff number**	**Annual income (latest year available)**	**Members' contributions**
ICTU	25 (plus 7 at NERI) [2018]	3,582,431 [2018]	2,339,825
SIPTU	303	34,632,554	33,828,115
Fórsa	119 [2018]	16,752,635 [2018]	16,692,574
INMO	74 (12 part-time)	11,011,301	10,751,303
Connect	31 [2018]	3,610,641 [2018]	3,566,802
Mandate	50 [2018]	5,283,040 [2018]	5,392,411

Source: Registrar of Friendly Societies

Whereas Irish unions are financed by their individual members, their confederation is financed by its affiliates. As agreed at ICTU's Biennial Delegate Conference (BDC) in 2015, all ICTU-affiliated unions pay a flat fee (€1,622), an amount based on the number of their members and BDC delegates, and a contribution for each member to fund the activities of the Nevin Economic Research Institute (NERI), the unions' research body. In addition, ICTU also receives government funding to sustain training activities.[5] Some of the largest unions benefit also from the funding for training, though this would constitute a minor share of their budget. The government's Department of Enterprise, Trade and Employment may also provide grants to favour union mergers, though the amount nowadays is non-significant (Frawley 2012).

Given the tight relationship between unionisation and funding, staff numbers vary according to union size, as shown in table 15.3. SIPTU employs approximately 300 workers, whereas Fórsa has approximately 120 employees. ICTU has slightly more than 20 staff. The headquarters for all Irish unions and the Irish offices of the British based unions are in Dublin, but the largest unions have additional offices throughout the country. As ICTU and some unions operate also in the North, they have offices there - primarily in Belfast - too. The fact that the bulk of unions' resources comes from membership also means that unions' finances were negatively impacted by the fall in membership since the 2008 crisis, although this happened unevenly, with unions in the private sector being more affected.

Every union has its own way of determining the amount of fees as well as the allocation of the funds between the central level and the branches. Broadly speaking,

[5] Of an annual income of €3,582,431 in 2018, €900,000 came from the Department of Business, Enterprise & Innovation (ICTU Report of the Executive Council 2019).

fees are calculated proportionally to a member's income. The largest union, SIPTU, charges from 1 to 5 Euro weekly, with the lowest band being applied to those who earn under €127 per week, and the highest to those who earn more than €500 weekly. Thus, the highest rate corresponds approximately to a membership fee of €260 per year. Specific rates are applied to those unemployed, on unpaid leave or retired. Union dues can be paid by the member to the union or, if the member chooses so and the employer allows it, be deducted directly from the worker's salary. This is common in the public sector, though in 2010 – amid the industrial tensions brought by the financial crisis – the government considered changing the rule that allowed deduction of union dues at source (Sheehan 2010). While this was not acted upon, in 2011, the government abolished the tax relief on union subscriptions. In a recent report on collective bargaining, ICTU has inserted the request to reverse this decision to favour a higher unionisation (ICTU 2019).

As unions tend to own the buildings, most of their spending goes to their staff. Following the turn to organising, some unions have amended their rule books to specify that a share of the expenditure must be devoted to organising rather than service activities. SIPTU, for example, allocates 25 per cent of its income to strategic organising. The main service offered by the unions is nevertheless the representation of its members through collective bargaining and assistance with individual or collective disputes. Unions usually have separate reserve funds to finance disputes, for instance through the provision of strike benefits, which is controlled centrally. Training is also a benefit of union membership, with courses offered mostly on industrial relations issues but also on IT skills or English skills for migrant workers (Föhrer *et al.* 2019).

5. Collective bargaining and unions at the workplace

From 1987 to 2009, the framework of collective bargaining in Ireland was dominated by Social Partnership, a series of seven centralised tripartite agreements that regulated pay in the public sector and in the unionised private sector. At the core of the agreements was an exchange between wage moderation and tax cuts. Over time, though, the scope extended to cover broader areas of economic and social policy. While the agreements were voluntary, pay drift was limited, with a high degree of control exercised by national bargaining (Roche 2007). At workplace level, Ireland has a single-channel representation system, with some caveats. In unionised companies, workers are represented through their union, though the law allows also for the existence of staff internal committees, as shown in the Ryanair's case (section 3). Throughout the Social Partnership era, the involvement of workplace unions' members was minimal (Doherty and Erne 2010). Whereas national agreements attempted to incentivise workplace partnership, the number of firms in the private sector that adopted local partnership agreements remained low (Roche and Teague 2014). Neither did the adoption of the EU Information and Consultation Directive help raising employees' voice, as regulatory loopholes enabled employers to devise their own 'counterbalancing forms of (pseudo) consultation' (Dundon *et al.* 2006: 492).

In addition to national bargaining, some sectors have historically been covered by wage setting mechanisms, which included legal extension mechanisms. The Industrial Relations Act of 1946 provided that low-paid sectors where collective bargaining was not widespread could be covered by employment regulation orders (EROs), which provided legally enforceable minimum wage criteria and regulation for employment. Representing a form of *de facto* sectoral bargaining, EROs were drafted and submitted for approval to the Labour Court by a Joint Labour Committee (JLC) – a tripartite body composed by an equal number of representatives from employers and

trade unions in the relevant industry, plus an independent chairperson from the Labour Court. In more recent decades, EROs applied especially to low-paid service industries, such as cleaning, security, retail, and hospitality. While collective agreements are not binding, unions and employers could make them legally binding by registering them with the Labour Court as a Registered Employment Agreement (REA). The most important REA was covering the construction industry, where the firms represented by the Construction Industry Federation saw REAs as an insurance for an equal level playing field. By 2008, 15 per cent of private sector employees were covered by EROs and 8 per cent by REAs (Duffy and Walsh 2011).

A national minimum wage (NMW) was also introduced in 2000 within the framework of Social Partnership, partially out of the concern that the existing legislation did not offer enough protection to low-paid workers. Initially set at £4.40 (€5.59) per hour, corresponding to 55 per cent of the median industrial wage, the NMW was raised over time, usually following negotiations as part of Social Partnership agreements or unilateral government intervention based on a recommendation of the Labour Court (Erne 2006).

This structure of bargaining has been put under considerable pressure by the outbreak of the 2008 crisis, followed by the arrival of the 'Troika' at the end of 2010. The first effect of the recession was the collapse of Social Partnership. In 2008, in the wake of the recession, social partners renegotiated the last agreement, introducing pay pauses (Regan 2012). Yet, in early 2009, the government implemented unilaterally pay cuts for public sector employees through the first of a series of 'Financial Emergency Measures in the Public Interest' (FEMPI) Acts. Following the announcement that the government would have sought for further cuts to the public sector pay bill, the unions called a national public sector strike with high participation (Geary 2016; Szabó 2018). Negotiations thus reopened, but when talks reached a deadlock, the government moved to unilaterally cut public sector wages again in November 2009. As private sector employers had already announced that they would withdraw from the last national agreement, Social Partnership (SP) was now over. Since then, industrial relations have followed different dynamics.

In the public sector, centralised bargaining resumed in 2010 in the form of concession bargaining. Imposing a third unilateral pay cut within 20 months would have been difficult for the government. Instead, unions had been weakened by the failure to stop wage cuts in 2009, and the threat of another pay cut from the government was still looming (Szabó 2018). As a result, the 2010 Croke Park Agreement was signed where – in exchange of a pay freeze and a commitment from the unions to public sector reform – the government excluded further pay cuts and compulsory redundancies for *existing* employees. Pay for new entrants in the public service was reduced by 10 per cent a few months later when Ireland was on the verge of entering a structural adjustment programme under the Troika.

A second concessionary agreement was signed in 2013 when Ireland was still in a bailout. Austerity policies depressed internal demand and made the agreed deficit targets difficult to reach. Thus, at the end of 2012, the government proposed to renegotiate the Croke Park Agreement, seeking additional cuts to the public sector wage bill. The Croke Park II Agreement included pay cuts and increased working hours but was rejected by the aggregate ballot of union members (Erne 2013). Instead, a large majority of union members approved the Haddington Road Agreement (HRA), involving slightly less important concessions. This decision was hardly voluntary, as the government had adopted a new FEMPI Act which foresaw much harsher cuts in

pay and worser working conditions for the members of those unions who would refuse to sign the new agreement.

After Ireland left the bailout at the end of 2013, and the economic situation of the country started improving markedly, public sector unions initiated a campaign for pay restoration. The Lansdowne Road (2015) and the Public Service Stability Agreement (2018) provided for a phased restoration of pay. Yet, some of the measures agreed in previous concession agreements, such as the increase in working hours, remained in place. Moreover, the negotiations failed to amend fully the two-tier pay system that had emerged throughout the recession. Some specific issues concerning recruitment of staff in the healthcare sector also emerged. Hence, some underlying tensions remained, leading to strikes by teachers' and nurses' unions in recent years. At the end of 2020, in the context of the Covid-19 pandemic, a new 'transitional' agreement was reached, including pay increases between 2 and 3.4 per cent over the following two years (skewed towards the lower paid), a restoration of overtime rates, which had been cut in the recession, as well as the establishment of a committee to remove the additional working hours introduced by the HRA agreement in 2013 for those that were already employed at that time. The agreement has been backed by the members of most of ICTU's public service affiliates. However, the members of two teachers' unions (ASTI and TUI) rejected it in their ballot, because it does not remove the two-tier pay system for new entrants introduced throughout the recession. In the private sector and the semi-state companies, the collapse of SP and the decentralisation of collective bargaining allowed employers to impose easier adjustments at the firm level. Yet, since the end of 2010, unions in the manufacturing industry have started to cautiously seek wage increases again, targeting firms in export-oriented sectors that had been sheltered from the worst effect of the recession, like chemicals and pharmaceuticals (Geary 2016; Roche and Gormley 2020). Unions such as SIPTU and the TEEU sought increases in the order of 2 per cent a year, a rate which was considerably affordable, consistent with the trends in similar industries in other EU countries and in line with the ECB's inflation target (Hickland and Dundon 2016; Roche and Gormley 2020). This strategy has since been followed by other unions, such as Mandate, the FSU and Unite, leading to the emergence of a form of coordinated pattern bargaining (Roche and Gormley 2020). The 2 per cent pay norm became further institutionalised through Labour Court recommendations in pay disputes (*ibid*.). While the mean of collectively agreed pay increases raised as the economic situation improved significantly in the last five years, average yearly increases remained below 3 per cent by 2019. The impact of the Covid-19 pandemic on private sector collective bargaining is yet to be seen.

Legal wage setting mechanisms were also affected by the outbreak of the 2008 crisis and the subsequent imposition of the EU's new economic governance regime (Jordan *et al.* 2021). As a result of a legal challenges launched by employers in the fast food the High Court found JLCs 'unconstitutional' in 2011. Similarly, in 2013, the Supreme Court struck down the REAs, following a legal challenge by a group of electrical contractors.

The government reintroduced the JLCs with the Industrial Relations Act 2012, but with a narrower scope and providing an opt-out clause from the terms set by EROs on the ground of financial hardship. To address the constitutionality issue, the Act introduced veto power for the competent minister, but thereby reduced the social partners' autonomy (Achtsioglou and Doherty 2014). Moreover, when setting the EROs, JLCs had now to consider competitiveness factors as well. Crucially, there is no way to enforce new EROs if employers refuse to agree with the JLC's minimum wage

rulings. New EROs have been signed only in two sectors: cleaning and security. Large sectors previously covered by JLCs, such as retail, hospitality and catering, are not covered by wage agreements due to employers' opposition. The reform was monitored by the Troika, as the request to review both EROs and REAs had been inserted already in the first Memorandum of Understanding.

The reform of REAs happened outside the context of the bailout, with the Industrial Relations Act 2015 which also reintroduced the 'right to bargain' legislation. While the Act re-established company level REAs, sector level REAs were replaced by new Sectoral Employment Orders (SEOs). SEOs have a reduced scope, as they can only deal with remuneration, sick pay schemes and pension schemes. Furthermore, while REAs were based on a collective agreement, a union or an employer organisation can unilaterally ask the Labour Court to issue an SEO in a sector. Provided that the party is deemed to be representative, the Labour Court can then recommend the adoption of an SEO to the competent minister who may or may not enact it. An opt-out clause for employers exists on the ground of financial hardship. Since the adoption of the 2015 Act, only two new SEOs have been enacted, namely in the construction and in the electrical contracting industry, even if SIPTU, Connect and Unite intended to seek SEOs also in new sectors (Higgins 2018a, 2018b). In 2020, however, a group of small firms belonging to the electrical contracting industry obtained a favourable ruling from the High Court which declared the new SEOs unconstitutional too. Even if the Supreme Court has not yet confirmed that ruling, the future of the legal extension mechanisms hangs in the balance.

The developments concerning extension mechanisms, coupled with the decline in union density, helps to explain why collective bargaining coverage has diminished over the last decades (table 15.1). Estimated at 62.8 per cent in 1990, in 2009 coverage had fallen to 40.5 (OECD/AIAS ICTWSS Database 2021). It has further diminished after the Great Recession, standing at 34 per cent in 2017.

The National Minimum Wage has equally been affected by the recession. The first Memorandum of Understanding of November 2010 committed the FF-led government to reduce the minimum wage by €1 per hour (a reduction of approximately 12 per cent). This cut, however, was reversed in 2011 by a new coalition government of FG and Labour, also following a union and NGO campaign. Yet, the reinstatement was financed through reducing employers' social contributions to maintain the effect on unit labour cost unchanged (Jordan *et al.* 2021). Furthermore, the minimum wage developments had effectively been frozen until 2015 when the government established a Low Pay Commission (LPC) composed by unions and employers' representatives, as well as academics, charged of making non-binding recommendations on the level of the national minimum wage. Between 2015 and 2019, in the context of buoyant recovery, the LPC recommended moderate yearly NMW increases that the government adopted. In 2020, however, ICTU left the LPC when other members of the committee refused to grant an increase greater than €0.1 per hour. While the future of the LPC is unclear, it also remains to be seen whether the FF-FG-Green coalition government will address the promise to establish a living wage, which it made later in 2020. In any case, the Irish minimum wage remains well below the OECD thresholds of adequacy for a decent standard of living (Müller and Schulten 2020).

6. Industrial conflict

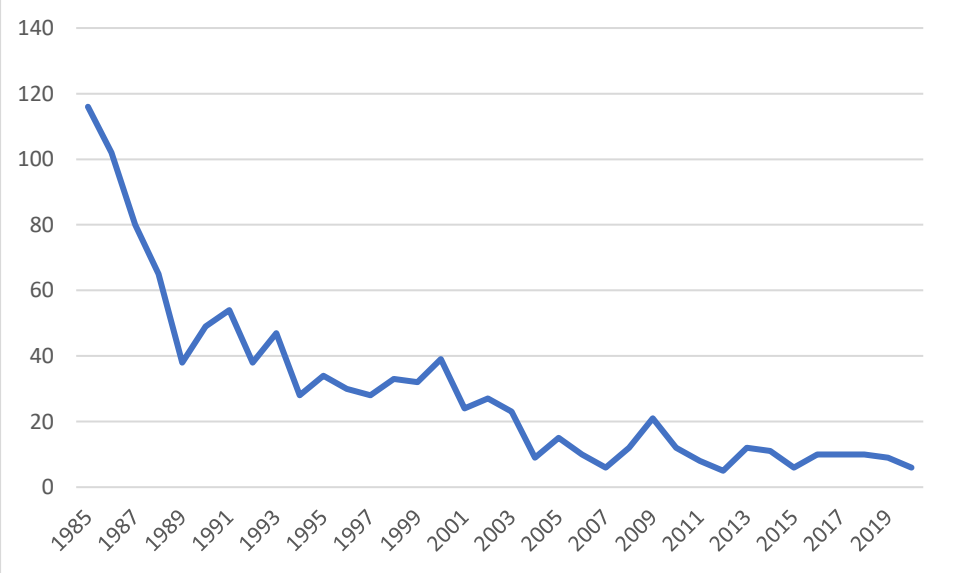
Irish law comprises no explicit right to strike. Instead, the law provides for an immunity from sanctions for workers engaged in industrial action, if such industrial action is within the perimeter set by the law. Industrial action is currently regulated by the

Industrial Relations Act 1990 which imposes rather stringent constraints. The Act prohibits political strikes, places limitation on secondary picketing and does not provide immunity for sympathy action (Wallace *et al.* 2020). A secret ballot must be held for any form of industrial action, and a notice of one week should be provided to the employer (*ibid*.). Given these restrictions to industrial action, some unions, such as Mandate, have called for a repeal of the Act. The police and defence forces are excluded from strike immunities. That said, the mere *threat* of a strike from police unions in 2016 led to pay concessions from the government.

Comparative analysis of trends of strike action in Western Europe has placed Ireland in a middling position between 'strike-prone' Southern European countries and 'low-strike' Northern European countries (Vandaele 2016). Until the 1980s, strike activity in Ireland had broadly correlated with the economic cycle, with an increase in industrial action in periods of economic expansion (Wallace *et al.* 2020). This trend changed in the period of sustained economic growth since the 1990s, which became known as 'Celtic Tiger'.

Indeed, since the late 1980s, strike activity in Ireland diminished significantly (figure 15.3). Looking at the frequency of strikes between 1922 and 2019, Wallace *et al.* (2020, p. 227) note that 'the number of strikes has been under 50 in only 30 years, 28 of which have occurred since the commencement of social partnership agreements in 1987'. Similar conclusions can also be drawn from the statistics on working days lost due to industrial actions (*ibid*.; Figure 15.4 below). This decline in strike activity can be partially interpreted as a 'peace dividend' of centralised bargaining. Other factors were also at work, as strike activity diminished more generally across Western Europe in the same time frame, despite institutional diversity (Vandaele 2016). For instance, 'structural' factors such as the de-industrialisation of the economy and increased competitive pressures due to globalisation can help account for decreasing strike activity (*ibid*.). In the Irish case, as for unionisation trends, also an unfavourable legislative framework and unions' own attitudes towards organising during the era of Social Partnership added up.

Figure 15.3.: Industrial disputes which began for each year (1985-2020)



Source: CSO (2020b)

Industrial conflict remained overall low even with the outbreak of the Great Recession and the end of Social Partnership, though with some isolated spikes. In early 2009, following the implementation of harsh austerity measures, unions attempted to coordinate a general strike. The attempt failed as some did not reach the required majority in strike ballots, most notably IMPACT, while others did not hold ballots at all (Geary 2016). More successful was a public sector general strike that took place a few months later with approximately 265,000 workers participating (O'Kelly 2010), involving 80 per cent of all public sector workers (Szabó 2018). This was the largest 1-day strike in Irish history (Geary 2016). Yet, a second day of strike was postponed following the reopening of negotiations with the government. The collapse of negotiations led to a new round of unilateral pay cuts for public service employees. Unions responded with prolonged work-to-rule forms of industrial actions which triggered notable disruptions, for example in the passport office.

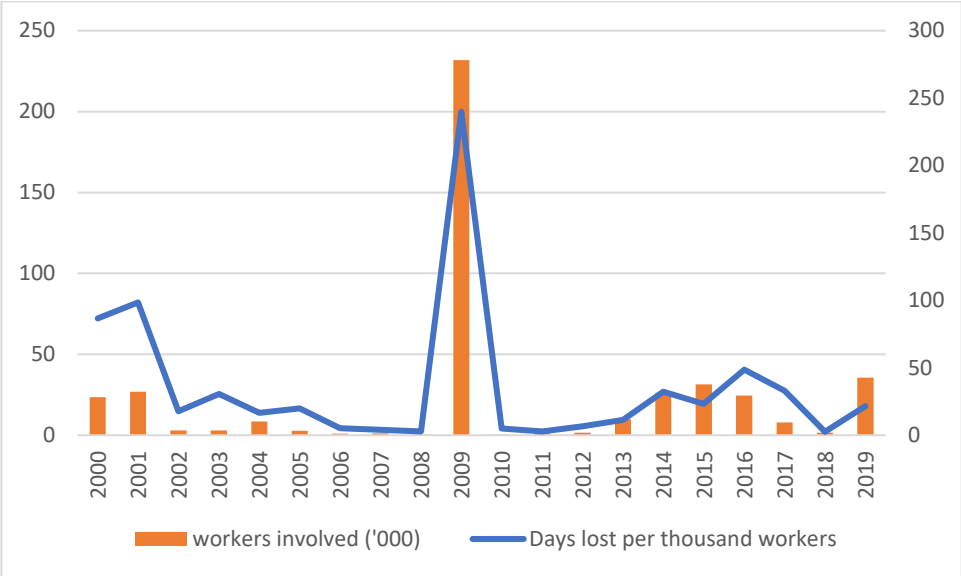
Yet, with the re-emergence of national collective bargaining in the public sector in 2010 industrial conflict dropped significantly. In the private sector, after the end of Social Partnership, ICTU and IBEC signed a protocol 'that prioritized job retention, competitiveness and orderly dispute resolution' (Roche and Gormley 2018, p. 447). Whereas by the end of 2009 the number of days not worked because of industrial action had reached 200 per 1000 employees, they had dropped to only 2 per 1000 of employees by 2011 (Geary 2016). Strike figures continued to be low also in 2012 and 2013, while Ireland was still under the Troika conditionality (see Figure 15.4). In response to the commodifying labour policy prescriptions of the Troika, ICTU focused on lobbying the government, and in particular the Labour Party, which was part of the ruling coalition (Geary 2016). Yet, some ICTU affiliates[6] together with NGOs and community groups created the Coalition to Protect the Lowest Paid. The Coalition campaigned to reinstate the minimum wage at its original level and to defend sectoral wage setting institutions. Some specific sectoral campaigns evolved too, such as the one organised by SIPTU to protect industry wage agreements in the cleaning sector (Geary and Gamwell 2019).

Strike activity recovered slightly after the beginning of the economic recovery (Figure 15.4). The years 2016 and 2017 saw several strikes in the transport industry (tram, bus and rail services) that had both offensive (demand for pay increases) and defensive features (resistance to restructuring and downsizing). It should be noted that this sector is still characterised by a relatively high trade union density and by a comparatively higher degree of workers' structural power (Silver 2003). Another notable example of industrial action in the transport industry was the 2017 strike of the pilots and aircrew of Ryanair, as part of a coordinated transnational campaign (Golden and Burtenshaw 2017), which led to the historic Ryanair decision to at long last grant union recognition.

The two-tier pay structure for new entrants which had been included in national public sector agreements during the crisis was challenged by teachers' strikes in 2016 and 2020. In 2019, nurses and midwifes struck for better pay and working conditions to stop the emigration of Irish healthcare staff, attracting considerable public support (Szabó 2019). The retail industry has been characterised by a certain degree of industrial action with strikes in different supermarket chains organised by Mandate in 2015 and 2018. In 2020, workers of the retail multinational Debenhams staged a long strike to obtain enhanced redundancy payments, following the liquidation of the company's branch in Ireland. To date, this has been the most visible industrial action undertaken throughout the Covid-19 pandemic.

[6] SIPTU, Mandate, Communications Workers' Union, UNITE.

Figure 15.4: Days not worked due to industrial action (per 1000 employees) and number of workers involved (thousands)



Source: CSO, data for 2019 are provisional

7. Relations with the polity

As discussed above, the Irish Labour Party has never been as strong as its British counterpart. Consequently, the union movement has never developed a symbiotic relationship with the party, though a handful of unions, most notably SIPTU, remained until recently formally affiliated to it. Relations between the party and the union movement were strained by the stint in government of Labour in coalition with Fine Gael between 2011 and 2015 when a growing number of union members perceived it as a co-manager of austerity. This led to a motion at the 2015 SIPTU Biennial Conference asking the union to disaffiliate from Labour. In any case, the Labour Party amended its constitution in 2017 and ceased all organisational affiliations. In turn, SIPTU decided to retain its political fund, but that it now could be used to support any union-related candidates, not only those running for Labour (Wall 2017). This also reflects the electoral growth in recent years of parties of the radical left (People before Profit—Solidarity) and the left-wing republican party Sinn Feín (SF), which is affiliated to the left-wing GUE group in the European Parliament and became the biggest party in the Irish parliament in 2020. SIPTU is currently one of the few Irish unions holding a political fund, along with the two teachers' unions ASTI and INTO (Registrar of Friendly Societies, 2019).

In terms of broader relations of the union movement with the polity, despite the collapse of the tripartite Social Partnership arrangements in 2009 (see section 1 and 5), many union leaders still see the partnership era in a positive light, also given the privileged access to government and influence on policy making it granted. Over time, Social Partnership agreements became increasingly more encompassing, and several tripartite bodies were set-up to address different policy issues. Yet, the Social Partnership era also saw a significant decline in union's organisational power, due to the decline of union density, while the framework for union recognition was weak and employment protection legislation remained among the lowest in OECD countries. Additionally, far from balancing the power between capital and labour, the Social Partnership era saw a significant reduction of the wage share (Allen 2007; Erne 2008).

Therefore, some scholars wonder whether, retrospectively, Social Partnership was a 'Faustian Bargain' to make Ireland more competitive (D'Art and Turner 2011).

The picture of Irish unions' relations with the polity after the outbreak of the 2008 crisis and the end of Social Partnership is one of continuity and change. On the one hand, the trends in industrial conflict over the last decade show that even after the end of national tripartite agreements Irish union leaders have, bar some exception, continued to privilege a logic of influence rather than one of mobilisation in response to the austerity measures that have been implemented by successive Irish government since the outbreak of the Great Recession (Geary 2016). On the other hand, faced with a decline in their institutional power, unions have been pushed to look for other sources of power, such as societal power. The end of tripartite agreements has also highlighted the urgency to address the issue of recruitment and organisation in response to falling unionisation. Moreover, while centralised bargaining re-emerged in the public sector, private sector unions have instead pursued strategies of local 'pattern bargaining' which have led to a greater involvement of local members and shop stewards in the negotiation of agreements (Roche and Gormley 2018; 2020).

Given the above, a return of Social Partnership in the form of pre-2009 cross-sectoral wage agreements is unlikely. Yet, after some years of limited involvement of social partners in policy making, both the government and employer organisations seem now readier to re-engineer forms of national social dialogue to address issues affecting the competitiveness of the Irish economy, such as housing and infrastructure. It might not be a coincidence that the return of power of Fianna Fáil in 2020, as part of an historic, "post-civil-war" coalition with Fine Gael and the Greens, has also led to re-establishing a social dialogue unit within the Department of the Taoiseach (Prime Minister). Yet, the concrete exchange that would underlie a new possible social pact remains to be seen, as much as whether and how the union movement will decide to be involved.

Another aspect that might influence the future relationship between the union movement and the polity in Ireland is the progressive re-alignment of the Irish political system towards a more traditional left-right divide which has become evident over the last decade. What is more, the average Irish voter now leans towards the centre-left (Müller and Regan 2020). Although a viable left-wing coalition has not yet emerged, this might lead to changes for Irish unions' relation to the polity.

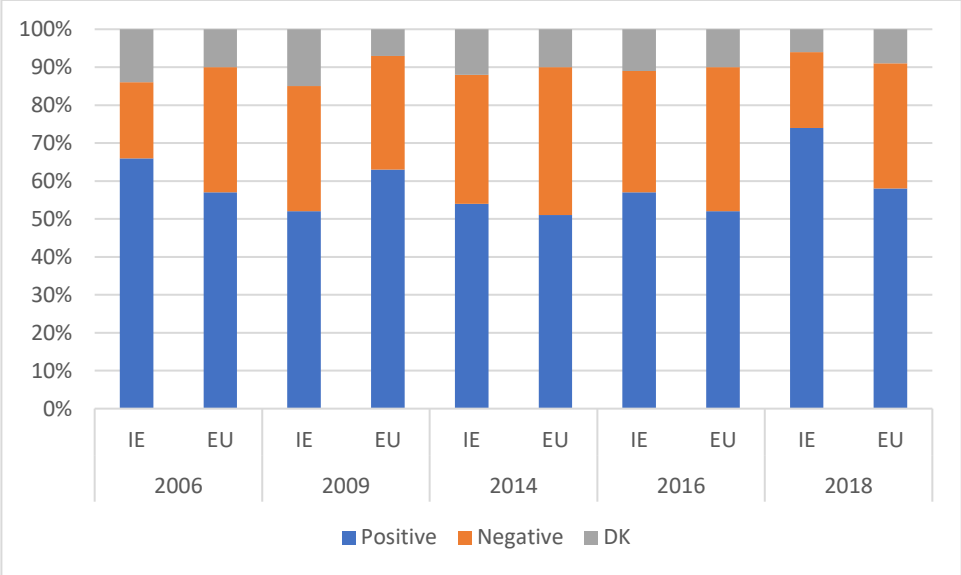
8. Societal power

The end of Social Partnership forced the Irish union movement to seek other sources of power. Beyond working on organisational power, unions attempted to boost their societal power. This has happened both through an improved use of public campaigning and communication, as well as through coalition building with social movements and NGOs (Geary 2016).

With the outbreak of the 2008 crisis, the union movement faced a very hostile media environment (Mercille 2014). The Social Partnership process became included among the culprits of the recession in Ireland, and a part of the media began to target 'over-paid' public sector employees (Roche 2010). An analysis conducted by ICTU of editorial commentary in the print press in the final quarter of 2009 found almost 90 per cent of press coverage to be hostile to unions (Culpepper and Regan 2014). Moreover, ICTU's alternative plan received very little traction in the public debate (Geary 2016). This seemed to have a feedback effect on public opinion: the 2009 'Eurobarometer' survey registered an increase in the number of people who associated a negative meaning to the term 'trade union' (figure 15.5).

In turn, Irish unions tried to strengthen their position in the battle of ideas, for instance, by establishing the NERI socio-economic research institute in 2012 (Geary 2016). Public sector unions also tried to improve their internal dialogue with their own members and their external communication activities, e.g. to counteract media stereotypes about public sector workers (Harbor 2011). Meanwhile, the negative effect of the recession on public perception of unions seems to have disappeared. In 2018, 74 per cent of Irish respondents to the Eurobarometer survey associated a positive meaning to the term trade union, well above the values of 2006 and of the EU average (figure 15.5.). Interestingly, the positive perception is the highest among young (15-24) people.

Figure 15.5.: public perception of trade unions in Ireland and the EU



Source: Eurobarometer reports[7].

Attempts to reach a broader public opinion have also been part of unions' organising campaigns over the last decade, inspired by examples such as the US 'Justice for Janitors'. A public campaign in the cleaning industry launched by SIPTU was part of a successful effort to restore a sectoral wage agreement in the sector. In the hospitality sector, characterised by low union density and employers' hostility towards unions (Geary and Gamwell 2019), SIPTU launched a 'Fair Hotels' campaign based on an ethical consumerism approach, inviting consumers to support hotels employing fair work practices (Murphy and Turner 2016). A similar approach was followed in Mandate's 'Fair Shop' campaign, launched in 2012. The effectiveness of this type of campaigning on organising remains however unclear (Murphy and Turner 2016; Geary and Gamwell 2016). These campaigns also involved coalition-building with civil society organisations such as the Migrant Rights Centre Ireland and the National Women Council, that was also part of the 'Coalition to Protect the Lowest Paid' where unions and NGOs joined forces to defend minimum wage institutions during the Troika conditionality (Maccarrone 2020). More recently, Irish union leaders joined an international campaign coalition of unions, businesses, environmentalists, women's

[7] Some Eurobarometer surveys contain the question "Could you please tell me for each of the following, whether the term brings to mind something very positive, fairly positive, fairly negative or very negative?" , including the term 'trade union'.

rights and civil society organisations, academics, and health practitioners and global advocates for a four-day working week (https://fourdayweek.ie).

Unions also took part in social movements with a focus that went beyond traditional IR issues. In 2014, the CPSU, the CWU, Mandate, Opatsi and Unite engaged – along with SF and radical left parties – in the popular 'Right2Water' movement which successfully fought against the introduction of water charges (Hearne 2015). More recently, ICTU and several affiliates have supported the Raise the Roof campaign that aims to tackle the dramatic housing crisis that the country is currently experiencing. Likewise, unions have successfully supported a Yes-vote in both the 2015 gay marriage referendum and in the 2018 referendum on the right to abortion. In 2012, ICTU also supported the introduction of a Financial Transaction Tax (ICTU 2012), by contrast to the Labour Party, which as part of the governing coalition was afraid to question Ireland's status as a low tax destination. Even so, in the future Irish unions arguably could play a greater role in European trade union campaigns for a fairer corporation tax system at the EU and OECD levels (Carr 2020).

9. Trade union policies towards the European Union

Gumbrell-McCormick and Hyman (2013) note that "as in several other member states unions in Ireland have shifted from a primarily anti-EU stance to support for further integration". When a referendum was held about joining the European Economic Community (EEC) in 1973, ICTU campaigned for a No-vote. Irish unions justified their position by concerns about the EEC potential negative effects for the weak Irish industrial system rather than on class-based arguments (Golden 2020). Subsequentially, ICTU was not taking any sides in the referendum on the Single European Act[8] but supported the Maastricht, Amsterdam, and Nice treaties. In the 2000s, however, trade union Euro-scepticism grew again (Béthoux *et al.* 2018). While a majority of ICTU's executive council voted to support the Lisbon Treaty, SIPTU did not forward this recommendation to its members, which was 'widely seen as a tacit call to reject the Treaty' (Gumbrell-McCormick and Hyman 2013). Other unions expressing criticism were Unite and the TEEU (Golden 2020). The debate was shaped by two major IR disputes, GAMA and Irish Ferries, which highlighted issues of compliance with the minimum wage legislation and fuelled unions' fears of a 'race to the bottom' due to increased labour mobility in a context of weak employment protection legislation (Béthoux *et al.* 2018). Fears of social dumping were also triggered by the 'Laval Quartet' of rulings of the European Court of Justice. In 2008, Irish voters rejected the Lisbon Treaty.

When a second referendum was held in 2009, the economic context had changed completely. In addition, the Labour Party promised to draft a new Industrial Relations Act as a prospective member of the next government that would implement the right to collective bargaining, if ICTU and SIPTU would actively campaign for a Yes-vote on Lisbon II, which they did (*ibid.*). Three years later, a referendum was held on the 'Fiscal Treaty' while Ireland was still under the 'Troika' conditionality. Whilst the ETUC, for the first time in its history, opposed an EU Treaty, ICTU – while critical of the Treaty's austeritarian orientation – did not issue suchlike recommendation to its members (*ibid.*). The leadership of the Congress justified this choice since the

[8] As all changes to the Irish Constitution must be approved by referendum, the Supreme Court ruled in 1987 that the same would also apply to most European Treaty changes (Golden 2020).

possibility of access to the European Stability Mechanisms was made conditional upon the ratification of the Fiscal Treaty (*ibid*.).

The participation of Irish unions in European affairs has traditionally been quite low (Golden 2020; Gumbrell-McCormick and Hyman 2013). Although Irish unions are involved in European trade union federations and European Work Councils (Föhrer and Erne 2017), 'neither the Congress nor any of its affiliates has a dedicated international resource for Ireland which is most unusual in the European Trade Union Movement' (ICTU 2011, p. 13). This reduced participation in European affairs was reflected also in a limited involvement of Irish unions in European and transnational action at the height of Eurozone crisis, even though Ireland was among the 'programme countries' (Maccarrone 2020).

In more recent years, however, both the Congress and some of its affiliates seem more involved in European affairs. A former ICTU officer was elected as ETUC Confederal Secretary in 2015 and re-confirmed in 2019, while the 10th Congress of the European Federation of Public Service Unions (EPSU) was held in Dublin in 2019. There have also been instances of transnational collective action that involved Irish unions, such as the successful transnational campaign of Ryanair pilots that eventually forced Ryanair to recognise unions in 2017. Given the difficulties encountered in securing collective bargaining rights, ICTU is now looking to work more at the European level to address this issue and it has strongly supported the draft directive on the European minimum wage.

In terms of involvement in the consultation process within the new EU economic governance framework, ICTU's position has evolved over time. Irish unions were very critical of the process of consultation during the Troika conditionality to the extent that, in 2012, the then president of SIPTU proposed to boycott further meetings with the international institutions (Sheehan 2012). When Ireland left the bailout programme at the end of 2013, the country was inserted within the ordinary procedures of the European Semester. In a context perceived as more favourable, ICTU tried to utilise the consultation process of the Semester to highlight some issues, like precariousness and low pay, and generally as an additional opportunity to influence policy making after the end of Social Partnership.

10. Conclusion

The picture that has emerged after the collapse of Social Partnership in 2009, following the outbreak of the Great Recession, is one of both continuity and change. In response to the austerity measures that successive Irish governments implemented in turn, the Irish Congress of Trade Unions and its major affiliates have, after a brief period of industrial strife in 2009, privileged a strategy of concession bargaining to at least remain at the bargaining table. As a result, the degree of industrial conflict over the last decade has remained low. Conversely, however, the collapse of national wage agreements also accelerated processes of institutional change within the Irish union movement. Many unions have re-organised themselves and turned towards new organising and campaigning models. At the same time, Irish union density and membership is lower than a decade ago, though the data shows a small recovery in the most recent years on both accounts. Recent survey data also shows that public perception towards unions is today positive and above the EU average, especially among young people. So, where are Irish unions heading? Which of the union futures outlined by Visser (2019) – marginalisation, substitution, dualisation, and revitalisation – is the Irish one?

Our answer is none of them. We were simply not able to put the Irish union future into one box without suppressing important empirical evidence. The cycles of

union protest and acquiescence in Ireland during the last decade do allow less Manichean conclusions (Erne 2019, p. 259), but only if we use Visser's typology 'as a heuristic tool to understand the tension between contention and interest intermediation that are present in all unions: and not as a classification devise to put different unions into distinct boxes'(*ibid*.)

As we have shown, Irish unions have been put under pressure but have not been marginalised. As most of their membership is concentrated in the public sector and in traditional industries, however, they must find ways to counter the widespread union substitution drives that multinational corporations employ to prevent unionisation. The successful transnational collective action in the Ryanair case illustrates that gaining union recognition is possible even in an anti-union company. Even so, the future of the Irish labour movement depends on comparable successes in other Ireland based multinationals. In this respect, some hope might come from the news that hundreds of Google's workers recently unionised in the Silicon Valley (Conger 2021).

Irish unions have also effectively resisted the introduction of opt-out clauses in Irish law from the EU equal pay requirements for temporary agency and other atypical workers. Hence, dualisation is hardly the most likely union future, even if not all Irish public sector unions have yet succeeded in eliminating the lower new entrants' pay grades that the government introduced after the financial crisis. This should be addressed in future negotiations, though.

Finally, some Irish unions have also strengthened their collaboration with social movements or framed their campaigns for better working conditions in a way that would appeal to the wider public, as it happened in the 2019 Irish nurses' strike. However, even if union density has registered a slight increase since 2016, it remains to be seen whether these initiatives will be able to reverse the long-lasting decline in unionisation and lead to Irish unions' revitalisation.

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All links were checked on 26.03.2021.

Abbreviations

ASTI Association of Secondary Teachers in Ireland

CSO Central Statistics Office

CPSU Civil and Public Services Union

CWU Communication Workers' Union

ECB European Central Bank

ERO Employment Regulation Order

ETUC European Trade Union Confederation

FF Fianna Fáil

FG Fine Gael

FSU Financial Service Union

FDI Foreign direct investment

IBEC Irish Business and Employers' Confederation

IBOA Irish Bank Officials' Association

ICTU Irish Congress of Trade Unions

IMPACT Irish Municipal, Public and Civil Trade Union

IMO Irish Medical Association

INMO Irish Nurses and Midwifes Association

INTO Irish National Teachers' Organisation

ITGWU Irish Transport and General Workers' Union

ITUC Irish Trade Union Congress

JLC Joint labour committee

MoU Memorandum of understanding

NMW National Minimum Wage

NERI Nevin Economic Research Institute

PSEU Public Service Executive Union

REA Registered Employment Agreement

SEO Sectoral Employment Order

SF Sinn Feín

SIPTU Services, Industrial, Professional and Technical Union

TEEU Technical Engineering and Electrical Union

TUC Trade Union Congress

TUI Teachers' Union of Ireland