WORKING PAPER

Industrial relations and social dialogue

Ireland: Developments in working life 2022

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Introduction

Despite the external and internal forces of inflation, supply chain difficulties and the energy crisis, the Irish economy still performed very well in 2022. The Revenue Commissioners took in a record high of €82.2 billion in taxes and duties for the Exchequer, an increase of some €14.7 billion or 21.5% on 2021 (Revenue, 2023). By the third quarter of 2022, gross domestic product (GDP) was up 2.3% on the previous year, with a total of €120.1 billion (CSO, 2022a). However, gross national product (GNP) fell by 2.2% and there were sectoral variations in terms of financial performance. Employment reached a record high of 2,554,300 in the third quarter of 2022, up 3.4% from the previous year (CSO, 2022b). Unemployment remained very low, at 4.5% (a decrease of 1.2% from 2021). Yet, inflation remained a lead issue for most of 2022, with many people complaining about price increases of essential goods. This led to Government intervention in the form of electricity bill subsidies in the first quarter of the year, with further subsidies outlined for the following winter months in the annual budget in September.

Despite the strong headline performance figures, energy poverty was calculated to be at its highest, at around 29% of households by mid-2022 (ESRI, 2022a). Energy price increases account for this increase, a direct result of Russia’s invasion of Ukraine. The energy price increases have a harder impact on lower income households: the April 2022 energy price increases amounted to 5.9% of after-tax and transfer income for the lowest-income fifth of households, compared to 3.1% for the highest income fifth (ESRI, 2022a). Nearly 70,000 refugees from Ukraine came to Ireland in 2022.

Social dialogue continued to gain more significant in 2022 from the previous two years, in how the social partners helped to manage the COVID pandemic. While a stronger social dialogue structure was expected to come to fruition in 2022, such a structural change remained elusive. However, social dialogue is still important in some key areas, such as industrial relations and employment law.

Political context

The year 2022 was the second year of the coalition government between the two largest political parties, Fianna Fáil and Fine Gael, as well as the Green Party. This government is due to run to mid-2025. In December 2022, the office of An Taoiseach (Prime Minister) changed, from Micheál Martin (Fianna Fáil) to Leo Varadkar (Fine Gael), as part of the coalition government agreement made in the summer of 2020. Mr Varadkar had been An Tánaiste (Deputy Prime Minister) and the Minister for Enterprise, Trade and Employment, since June 2020. As part of the changeover, Mr Martin became An Tánaiste and Minister for Foreign Affairs and Mr Simon Coveney became Minister for Enterprise, Trade & Employment.

Cost of living pressures started to take centre stage in the second half of the year, with inflation rising to around 9% during the summer of 2022. Inflation has largely been negligible in Ireland for since the start of the economic crisis in the late 2000s, but, in October, reached its highest level since 1984 (RTÉ, 2022). As a result of the rising cost of living, a Cost of Living Coalition was formed. This comprises of around 30 organisations, including trade unions and advocacy groups. Two days of nationwide protests took place in 2022, on 18 June and 12 November (Meskill, 2022).

Actors, institutions and processes

Social partners

The integral involvement of the social partners in central government level decision making was much in focus again in 2022. Ireland used to have a tripartite system of dialogue through which national wage agreements were negotiated, between 1987 and 2009. This was known as "Social Partnership". Ireland does not currently have a tripartite social partnership system; rather the social partners are consulted on an ad hoc basis. However, the employer and trade union peak level bodies engage via the Labour Employer Economic Forum (LEEF). However, the peak level social partners – the Irish Congress of Trade Unions (ICTU) and the Irish Employer Business Confederation (Ibec) – had a hands-on role in developing central government response to employment issues during the pandemic. The renewed focus of involving the social partners continued in 2022. While Ibec was eager to strengthen social dialogue (McCoy, 2022), it appeared there was less enthusiasm from ICTU (Prendergast, 2022a). However, a new general secretary of ICTU, Owen Reidy, was appointed in October, who is on record as being committed to strengthening social dialogue (Prendergast, 2022b). Nevertheless, no structural change occurred.

There were no mergers or demergers of the social partners, nor any new social partner organisations developed. Representativeness of the peak level social partners did not change but the concept of representativeness of trade unions was a discussion point during the development of collective bargaining reform proposals in late 2022.

Social dialogue bodies or frameworks

The main outlet for social dialogue in 2022 was the Labour Employer Economic Forum (LEEF). The primary work of the LEEF in 2022 was channelled through a High Level Group (which had been formed in 2021) to produce measures for reform of collective bargaining and industrial relations in Ireland. The main actors in this group were Patricia King (ICTU) and Maeve McElwee (Ibec). The group also featured prominent experts in industrial relations and was chaired by Professor Michael Doherty (Department of Enterprise, 2022). The High Level Group met numerous times throughout 2021 and 2022 and completed their work in July 2022. Their final report featuring reform proposals was published in October. The context for the Group's work and the final proposals was the Directive on Adequate Minimum Wages which carries an obligation on Ireland to promote collective bargaining.

The High Level Group outlined four key areas of reform:

1. Joint Labour Committees (JLCs). Enabling the means to progress the work of a JLC with the intent of producing an employment regulation order (ERO) even if a committee member refuses to engage in the process. This is promote mechanisms to increase sectoral coverage of collectively bargained terms and conditions.
2. Measures to improve the functioning of the procedure set out under the Industrial Relations Acts 2001-2015, to facilitate the use of independent technical assessors in cases taken by trade unions to represent members in relation to terms and conditions of employment, where the employer does not engage in collective bargaining with a trade union or excepted body.

3. The introduction of a new ‘good faith engagement’ procedure whereby a non-union employer would be compelled to engage with a representative trade union. Engagement would be mandatory but negotiation would not be – neither would there be a requirement to form an agreement.
4. Measures to improve the functioning of collective bargaining at enterprise level by adopting a code of best practice and to allow for training of individuals to engage in enterprise-level bargaining.

These proposals were accepted by the Government in October 2022 and will be legislated for in 2023. It is expected the proposals will, at least in part, transpose the requirement of the Directive on Adequate Minimum Wages.

The concept of representativeness is a key dimension to this body of reform, particularly the ‘good faith’ engagement proposal. Hitherto there is no statutory representativeness threshold for trade unions or employers in industrial relations. A ‘rule of thumb’ approach used by trade unions, developed through caselaw under the Industrial Relations Acts 2001-2015 was to establish 30% of a ‘grade, group or category’ to pursue a case under those Acts.

There is no explicit threshold of representativeness for trade unions in this High Level Group proposal but the Employees (Provision of Information and Consultation) Act 2006 is cited, which carries a 10% threshold (Doherty, 2022). It remains to be seen if an explicit threshold will be adopted in law.

Other working life related institutions

In 2022, the Low Pay Commission (LPC) was tasked by the Government to examine how a ‘living’ wage could be introduced in Ireland, which would effectively replace the current statutory national minimum wage. The LPC published its report in June and which was accepted by the Minister for Enterprise, Trade & Employment, Leo Varadkar. The LPC outline how over a four-year phase, the minimum wage can be increased incrementally to achieve a living wage of 60% of the median wage. Adopting this gradual shift to a living wage approach, in September 2022 the LPC produced its annual recommendation for the 2023 national minimum wage, recommending an €0.8 increase[i] to €11.30 per hour – the largest single increase in the minimum wage to date (Prendergast, 2022c).

[i] Eurofound (2022), Minimum wage to be increased by 80c from January 2023, measure IE-2023-1/2891 (measures in Ireland), EU PolicyWatch, Dublin.

Governmental responses to inflation

In response to the inflationary pressures the Government agreed a record-level Budget for 2023 worth €11 billion, made up of €6.9 billion of new measures to take effect in 2023 and €4.1 billion in one-off measures specifically targeted at cost-of-living pressure points. The spending measures include increases in social welfare payments; increased childcare subsidy payments; increased budget to hire more public servants (police, teachers) and several initiatives in the health service (Government of Ireland, 2022). All social welfare benefits increased as part of Budget 2023. In October 2022, most social welfare recipients received an extra week of payments (referred to as a double week). In November, the Child Benefit payment was doubled (€140 per child) and there were a series of one-off payments, as follows: €200 to people getting the Living Alone Increase; €400 to people getting the Fuel Allowance; €500 to people getting the Working Family Payment; €500 to people getting Disability Allowance, Invalidity Pension, Blind Pension and carers who qualify for the Carer's Support Grant (Citizens Information Service, 2022).

A significant measure that targets both cost of living pressures and the energy crisis is the €600 electricity subsidy for every household, estimated to cost €1.2 billion (O'Connell & Gataveckaite, 2022). This follows a €200 subsidy given to households earlier in 2022.[ii] The €600 subsidy is to be paid in three instalments of €200 each, between November 2022 and March 2023.

In February 2022, the Government announced a number of measures designed to support households against a background of rising cost of living. Including reductions on public transport fares, additional fuel allowances, additional support for approved prescribed drugs, medicines, and certain appliances, and support for school transport fees.[iii]

An important employment-related tweak by the Government was the increased limit of the small benefit exemption scheme, which allows employers to give employees tax-free vouchers. Prior to October 2022 the annual limit was €500 but it has now been expanded to €1,000. The tax-free voucher is one way to calm inflationary pressure on wages without locking in higher wages in an inflationary cycle. While this was a sole decision of the Government, the increase in the small benefit exemption scheme limit has been sought by trade unions, namely the Financial Services Union (Financial Services Union, 2022).

There is no formal wage indexation policy. The Government has warned against a 'wage price' spiral, as had happened in Ireland during the 20th century in decades of high inflation (Burke-Kennedy, 2022).

While not exactly linked to inflation, the Department of Social Protection opened a public consultation on changing unemployment benefit to a pay-related basis, as opposed to the current standard rates (Department of Social Protection, 2022). Unemployment benefit had before been pay-related but due to poor State finances in the 1980s, a lower standard rate was introduced.

[ii] Eurofound (2022), Electricity Costs Emergency Benefit Scheme for all Irish households, measure IE-2022-1/2343 (measures in Ireland), EU PolicyWatch, Dublin.
[iii] Eurofound (2022), Government launches €505 million cost of living package, measure IE-2022-7_2409 (measures in Ireland), EU PolicyWatch, Dublin.

Collective bargaining and inflation

How inflation features in wage negotiations

As inflation has been negligible for the most part of two decades prior to 2022, inflation has not been a driving factor in collective bargaining. Inflation-related clauses in collective agreements are not common. However, as inflation started to become a reality again in late 2021, inflation-related pressures started to seep into collective bargaining.

A 2022 pay survey conducted by the national correspondent, IRN (in conjunction with CIPD Ireland) found an average pay increase of 4.64% during 2022. The 2021 pay survey showed the average pay increase expected for 2022 was 2.97%, which shows the impact of inflation and the cost of living was having on pay bargaining (Higgins, 2022). Yet, pay increases are still considerably below the inflation rate, which hovered between 8% and 9% for most of 2022.

One feature used to manage inflationary pressures on pay was with the expansion of the small benefit exemption scheme, whereby employers could provide to employees a tax-free voucher of up to €1,000 per annum (the previous annual limit was €500). This was sought by trade unions, including SIPTU and the Financial Services Union (FSU). However, the IRN-CIPD survey (conducted September 2022) found just 1 in 4 employers would utilise the increased limit as a way of managing pay pressure (Prendergast, Higgins, 2022a).

Perhaps the best example of how inflation impacted collective bargaining in 2022 was with the negotiations for a new public service agreement (encompassing circa 360,000 public and civil servants). Known as the 'Building Momentum' agreement, the original version was negotiated in late 2020 and covered the years 2021 and 2022. The agreement featured a review clause (section 5.7.1) which stated: "The parties affirm that public service pay […] shall not be revisited over the lifetime of this Agreement, save where the assumptions underlying this Agreement need to be revisited." This review clause was triggered in early 2022 due to the rising cost of living. While a successor agreement would have been taken place in 2022 regardless, inflation was a predominant factor in the build up to, and during negotiations between the public services committee of the Congress of trade unions (ICTU) and the Department of Public Expenditure and Reform. Negotiations began in June 2022 and concluded in August. During this time the inflation rate continued to rise, and this was cited as a pressing factor by trade unions (Fórsa, 2022). An initial offer of an extra 5% pay increase, to cover the 2022 and 2023 years (on top of the 2-3% agreed for the 2021-2022 period) was rejected. Public service unions balloted for industrial action in the event they government side would not agree to a better deal. A second proposal emerged at the end of August and formed the basis of a new agreement, which revised the pay terms for 2022 and extended the agreement by another year, to 2023. The overall pay lift of the revised agreement provided for between 8.5% and 9.5% pay increases, for the years 2021-2023 (the additional pay increase element was for a total of 6.5% applied for the years 2022 and 2023). The per annum increase was below the inflation rate and so avoided the "chasing inflation"/wage price spiral dilemma that is of concern to the Government (Prendergast & Higgins, 2022b).

Examples of recent responses

A high profile example where rising inflation had a rolling effect on pay bargaining was at the **Apple** plant in Cork. The first proposal for a new wage agreement was rejected in early 2022; this would have provided for 3% per annum increases to run over three years (total 9%). Two more proposals were rejected by workers, members of the SIPTU trade union, before a fourth attempt at a deal was successful. This provided for a total of 9.25% in pay increases over two years (Prendergast, 2022d). Another important element to the deal was availing of the increased limit in the small benefit exemption scheme, whereby workers would receive a €1,000 tax-free voucher.

The **FSU** was active in securing additional pay measures for employees in response to cost of living pressures. It secured agreement with the two largest banks, Bank of Ireland and AIB, to give up to 90% of their employees the €1,000 tax-free voucher (Prendergast, 2022e).

A collective agreement between **American Airlines** and the Communications Workers Union (CWU) provides an example of an inflation rate feature determining the level of pay rises. A three-year agreement, covering around 30 workers, uses an ‘inflation plus’ model, whereby pay increases in year two (2023) and three (2024) of the agreement are set to be “inflation + 1.5%” (Prendergast, 2022f). The ‘inflation plus’ approach was first adopted at this employer in 2016 when inflation was mostly around 0%.

At a broader level, there is a general reluctance to link pay increases to the inflation rate, for several reasons, not least of which is the feared wage-price spiral. An inflation-linked pay agreement may be seen as more viable at enterprise/local level.

Developments in working time

Changes to legislation

The Work Life Balance and Miscellaneous Provisions Bill was introduced in 2022 and includes a number of working time-related measures. The planned law will introduce a right to request flexible working arrangements for parents and carers, as well as a right to request remote work. It will also extend the right to breastfeeding/lactation breaks, from 26 weeks to 104 weeks.

Parent's Leave and Benefit was extended from five weeks, to seven weeks, in July 2022. This extension of leave adheres to the requirements of the 2019 Work Life Balance Directive. An extension to nine weeks' leave and benefit is expected in 2024.

The European Union (Transparent and Predictable Working Conditions) Regulations 2022 amended the Organisation of Working Time Act 1997 to provide that a work assignment now must take place within the reference hours and days notified to the employee as part of their written terms of employment. Where the notice of a work assignment provided to an employee is not within the minimum notice period of 24 hours or the work assignment is to take place outside the reference hours and days, the employee has the possibility to refuse the work assignment and not be penalised for doing so.

The 2022 Regulations also changed provisions around probationary periods for fixed-term workers, requiring that the length of any such probationary period has to be proportionate to the expected duration of the contract and the nature of the work. Where a fixed-term contract is renewed for the same functions, the contract shall not be subject to a new probationary period.

Bargaining outcomes

In the 2013 'Haddington Road' public service agreement, public and civil servants were required to work longer hours, on average by an extra two hours per week. An Independent Body report on working hours of public servants produced a recommendation in early 2022 to bring the minimum working hours of public servants back to the level before the 2013 increase. This means that for most public servants, they are now on a minimum 35-hour working week (Sheehan, 2022). While this outcome was not negotiated per se – and was accepted and implemented by the Government before public service pay negotiations had concluded – it played an informal, yet important role in securing buy-in from public servants to agree to the negotiated Building Momentum 2021-2023 agreement.

Working hours featured in some collective agreements, such as the national collective agreement between the Overhead Powerline Contractors Group (OPCG) and Connect trade union – which provided for a standard 39-hour working week, beyond which overtime premia would be applied (Higgins, 2022b).

Proposals for new working hours arrangements for the police force (An Garda Siochana) met with difficulty when the largest Garda union, the GRA, refused to ballot its members on the third-party proposals. The GRA claimed that the proposals would effectively lead to a pay cut as members would have to work more hours than they have to do under the current roster agreement, introduced during the COVID-19 pandemic (Higgins, 2022c).

A new contract for doctors, known as the Sláintecare contract, was formed in late 2022. This provides for a 37-hour working week, which was of concern the doctor representative groups, the IMO and the IHCA. The proposed contract is not agreed collectively, however – doctors can agree or reject the new contract on an individual basis (Frawley, 2022).

Debates on duration and organisation

The '4 Day Week' campaign in Ireland was renewed in late 2022 (having been quiet since late 2021) when the results of the first national trial were revealed. The trial in Ireland involved 12 companies employing 188 people, between February and July 2022, and was conducted by University College Dublin, Cambridge and Boston College (backed by Fórsa and carried out in partnership by Four-Day Week Ireland). It showed broad favourability amongst the employers – and unanimous support from employees – for a compressed working week of 32 hours (Prendergast, 2022g). Most companies opted to cut out Friday from the work week but some companies used other configurations. The trial had particular success for women who reported a significantly greater improvement in life satisfaction, had larger gains in sleep time, and reported feeling more secure in their employment.

Employers gave an overall average satisfaction rate of 9.2 (on a scale of 0-10). The company performance result was 8.1 and the productivity rating was 7.6. Three-quarters of the firms said they will continue with a four-day week, while the rest are "planning" to continue with a four-day week but haven't "committed" to it yet. The trial also showed "statistically significant reductions" in burnout and anxiety, and an increase in the feeling of job satisfaction.

Labour market shortages and social partners

Employment permits issued in Ireland during 2022 more than doubled from the previous year, from 16,275 to over 34,000 (Frawley, 2022b). By November, permits issued in the 'IT' sector were 9,226 (more than 25% of all permits) – the largest of any sector. This was followed by 'health and social work activities' at 7,866, 'financial and insurance' (2,722), 'accommodation and food service' (2,141) and 'construction' (1,215).

A significant policy response to ongoing labour market shortages in key sectors, announced in October 2022, is the planned overhaul of the employment permits system. The Employment Permits Bill, 2022, seeks to introduce a seasonal employment permit; will revise the labour market needs test to make it more relevant and efficient; place operational criteria under Regulations (meaning it can be updated more quickly) and streamline a number of requirements to make the grant process more efficient; provide additional conditions for the grant of an employment permit, such as training or accommodation support for migrant workers in some circumstances, or making innovation or upskilling a condition of grant, where this may decrease future reliance on economic migration.

The reform measures are designed to increase the "agility" of the work permits system so that it can more quickly respond to both growth and contraction in the labour market (DETE, 2022b).

In December, further changes were made to employment permits system, including an expanded quota of 1,000 General Employment Permits for the role of care workers and home carers; an increase by 500 of the quota of General Employment Permits for the role of dairy farm assistant; and an expanded quota of 1,500 employment permits for the role of bus and coach drivers. The Department also announced it would create a single application procedure for employment permits and immigration permissions (DETE, 2022c). A shortage in farm labour became a theme in 2022. Research conducted by Farm Relief Services found that around two-third of farmers in Ireland are finding it hard to get workers, while three-quarters said getting workers with farming skills is difficult (Mac Raollaigh, 2022).

These changes to the employment permits system are decided by the Department but follow input from the social partners. For example, employer body Ibec has been in consultation with the Department on reforming the work permits system for several years. Ibec welcomed the December 2022 announcement, with director of employer relations, Maeve McElwee saying the planned single application system "will be welcomed by many industries as an important step in addressing emerging talent and skills shortages". Ibec says it has been actively calling on Government for several years to develop a fit-for-purpose work permits process. It said it looks forward "to engaging with stakeholders in the development of a new system that best positions Ireland to compete for talent." (Ibec, 2022a).

Other important policy developments

Employment status and contracts

On 16 December, the European Union (Transparent and Predictable Working Conditions) Regulations 2022 (S.I. No. 686/2022) were signed. This updated the definition of a ‘contract of employment’ under the 1994 Terms of Employment Act, to include workers who "personally execute any work or service". This is an important development as it could have significant consequences for the employment status of many workers who are currently working under self-employed status.

These Regulations transpose remaining elements of Directive (EU) 2019/1152 that had not yet been legislated for in Irish law. The other main elements of the Regulations are:

- A new maximum six-month probation period (in most cases).
- Information to be provided to employees on the duration and conditions relating to a probationary period (if applicable) within five days of starting employment:
- The following information now has to be provided within five days (formerly two months)
    - The place of work or, where there is no fixed or main place of work, a statement specifying that the employee is employed at various places or is free to determine his or her place of work or to work at various places;
    - The title, grade, nature or category of work for which the employee is employed or a brief description of the work;
    - The date of commencement of contract of employment;
    - Any terms and conditions relating to hours of work (including overtime).
- All other terms of employment required to be given to the employee under the Terms of Employment (Information) Act 1994 now required within one month (formerly two months), including:
    - Training, if any, to be provided by the employer;
    - For a temporary contract of employment, the identity of the user undertakings i.e., the person or firm hiring the agency worker;
    - If the work pattern of the employee is entirely or mostly unpredictable, the principle that the work schedule is variable, the number of guaranteed paid hours and the remuneration for work performed in addition to those guaranteed hours, the reference hours and days within which the employee may be required to work and the minimum notice period the employee is entitled to before the start of a work assignment;
    - The identity of the social security institutions receiving the social insurance contributions attached to the contract of employment and any protection relating to social security provided by the employer.
- An employer cannot prohibit an employee from taking up employment with another employer, outside of the work schedule established with the first named employer. An employer shall not subject an employee to adverse treatment for taking up employment with another employer. However, an employer may restrict an employee from taking up other employment if they have objective grounds for doing so, such as:
    - Health and safety,
    - Protection of business confidentiality,
    - Integrity of public service,

- Avoidance of conflicts of interest. (WRC, 2022)

Self-employed

In November, the Supreme Court decided it would hear an appeal of the major ‘gig-economy’ case of *Karshan (Midlands) v Revenue Commissioners*, which involves drivers for Domino’s Pizza who were treated as self-employed for tax purposes but for whom the Revenue Commissioners maintained should have been taxed as employees. It will be first time the Supreme Court of Ireland will deal with a ‘gig-economy’ case (Prendergast, 2022h). The hearing is expected to be held at the Supreme Court in mid-February 2023.

Wage setting

Sectoral wage bargaining received considerable attention in 2022. Resistance to sectoral wage setting mechanisms increased in some areas, with a sectoral employment order (SEO) in the electrical contracting industry successfully challenged in the courts. There has now been two successful challenges to the setting of legally binding wage rates in this industry in as many years. The parties resisting the establishment of new sectoral wage rates are smaller employers.

A planned SEO in the mechanical engineering sector is also meeting resistance from some employer groups, but is backed by others (Higgins, 2022d). In the security industry, employer groups succeeded in getting an injunction against an employment regulation order (ERO), setting down minimum wages in the sector, taking effect (Higgins, 2022e). However, in the childcare sector, the social partners were successful in forming a new ERO, setting wage rates for 27,000 childcare workers (Higgins, 2022f).

A main pillar of the recommendations from the High Level Group on collective bargaining and industrial relations in Ireland is to permit Joint Labour Committees function in the absence of a representative body, who is a member of the Committee but who refuses to participate in the process – thereby circumventing what has been described as the ‘employer veto’.

Gender pay gap

In June, the Employment Equality Act 1998 (Section 20A) (Gender Pay Gap Information) Regulations 2022 – giving effect to the Gender Pay Gap Information Act 2021 – were published. The regulations require companies employing at least 250 people to publish their gender pay gap report by the end of 2022. To do this, companies within scope took a ‘snapshot’ date of their employees earnings and then calculated and publish their gender pay gaps in December 2022. A number of high profile employers achieved a gender pay gap at or near zero (An Post, Stripe, Penneys/Primark and the Department of Justice) but many others (The Irish Times, Matheson law firm) are above the Irish average of 11.3%.

Health and safety

The Health and Safety Authority published a record low amount of workplace accident fatalities for 2022, at 26. This was 12 fewer than 2021 and is considerably lower than the total of 73 in 1991 (the year from when comparable figures started to be used) (Mulligan, 2022). Twelve of the fatal accidents occurred in the agriculture (farming) sector; seven people were killed in construction accidents; two people were killed in the public administration sector and one person was killed in each of the following sectors: water/waste, education, wholesale/retail, transport/storage and accommodation/food.

The Personal Injuries Resolution Board Act 2022 was passed in December, which places an increased emphasis on mediation as a means to try and settle claims when the parties cannot agree on an assessment.

COVID-19 remained a central issue for workplace health and safety for the first half of 2022.

Work–life balance

The Work Life Balance and Miscellaneous Provisions Bill 2022 set out the changes to be implemented in 2023, giving full effect to Directive 2019/1158. The main features of this legislation is a new right for parents and carers to request flexible working arrangements for caring purposes; the introduction of five days unpaid leave per calendar year to provide care or support for a relative or a person who lives in the same household as the employee; the extension of the current entitlement to breastfeeding breaks under the Maternity Protection Acts from six months to two years; an entitlement of five days of paid leave per year for those suffering or at risk of domestic violence; and the integration of a new 'Right to Request' remote work for all workers. This latter issue was a contentious issue earlier in 2022, when the first proposed scheme for a right to request remote work was heavily criticised as being "toothless" and skewed in favour of employers (Prendergast, 2022i). The revised approach to introducing a right to request remote work has done away with a set of listed reasons for how an employer can refuse a request and instead obliges an employer to take into consideration the requesting employee's needs, as well as their own business needs.

Lifelong learning and skills development

New agreements commenced between the State training agency, Solas, and 16 education and training boards across Ireland, for vocational education and training (VET) initiatives, following the interruption caused by the COVID-19 pandemic in 2020 and 2021 (ReferNet, 2022). The new agreements are designed to revitalise VET with the following targets set for 2024.

- increase its employment outcomes by over 10% on pre-pandemic levels and reskill around 20,000 unemployed learners per year.
- refocus on pathways within VET, expanding learning mobility between VET and higher education by up to 25%.
- sharply increase certification of transversal skills and widen participation of key target groups by at least 10% on pre-pandemic levels, while adding 10,000 places in support of Adult Literacy for Life (ALL) 10-year strategy.
- grow lifelong learning participation beyond pre-COVID levels, while doubling the scale of the Skills to advance workforce upskilling initiative.
- further expand provision focused on critical skills needs by 15% and embed green skill modules across all VET curricula/training courses.

Eurostat figures revealed that lifelong learning amongst the workforce in Ireland (14%) remains below many other European countries and significantly below the EU target of 60% by 2030 (Keogh, 2022).

Working life of Ukrainian refugees

Employment and working conditions

As of 11 December 2022, there were 67,448 Ukrainian refugees in Ireland. By November 2022, there were 9,802 Ukrainian refugees in paid employment, a majority of which (5,034) are in the Wholesale, Transport and Accommodation (G,H,I) categories. There were 26,870 active working age welfare claims, including jobseekers allowance claims, by Ukrainian refugees. There were 13,619 arrivals enrolled in further education and training courses on 1 December 2022, of which 11,648 enrolled in further education English language courses. Since 11 April 2022, the State Public Employment Service, Intreo, has been running employment support events for refugees from Ukraine. As of 11 December, these events have been attended by 24,164 arrivals. English language proficiency has been identified as a barrier in obtaining employment in Ireland for many Ukrainian refugees (69%) attending the Intreo events (CSO, 2022c).

State bodies have made accessible employment-related services to Ukrainian refugees, such as promoting employment rights and entitlements in the Ukrainian (Workplace Relations Commission, 2022b).

Social partner initiatives to support Ukrainian refugees

The initial social partner response to the crisis in Ukraine was to encourage workers and employers "to give practical support to the humanitarian relief efforts of the International Red Cross and UNICEF Ireland in Ukraine." In April, the social partners asked for workers to donate one-hour's worth of their pay to this relief fund, which would be matched by employers, on a voluntary basis (Ibec, 2022b). There has not been much focus on Ukrainian refugees from the social partners since the first few weeks of the 2022 invasion of Ukraine.

Commentary and outlook

The year 2022 was a remarkable year for working life in Ireland. A return of inflation and a tight labour market led to a keener focus on wages, while many new employment laws have been passed. Employment reached a record high of over 2.5 million while the State took in a record high of €82.2 billion in tax receipts.

Despite strong inflationary pressures throughout most of 2022, private sector pay has remained largely stable with a growing focus on other benefits, such as new forms of paid leave and tax-free vouchers for employees. While disturbance from industrial action increased since 2021, and there were a few pay-related strikes where inflation was certainly a factor, there was nevertheless no widespread impact of inflation on the course of strike activity throughout the year.

Inflation did lead, however, to the revision of the public service agreement, Building Momentum, which was boosted and extended following talks held at the Workplace Relations Commission during the summer. The Government and trade union side agreed a new deal that added another 6.5% of pay increases to the pockets of public servants, above what was agreed in 2020.

Perhaps the most significant development in industrial relations in the 2022 was the publication of the High Level Group proposals on reforming collective bargaining in Ireland. The Group produced four key proposals that are now being considered for legislation in 2023. In the background to this work was the adoption of the Directive on Adequate Minimum Wages, which brings obligations for promoting collective bargaining in Ireland. Structural and legislative changes in collective bargaining will be even more topical in 2023. The connection of collective bargaining to the green transition remains limited however, and has not had much of an impact outside the focal areas of Midlands Just Transition program.

The year 2022 was also arguably one of the busiest years in employment legislation, with the enactment of major laws such as the Protected Disclosures (Amendment) Act, the Sick Pay Act, the Tips and Gratuities Act, regulations supporting the Gender Pay Gap Reporting Act, and new regulations on predictable and flexible working. These laws form part of the government's legislative agenda but also transpose obligations under EU Directives. In 2022 the government formally adopted its plan to move the national minimum wage to become a national living wage, set at two-thirds of the median level of earnings. This rise to a living wage will take several years to achieve, but the highest rise in the minimum wage, to €11.30 per hour, was agreed in September, taking effect from 1 January 2023.

New legal rights around requesting flexible and remote working were still working their way through the legislative system by the end of 2022 and more employment law developments are expected in 2023.

References

All Eurofound publications are available at www.eurofound.europa.eu

Burke-Kennedy, E. (2002) 'Government cannot chase inflation, Donohoe warns ahead of budget', *The Irish Times,* 14 September.

Central Statistics Office (2022a) 'Quarterly National Accounts Quarter 3 2022'. Available at: https://www.cso.ie/en/releasesandpublications/ep/p-na/quarterlynationalaccountsquarter32022/ (accessed 10 January 2023)

Central Statistics Office (2022b) 'Labour Force Survey Quarter 3 2022'. Available at: https://www.cso.ie/en/releasesandpublications/ep/p-lfs/labourforcesurveyquarter32022/ (accessed 10 January 2023)

Central Statistics Office (2022c) 'Arrivals from Ukraine in Ireland Series 8'. Available at: https://www.cso.ie/en/releasesandpublications/fp/p-aui/arrivalsfromukraineinirelandseries8/ (accessed 2 January 2023).

Citizens Information Service (2022) 'Budget 2023'. Available at: https://www.citizensinformation.ie/en/money_and_tax/budgets/budget_2023.html#:~:text=The%20maximum%20rate%20of%20all,12%20increase%20(January%202023). (accessed 10 December 2022).

Department of Enterprise, Trade & Employment (2022a) 'Reports of the LEEF High Level Group on Collective Bargaining', 5 October. Available at: https://enterprise.gov.ie/en/publications/leef-high-level-group-on-collective-bargaining.html (accessed 4 December 2022).

Department of Enterprise, Trade & Employment (2022b) 'Minister English introduces legislation to modernise Employment Permits System', press release, 12 October. Available at: https://enterprise.gov.ie/en/news-and-events/department-news/2022/october/202210123.html (accessed 2 January 2023).

Department of Enterprise, Trade & Employment (2022c) 'Minister English announces measures to address skill shortages in agriculture, transport and home care sectors', press release, 16 December. Available at: https://enterprise.gov.ie/en/news-and-events/department-news/2022/december/202212171.html (accessed 2 January 2023).

Department of Social Protection (2022) 'Public Consultation on Pay-Related Benefit for Jobseekers'. Available at: https://www.gov.ie/en/consultation/a73aa-pay-related-benefit-scheme-consultation/#:~:text=The%20Department%20of%20Social%20Protection,Pathways%20to%20Work%202021%2D2025. (accessed 10 December 2022).

Doherty, M. (2022) 'Final Report of the LEEF High Level Working Group on Collective Bargaining', 5 October. Available at: https://enterprise.gov.ie/en/publications/leef-high-level-group-on-collective-bargaining.html#:~:text=Final%20Report%20of%20the%20LEEF%20High%20Level%20Working%20Group%20on%20Collective%20Bargaining%20%C2%BB (accessed 4 December 2022).

ESRI (2022) 'Energy poverty at highest recorded rate'. Available at: https://www.esri.ie/news/energy-poverty-at-highest-recorded-rate (accessed 10 January 2023).

Financial Services Union (2022) ‘Financial Services Union launch pre budget submission’, press release, 12 September. Available at: https://www.fsunion.org/latest/news/financial-services-union-launch-pre-budget-submission/ (accessed 10 December 2022).

Fórsa trade union (2002) ‘Pay campaign to include ballots’, press release, 15 July. Available at: https://www.forsa.ie/pspay15072022/ (accessed 2 January 2023).

Frawley, M. (2022) ‘Cautious response to new consultant contract of up to €250k’, *Industrial Relations News* 45, 8 December.

Frawley, M. (2022b) ‘Employment permits double in 2022, reform of law in progress’, *Industrial Relations News* 40, 3 November.

Government of Ireland (2022) ‘The Budget in Brief: Your Guide to Budget 2023’, 27 September. Available at: https://www.gov.ie/en/publication/4de03-your-guide-to-budget-2023/ (accessed 4 December 2022).

Higgins, C. (2022) ‘Latest IRN/CIPD pay survey sees average 4.64% pay hike, median 3.5%’, *Industrial Relations News* 36, 6 October.

Higgins, C. (2022b) ‘Overhead powerline workers seek to register pay agreement’, *Industrial Relations News* 41, 10 November.

Higgins, C. (2022c) ‘GRA defends decision not to ballot on rosters’, *Industrial Relations News* 35, 29 September.

Higgins, C. (2022d) ‘Mechanical craft pay process should continue, say unions and employer body’, *Industrial Relations News* 45, 8 December.

Higgins, C. (2022e) ‘Security JLC injunction – Department seeks legal advice’, *Industrial Relations News* 31, 1 September.

Higgins, C. (2022f) ‘Childcare sectoral minimum pay order approved, backed by State funds’, *Industrial Relations News* 32, 8 September.

Ibec (2022a) ‘Business welcomes single application procedure for employment permits and immigration permission’, press release, 16 December. Available at: https://www.ibec.ie/connect-and-learn/media/2022/12/16/business-welcomes-single-application-procedure-for-employment-permits-and-immigration-permission (accessed 2 January 2023).

Ibec (2022b) ‘Congress and Ibec team up to support Ukraine humanitarian relief efforts’, press release, 1 April. Available at: https://www.ibec.ie/connect-and-learn/media/2022/04/01/congress-and-ibec-team-up-to-support-ukraine-humanitarian-relief-efforts (accessed 2 January 2023)

Keogh, O. (2022) ‘Irish workers are not star pupils in upskilling and lifelong learning’, *The Irish Times*, 28 October.

Mac Raollaigh, J. (2022) ‘Labour shortage may prevent farms functioning next year – report’, *RTÉ*, 12 December. Available at: https://www.rte.ie/news/2022/1212/1341270-farmers/ (accessed 12 December 2022)

McCoy, D. (2022) ‘A Coordinated Societal Response to Avoid Competitiveness Loss from a Wage-Price Spiral’, Ibec press release, 14 April. Available at: https://www.ibec.ie/connect-and-learn/insights/insights/2022/04/14/a-coordinated-societal-response-to-avoid-competitiveness-loss-from-a-wage-price-spiral (accessed 10 December 2022).

Meskill, T. (2022) ‘City centre protests over cost-of-living concerns’, *RTÉ*, 12 November.

Mulligan, H. (2022) ‘Twelve fewer fatal accidents as 2022 sets new fatalities record low’, *Health and Safety Review*, 12 December.

O’Connell, H. and Gataveckaite, G. (2022) ‘Windfall tax might only fund €600 electricity credit’, *Irish Independent,* 24 November.

Prendergast, A. (2002a) ‘Has support for a new social compact ebbed away?’*, Industrial Relations News* 34, 22 September.

Prendergast, A. (2022b) ‘Reidy seeks to grasp full potential of bargaining Directive, backs new compact’, *Industrial Relations News* 42, 17 November.

Prendergast, A. (2022c) ‘Record increase to the minimum wage tracks path to living wage’, *Industrial Relations News* 33, 15 September.

Prendergast, A. (2022d) ‘Apple – pay deal struck with SIPTU ends protracted talks’, *Industrial Relations News* 36, 6 October.

Prendergast, A. (2022e) ‘Major banks agree to pay €1,000 ‘cost of living’ payment’, *Industrial Relations News* 37, 13 October.

Prendergast, A. (2022f) ‘American Airlines agrees new inflation-linked pay deal’, *Industrial Relations News* 20, 26 May.

Prendergast, A. (2022g) ‘Positive results from first ‘Four Day Week’ trial in Ireland’, *Industrial Relations News* 44, 1 December.

Prendergast, A. (2022h) ‘Domino’s ‘gig-economy’ case will be heard by the Supreme Court’, *Industrial Relations News* 41, 10 November.

Prendergast, A. (2002i) ‘Remote work bill should be given ‘decent burial’ – Nash’, *Industrial Relations News* 11, 16 March.

Prendergast, A. and Higgins, C. (2022a) ‘IRN-CIPD survey shows basic pay still priority over vouchers and benefits’, *Industrial Relations News* 35, 29 September.

Prendergast, A. and Higgins, C. (2022b) ‘Revised ‘Building Momentum’ a favourable deal in wider context’, *Industrial Relations News* 31, 1 September.

ReferNet Ireland; Cedefop (2022). *Ireland: new targets for VET and lifelong learning*. National news on VET. Available at: https://www.cedefop.europa.eu/en/news/ireland-new-targets-vet-and-lifelong-learning (accessed 3 January 2023).

Revenue Commissioners (2023) ‘Revenue publishes headline results for 2022’. Available at: https://www.revenue.ie/en/corporate/press-office/press-releases/2023/pr-010523-headline.aspx (accessed 13 January 2023).

RTÉ (2022) ‘Annual rate of inflation up to 9.2% in October’, 10 November. Available at: https://www.rte.ie/news/business/2022/1110/1335287-cso-inflation-figures/ (accessed 4 December 2022).

Sheehan, B. (2022) ‘Mulvey-led report credits extra hours for role played in two crises’, *Industrial Relations News* 8, 24 February.

Workplace Relations Commission (2022a) ‘European Union (Transparent and Predictable Working Conditions) Regulations 2022’. Available at: https://www.workplacerelations.ie/en/what_you_should_know/employer-obligations/transparent-and-predictable-working-conditions/european-union-transparent-and-predictable-working-conditions-regulations-2022.html (accessed 2 January 2023).

Workplace Relations Commission (2022b) Права на працевлаштування в Ірландії: інформація для громадян України. Available at: https://www.workplacerelations.ie/en/news-media/workplace_relations_notices/information%20document%20for%20ukrainians%20arriving%20in%20ireland%20-%20ukrainian%20language.html (accessed 10 January 2023).

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