

THE LABOUR COURT
LANSDOWNE HOUSE
LANSDOWNE ROAD
BALLSBRIDGE
DUBLIN 4
D04 A3A8



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CD/17/325

RECOMMENDATION NO. LCR21655

INDUSTRIAL RELATIONS ACTS 1946 TO 2015
SECTION 20(1), INDUSTRIAL RELATIONS ACT, 1969

PARTIES :

TESCO IRELAND

- AND -

MANDATE TRADE UNION
SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL UNION

DIVISION :

Chairman : Mr Foley
Employer Member : Mr Marie
Worker Member : Mr Hall

SUBJECT:

1. Pay claim by the Trade Unions on behalf of 180 members.

BACKGROUND:

2. This case concerns a pay claim by the Trade Unions on behalf of 180 members.

On the 23 October 2017, the Unions referred this dispute to the Labour Court in accordance with Section 20(1) of the Industrial Relations Act, 1969.

A Labour Court hearing took place on the 29 January 2018.

RECOMMENDATION :

The Court has given very careful consideration to the written and oral submissions of the parties.

The matter before the Court is a pay claim on behalf of 180 members of the Trade Unions.

The parties before the Court are parties to a long standing collective agreement which, the Court understands, commits both parties to engagement and negotiation on matters relating to the terms and conditions of employment of the persons who are members of the Trade Union and in the employ of the Employer.

The Employer has confirmed in writing to the Court that it has always respected the collective bargaining process but that recent events have resulted in the employer 'directly engaging with our colleagues on matters of pay and employment'.

This matter has come before the Court under Section 20(1) of the Industrial Relations Act, 1969 rather than as a result of any form of collective bargaining leading to a jointly supported referral under Section 26(1) of the Act of 1946. The Court has addressed standard pay round issues in this employment, including as regards this group of workers, in 2016 and again specifically as regards this group of workers in 2017. The Court's recommendation of 2016 was, in consequence of what the Court understands was a mutual understanding, not implemented in respect of this group of workers at the time. The Court's recommendation of 2017 did not find mutual acceptance and has not been implemented.

Notwithstanding the specific nature of the matter before the Court the parties have both considered it appropriate in their submissions to apprise the Court comprehensively of the recent history of their relationship. The Court concludes that the fact of the claim before the Court being referred under Section 20(1) of the 1969 Act is a reflection of the poor state of the parties' collective relationship of extremely long standing.

The Court recommends that, in isolation from the current claim or any other matter of recent history, the parties should engage to review the functioning of their relationship in a forward looking frame. The Court, in support of this recommendation, is prepared to nominate an individual of national standing and of long experience to facilitate a constructive dialogue at senior level between the Employer and the Trade Union. The Court believes, given the significance of the matter, that such a facilitated dialogue could, where appropriate, benefit from the support of the ICTU and IBEC. The Court recommends that engagement on this matter should take place over a 12 week timeframe and that the parties should report back to the Court at the conclusion of that period as to progress in relation to the matter.

In relation to the specific matter before it, the Court recommends that the parties should, at the appropriate time, re-assess their dispute as is currently before the Court and, if necessary, process the claim through their normal agreed procedures.

Signed on behalf of the Labour Court

CR
12 February, 2018

Kevin Foley

Chairman

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Ciaran Roche, Court Secretary.