

IRELAND

Public Policy

Jean McCarthy



TABLE OF CONTENTS

In-Country Policy Context	2
Policy Overview— Dimensions of Quality of Employment	3
Contextual Focus— Implementing Equality for Older Workers	12
Implications for Quality of Employment	13

This policy brief discusses employment policies in the Republic of Ireland, with a particular focus on federal legislation, as it relates to the dimensions of the quality of employment framework. Rather than discussing all employment policies, this brief will highlight the most significant legislation in order to provide a general introduction to current policies as they relate to the quality of employment in Ireland.

This brief includes four sections:

- An in-country policy context introducing the reader to the policy background of Ireland.
- A discussion of the dimensions of quality employment, providing a policy overview of the major public policies affecting each dimension. This policy brief discusses seven components in this matrix. Opportunities for Meaningful Work are omitted because this is not legislated in Ireland.
- A contextual focus on Implementing Equality for Older Workers, highlighting both the work of the Equality Authority on age, and plans for a National Positive Aging Strategy in Ireland.
- A brief conclusion on the implications of policy for quality of employment in Ireland.



This brief uses the quality of employment framework to discuss the effect of public policies in the Republic of Ireland.

IN-COUNTRY POLICY CONTEXT

During the ‘Celtic Tiger’ period of the 1990s and early 2000s, economic growth (GDP) in Ireland averaged at over 5% per annum, while during some years, growth exceeded 10%.¹ This unprecedented boom saw Ireland as one of the fastest growing open economies in the world, where historical trends of high unemployment and mass migration were reversed. The ‘Celtic Tiger’ was attributed to, among other things, progressive industrial policy, foreign direct investment (FDI), and social partnership at the national level. However, similar to most European economies, Ireland fell into recession in the wake of the global financial crisis of 2008. A period of strong economic growth, and all but full employment, gave rise to concerns about reducing government spending and unemployment.

Irish Labor Market Change

After more than a decade of high employment growth, Irish employment is contracting and, correspondingly, unemployment rates are rising sharply. The March 2010 unemployment rate was 13.4%,² representing an increase from 12.7% in December 2009.³ This is in stark contrast to the same period in March 2007, when unemployment stood at 4.5%.²

Moreover, the ‘demographic transition’ of declining fertility and mortality rates currently taking place represents a shift toward an aging society whereby, as the population ages so will the workforce. The number of people aged 65 years and over in Ireland will increase by 203% from 462,000 in 2006 to 1,400,000 in 2041.⁴ It is projected that Ireland’s old age dependency ratio will increase from 16.4% in 2004 to 45.3% in 2050.⁵ This means that Ireland will have only 2.2 people of working age (15-64 years) to every one person aged 65+ in 2050, compared to 6.1 working-aged person for every one person 65+ in 2004. However, the age structure of the Irish population is different than most other countries in the European Union (EU), and the demographic situation is favorable over the medium term. Ireland’s peak population age group is about 10-15 years younger than in the EU 27.⁶ By 2050 Ireland’s population structure will be quite similar to the rest of Europe.

These figures present significant challenges for policy making with respect to the labor market in Ireland. It is important, therefore, to examine current employment policies that will impact the manner in which both employees and employers respond to the changing workforce in Ireland.

The Irish Legal System and Employment Legislation

The 1937 Constitution of Ireland, *Bunreacht Na hEireann*, prescribes the Irish legal and political system, a parliamentary democracy. The Constitution, the fundamental source of law within the State, provides for the Oireachtas (national parliament), defines the structure of the courts, and recognizes the fundamental rights of Irish citizens.⁷ “Subject to the obligations of European Union membership as provided in the Constitution of Ireland, the sole and exclusive power of making laws for the State is vested in the Oireachtas.”⁸

As a member of the European Union, Ireland is affected by labor laws as mandated by the Original Treaty of the European Community. The EU adopts legislation defining minimum requirements at EU level in the areas of work and employment conditions and the information and consultation of workers.⁹ Member States, including Ireland, must then guarantee a similar level of protection of rights and obligations by enforcing national transposition measures.⁹

This brief will address employment policies and employment legislation in Ireland, most of which has been enacted in the past thirty years. The contractual nature of the employment relationship in Ireland was changed considerably by these legislative provisions; from the concept that employers and employees could individually negotiate employment agreements, to legislation providing minimum standards that apply across all employment relationships in Ireland.¹⁰ Social partnerships between the government, trade unions, and employer organizations at the national level since 1987, have also had a major influence in the development of employment provisions in Ireland.¹¹

POLICY OVERVIEW

DIMENSIONS OF QUALITY OF EMPLOYMENT



⇒ Indicators of Fair, Attractive, and Competitive Compensation & Benefits

Employees’ basic economic needs are secured and fair and equitable distribution of compensation and benefits among employees is promoted.

Overview

In general, remuneration in Ireland is agreed on between an employer and an employee in the terms of their contract of employment. While the contract of employment will be made up of both expressed and implied terms, the Terms of Employment (Information) Act (1994-2001) requires the employer to provide certain terms and conditions expressed in writing, such as pay, working conditions and leave entitlement.¹² There are also several statutory provisions regarding pay, working conditions, and leave entitlement in Ireland.

Minimum Wage

Under the Payment of Wages Act (1991) an employer must give an employee a written statement of their gross payment and details of all deductions made.¹³ The National Minimum Wage Act of 2000 entitles “experienced adult employees” to a minimum wage of €8.65 (\$11.22) an hour.¹⁴ The act applies to full-time, part-time, temporary and casual employees for any hours worked. However, this act does not apply to the remuneration of a person who is a family member of an employer, an apprentice, or those under the age of 18 years.¹⁴ Table 1 outlines exceptions to this act as well as the sub-minimum rates for young people and trainees.

Table 1: National minimum wage and sub-minimum rates for young people and trainees

Employee	Minimum hourly rate of pay	% of minimum wage
Experienced adult worker	€8.65 (\$11.22)	100%
Aged under 18	€6.06 (\$7.86)	70%
First years from date of employment aged over 18	€6.92 (\$8.98)	80%
Second year from date of first employment aged over 18	€7.79 (\$10.11)	90%
Employee aged over 18, in structured training during working hours		
1 st one third period	€6.49 (\$8.42)	75%
2 nd one third period	€6.92 (\$8.98)	80%
3 rd one third period	€7.79 (\$10.11)	90%

Source: Citizens Information Board (2010)¹⁵

Collective Agreements

Collective agreements on pay and working conditions may be entered into between employers and worker representatives in any sector in Ireland, and such agreements are then registered with the Labour Court as a Registered Employment Agreement.¹⁶ Registered Employment Agreements are legally binding to the employers and employees in the sector of employment to which the agreement applies. Additionally, Joint Labour Committees, comprising equal members of both employer and employee representatives, are appointed by the Labour Court to set minimum rates of pay and regulate working conditions in certain sectors of employment in Ireland, for example, in the hospitality sector and the construction industry. Agreements set out by Joint Labour Committees are submitted to the Labour Court, which issues Employment Regulation Orders that are legally binding.¹⁶

National Wage Agreements

Direction on pay and working conditions is included in national agreements on economic and social policy between the government and social partners (i.e., trade unions, employer organizations, environmental organizations, farming organizations, and community and voluntary sector representatives). The 'Towards 2016' social partnership agreement convened in 2006 to cover issues on social policy, infrastructure and pay.¹⁷ Proposals for a new agreement on pay and reform in the public service sector emerged in 2008 with the 'Transitional Agreement' against a background of economic difficulty. However, this agreement collapsed in December 2009 when government talks with the public sector trade unions on an agreed method of securing a €1 billion reduction in the public pay bill failed. The government decided on a wage cut for over 250,000 public servants instead of making cuts through a temporary measure linked to a wider public sector reform.¹⁸ Those affected by the pay cut included teachers, healthcare workers, civil servants, the police force (An Garda Síochána), the armed forces, and prison staff.¹⁸ Measures are currently being taken to amend the conflict with the 'Croke Park' public sector pay and reform agreement, in which the proposals promise no further cuts in pay. Unions are balloting on the agreement with final results expected to emerge at the end of June 2010; however, a number of public sector trade unions have already backed the new agreement.

Annual Leave

The Organization of Working Time Act (1997) allows for a minimum annual leave entitlement of four weeks paid annual leave per year. However, employees are not limited to this annual leave provision and can negotiate with their employers. Annual leave is accrued based on time worked by the employee. The Act applies to any person, of any age, working under a contract of employment. Full-time employees earn one week of paid annual leave for every three months worked, or 8% of hours worked in a leave year. Part-time employees benefit on a pro-rata basis to that of a full-time employee.¹⁹

Parental Leave

The Parental Leave Acts (1998-2006) entitle parents in Ireland to take a parental leave period of 14 weeks for concerning a child who is eight years old or younger, or a child with a disability who is 16 years or younger.²⁰ A parent is limited to 14 weeks in a 12-month period and generally must have one

year's continuous service with the employer.²¹ Leave can be taken in one continuous period or any combination of days or hours with the agreement of the employer or an industry-wide collective agreement. Both parents have an equal entitlement to parental leave unless they both work for the same employer. Parents are not, however, entitled to payment from an employer or social welfare payment while on parental leave.²⁰

Maternity Leave

The public services sector, as well as many other employers, enforced a marriage-bar in employment until the 1970's in Ireland, and Irish women had no legal right to maternity leave until 1981. The Maternity Protection of Employees Act (1981) paved the way for the statutory minimum maternity leave entitlements to all females working in Ireland (including casual employees). Under the Maternity Protection Acts (1994-2004,) maternity leave entitlement consists of 26 weeks paid leave, with an optional additional 16 weeks unpaid.²² At least two weeks leave must be taken before the expected date of birth, and at least four weeks after the date of birth. Unlike several other European countries, employers in Ireland are not obliged to pay an employee on maternity leave, but they may do so depending on the terms and conditions in the individual contract of employment. A female employee, however, may qualify for maternity benefit from the Department of Social Protection, provided she has made the required social insurance contributions.²³ Paternity leave is not recognized by employment legislation in Ireland, but a father is entitled to maternity leave if the mother dies within 24 weeks of the birth.²³

Adoptive Leave

The Adoptive Leave Acts (1995-2005) entitle an adoptive mother up to 24 weeks paid and 16 weeks unpaid leave from employment.²⁴ The adoptive father will only be entitled to leave if he is the sole caretaker of the adopted child. As with Irish maternity protection, an employer is not obliged to pay an employee while on adoptive leave, but the employee may be entitled to adoptive benefits from the Department of Social Protection, provided the required social insurance contributions have been made.²⁵

Pensions

In response to the current pressures of the aging population, sustainability of government finances and income adequacy in retirement, the Irish Government is introducing pension reforms to address these issues. Currently, the State Pension (Contributory) is paid to people in Ireland starting from the age of 65, provided that they have made the requisite social insurance contributions. This state pension is not means tested, and people in receipt of this pension may also retain other income. Under the new National Pensions Framework (2010), the qualification age for the State Pension will rise from aged 65 to 66 in 2014, 67 in 2021, and to 68 years in 2028.²⁶ The framework aims to ensure that the state pension is equitable and sustainable, but it also aims to increase pension coverage, particularly among low to middle income groups.²⁷ Workers who earn above a certain income threshold will automatically be enrolled in a supplementary pension scheme to provide additional retirement income, unless they already contribute to an employers' scheme which provides higher contribution levels. The government has acknowledged that previous efforts to encourage people to invest in personal pensions had not been as successful as expected.²⁷



➤ Indicators of Opportunities for Development, Learning, & Advancement

Job skill development and advancement are promoted for employees of as many industrial sectors, employment statuses, and life/career stages as possible.

Overview

There is a range of vocational education and training initiatives in Ireland. The social partners support life-long learning, and collaborate on policy in the areas of development, learning and advancement. The current economic climate and the sharp rise in the numbers of unemployed have put increasing pressure on the government to provide continued education and training to both the employed as well as the unemployed.

FÁS – The National Training and Employment Authority

Through a regional network of offices and training centers, FÁS (“fas” means “to grow” in the Irish language) operates training and employment programs, provides a recruitment service to jobseekers and employers, provides an advisory service for industry, and supports community-based enterprises.²⁸ In 2005, FÁS began the ‘One Step Up’ program with the aim of providing employees across Ireland with transferable skills. ‘Expanding the Workforce’ focuses on improving women’s access to and participation in the labor market. The goal with this program is to advance women, (or returnees) into employment as quickly as possible.²⁹ However, as FÁS is a large body with multiple missions, the OECD has suggested that data to assess its efficiency and effectiveness lacked in recent times.³⁰

Skillnets

Skillnets is an enterprise-led support body funded by the National Training Fund through the Department of Enterprise, Trade and Innovation. Their strategy is to support companies from all sectors in Ireland to engage in training through company networks. According to Skillnets, over 43,000 organizations have been facilitated in over 300 networks in Ireland to improve the quality of training. In addition, the networks have “allowed over 200,000 employees to “up-skill” to meet their work related training needs.”³¹ The Training Networks Programme, launched in 2010, endeavours to reduce the rising unemployment levels nationwide by providing training to the unemployed.

Work Placement Programme

The Work Placement Programme, launched by the government in May 2009, is “designed to offer unemployed people, including unemployed graduates, the opportunity to obtain nine months quality work experience.”³² Participants in the program can retain their social welfare status and entitlements.

Activation Fund

In the 2010 national budget, an allocation of €20 million was assigned to a new Labour Market Activation Fund. It is predicted that the fund will provide about 3,500 training locations targeted at the low skilled, those under the age of 35, and those formerly employed in the construction, retail and manufacturing sectors.³²



➔ Indicators of Wellness, Health & Safety Protections

Protection of employees' safety and health at their worksite is mandated, and their physical and mental well-being is promoted. In case of job-related injury or illness compensation or other forms of social protection are offered in an accessible manner.

Overview

Ireland has implemented greater protections in the workplace for employees in the areas of safety, health and welfare. In 2006, Ireland had the third lowest workplace accident rate in the EU 15, and there was a 9% reduction in non-fatal workplace accidents between 2007 and 2008.³³ The Safety, Health and Welfare at Work Act (2005) established obligations for both employers and employees to ensure safety and health standards in the workplace. The Health and Safety Authority established by this Act, is responsible for the promotion and enforcement of the standards in the places of employment.

Safety, Health and Welfare at Work Act 2005

The 2005 Act focuses on general duties that apply to all employers, employees and the self-employed in the workplace, the organizational arrangements necessary to achieve better safety and health, and the penalties for breaches of the legislation. Under the Act, employers have a duty to ensure, as far as is reasonably practical, the safety, health and welfare of their employees.³⁴ Requirements include providing a safe workplace that uses safe equipment and materials, providing training on health and safety, and preventing any improper conduct. Along with the provision of a physically safe workplace, identification of bullying, harassment and stress are emphasized in the legislation. Additionally, every employer has a responsibility to carry out a risk assessment and, from this, to draw up a safety statement that assesses workplace hazards and identifies measures to be taken to minimize risks.

Employees are required by the Act to take reasonable care to protect the safety, health and welfare of themselves and colleagues, including reporting any workplace defects that may pose a danger to health and safety. It is also the duty of the employee to refrain from engaging in any improper conduct and to cooperate with the employer on issues regarding health and safety.

The Health and Safety Authority (HSA)

The Health and Safety Authority (HSA) monitors compliance with health and safety legislation and conducts prosecutions for breaches of the Safety, Health and Welfare at Work Act. The Authority conducts approximately 16,000 inspections per year, and the primary focus of these inspections is prevention, which is achieved by raising awareness among employers and employees on their responsibilities under the 2005 Act.³⁵

The Health and Safety Authority's *Strategy in Occupational Health*³⁶ outlines:

- Prevention through inspection;
- Targeted promotion focusing on issues contributing to good workplace health;
- Intelligence gathering to focus on priority workplace issues;
- Building employer competence in meeting responsibilities and engendering enthusiasm among workers in occupational health issues;
- Including occupational health in the curriculum at primary, secondary and tertiary levels of education in Ireland;
- Deploying an educational strategy to motivate and equip existing and future workers; and
- Developing strategic partnerships.

Working Time

The Organization of Working Time Act (1997) established that the maximum work week consists of an average of 48 hours per week over four, six, or 12 months (in most cases no more than four months).³⁷ In 2007, the actual average work time in Ireland was 38.9 hours per week.³⁸ Under the 1997 Act, employees are entitled to a minimum of 11 consecutive hours rest per 24-hour period and extra payment or paid time off for Sunday work. There are nine public holidays in Ireland, and most employees are entitled to paid leave for these holidays.



➤ Indicators of Opportunities for Meaningful Work

Opportunities for meaningful or fulfilling employment are promoted through facilitating appropriate job-skill matches, self-realization through occupation, or community participation away from routine work.

This dimension is omitted because it is not the focus of legislation in Ireland.



➤ Indicators of Provisions for Employment Security & Predictability

Stable provision of employment opportunities for job seekers is promoted, clear communication of terms of employment is facilitated, and protecting job security of the employed is a policy objective.

Overview

Ireland has been experiencing one of the worst economic recessions in its history, with unemployment rates being the highest since the ‘Celtic Tiger’ period of the 1990s and early 2000s. Foreign Direct Investment (FDI) and job creation have once again moved up the policy agenda. Policies have been established in respect to employment opportunities, social insurance and job security.

Job Retention and Job Creation

The Employment Subsidy Scheme (Temporary) was introduced by the Irish government in August 2009 to assist in the retention of jobs and to help stem the rise in unemployment. The scheme provides a subsidy of €9,100 (\$11,813) per employee to qualifying enterprises, that retain an agreed upon level of jobs. To qualify, a firm must be deemed vulnerable in the current economic environment, but viable in the medium to long term. Approximately 80,000 jobs are expected to be directly, or indirectly, supported or retained as a result of the scheme program.³⁹

‘Horizon 2020,’ which outlines a new strategic approach for attracting FDI into Ireland in the coming decade, was launched by the Department for Enterprise, Trade and Innovation and the Industrial Development Agency in March 2010. Significantly, it outlines a series of investment targets, including an ambitious target for the creation of 105,000 new jobs between 2010 and 2014.⁴⁰

Unemployment Benefits

In general, the payment of social insurance is compulsory in Ireland, and most employers and employees pay social insurance contributions to the national Social Insurance Fund. The Department of Social Protection is responsible for payments made as a result of social insurance contributions. Unemployment benefit is a weekly payment to people who are unemployed and covered by social insurance. The benefits can be paid for a maximum of 12 months, to people who have made at least 260 paid contributions, or up to nine months to people with fewer contributions.⁴¹ However, to qualify, the person must show that he/she is genuinely seeking work. If employees cannot work because they are ill, they may be entitled to illness benefits, provided sufficient contributions have been made to the Fund.

Unfair Dismissal

The Unfair Dismissals Acts (1977-2007) do not protect employees in Ireland from unfair dismissal; rather provides a system of redress whereby the fairness of a dismissal can be challenged, but only after it has occurred. To bring a claim, employees must not prove they were dismissed, but rather the employer must prove that the dismissal was fair, except in cases of constructive dismissal.¹⁰ The reasonableness of the employer’s conduct will be addressed in cases of unfair dismissal, particularly procedural fairness. Generally an employee must have one year’s continuous service with the employer in order to make a claim, except in circumstances of unfair dismissals relating to trade union activity, maternity legislation, selection for redundancy (see below), or any of the nine grounds covered by the Employment Equality Acts (1994-2004).¹⁰

Redundancy

The Redundancy Payments Acts (1967-2007) provide a minimum statutory redundancy payment for employees who have a set period of service with their employer. Eligible employees are entitled to two weeks’ pay for every year of service to the employer, plus one additional week’s pay. This amount is subject to a maximum earnings limit of €600 (\$779) per week or €31,200 (\$40,545) per year.⁴² The Social Insurance Fund finances a 60% redundancy rebate payment to employers who have paid full statutory redundancy entitlements. In 2009, there were 77,784 redundancies in Ireland and 28,689 from January to May 2010.⁴³



➤ Indicators of Workplace Flexibility

Availability and utilization of flexible work options are promoted for employees of various life stages through increasing their control over work hours, locations, and other work conditions.

Overview

In 2007, there was an increase of over 13,000 males in part-time employment in Ireland, while the number of females increased by more than 23,000 in comparison to the previous two years.³⁸ Some part-time working arrangements are regulated by legislation. Over the past decade, the general trend in Ireland has been for work time to become shorter, but increasingly flexible. Government policy to encourage flexible work, however, is limited.³⁸

The Protection of Employees (Part-Time Work) Act 2001

The purpose of the 2001 Act is: ⁴⁴

(i) To provide that a part-time employee cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment;

(ii) To provide that all employee protection legislation applies to a part-time employee in the manner as it already applies to a full-time employee. Any qualifying conditions (with the exception of any hours thresholds) applying to a full-time employee in any of that legislation, also apply to a part-time employee;

(iii) To improve the quality of part-time work; and

(iv) To facilitate the development of part-time work on a voluntary basis, and to contribute to the flexible organization of working time in a manner that takes into account the needs of employers and workers.

Code of Practice on Part-Time Work

The Labour Relations Commission published a ‘Code of Practice on Access to Part-Time Working,’ which aims to encourage employers and employees to consider part-time work and to provide guidance on procedures to improve access to part-time work for those employees who wish to work on a part-time basis.⁴⁵

National Framework Committee for Work/Life Balance

The National Framework Committee for Work/Life Balance was established under the government’s 2000 social partnership ‘Programme for Prosperity and Fairness.’ Its purpose is to support and facilitate the development of family friendly policies through of practical measures. The committee examines the improvement of family friendly working arrangements to benefit both equality and competitiveness.⁴⁶



➤ Indicators of Culture of Respect, Inclusion & Equity

Diversity in the workforce and inclusion of less advantageous populations are promoted, and equity in work conditions is pursued.

Overview

The Employment Equality Act (EEA) of 1998 (effective October 1999), replaced the Anti-Discrimination (Pay) Act of 1974 and the Employment Equality Act of 1977. Prior to 1998, the only type of employment discrimination that was prohibited by law was discrimination on the grounds of gender or marital status.

Employment Equality Acts 1998-2004

The 1998 Act, which was amended in 2004, extends the scope of previous equality legislation to outlaw discrimination on nine distinct grounds: gender, family status, marital status, age, disability, sexual orientation, religion, race, and membership of the traveller community (ethnic group).⁴⁷ Discrimination is defined as when “one person is treated less favourably than another is, has been or would be treated” on any of the nine grounds. Indirect discrimination occurs when “an apparently neutral provision, criterion or practice would put certain persons at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim.”¹⁰ The scope of the legislation covers discrimination in relation to access to employment, advertising, conditions of employment, equal pay for work of equal value, promotion, collective agreements, training, and work experience.

The Equality Tribunal

The Equality Tribunal was established by the Employment Equality Act (1998) to investigate or mediate claims of unlawful discrimination under equality legislation. Discrimination in employment cases will be referred to mediation unless either party objects. If there is an objection, an ‘equality officer’ will investigate the evidence. Decisions made by the tribunal in respect to either mediation or investigations are legally binding.⁴⁸

The Equality Authority

The Equality Authority was also established as a statutory body by the Employment Equality Act with the aim of working towards the elimination of unlawful discrimination in Ireland and promoting equality of opportunity. It can advise a claimant with respect to information on the equality legislation, but the Equality Authority has no decision-making power.⁴⁹



➤ Indicators of Promotion of Constructive Relationships at Work

Employer-employee frictions and conflicts are mitigated, and constructive workplace relations are facilitated.

Overview

As a result of growth in individual rights-based legislation in the European Union, the employment relationship in Ireland is becoming increasingly legalized. Nonetheless, Ireland has a well-established tradition of dispute resolution for conflicts arising from the process of collective bargaining, which is based on the voluntary structure governed by the Industrial Relations Acts (1946-1990).¹⁰ The national-level social partnership consultation and negotiation process that has been in place since 1987 has, perhaps, had the most significant impact on constructive relationships at work in Ireland to date.

Trade Unions

Trade unions constitute the main channel of employee representation in the Irish workplace. The right to form or join trade unions is protected by the Irish Constitution, but this does not imply an obligation on employers to recognize or negotiate with trade unions.¹⁰ While the number of trade union members in Ireland is increasing, trade union density has decreased from 45.8% in 1994 to 31.5% in 2007.⁵⁰

Social Partnership

Industrial relations issues are central to the process of social partnership between the government and social partners (trade unions, employer organizations, environmental organizations, farming organizations, and community and voluntary sector representatives), as previously discussed in this brief. While this model is not without its critics,⁵⁰ social partnership has

been highlighted as one the contributing factors to the success of the economy and the high levels of employment in the ‘Celtic Tiger’ era. Currently, the economic crisis is affecting the delivery of the social partnership agreements, which is putting a strain on constructive relationships at the national level.

Employees (Provision of Information and Consultation) Act 2006

The 2006 Act is seen as a “major new piece of legislation”⁵¹ that establishes, for the first time in Ireland, minimum requirements for employees’ rights to information and consultation about the development of their employment’s structure and activities. The act gives employees the right to request that an employer enters into negotiations on an information and consultation structure, in other words, a ‘negotiated agreement.’ 10% of employees in an undertaking must make such a request (subject to a minimum of 15 and a maximum of 100 employees), with applications made either directly to the employer or to Labor Court, unless employers volunteer to introduce information and consultation arrangements.⁵²

National Employment Rights Authority

The National Employment Rights Authority (NERA) was established under the ‘Towards 2016’ social partnership agreement with the aim of achieving ‘a national culture of employment rights compliance.’⁵³ The NERA monitors employment conditions through inspections and can enforce compliance with respective employment obligations.

CONTEXTUAL FOCUS: IMPLEMENTING EQUALITY FOR OLDER WORKERS

The Employment Equality Acts (1998-2004) outlaw discrimination in employment on nine distinct grounds: gender, family status, marital status, disability, sexual orientation, religion, race, membership of the traveller community (ethnic group), and age. The Equality Authority is a statutory body set up under the Employment Equality Act of 1998 whose mission is to work towards the elimination of unlawful discrimination in Ireland and to achieve positive change in the situation and experience of those groups and individuals experiencing inequality.⁴⁹

The work of the Equality Authority has highlighted a widespread ageism in Irish society, particularly experienced by older people: “Strong negative stereotypes of older people persist. Negative and ill informed assumptions as to the relationship between a person’s age and a person’s capacity all too often shape decision-making. Systems and institutional behaviours end up posing barriers to the participation of older people on foot of such decisions. To date this has been a hidden phenomenon but it would appear to be deeply ingrained. It leads to outcomes that exclude older people.”⁵⁴

The first discrimination case brought by the Equality Authority on grounds other than gender and marital status was against Ryanair (a low-fare Irish airline) for the publication of an advertisement in *The Irish Times*, which was in breach of the age discrimination provisions of the Act.¹⁰ The airline placed an advertisement for the position of Director of Regulatory Affairs, which indicated that “a young and dynamic professional” was required and that the “ideal candidate will be young.” The airline argued that the advertisement did not refer to actual ages and that “young” referred to a state of mind, and therefore the EEA should not apply. However, the investigating Equality Officer held that the use of the phrase ‘young’ might reasonably be understood as indicating an intention to exclude applicants who were not young. In *Kerrigan vs. Peter Owens Advertising and Marketing Ltd.*, grounds of selection for redundancy included age. It was held that the dismissal arose “wholly or mainly from age.”¹⁰

The age ground was the largest category of employment case files with 98 out of a total of 374 under the Employment Equality Acts during 2008.⁵⁵ The age ground was also the largest category in 2007. Niall Crowley, former CEO of the Equality Authority, highlighted “the age ground predominantly involves allegations of discrimination by older workers. The emergence of the age ground as the highest area of case files under the Employment Equality Acts underpins the urgency in tackling the ageism that is all too prevalent in society.”⁵⁵

In an attempt to address, and give priority to this issue, the Equality Authority report *Implementing Equality for Older People* put forward an equality agenda to change the situation and experience of older people in Ireland. It set out nine principles to underlie a strategy of positive aging in Ireland:⁵⁴

- Equality with due regard to difference
- Equality with due regard to diversity
- Full legal equality
- Equality of opportunity, of participation, and of outcome
- Right and capacity to participate
- Integration of policies and services
- Intergenerational solidarity
- Mainstreaming and age proofing
- Involvement of all sectors of society

The Programme for Government incorporates a commitment to the development of a National Positive Ageing Strategy (NPAS) in Ireland. The rationale for this NPAS is that it will provide a coherent framework that will guide policy-making, enable cross-sectoral planning and rational resource allocation, and facilitate public input into public policy.⁵⁶ The Office for Older People, which is responsible for leading the NPAS, has currently received 186 submissions from a broad range of agencies and services, as well as individual older people.⁵⁶ It is unclear at present when the NPAS will be completed, but the Minister for Older People and Health Promotion is in the process of holding meetings on the NPAS with older people around the country, as “the Government wants to make sure that the position of older people in Irish society is recognised and appreciated.”⁵⁷

IMPLICATIONS FOR QUALITY OF EMPLOYMENT:

A crucial issue for the future of quality of employment in Ireland, as well as other economic and social issues, is whether the labor market makes a full cyclical recovery or remains in depressed conditions. While it is unlikely that Ireland will enjoy the relatively low unemployment rates of the 'Celtic Tiger' period in the near future, the government must proactively address industrial investment and job creation in order to find a solution to the current job crisis. Further, the growth in female labor market participation and the aging of the population must become a policy concern, given the lack of flexible working initiatives and the prevalence of ageism in the Irish workplace. Most significantly, mending broken relationships with the social partners must be seen as imperative to the future of the quality of employment in Ireland.

REFERENCES:

- 1 International Monetary Fund (IMF). (2009). *Ireland country information*, Retrieved January 5, 2010, from <http://www.imf.org/external/country/irl/index.htm>
- 2 Central Statistics Office Ireland (CSO). (2010). *Seasonally adjusted standardised unemployment rates*, Retrieved May 24, 2010, from <http://www.cso.ie/statistics/sasunemprates.htm>
- 3 Central Statistics Office Ireland (CSO). (2009). *Quarterly national household survey December 2009*, Retrieved January 7, 2010, from http://www.cso.ie/releasespublications/documents/labour_market/current/qnhs.pdf
- 4 Central Statistics Office Ireland (CSO). (2009). *Population and labour force projections 2011-2041*, Retrieved December 9, 2009, from http://www.cso.ie/releasespublications/po_lab_project.htm
- 5 European Commission. (2006). *The demographic future of Europe – from challenge to opportunity*, Retrieved March, 19, 2009, from http://ec.europa.eu/employment_social/news/2006/oct/demography_en.pdf
- 6 U.S. Census Bureau. (2010). *International database*, Retrieved January 10, 2010, from <http://www.census.gov/ipc/www/idb/country.php>
- 7 Government of Ireland. (1937). *Bunreacht Na hEireann – Constitution of Ireland*. Retrieved April 10, 2010, from <http://www.taoiseach.gov.ie/upload/publications/297.pdf>
- 8 Oireachtas. (2010). *Bills and legislation*. Retrieved April 10, 2010, from <http://www.oireachtas.ie/parliament/oireachtasbusiness/billslegislation/>
- 9 European Commission, Employment, Social Affairs and Equal Opportunities. (2010). *Labour law*, Retrieved April 24, 2010, from <http://ec.europa.eu/social/main.jsp?catId=157&langId=en>
- 10 Law Society of Ireland. (2006). *Employment law: Law society of Ireland manual*. Oxford: Oxford University Press.
- 11 Teague, P. & Murphy, M. C. (2004). *Social partnership and local development in Ireland: The limits to deliberation* (Discussion Paper DP/156/2004) Geneva: ILO. Retrieved April 17, 2010, from <http://www.ilo.org/public/english/bureau/inst/publications/discussion/dp15604.pdf>
- 12 Office of the Attorney General Ireland. (2001). *Terms of employment (information) acts 1994-2001*, Irish Statute Book. Retrieved April 18, 2010, from <http://www.irishstatutebook.ie/1994/en/act/pub/0005/index.html>
- 13 Office of the Attorney General Ireland. (1991). *Payment of wages act, 1991*, Irish Statute Book. Retrieved April 18, 2010, from <http://www.irishstatutebook.ie/1991/en/act/pub/0025/index.html>
- 14 Office of the Attorney General Ireland. (2000). *National minimum wage act, 2000*, Irish Statute Book. Retrieved April 25, 2010, from <http://www.irishstatutebook.ie/2000/en/act/pub/0005/sec0005.html>
- 15 Citizens Information Board. (2010). *Minimum rates of pay in Ireland*. Retrieved May 2, 2010, from http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/pay-and-employment/pay_inc_min_wage
- 16 Labour Court. (2010). *JLC/REA rates of pay*. Retrieved April 23, 2010, from <http://www.labourcourt.ie/labour/labour.nsf/LookupPageLink/HomeServiceGuide>
- 17 Department of the Taoiseach. (2006). *Towards 2016: Ten-year framework social partnership agreement 2006-2015*. Retrieved May 3, 2010, from http://www.taoiseach.gov.ie/eng/Department_of_the_Taoiseach/Policy_Sections/Social_Partnership/Social_Partnership_Publications/Towards_2016_Ten-Year_Framework_Social_Partnership_Agreement_2006-2015.shortcut.html
- 18 EIRO. (2010). *End of social partnership as public sector talks collapse*. Retrieved March 30, 2010, from <http://www.eurofound.europa.eu/eiro/2009/12/articles/ie0912019i.htm>
- 19 Office of the Attorney General Ireland. (1997). *Organisation of working time act, 1997*, Irish Statute Book. Retrieved April 25, 2010, from <http://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html>
- 20 Citizens Information Board. (2010). *Parental leave*. Retrieved May 12, 2010, from http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/parental_leave
- 21 Office of the Attorney General Ireland. (2006). *Parental leave acts, 1998-2006*, Irish Statute Book. Retrieved April 25, 2010, from <http://www.irishstatutebook.ie/2006/en/act/pub/0013/index.html>
- 22 Office of the Attorney General Ireland. (2004). *Maternity protection acts, 1994-2004*, Irish Statute Book. Retrieved May 27, 2010, from <http://www.irishstatutebook.ie/2004/en/act/pub/0028/index.html>
- 23 Citizens Information Board. (2010). *Maternity leave*. Retrieved May 27, 2010, from http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/maternity_leave
- 24 Office of the Attorney General Ireland. (2005). *Adoptive leave acts, 1995-2005*, Irish Statute Book. Retrieved May 25, 2010, from <http://www.irishstatutebook.ie/2005/en/act/pub/0025/index.html>
- 25 Citizens Information Board. (2010). *Adoptive leave*. Retrieved May 27, 2010, from http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/adoptive_leave
- 26 Government of Ireland. (2010). *National pensions framework*. Retrieved June 1, 2010, from <http://www.pensionsgreenpaper.ie/downloads/NationalPensionsFramework.pdf>
- 27 Department of Social Protection. (2010). *Launch of the national pensions framework*. Retrieved June 1, 2010, from <http://www.welfare.ie/EN/Press/Speeches/2010/Pages/sp030310.aspx>
- 28 FAS. (2010). *About Us*. Retrieved May 29, 2010, from <http://www.fas.ie/en/About+Us/Home/default.htm>
- 29 FAS. (2010). *Training*. Retrieved May 29, 2010, from <http://www.fas.ie/en/Training/Home/default.htm>
- 30 OECD. (2010). *Vocational education and training in Ireland strengths, challenges and recommendations*. Retrieved May 29, 2010, from <http://www.oecd.org/dataoecd/11/60/45399591.pdf>
- 31 Skillnets. (2010). *About skillnets: Enterprise-led learning networks*. Retrieved May 29, 2010, from <http://skillnets.com/skillnets/about/index.html>

- 32 Department of Enterprise, Trade and Innovation. (2010). *Work of the labour market activation policy unit*. Retrieved May 29, 2010, from <http://www.entemp.ie/labour/activation/work.htm>
- 33 Health and Safety Authority. (2009). *Summary of workplace illness, injury and fatality statistics 2007-2008*. Retrieved June 1, 2010, from http://www.hsa.ie/eng/Publications_and_Forms/Publications/Corporate/summary_of_workplace_injury.pdf
- 34 Office of the Attorney General Ireland. (2005). *Health, safety and welfare at work act, 2005*, Irish Statute Book. Retrieved May 25, 2010, from <http://www.irishstatutebook.ie/2005/en/act/pub/0010/index.html>
- 35 Health and Safety Authority. (2010). *When the Inspector calls*. Retrieved May 25, 2010, from http://www.hsa.ie/eng/enforcement/When_the_Inspector_Calls/
- 36 Health and Safety Authority. (2005). *Strategy in occupational health*. Retrieved May 29, 2010, from http://www.hsa.ie/eng/Workplace_Health/HSA_Strategy_in_the_Area_of_Occupational_Health/HSA_Strategy_in_the_Area_of_Occupational_Health.pdf
- 37 Office of the Attorney General Ireland. (1997). *Organisation of working time act, 1997*, Irish Statute Book. Retrieved April 27, 2010, from <http://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html>
- 38 European Commission. (2008). *Family life and the needs of an ageing population*. Retrieved May 28, 2010, from http://ec.europa.eu/public_opinion/flash/fl_247_en.pdf
- 39 Department of Enterprise, Trade and Innovation. (2010). *Work of the enterprise development unit*. Retrieved May 29, 2010, from <http://www.deti.ie/enterprise/sectoralenterprise/work.htm>
- 40 Department of Enterprise, Trade and Innovation. (2010). *Horizon 2020*. Retrieved June 2, 2010, from <http://www.deti.ie/press/2010/20100302.htm>
- 41 Citizens Information Board. (2010). *Social insurance in Ireland*. Retrieved May 27, 2010, from http://www.citizensinformation.ie/categories/social-welfare/irish-social-welfare-system/social-insurance-prsi/social_insurance_in_ireland
- 42 Citizens Information Board. (2010). *Redundancy payments*. Retrieved June 1, 2010, from <http://www.citizensinformation.ie/categories/employment/unemployment-and-redundancy/redundancy/redundancy-payments>
- 43 INOU. (2010). *Redundancy statistics*. Retrieved June 2, 2010, from http://www.redundancy.ie/statistics/redundancy/&_figures=national&_year=2009
- 44 Department of Enterprise, Trade and Innovation. (2001). *Protection of eEmployees (Part-Time) Work Act, 2001*. Retrieved May 29th, 2010, from: <http://www.deti.ie/publications/employment/2001/protectionparttime-workersguide.pdf>
- 45 Labour Relations Commission. (2010). *Codes of practice*. Retrieved May 29, 2010, from <http://www.lrc.ie/ViewDoc.asp?fn=/documents/publications/codes/index.htm&CatID=23&m=u>
- 46 National Framework Committee for Work/Life Balance. (2010). *Work life balance*. Retrieved May 2, 2010, from <http://www.worklifebalance.ie/>
- 47 Office of the Attorney General Ireland. (2004). *Employment equality acts, 1998-2004*, Irish Statute Book. Retrieved May 25, 2010, from <http://www.irishstatutebook.ie/2004/en/act/pub/0024/index.html>
- 48 Equality Tribunal. (2010). *Responding to a complaint*. Retrieved May 2, 2010, from <http://www.equalitytribunal.ie/index.asp?locID=55&docID=-1>
- 49 Equality Authority. (2010). *Equality in a diverse Ireland*. Retrieved May 26, 2010, from <http://www.equality.ie/>
- 50 EIRO. (2010). *Trade union strategies to recruit new groups of workers – Ireland*. Retrieved June 4, 2010, from <http://www.eurofound.europa.eu/eiro/2005/03/feature/ie0503202f.htm>
- 51 EIRO. (2009). *The impact of the information and consultation directive on industrial relations — Ireland*. Retrieved May 29, 2010, from <http://www.eurofound.europa.eu/eiro/studies/tn0710029s/ie0710029q.htm>
- 52 EIRO. (2009). *Industrial relations profile Ireland*. Retrieved May 27, 2010, from <http://www.eurofound.europa.eu/eiro/country/ireland.htm>
- 53 NERA. (2008). *National employment rights authority*. Retrieved May 28, 2010, from <http://www.employmentrights.ie/en/>
- 54 Equality Authority. (2010). *Implementing equality for older people*. Retrieved May 29, 2010, from <http://www.equality.ie/index.asp?docID=89>
- 55 Equality Authority. (2009). *Annual Report 2008*. Retrieved May 13, 2010, from http://www.equality.ie/eng/index.asp?locID=135&docID=733&COM_MAND=PRINTER
- 56 Older and Bolder. (2008). *Baseline statement on a national positive ageing strategy for Ireland*. Retrieved April 18, 2010, from <http://www.ncpop.ie/Older%20&%20Bolder%20031008.pdf>
- 57 Department of Health and Children. (2010). *National positive ageing strategy*. Retrieved May 24, 2010, from <http://www.dohc.ie/press/releases/2010/20100212b.html>

ACKNOWLEDGEMENTS:

Established in 2007 by the Center on Aging & Work, the Global Perspectives Institute is an international collaboration of scholars and employers committed to the expansion of the quality of employment available to the 21st century multi-generational workforce in countries around the world.

The Global Perspectives Institute focuses on innovative and promising practices that might be adopted by employers and policy-makers.

The Institute's research, publications, and international forums contribute to:

- a deeper understanding of the employment experiences and career aspirations of employees of different ages who work in countries around the world;
- informed decision making by employers who want to be employers-of-choice in different countries; and
- innovative thinking about private-public partnerships that promote sustainable, quality employment.

Apart from the Mind the Gap series, the Global Perspectives Institute publishes a Statistical Profile Series highlighting workforce demographic trends in different countries as well as a Global Policy Series focusing on selected workforce policy in certain country contexts.

For more information on our publications, please visit us online at: www.bc.edu/agingandwork

The Sloan Center on Aging & Work at Boston College promotes quality of employment as an imperative for the 21st century multi-generational workforce. We integrate evidence from research with insights from workplace experiences to inform innovative organizational decision-making. Collaborating with business leaders and scholars in a multi-disciplinary dialogue, the Center develops the next generation of knowledge and talent management.

The Sloan Center on Aging & Work is grateful for the continued support of the Alfred P. Sloan Foundation.

ABOUT THE AUTHORS:

Jean McCarthy

Doctoral Student

Department of Personnel and Employment Relations

University of Limerick

Jean McCarthy is a doctoral student and part-time lecturer in the Department of Personnel and Employment Relations at the University of Limerick, Limerick, Ireland. Her area of research is focused on understanding organizational decision-maker attitudes toward older workers. She also has strong research interests in a role theoretical analysis of ageist attitudes.