



<b>Title</b>	Ireland: Trade unions recovering after being tipped off balance by the Great Recession?
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<b>Publication date</b>	2023-06-15
<b>Publication information</b>	Maccarrone, Vincenzo, and Roland Erne. "Ireland: Trade Unions Recovering after Being Tipped off Balance by the Great Recession?" Peter Lang, 2023.
<b>Publisher</b>	Peter Lang
<b>Item record/more information</b>	<a href="http://hdl.handle.net/10197/24534">http://hdl.handle.net/10197/24534</a>
<b>Publisher's statement</b>	This is an Accepted Manuscript that has been published in Waddington J., Müller T., Vandaele K. (eds.), Trade Unions in the European Union: Picking up the pieces from the neoliberal challenge. The original work can be found at: <a href="https://www.peterlang.com/document/1303070">https://www.peterlang.com/document/1303070</a>

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**Jeremy Waddington, Torsten Müller and  
Kurt Vandaele (eds.)**

# **Trade unions in the European Union**

**Picking up the pieces of  
the neoliberal challenge**



**PETER LANG**

**Jeremy WADDINGTON, Torsten MÜLLER and  
Kurt VANDAELE (eds.)**

# **Trade unions in the European Union**

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Work & Society  
Vol. 86

This book offers a comprehensive comparative overview of the development, structure, and policies of trade unions in all the 27 Member States of the EU from 2000 to 2020. It presents an in-depth analysis of the neoliberal challenges facing these organizations and their strategic and policy responses.

This publication has been peer-reviewed.

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The European Trade Union Institute (ETUI) is financially supported by the European Union.

© 2023 Jeremy Waddington, Torsten Müller and Kurt Vandaele  
Published by Peter Lang Éditions scientifiques internationales - P.I.E. SA  
1 avenue Maurice, B-1050 Brussels, Belgium  
[www.peterlang.com](http://www.peterlang.com); [info@peterlang.com](mailto:info@peterlang.com)

ISSN 1376-0955

ISBN 978-2-87574-634-4

ePDF 978-2-87574-635-1

ePub 978-2-87574-636-8

DOI 10.3726/b20254

D/2022/5678/60

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Peter Lang Group AG  
International Academic Publishers  
Bern

## Chapter 15

### **Ireland: Trade unions recovering after being tipped off balance by the Great Recession?**

*Vincenzo Maccarrone and Roland Erne*<sup>1</sup>

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

From 1987 to 2008, Irish industrial relations were dominated by a series of centralized, tripartite social partnership agreements. In exchange for wage moderation, these agreements gave unions influence over policy-making. Most importantly, however, the wage moderation and industrial peace brought by these agreements also favoured a substantial increase in foreign direct investment. This national ‘competitive corporatist’ approach led to both substantial increases in Irish workers’ real wages and a substantial decline in the share of GDP going to wage earners (Erne 2008; Teague and Donaghey 2009). As long as social partnership guaranteed a growing economy, Irish union leaders and workers accepted wage moderation, notably because the social partnership model compared favourably with developments in the United Kingdom, where the unions had been weakened by the onslaught of Thatcherism. The decades of

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<sup>1</sup> This project has received funding from the European Research Council under the European Union’s Horizon 2020 research and innovation programme (grant agreement no. 725240, <https://www.erc-europeanunions.eu>). We would also like to acknowledge the helpful comments we received from the editors and colleagues at peer review meetings.

partnership agreements also saw a significant decline of unions' mobilization and organizational power, however, as evidenced by the significant fall in unionization rates and strike activity (Table 15.1). Furthermore, despite social partnership, the legislative framework for collective labour rights remained weak.

The 2008 financial crisis therefore caught the Irish union movement on the wrong foot. After all, accepting a 'smaller slice of a shrinking cake' hardly represents an attractive union strategy (Erne 2013). Social partnership and centralized collective bargaining collapsed in 2009, following the implementation of unilateral wage cuts in the public sector. Further austerity measures followed in subsequent years, when Ireland

**Table 15.1** Principal characteristics of unionism in Ireland

	1990	2000	2019
Total trade union membership	491,000	549,000	552,000
Women as a proportion of total membership	34 %	43 %*	57 %*
Gross union density	57 %	40 %	28 %
Net union density	51 %	36 %	25 %
Number of confederations	1	1	1
Number of affiliated unions (federations)	50	n.a.	29
Number of independent unions	17	n.a.	7***
Collective bargaining coverage	63 %	44 %	34 % [2017]
Principal level of collective bargaining	National intersectoral level	National intersectoral level	Company level in private sector****; national level in public sector
Days not worked due to industrial action per 1,000 workers	264	72	18

Note: \*2001; \*\*2016; \*\*\* This is an estimate. Whereas Irish law prevents the unions of the Gardaí (police) and Defence Forces from joining ICTU, other representative bodies willingly choose to remain outside ICTU, namely the Psychiatric Nurses Association, the Irish Hospital Consultants Association, and the Irish Dentists Association. There is also the Independent Workers Union, which claims to have about 1,000 members and to uphold the syndicalist ideals of early trade unionists, such as James Connolly and Jim Larkin (Darlington 2008); \*\*\*\* In a few industries, namely in the construction, cleaning, and the security industry, industry-level bargaining persists.

Source: Appendix A1.

entered the Troika bailout programme of the European Commission, the European Central Bank (ECB) and the International Monetary Fund in 2010 and became subject to the European Union's (EU) commodifying new economic governance prescriptions (Jordan et al. 2021). To further complicate this picture, some employers launched successful legal challenges to the only existing industrial wage-setting mechanisms in Irish legislation. Ireland left the bailout programme at the end of 2013. With the Troika out of the country and an improved economic situation, unions faced a more favourable environment. In some cases, they even succeeded where they had hitherto failed, namely when they successfully collaborated with unions across borders to compel the low-cost Irish airline Ryanair to grant union recognition. Even so, the unions are still facing tough challenges, as they have not yet fully recovered from being tipped off balance by the 2008 crisis and from decades of social partnership, which has significantly hampered their mobilization and organizational power resources.

## **Historical background and principal features of the industrial relations system**

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

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

Following the creation of the Irish Free State and the partition of the island, the ITUC continued to represent both Irish- and British-based unions on both sides of the border (Roche et al. 2000). Yet, tensions remained between Irish and British unions (Ní Lochláinn 2005), eventually leading to a split in 1945, with nationalist Irish unions creating the Congress of Irish Unions. The schism lasted until 1959 when the two confederations dissolved to form the Irish Congress of Trade Unions (ICTU) which continues to operate across the border. In what has been described as a ‘distinctive complexity’ (Gumbrell-McCormick and Hyman 2013), ICTU thus is a confederation of

Ireland based unions who operate in the Republic of Ireland only, Republic of Ireland based unions who operate in both the Republic of Ireland and Northern Ireland, Northern Ireland based unions who operate in Northern Ireland only, unions headquartered in the UK who operate in both the Republic and Northern Ireland, or who operate only in Northern Ireland. (ICTU 2011: 7)

In this chapter, we focus on developments in the Republic of Ireland.

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

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

Since the late 1930s, trials of ‘quasi-corporatism’ (Gumbrell-McCormick and Hyman 2013) characterized Irish labour relations (Roche et al. 2000), despite the legacy of pluralist, British industrial relations traditions in the country. In 1987, a Fianna Fáil-led government brokered the first ‘competitive corporatist’ Social Partnership agreement (ibid.), involving ICTU and the two peak-level employer organizations, the Confederation of Irish Industry and the Federated Union of Employers.<sup>2</sup> Over time, however, Fianna Fáil’s capacity to integrate all social classes declined, culminating in the collapse of national social partnership agreements under its watch in 2009.

## **Structure of trade unions and union democracy**

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

In terms of union internal organization, centralizing and decentralizing tendencies co-exist. While the era of social partnership saw little direct involvement of workplace union members in collective bargaining (Doherty and Erne 2010), one side effect of the end of national wage agreements has been a greater engagement on the part of local shop stewards in the private sector in formulating claims and implementing collective agreements (Roche and Gormley 2020). Whereas public sector bargaining remains centralized at the national level, the agreements are subject to an aggregate ballot. Thus, rank-and-file members can overturn the result of an agreement, even against the recommendation of the

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<sup>2</sup> The two organizations merged in 1993 to form the Irish Business and Employers Confederation (Ibec), which is the largest employer organization in Ireland.

union leadership. This happened in 2013 with the concessionary 'Croke Park II' public sector agreement (Erne 2013).

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

Like the British TUC, ICTU does not direct its affiliates. The conduct of collective bargaining is left to its affiliates, whereas the confederation is tasked with influencing the state, employers and society on matters of concern for labour. This includes not only individual and collective workers' rights but also other social issues, such as health and education policy, as well as European and international affairs (Maccarrone 2021). From 1987 to 2008, ICTU was more influential when its officers were central in the negotiation of national tripartite social partnership agreements. After their collapse, ICTU's Public Service Committee continued to coordinate collective bargaining in the public sector. By contrast, ICTU's Private Sector Committee was reconstituted only in 2015 to issue guidance on recommended pay targets for its affiliates (Higgins 2015).

Given the high number of ICTU affiliates, more than one union may represent workers in an industry or company. At times this can give rise to disputes, which are dealt with by a committee within the confederation. Even so, most members are concentrated in a few unions (see Table 15.2). The general Service Industrial Professional and Technical Union (SIPTU) – which originated from the ITGWU – accounts for over a third of ICTU's members in the Republic. Overall, in the private sector, SIPTU, the retail union Mandate, the engineering union Connect and the general (British-based) union Unite organize approximately 85 per cent of union members (Roche and Gormley 2020). In the public sector, the largest union is Fórsa (Gaelic for 'force', as well as 'leverage'), established in 2017 from the merger of three unions.<sup>3</sup> Fórsa represents approximately a third of ICTU-affiliated union members in the public sector. Sectoral trade unions organizing public sector workers, such

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<sup>3</sup> These are the Irish Municipal, Public and Civic Trade Union (IMPACT), the Public Service Executive Union (PSEU) and the Civic and Public Services Union (CPSU).

as nurses and midwives (INMO), doctors (IMO) and teachers (ASTI, INTU, TUI), also play an important role.

**Table 15.2** Membership of ICTU and its largest affiliates, 2008 and 2018

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

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

Source: ICTU (2009, 2019a).

Hence, ‘the double face of high concentration in few general unions and fragmentation in many small unions’ (Roche et al. 2000: 345) still marks Irish unionism. Reducing fragmentation has been a concern for ICTU’s leadership since its early days (O’Connor 2011). Over time, the number of its affiliates has declined through amalgamations. In 1959, the confederation included seventy affiliates that were operating in the Republic (Roche et al. 2000) by comparison with twenty-nine in 2019. The most notable merger took place in 1990, when the ITGWU merged with the Federated Workers Union of Ireland to create SIPTU. ICTU’s representativeness has also increased over time, with the two largest independent unions – the nurses’ union INO (now INMO) and the banking union IBOA (now FSU) joining it in the 1990s (Roche et al. 2000). Roche et al. (2000) calculate that throughout the 1990s ICTU included approximately 95 per cent of unions operating in Ireland, a figure that still stands today.

After the 2008 financial crisis, ICTU established a commission that proposed to reduce the number of affiliates to six larger federated sectoral organizations (Geary 2016; Hickland and Dundon 2016). Although its 2013 biennial conference adopted a plan to move in this direction, little has been done, with two exceptions: the merger between the (public) sector unions IMPACT, CPSU and PSEU, which led to the creation of Fórsa in 2017; and the merger of the Technical Engineering and Electrical Union (TEEU) and the Irish section of the British construction sector union UCATT, which led to the birth of Connect in 2018.

## Unionization

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

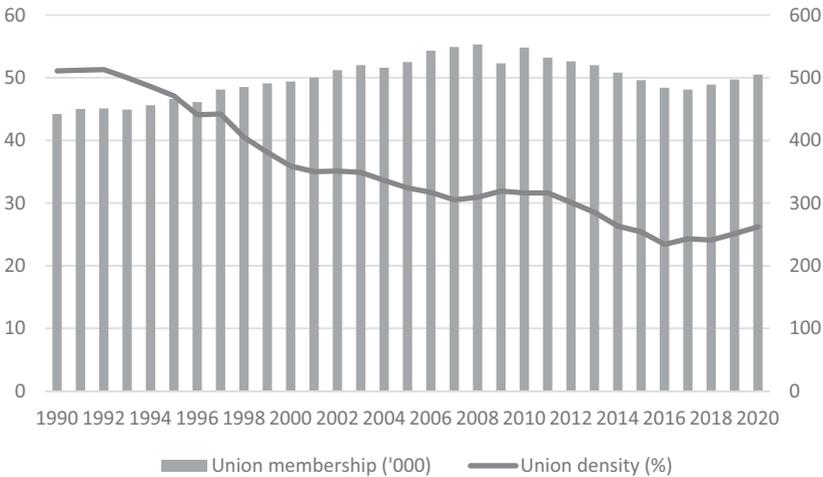
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<sup>4</sup> This also explains the discrepancy between some of the data reported here and the data provided in Appendix A1.

explains the discrepancy in the data on unionization in Tables 15.1 and 15.2.

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

**Figure 15.1** Net union density and membership, 1990–2020



Note: employees only.

Source: OECD/AIAS (2021).

This downward trend reversed shortly following the 2008 financial crisis. Membership fell, but density increased slightly until 2011. This was probably because unionized occupations – such as those in the public sector – suffered a relatively minor contraction in terms of employment vis-à-vis non-unionized ones (Wallace et al. 2020). From 2012,

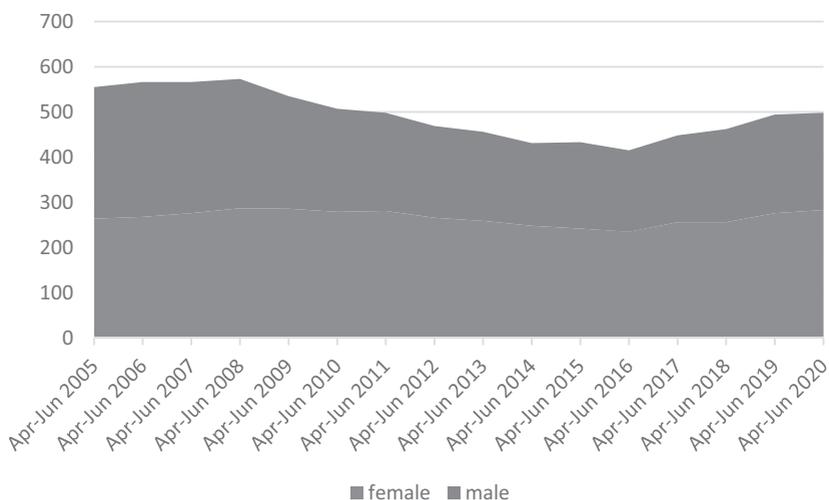
however, density started to fall, as union membership dropped more than employment. In fact, the number of people in employment started to grow in 2013, while union membership continued to fall until 2016. It then recovered but remained well below 2008 levels. As a result, density had dropped to 23 per cent by 2016, before recovering slightly to 26 per cent by 2020 (CSO 2020). Such a low level of union density was seen last in the 1920s and 1930s (Roche 2008). The stark decline is important, as union density is a key determinant of the extent of collective bargaining in Ireland, given the limited role played by extension mechanisms (Maccarrone et al. 2019).

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

It is also interesting to break down the data by demographic characteristics. The growing importance of the public sector – where female employment is significantly higher than male – in defining trends in total union membership can account for the rising share of women as union members (Wallace et al. 2020). In 2005, women made up 48 per cent of total union membership (CSO 2020). By 2020, this percentage had climbed to 57 per cent (*ibid.*, Figure 15.2.), although the male employment rate remains overall higher. Just as more generally across Europe (Vandaele 2019), unions in Ireland are struggling to unionize younger workers: according to CSO data, union density for the age group 15–34 was 15 per cent in 2018 by comparison with an overall density rate of 24 per cent (Wallace et al. 2020). Usually, density rises with age, reaching

its highest level for workers older than 55 years (*ibid.*). This ‘greying’ of union membership poses obvious challenges for unions’ prospects. Unions are also underrepresented among migrant workers, among whom density stood at 9 per cent in 2018.

**Figure 15.2** Union membership by gender, 2005–2020



Note: employees only.

Source: Authors' elaboration on CSO (2020a) data.

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

In addition to cyclical and structural factors, institutional elements, such as the legal framework for union recognition and employers' attitudes towards collective bargaining, are relevant (Roche 2008). The Irish framework lacks an enforceable legal framework for union recognition, which hinders union presence in the workplace, arguably a key factor for unionization (Toubøl and Jensen 2014). While workers have a

constitutional right to join a union, Irish law does not require employers to recognize or negotiate with them (Cullinane and Dobbins 2014). In this respect, the reliance of the Irish economy on foreign direct investment (FDI) has played a key role (D'Art and Turner 2005), as multinationals (especially of US origin) increasingly preferred to operate non-unionized workplaces (Gunnigle et al. 2009). The attitude of the government on the matter also shifted: whereas state agencies tasked with attracting FDI flows in the 1960s and the 1970s would routinely recommend that incoming multinationals recognize unions, they ceased to do so in the 1990s (Wallace et al. 2020).

To motivate employers to engage in collective bargaining, the Industrial Relations Acts 2001–2004 nevertheless provided that in workplaces where collective bargaining would not take place unions could obtain binding determinations on pay, working conditions and conflict resolution practices from the Labour Court instead (Cullinane and Dobbins 2014; Doherty 2016). Following a legal challenge by Ryanair in 2007, however, the legislation was deprived of its meaning by the Supreme Court. Its ruling accepted Ryanair's argument that it would not be bound by the determinations of the Labour Court, as Ryanair's engagement with its internal staff committees would be 'collective bargaining' in the sense of the law, despite union remarks on their lack of independence from the company management (O'Sullivan and Gunnigle 2009). Although the Industrial Relations Act was amended again in 2015, following a long-standing campaign by Irish unions, not much has changed in practice (Dobbins et al. 2020; Murphy and Turner 2020). By 2020, only four cases had been heard by the Labour Court, as a result of the new law's restrictions on unions' bringing up a case (Duffy 2019).

Attempts to provide a stronger legal basis for collective bargaining rights backed by opposition parties had been resisted by successive coalition governments. To complicate this situation further, even if a better law was to be approved by the Parliament, employers can still challenge its constitutionality in court, as happened in the case of a new law on Sectoral Employment Orders in 2020 (see section 'Collective bargaining and unions at the workplace' below). Given the difficulties in securing effective Irish labour laws, ICTU decided to campaign for an EU directive on collective bargaining (ICTU 2019). Accordingly, the confederation welcomed the Directive on 'adequate minimum wages in the European Union' (Directive (EU) 2022/2041), which also included provisions to improve collective bargaining in member states – such as Ireland – where

bargaining coverage is less than 80 per cent. Although the directive has still to be implemented, it has already had some effect, with the establishment of a tripartite commission to improve the legislation on collective bargaining rights and the announcement of the phased introduction of a living wage that would be set at 60 per cent of the median wage in any given year.

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

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

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

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

and part-time workers) during the transposition of the corresponding EU directives into Irish law.

The main challenge in terms of unionization, however, remains the organization of workers in multinational companies, which play an ever-increasing role in the Irish economy (Brazys and Regan 2017). Whereas there is a union presence in some foreign chemical and pharmaceutical companies, as well as Apple, which came to Ireland when the Irish Development Agency (IDA) was still recommending that multinationals recognize unions, the FDI-dominated sectors display very low unionization rates. Multinationals, especially of US origin, are increasingly using ‘double breasting’ practices, that is, adding new non-unionized plants to an older unionized establishment (Gunnigle et al. 2009). While recent developments in the US tech industry, such as the unionization drive at Google, might also have a positive impact in Ireland, it remains to be seen whether Irish unions will be able to capitalize on them.

## Union resources and expenditure

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

**Table 15.3** Union finances of ICTU and its five largest affiliates, 2019\*

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

Note: \*Or latest year available before that date; The annual income of a union might be lower than its members’ contributions if other sources of income (e.g. net gains/loss on investment) contributes negatively to the total.

Source: Registrar of Friendly Societies.

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

Given the tight relationship between unionization and funding, staff numbers vary according to union size, as shown in Table 15.3. The headquarters for all Irish unions and the Irish offices of the British-based unions are in Dublin, but the largest unions have additional offices throughout the country. As ICTU and some unions operate also in the North, they have offices there – primarily in Belfast – too. The fact that the bulk of unions' resources come from membership also means that unions' finances have been negatively impacted by the fall in membership since the 2008 crisis, although this has happened unevenly, with unions in the private sector being more affected.

Every union has its own way of determining the level of fees, as well as the allocation of funds between the central level and the branches. Broadly speaking, fees are calculated proportionally to a member's income. The largest union, SIPTU, charges from one to five euros a week, with the lowest band being applied to those who earn under €127 per week, and the highest to those who earn more than €500 weekly. Thus, the highest rate corresponds approximately to a membership fee of €260 per year. Specific rates are applied to the unemployed, those on unpaid leave or retired. Union dues can be paid by the member to the union or, if the member chooses so and the employer allows it, can be deducted directly from the worker's salary. This is common in the public sector, though in 2010 – amid the tensions brought by the financial crisis – the government considered changing the rule that allowed deduction of union dues

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

at source (Sheehan 2010). While this was not acted upon, in 2011, the government abolished the tax relief on union subscriptions. Recently, ICTU has requested that the government reverse this decision to favour higher unionization (ICTU 2019).

As unions tend to own their own buildings, most of their spending goes on staff. Following the turn to organizing, some unions amended their rule books to specify that a share of expenditure must be devoted to organizing rather than service activities. SIPTU, for example, allocates 25 per cent of its income to strategic organizing. Unions usually have separate reserve funds to finance disputes, for instance through the provision of strike benefits, which is controlled centrally. Training is a benefit of union membership, with courses offered mostly on industrial relations issues but also on IT skills or English skills for migrant workers (Föhrer et al. 2021). The main service offered by unions is nevertheless the representation of its members through collective bargaining and assistance with individual or collective disputes.

## **Collective bargaining and unions at the workplace**

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

In addition to national bargaining, some industries have historically been covered by wage-setting mechanisms, which included legal extension mechanisms. The Industrial Relations Act of 1946 provided that low-paid industries where collective bargaining was not widespread could be covered by employment regulation orders (EROs), which provided legally enforceable minimum wage criteria and regulations for employment. Representing a form of *de facto* industry-level bargaining, EROs were drafted and submitted for approval to the Labour Court by a Joint Labour Committee (JLC) – a tripartite body composed of an equal number of representatives of employers and trade unions in the relevant industry, plus an independent chair from the Labour Court. In more recent decades, EROs applied especially to low-paid service industries, such as cleaning, security, retail and hospitality (O’Sullivan and Royle 2014). While collective agreements are not binding, unions and employers could make them legally binding by registering them with the Labour Court as a Registered Employment Agreement (REA). The most important REAs covered the construction industry. The firms represented by the Construction Industry Federation saw REAs as insurance for a level playing field. By 2008, 15 per cent of private sector employees were covered by EROs and 8 per cent by REAs (Duffy and Walsh 2011).

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

This structure of bargaining was put under considerable pressure by the outbreak of the 2008 crisis, followed by the arrival of the ‘Troika’ at the end of 2010. The first effect of the recession was the collapse of social partnership. In 2008, in the wake of the recession, social partners renegotiated the last agreement, introducing pay pauses (Regan 2012). In early 2009, however, the government unilaterally implemented pay cuts for public sector employees through the first of a series of ‘Financial Emergency Measures in the Public Interest’ (FEMPI) Acts. Following the announcement that the government would have sought further cuts to the public sector pay bill, the unions called a national public sector strike with high participation (Geary 2016; Szabó 2018). Negotiations thus

reopened, but when talks reached a deadlock, the government moved to unilaterally cut public sector wages again in November 2009. As private sector employers had already announced that they would withdraw from the last national agreement, social partnership was now over. Since then, industrial relations have followed different dynamics.

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

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

After Ireland left the bailout at the end of 2013, and the economic situation started improving markedly, public sector unions initiated a campaign for pay restoration. The Lansdowne Road Agreement (2015) and the Public Service Stability Agreement (2018) provided for a phased restoration of pay. Yet, some of the measures agreed in previous concession agreements, such as the increase in working hours, remained in place. Moreover, the negotiations failed to amend fully the two-tier pay system that had emerged throughout the recession. Some specific issues

concerning recruitment of staff in the health-care sector also emerged. Hence, some underlying tensions remained, leading to strikes by teachers' and nurses' unions in recent years. At the end of 2020, in the context of the Covid-19 pandemic, a new 'transitional' agreement was reached, including pay increases between 2 and 3.4 per cent over the following two years (skewed towards the lower paid), a restoration of overtime rates, which had been cut in the recession, as well as the establishment of a committee to remove the additional working hours introduced by HRA in 2013 for those already employed at that time. The agreement has been backed by the members of most of ICTU's public service affiliates. The members of two teachers' unions (ASTI and TUI) rejected it in a ballot, however, because it does not remove fully the two-tier pay system for new entrants introduced during the recession. In the private sector and semi-state companies, the collapse of social partnership and the decentralization of collective bargaining allowed employers to impose easier adjustments at the firm level. Yet, since the end of 2010, unions in manufacturing have started to cautiously seek wage increases again, targeting firms in export-oriented sectors that had been sheltered from the worst effect of the recession, such as chemicals and pharmaceuticals (Geary 2016; Roche and Gormley 2020). Unions such as SIPTU and the TEEU sought increases in the order of 2 per cent a year, which was eminently affordable, consistent with the trends in similar industries in other EU countries and in line with the ECB's inflation target (Hickland and Dundon 2016; Roche and Gormley 2020). This strategy has since been followed by other unions, such as Mandate, the FSU and Unite, leading to the emergence of a form of coordinated pattern bargaining (Roche and Gormley 2020). The 2 per cent pay norm became further institutionalized through Labour Court recommendations in pay disputes (*ibid.*). While the mean of collectively agreed pay increases rose as the economic situation improved significantly in the past five years, average yearly increases remained below 3 per cent up until 2019.

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

The government reintroduced JLCs with the Industrial Relations Act 2012, but with narrower scope and providing an opt-out clause from the terms set by EROs on the ground of financial hardship. To address the constitutionality issue, the Act introduced veto power for the competent minister, but thereby reduced the social partners' autonomy (Achtsioglou and Doherty 2014). Moreover, when setting EROs, JLCs had now to consider competitiveness factors as well. Crucially, there is no way to enforce new EROs if employers refuse to agree with the JLC's minimum wage rulings. New EROs have been signed only in two industries: cleaning and security. Large industries previously covered by JLCs, such as retail, hospitality and catering, are not covered by wage agreements because of employers' opposition. The reform was monitored by the Troika, as the request to review both EROs and REAs had been inserted already in the first Memorandum of Understanding.

The reform of REAs happened outside the context of the bailout, with the Industrial Relations Act 2015, which also reintroduced the 'right to bargain' legislation. While the Act re-established company-level REAs, sector-level REAs were replaced by new Sectoral Employment Orders (SEOs). SEOs have reduced scope, as they can only deal with remuneration, sick pay and pension schemes. Furthermore, while REAs were based on a collective agreement, a union or an employer organization can unilaterally ask the Labour Court to issue an SEO in a sector. Provided that the party is deemed to be representative, the Labour Court can then recommend the adoption of an SEO to the competent minister, who may or may not enact it. An opt-out clause for employers exists on the ground of financial hardship. Since the adoption of the 2015 Act, only two new SEOs have been enacted, in the construction and the electrical contracting industry, even though SIPTU, Connect and Unite intended to seek SEOs also in new industries (Higgins 2018a, 2018b). However, further legal challenges by different employers' groups against both the EROs and the SEOs have slowed-down the enforcement of new sectoral agreements.

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

The national minimum wage has also been affected by the recession. The first Memorandum of Understanding of November 2010 committed the Fianna Fáil-led government to reduce the minimum wage by €1 per hour (a reduction of approximately 12 per cent). This cut, however, was reversed in 2011 by a new coalition government of Fine Gael and Labour, also following a campaign by unions and NGOs. Reinstatement was offset by reducing employers' social contributions to keep the effect on unit labour costs unchanged (Jordan et al. 2021). Furthermore, minimum wage development had effectively been frozen until 2015 when the government established a Low Pay Commission (LPC) composed of unions and employers' representatives, as well as academics, charged with making non-binding recommendations on the level of the national minimum wage. Between 2015 and 2019, in the context of a buoyant recovery, the LPC recommended moderate annual national minimum wage increases, which the government adopted. In 2020, however, ICTU left the LPC when other members of the committee refused to grant an increase greater than €0.1 per hour. As it stands, the Irish minimum wage remains well below the OECD threshold of adequacy for a decent standard of living (Müller and Schulten 2020).

Recently, the government asked the LPC to prepare a study on the establishment of a living wage, which should be higher than the national minimum wage. Meanwhile, union representatives have returned to the LPC. Whereas the establishment of a living wage was part of the current Fianna Fáil-Fine Gael-Green coalition's Programme for Government, this move can also be linked to the directive on adequate minimum wages in the EU (Prendergast 2021).

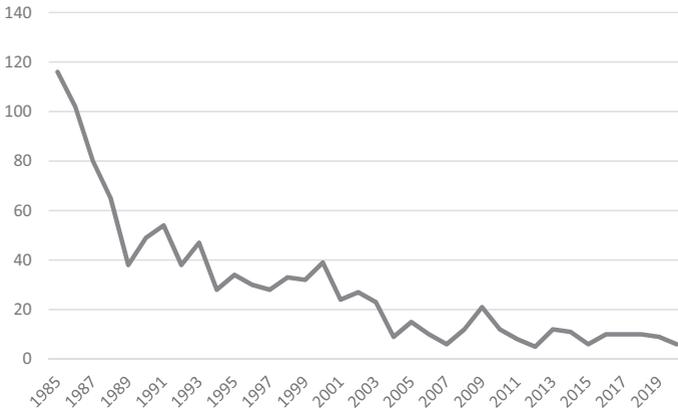
## **Industrial conflict**

Irish law contains no explicit right to strike. Instead, the law provides for an immunity from sanctions for workers engaged in industrial action, if that happens within the parameters set by the law. Industrial action is currently regulated by the Industrial Relations Act 1990, which imposes rather stringent constraints. The Act prohibits political strikes, limits secondary picketing and does not provide immunity for sympathy action (Wallace et al. 2020). A secret ballot must be held for any form of industrial action, and a notice of one week should be provided to

the employer (*ibid.*). Given these restrictions on industrial action, some unions, such as Mandate, have called for repeal of the Act. The police and defence forces are excluded from strike immunity. That said, the mere *threat* of a strike by police unions in 2016 led to pay concessions from the government.

Comparative analysis of strike action trends in Western Europe has placed Ireland in a middle position between ‘strike-prone’ Southern European countries and ‘low-strike’ Northern European countries (Vandaele 2016). Until the 1980s, strike activity in Ireland was broadly correlated with the economic cycle, with an increase in industrial action in periods of economic expansion (Wallace et al. 2020). This trend changed in the period of sustained economic growth from the 1990s, under the banner of the ‘Celtic Tiger’.

Indeed, since the late 1980s, strike activity in Ireland has diminished significantly (see Figure 15.3). Looking at the frequency of strikes between 1922 and 2019, Wallace et al. (2020: 227) note that ‘the number of strikes has been under 50 in only 30 years, 28 of which have occurred since the commencement of social partnership agreements in 1987’. Similar conclusions can also be drawn from the statistics on working days lost because of industrial action (*ibid.*; Figure 15.4). This decline in strike activity can be interpreted partly as a ‘peace dividend’ of centralized bargaining. Other factors were also at work, however, as strike activity diminished more generally across Western Europe in the same timeframe, despite institutional diversity (Vandaele 2016). For instance, ‘structural’ factors such as deindustrialization and increased competitive pressures resulting from globalization can help account for decreasing strike activity (*ibid.*). In the Irish case, unionization trends were affected by an unfavourable legislative framework and unions’ own attitudes towards organizing during the era of social partnership.

**Figure 15.3** Number of industrial disputes per year, 1985–2020

Source: CSO (2020b).

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

With the re-emergence of national collective bargaining in the public sector in 2010, however, industrial conflict dropped significantly. In the private sector, after the end of social partnership, ICTU and IBEC signed a protocol that ‘prioritized job retention, competitiveness and orderly dispute resolution’ (Roche and Gormley 2018: 447). Whereas by the end of 2009 the number of days not worked because of industrial action had reached 200 per 1,000 employees, it had fallen to only two

per 1,000 employees by 2011 (Geary 2016). Strike figures continued to be low also in 2012 and 2013, while Ireland was still under Troika conditionalities (see Figure 15.4). In response to the Troika's commodifying labour policy prescriptions, ICTU focused on lobbying the government, and in particular the Labour Party, which was part of the ruling coalition (Geary 2016). But some ICTU affiliates,<sup>6</sup> together with NGOs and community groups, created the Coalition to Protect the Lowest Paid. The Coalition campaigned to reinstate the minimum wage at its original level and to defend industry-level wage-setting institutions. Some industry-specific campaigns evolved too, such as the one organized by SIPTU to protect industry wage agreements in the cleaning sector (Geary and Gamwell 2019).

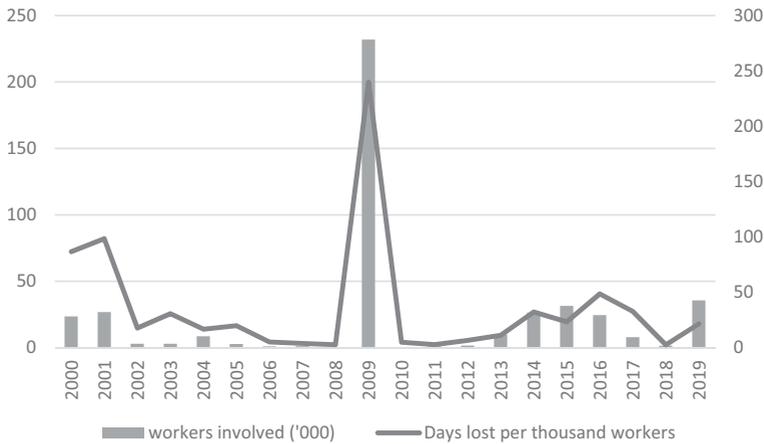
Strike activity recovered slightly after the beginning of the economic recovery (Figure 15.4). The years 2016 and 2017 saw several strikes in transport (tram, bus and rail services) that had both proactive (demand for pay increases) and defensive features (resistance to restructuring and downsizing). It should be noted that this industry is still characterized by a relatively high trade union density and by a comparatively higher degree of workers' structural power (Vandaele 2016). Another notable example of industrial action in transport was the 2017 strike of Ryanair pilots and aircrew, as part of a coordinated transnational campaign (Golden and Erne 2022), which led to the historic Ryanair decision to grant union recognition at long last.

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

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<sup>6</sup> SIPTU, Mandate, Communications Workers' Union, UNITE.

**Figure 15.4** Days not worked due to industrial action (per 1,000 employees) and number of workers involved (thousands), 2000–2019



Source: CSO (2020b), data for 2019 are provisional.

## Political relations

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

In terms of broader relations of the union movement with the polity, despite the collapse of the tripartite social partnership arrangements in 2009, many union leaders still see the partnership era in a positive light, also given the privileged access to government and influence on policymaking it granted. Over time, social partnership agreements became increasingly more comprehensive, and several tripartite bodies were set up to address different policy issues. But the social partnership era also saw a significant decline in union organizational power because of the decline of union density, while the framework for union recognition was weak and employment protection legislation remained among the lowest among the OECD countries. Additionally, there was also a significant reduction of the wage share (Allen 2007; Erne 2008). Therefore, some scholars wonder whether, retrospectively, social partnership was a 'Faustian Bargain' to make Ireland more competitive (D'Art and Turner 2011).

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

Given the above, a return of social partnership in the form of pre-2009 cross-sectoral wage agreements is unlikely. After some years of limited involvement of social partners in policymaking, however, both the government and employer organizations now seem readier to re-engineer forms of national social dialogue to address issues affecting the

competitiveness of the Irish economy, such as housing and infrastructure. It might not be a coincidence that Fianna Fáil's return to power in 2020, as part of an historic 'post-civil-war' coalition with Fine Gael and the Greens, has also led to the re-establishment of a social dialogue unit within the Department of the Taoiseach (Prime Minister). The concrete exchange that would underlie a possible new social pact remains to be seen, however, as much as whether and how the union movement will decide to be involved.

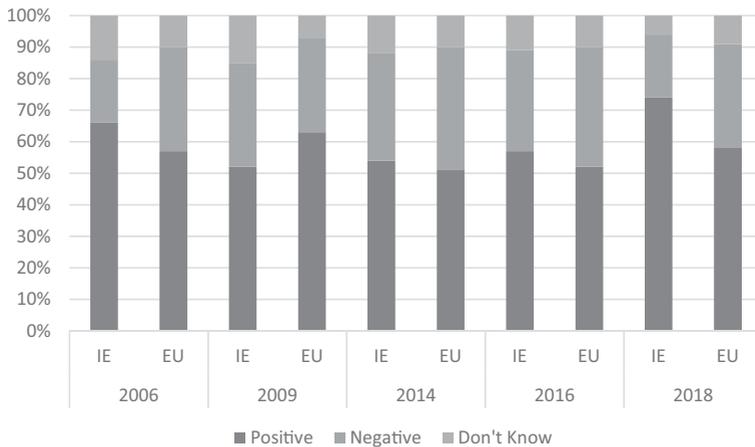
Another aspect that might influence the future relationship between the union movement and politics in Ireland is the progressive re-alignment of the Irish political system towards a more traditional left–right divide, which has become evident over the past decade. What is more, the average Irish voter now leans towards the centre-left (Müller and Regan 2021). Although a viable left-wing coalition has not yet emerged, this might lead to changes in Irish unions' political involvement.

## **Societal power**

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

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

**Figure 15.5** Public perception of trade unions in Ireland and the EU, 2006–2018



Source: Eurobarometer reports. (Some Eurobarometer surveys contain the question, ‘Could you please tell me for each of the following, whether the term brings to mind something very positive, fairly positive, fairly negative or very negative?’, including the term ‘trade union’.)

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

Attempts to reach a broader public opinion have also been part of unions’ organizing campaigns over the past decade, inspired by examples such as the US ‘Justice for Janitors’. A public campaign in cleaning launched by SIPTU was part of a successful effort to restore an industry-level wage agreement in the industry. In hospitality, characterized by low union density and employers’ hostility towards unions (Geary and Gamwell 2019), SIPTU launched a ‘Fair Hotels’ campaign based on an

ethical consumerism approach, inviting consumers to support hotels employing fair work practices (ibid.; Murphy and Turner 2016). A similar approach was followed in Mandate's 'Fair Shop' campaign, launched in 2012. The effectiveness of this type of campaigning in relation to organizing remains unclear, however (Geary and Gamwell 2019; Murphy and Turner 2016). These campaigns also involved coalition-building with civil society organizations, such as the Migrant Rights Centre Ireland and the National Women's Council, which was also part of the 'Coalition to Protect the Lowest Paid', in which unions and NGOs joined forces to defend minimum wage institutions during the Troika conditionality (Maccarrone 2021). More recently, Irish union leaders joined an international campaign coalition for a four-day working week (<https://fourdayweek.ie>).

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

## **Trade union policies towards the European Union**

Gumbrell-McCormick and Hyman (2013: 177) note that 'as in several other member states, unions in Ireland have shifted from a primarily anti-EU stance to support for further integration'. When a referendum was held about joining the European Economic Community (EEC) in 1973, ICTU campaigned for a No-vote. Irish unions justified their position with concerns about the EEC's potentially negative effects on the weak Irish industrial system rather than on class-based arguments

(Golden forthcoming). Subsequently, ICTU did not take sides in the referendum on the Single European Act<sup>7</sup> but supported the Maastricht, Amsterdam and Nice treaties. In the 2000s, however, trade union Euroscepticism grew again (Béthoux et al. 2018). While a majority of ICTU's executive council voted to support the Lisbon Treaty, SIPTU did not forward this recommendation to its members, which was 'widely seen as a tacit call to reject the Treaty' (Gumbrell-McCormick and Hyman 2013: 178). Other unions expressing criticisms were Unite and the TEEU (Golden forthcoming). The debate was shaped by two major industrial relations disputes, involving the companies GAMA and Irish Ferries, which highlighted issues of compliance with the minimum wage legislation and fuelled unions' fears of a 'race to the bottom' because of increased labour mobility in a context of weak employment protection legislation (Béthoux et al. 2018). Fears of social dumping were also triggered by the '*Laval* quartet' of rulings of the European Court of Justice. In 2008, Irish voters rejected the Lisbon Treaty.

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

The participation of Irish unions in European affairs has traditionally been quite low (Golden forthcoming; Gumbrell-McCormick and Hyman 2013). Although unions are involved in European trade union federations and European works councils (Föhrer and Erne 2017), 'neither the Congress nor any of its affiliates has a dedicated international resource for Ireland, which is most unusual in the European Trade Union

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<sup>7</sup> As all changes to the Irish Constitution must be approved by referendum, the Supreme Court ruled in 1987 that the same would also apply to most European Treaty changes (Golden forthcoming).

Movement' (ICTU 2011: 13). This reduced participation in European affairs was reflected also in a limited involvement of Irish unions in European and transnational action at the height of the Eurozone crisis, even though Ireland was among the 'programme countries' which received conditional financial assistance (Maccarrone 2021).

In more recent years, however, both the Congress and some of its affiliates became more involved in European affairs. Esther Lynch, a former ICTU officer, was elected ETUC Confederal Secretary in 2015, to then become General Secretary in 2022, the first Irish trade unionist to do so. Moreover, the Tenth Congress of the European Federation of Public Service Unions (EPSU) was held in Dublin in 2019. There have also been instances of transnational collective action that involved Irish unions, such as the successful transnational campaign of Ryanair pilots that eventually forced Ryanair to recognize unions in 2017. Given the difficulties encountered in securing collective bargaining rights at the national level, ICTU is now looking to work harder at the European level to address this issue and it has strongly supported the directive on the European minimum wage.

Another aspect on which Irish unions are becoming more active at the EU level is that of European works councils (EWCs). Following Brexit, several multinational companies have relocated their headquarters from the United Kingdom to Dublin (EWC News 2021). This also reveals a poor transposition of the EU EWC Directive, however, as currently unions in Ireland have no right to take a company to court to compel it to allow the establishment of an EWC. For this reason, SIPTU asked the EU Commission to review the implementation of the EWC directive in Ireland (*ibid.*).

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

## Conclusions

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

Our answer is, none of them. We were simply not able to put the Irish union future into one box without suppressing important empirical evidence. The cycles of union protest and acquiescence in Ireland during the past decade do allow less Manichean conclusions (Erne 2019: 259), but only if we use Visser's typology 'as a heuristic tool to understand the tension between contention and interest intermediation that are present in all unions: and not as a classification device to put different unions into distinct boxes' (*ibid.*)

Irish unions have been put under pressure but have not been marginalized. As most of their membership is concentrated in the public sector and in traditional industries, however, they must find ways to counter the widespread union substitution drives that multinational corporations employ to prevent unionization. The successful transnational collective action in the Ryanair case illustrates that gaining union recognition is possible even in an anti-union company. Even so, the future of the Irish labour movement depends on comparable successes in other Ireland-based multinationals. In this respect, some hope might come from the news that a large group of Google's workers in Ireland recently unionized (Rogan, 2023).

Irish unions have also effectively resisted the introduction of opt-out clauses in Irish law from the EU equal pay requirements for temporary agency and other atypical workers. Hence, dualization is hardly the most likely union future.

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

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All links were checked on 3 May 2021.

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## Abbreviations

<b>ASTI</b>	Association of Secondary Teachers in Ireland
<b>CPSU</b>	Civil and Public Services Union
<b>CSO</b>	Central Statistics Office

<b>CWU</b>	Communication Workers' Union
<b>ECB</b>	European Central Bank
<b>ERO</b>	Employment Regulation Order
<b>ETUC</b>	European Trade Union Confederation
<b>FDI</b>	Foreign direct investment
<b>FF</b>	Fianna Fáil
<b>FG</b>	Fine Gael
<b>FSU</b>	Financial Service Union
<b>IBEC</b>	Irish Business and Employers' Confederation
<b>IBOA</b>	Irish Bank Officials' Association
<b>ICTU</b>	Irish Congress of Trade Unions
<b>IMPACT</b>	Irish Municipal, Public and Civil Trade Union
<b>IMO</b>	Irish Medical Association
<b>INMO</b>	Irish Nurses and Midwives Association
<b>INTO</b>	Irish National Teachers' Organisation
<b>ITGWU</b>	Irish Transport and General Workers' Union
<b>ITUC</b>	Irish Trade Union Congress
<b>JLC</b>	Joint labour committee
<b>MoU</b>	Memorandum of understanding
<b>NERI</b>	Nevin Economic Research Institute
<b>NMW</b>	National Minimum Wage
<b>PSEU</b>	Public Service Executive Union
<b>REA</b>	Registered Employment Agreement
<b>SEO</b>	Sectoral Employment Order
<b>SF</b>	Sinn Féin
<b>SIPTU</b>	Services, Industrial, Professional and Technical Union
<b>TEEU</b>	Technical Engineering and Electrical Union
<b>TUC</b>	Trades Union Congress
<b>TUI</b>	Teachers' Union of Ireland