

Oifig an Aire Post, Fiontar agus Nuálaíochta
Office of the Minister for Jobs, Enterprise and Innovation

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29 April 2015

Mr. Tom O'Neill
Meetings Administrator
Corporate Services Department
South Dublin County Council
County Hall
Tallaght
Dublin 24

Dear Mr. O'Neill,

Richard Bruton TD, Minister for Jobs, Enterprise and Innovation, has asked me to refer to your recent correspondence regarding the motion passed by South Dublin County Council in relation to the current dispute at Dunnes Stores.

The Minister is aware that the current dispute concerns a range of issues, including the introduction of banded hours contracts; individual and collective representational rights; and a review of the use of temporary contracts. The trade union sought to engage with the company on these issues and the matter was referred by the union to the Labour Court under Section 20(1) of the Industrial Relations Act 1969 in October of last year.

The company was not represented at the Labour Court hearing. In this regard, the Court found it regrettable that the company declined to participate in the investigation of the dispute or to put forward its position on the union's claims.

In its recommendation of 14th November 2014, the Court reaffirmed earlier recommendations it had made by noting that the Company and the union were parties to a collective agreement signed in 1996 which provides a procedural framework within which industrial relations disputes and differences arising between the parties can be resolved by negotiation and dialogue. The Court pointed out that the dictates of good industrial relations practice requires parties to honour their collective agreements in both spirit and intent.

The Minister is disappointed that the company decided against attending the Labour Court hearing, contrary to good industrial relations practice in that regard. In his view, the experience and expertise of the Labour Court offers the most appropriate and effective avenue for resolving such issues. The Minister would urge both parties to avail of the services of the State's industrial Relations machinery who remain available to assist the parties, if requested. He has expressed the view on many occasions that engagement with the State's industrial relations machinery offers the best way whereby the parties involved in this dispute can hope to resolve their differences.

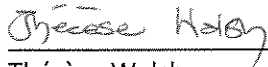
Ultimately, responsibility for the settlement of a trade dispute rests with the parties to the dispute. However, the Minister would like to see an early and fair settlement to this dispute.

As regards representation rights, Cabinet approval was obtained at the end of 2014 to legislate for an improved framework for workers who are in dispute with their employer regarding their terms and conditions in situations where there are no arrangements with their employer to resolve the matters through collective bargaining.

When enacted, this legislation will mark the fulfilment of one of the most significant commitments in the Programme for Government which indicated that reform in this area was needed. In developing these proposals Minister Bruton, along with his colleague, the Minister for Business & Employment, Ged Nash, have been keen to respect the positions articulated by stakeholders to develop proposals that sustain our voluntary system, but also ensure that workers have confidence that, where there is no collective bargaining, they have an effective system that ensures they can air grievances about remuneration, terms and conditions and have these determined based on those in similar companies and not be victimised for doing so.

The legislation is expected to be published during this Dáil session and enacted as expeditiously as is possible thereafter.

Yours sincerely



Thérèse Walsh
Private Secretary