



Number 14 of 1969

INDUSTRIAL RELATIONS ACT 1969

REVISED

Updated to 1 October 2015

This Revised Act is an administrative consolidation of the *Industrial Relations Act 1969*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Urban Regeneration and Housing Act 2015 (33/2015)*, enacted 28 July 2015, and all statutory instruments up to and including *Employment Regulation Order (Contract Cleaning Joint Labour Committee) 2015 (S.I. No. 418 of 2015)*, made 1 October 2015, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Industrial Relations Acts 1946 to 2015: This Act is one of a group of Acts included in this collective citation to be construed together as one (*Industrial Relations (Amendment) Act 2015*, s. 1(2), (3)). The Acts in the group are:

- *Industrial Relations Act 1946* (26/1946)
- *Industrial Relations (Amendment) Act 1955* (19/1955) (repealed)
- *Industrial Relations Act 1969* (14/1969)
- *Industrial Relations Act 1976* (15/1976)
- *Industrial Relations Act 1990* (19/1990), other than Part II (ss. 8-22)
- *Industrial Relations (Amendment) Act 2001* (11/2001)
- *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), in so far as it relates to the *Industrial Relations Acts 1946 to 2001*
- *Industrial Relations (Amendment) Act 2012* (32/2012) other than ss. 16, 17 and 18
- *Industrial Relations (Amendment) Act 2015* (27/2015) other than ss. 24, and 36 (collectively cited *Industrial Relations Acts 1946 to 2015* and Part 3, other than s. 36, to be construed as one)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at

www.irishstatutebook.ie.



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Section

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SCHEDULE

ACTS REFERRED TO

Industrial Relations Act, 1946	1946, No. 26.
Civil Service Commissioners Act, 1956	1956, No. 45.
Civil Service Commissioners Act, 1956	1956, No. 46.
Civil Service Regulation Acts, 1958	1958, No. 34.
Local Government Act, 1941	1941, No. 23.
Civil Service Commissioners Act, 1956	1956, No. 45.
Civil Service Commissioners Act, 1956	1956, No. 46.
Civil Service Regulation Acts, 1958	1958, No. 34.
Public Assistance Act, 1939	1939, No. 27.
Civil Service Regulation Act, 1956	1956, No. 46.
Defence Act, 1954	1954, No. 18.
Electricity Supply Board (Superannuation) Act, 1942	1942, No. 17.
Electricity (Supply) (Amendment) Act, 1949	1949, No. 12.



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AN ACT TO AMEND AND EXTEND THE INDUSTRIAL RELATIONS ACT, 1946. [3rd June, 1969.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Court” means the Labour Court;

“the Minister” means the Minister for Labour;

“the Principal Act” means the Industrial Relations Act, 1946.

Membership of
the Court.

[2.—(1) The Court shall consist of a chairman (in this Act referred to as the chairman), a deputy chairman or deputy chairmen and ordinary members.

(2) The number of deputy chairmen shall be equal to the number of divisions of the Court [...].

(3) The number of ordinary members shall be equal to twice the number of divisions of the Court and shall be divided equally among workers' members and employers' members.]

Divisions of the
Court.

3.—Whenever the chairman is of opinion that for the speedy dispatch of the business of the Court it is expedient that the Court should act by divisions, he may direct accordingly, and, until he revokes his direction—

(a) the Court shall be grouped into—

(i) a first division, consisting of the chairman (who shall be chairman of the division) and a workers' member and an employers' member selected by him,

(ii) a second division, consisting of the deputy chairman appointed under section 4 (1) of this Act (who shall be chairman of the division), a workers' member and an employers' member, and

(iii) if the direction so provides, a third division consisting of the deputy chairman appointed under section 4 (4) of this Act (who shall be chairman of the division) and a workers' member and an employers' member;

(b) the chairman shall assign to each division the business to be transacted by it;

- (c) for the purpose of the business so assigned to it, each division shall have all the powers of the Court and the chairman of the division shall have all the powers of the chairman and references in this Act to the Court and the chairman shall be construed as including references to a division and the chairman of a division respectively.

Certain functions of Labour Court performable by chairman or deputy chairman of Labour Court

[3A. Such functions of the Court as may be prescribed by order made by the Minister, after consultation with the chairman, may be performed by the chairman or a deputy chairman sitting alone.]

Deputy chairman of the Court.

4.—[(1) (a) Subject to subsection (1A) (inserted by section 79(b) of the Workplace Relations Act 2015), the Minister shall appoint persons to be deputy chairmen from among persons in respect of whom recommendations for the purposes of this section have been made by the Public Appointments Service consequent upon the holding of a competition or competitions in accordance with the Public Service Management (Recruitment and Appointments) Act 2004.

- (b) A deputy chairman shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform determines.]

[(1A) A person who immediately before the commencement of section 79 of the Workplace Relations Act 2015 stood appointed as deputy chairman shall, from such commencement, continue to be deputy chairman for the unexpired period of the term of his appointment subject to the same terms and conditions as applied to his appointment immediately before such commencement.

(1B) The Minister may reappoint a person whose term of office as deputy chairman expires by the efflux of time to be a deputy chairman, and paragraph (a) of subsection (1) shall not apply in respect of the reappointment of such person.

(1C) Where a person—

- (a) appointed under subsection (1) to be a deputy chairman,
- (b) who continues to be a deputy chairman by virtue of subsection (1A), or
- (c) reappointed in accordance with subsection (1B) to be a deputy chairman,

is, for whatever reason, unable to perform his functions as deputy chairman and the Minister is of the opinion that his inability to so perform his functions would unduly disrupt the performance by the Court or a division of the Court of its functions, a temporary vacancy among the deputy chairmen shall be deemed to exist and the Minister may, after consultation with the chairman, appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.

(1D) If a deputy chairman dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, or a deputy chairman's term of office expires and he is not reappointed under subsection (1B), the Minister may appoint a person to be a deputy chairman to fill the vacancy so occasioned pending the appointment of a deputy chairman to fill that vacancy in accordance with subsection (1), and the person so appointed shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.]

[(2) (a) The Minister may designate a deputy chairman to perform the functions of the chairman in the absence of the chairman or where the office of chairman is vacant, and a deputy chairman so designated shall in such absence or upon such position becoming vacant perform those functions.

(b) References in any enactment shall, for the purposes of the performance of the functions of chairman by a deputy chairman designated under paragraph (a), include references to that deputy chairman.

(c) A person who, immediately before the commencement of section 79 of the Workplace Relations Act 2015, stood appointed under subsection (1) shall be deemed to have been designated under paragraph (a).]

(3) [...]

(4) [...]

(5) [...]

(6) No person shall be appointed to be a deputy chairman unless he is ordinarily resident in the State.

(7) [The Civil Service Regulation Acts 1956 to 2005 shall not apply to the office of deputy chairman of the Court.]

Superannuation for chairman and ordinary members of the Court.

5.—[(1) The Minister may, with the consent of the Minister for Finance, make a scheme or schemes for the granting of pensions, gratuities and other allowances on cessation of office or death to or in respect of the chairman, a deputy chairman (whether appointed under section 4 (1) or 4 (4) of this Act or under section 8 (3) of the Industrial Relations Act, 1976) who is required by the Minister to devote the whole of his working time to the duties of the office of deputy chairman, and the ordinary members of the Court.]

(2) The Minister may, with the consent of the Minister for Finance, at any time amend a scheme made by him under this section.

(3) A scheme made by the Minister under this section shall be carried out by the Minister in accordance with its terms.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(5) Every scheme made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(6) The Minister shall grant and pay to Cathal O'Shannon, upon his retirement without re-appointment from membership of the Labour Court, a pension for his life of one thousand, one hundred and twenty-five pounds per annum and a gratuity of one thousand, six hundred and eighty-eight pounds.

(7) The Minister shall grant and pay to Ernest Edmonson Benson, upon his retirement without re-appointment from membership of the Labour Court, a gratuity of three thousand pounds.

[(8) The Minister shall grant and pay to Joseph Stapleton Quigley, upon his retirement without re-appointment from membership of the Court, a gratuity of an amount equal to one year's salary at the date of his retirement.]

Industrial relations officers.

6.—[...]

Interpretation of employment agreements.

7.—The Court may, at any time, on the application of the parties to an agreement between an employer or a trade union of employers and a worker or a trade union of workers relating to the pay or conditions of employment of any person to whom the agreement relates give its decision as to the interpretation of the agreement or its application to a particular person.

Investigation of trade dispute to be in private.

8.—(1) An investigation of a trade dispute by the Court shall be conducted in private, but the Court shall, if requested to do so by a party to the dispute, conduct the investigation in public.

(2) Where an investigation of a trade dispute is being carried out by the Court in public, the Court may, if it is satisfied that any part of the investigation concerns a matter that should, in the interests of any party to the dispute, be treated as confidential, conduct that part of the investigation in private.

Inclusion of members of the Court on public service arbitration boards.

9.—(1) The membership of any board established either before or after the commencement of this section to report on claims in relation to the pay and conditions of service and matters relating thereto of any person who—

(a) holds a position in the Civil Service of the Government or the Civil Service of the State,

(b) is a member of the staff of the Houses of the Oireachtas.

(c) is a member of the Garda Síochána,

(d) is a sub-postmaster,

(e) is employed by a county committee of agriculture, [an education and training board] for the purposes of the Local Government Act, 1941,

(f) is employed as a teacher in a [recognised] school, or

(g) is employed by any such body established by or under statute and financed wholly or partly by means of grants or loans made by a Minister of State or the issue of shares taken up by a Minister of State as may be designated from time to time by the Minister for Finance,

shall include one workers' member of the Court and one employers' member of the Court who shall be selected by the chairman.

(2) Subsection (1) of this section shall come into operation on such day as the Minister may appoint by order.

Breaches of registered employment agreements.

10.—[...]

Fair employment rules.

11.—[...]

Enforcement of sections 10 and 11.

12.—(1) An inspector for the purposes of Part IV of the Principal Act (in this section referred to as an inspector) may, for the purpose of enforcing the provisions of sections 10 and 11 of this Act do all or any of the following things, that is to say—

(a) enter at all reasonable times any premises where he has reasonable grounds for believing that any person affected by a registered employment agreement or fair employment rules works,

(b) require the production of wages sheets or other records of remuneration kept by an employer and inspect and examine those sheets or records and copy any material part thereof,

(c) examine with respect to any matters under section 10 or 11 of this Act or this section any person whom he has reasonable grounds for believing to be or have been a person affected by a registered employment agreement or fair employment rules and require such person to answer such questions (other than questions tending to incriminate such person) as the inspector may put relating to those matters and to sign a declaration of the truth of the answers to the questions.

(2) If a person—

(a) obstructs or impedes an inspector in the exercise of any of the powers conferred on the inspector by this section,

(b) refuses to produce any record which an inspector lawfully requires him to produce,

(c) prevents, or attempts to prevent, a person from appearing before or being questioned by an inspector, or

(d) [...] fails or refuses to comply with any lawful requirement of an inspector under subsection 1 (b) of this section,

the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) An inspector may institute proceedings for an offence under section 10 or 11 of this Act or this section.

Rights commis-
sioners.

13.—[...]

(2) Subject to the provisions of this section, where a trade dispute (other than a dispute connected with rates of pay of, hours or times of work of, or annual holidays of, a body of workers) exists or is apprehended and involves workers within the meaning of Part VI of the Principal Act, a party to the dispute may refer it to a rights commissioner.

(3) (a) Subject to the provisions of this section, a rights commissioner shall investigate any trade dispute referred to him under subsection (2) of this section and shall, unless before doing so the dispute is settled—

(i) make a recommendation to the parties to the dispute setting forth his opinion on the merits of the dispute, and

(ii) notify the Court of the recommendation.

(b) A rights commissioner shall not investigate a trade dispute—

(i) if the Court has made a recommendation in relation to the dispute, or

(ii) if a party to the dispute notifies the commissioner in writing that he objects to the dispute being investigated by a rights commissioner.

(4)[...]

(5)[...]

(6) A rights commissioner may provide for the regulation of proceedings before him in relation to an investigation under this section and may provide for the cases in which persons may appear before him by counsel or solicitor and, except as so provided, no person shall be entitled to appear by counsel or solicitor before him.

(7)[...]

(8) An investigation by a rights commissioner shall be conducted in private.

(9) (a) A party to a dispute in relation to which a rights commissioner has made a recommendation may appeal to the Court against the recommendation and the parties to the dispute shall be bound by the decision of the Court on the appeal.

(b) The Court shall hear and decide any appeal to it under this subsection and it shall convey its decision thereon to the parties.

(c) A hearing under this subsection shall be held in private.

(10) The Court shall not investigate (except by way of appeal to it under subsection (9) of this section) a trade dispute in relation to which a rights commissioner has made a recommendation.

Prohibition on disclosure of information.

14.—A rights commissioner shall not include in any recommendation any information obtained by him in the course of any investigation under this Act as to any trade union or as to the business carried on by any person which is not available otherwise than through evidence given at the investigation without the consent of the trade union or persons concerned, nor shall any person concerned in proceedings before a rights commissioner under this Act, without such consent, disclose any such information.

Amendment of section 23 of Principal Act.

15.—Section 23 of the Principal Act is hereby amended by the substitution of “the Minister” for “the Government”.

Amendment of section 43 of Principal Act.

16.—Section 43 (1) (b) (iii) of the Principal Act is hereby amended by the substitution of “twenty-one days” for “thirty days”.

Extension of Part VI of Principal Act.

17.—[...]

Amendment of section 67 of Principal Act.

18.—[...]

Amendment of section 68 of Principal Act.

19.—The following subsection is hereby substituted for section 68 (1) of the Principal Act:

“(1) The Court, having investigated a trade dispute, may make a recommendation setting forth its opinion on the merits of the dispute and the terms on which it should be settled.”

Investigation of dispute by Court at request of parties.

20.—(1) Where the workers concerned in a trade dispute or their trade union or trade unions request or requests the Court to investigate the dispute and undertake or undertakes before the investigation to accept the recommendation of the Court under section 68 of the Principal Act in relation thereto then, notwithstanding anything contained in the Principal Act or in this Act, the Court shall investigate the dispute and shall make a recommendation under the said section 68 in relation thereto.

(2) Where the parties concerned in a trade dispute request the Court to investigate a specified issue or issues involved in the dispute and undertake, before the investigation, to accept the recommendation of the Court under the said section 68 in relation to such issue or issues then, notwithstanding anything in the Principal Act or in this Act, the Court shall investigate such issue or issues and shall make a recommendation under the said section 68 in relation thereto and, for the purposes of this subsection, subsection (1) of the said section 68 shall have effect as if the references therein to a trade dispute included references to an issue or issues involved in a trade dispute.

(3) Notwithstanding anything contained in section 8 (1) of this Act, an investigation under this section shall be conducted in private and shall be given such priority over the other business of the Court as the Court considers reasonable.

Dissolution of Electricity Supply Board manual workers and general employees tribunals.

21.—(1) The tribunal established under section 9 of the Electricity Supply Board (Superannuation) Act, 1942, and the tribunal established under section 3 of the Electricity (Supply) (Amendment) Act, 1949, are hereby dissolved.

(2) Subsection (1) of this section and section 23 of this Act (in so far as it repeals sections 9 to 11 of the said Electricity Supply Board (Superannuation) Act, 1942, and sections 3 to 6 of the said Electricity (Supply) (Amendment) Act, 1949) shall, in respect of any matter referred to either tribunal aforesaid before the passing of this Act, be deemed, unless a party concerned in the matter objects to its being determined by the tribunal to which it is referred, never to have been enacted.

Laying of orders before Houses of Oireachtas.

22.—An order made by the Government or the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeals.

23.—The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of the Schedule.

Short title, construction and collective citation.

24.—(1) This Act may be cited as the Industrial Relations Act, 1969, and shall be construed as one with the Principal Act.

(2) The Principal Act and this Act may be cited together as the Industrial Relations Acts, 1946 and 1969.

Section 23.

SCHEDULE

ENACTMENTS REPEALED

Year and Number	Short Title	Extent of Repeal
No. 17 of 1942.	Electricity Supply Board (Superannuation) Act, 1942.	Sections 9, 10 and 11.
No. 26 of 1946.	Industrial Relations Act, 1946.	Sections 10 (2), 11, 12, 16 and 67 (3).
No. 12 of 1949.	Electricity (Supply) (Amendment) Act, 1949.	Sections 3, 4, 5 and 6.
No. 19 of 1955.	Industrial Relations (Amendment) Act, 1955.	The whole Act.