



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- *Industrial Relations (Amendment) Act 1955* (19/1955) (repealed)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 annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked.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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Industrial Relations (Amendment) Act 2015 (27/2015)*
- *National Minimum Wage (Low Page Commission) Act 2015 (22/2015)*
- *Workplace Relations Act 2015 (16/2015)*
- *Freedom of Information Act 2014 (30/2014)*
- *Education and Training Boards Act 2013 (11/2013)*
- *Public Service Management (Recruitment and Appointments) Act 2004 (33/2004)*
- *Industrial Relations (Miscellaneous Provisions) Act 2004 (4/2004)*
- *Industrial Relations (Amendment) Act 2001 (11/2001)*
- *National Minimum Wage Act 2000 (5/2000)*
- *Employment Equality Act 1998 (32/1998)*
- *Freedom of Information Act 1997 (13/1997)*
- *Unfair Dismissals (Amendment) Act 1993 (22/1993)*
- *Industrial Relations Act 1990 (19/1990)*
- *Unfair Dismissals Act 1977 (10/1977)*
- *Industrial Relations Act 1976 (15/1976)*
- *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1975 (27/1975)*
- *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1973 (12/1973)*
- *Industrial Relations (Amendment) Act 1955 (19/1955)*
- *Industrial Relations Act 1946 (26/1946)*

All Acts up to and including *Urban Regeneration and Housing Act 2015 (33/2015)*, enacted 28 July 2015, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Industrial Relations Act 1969 (Section 3A) Order 2015 (S.I. No. 344 of 2015)*
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011)*
- *Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1993 (S.I. No. 18 of 1993)*
- *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1983 (S.I. No. 216 of 1983)*
- *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1979 (S.I. No. 268 of 1979)*
- *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1973 (S.I. No. 294 of 1973)*

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 revision.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Membership of the Court.
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- 3A. Certain functions of Labour Court performable by chairman or deputy chairman of Labour Court.
4. Deputy chairman of the Court.
5. Superannuation for chairman and ordinary members of the Court.
6. Industrial relations officers.
7. Interpretation of employment agreements.
8. Investigation of trade dispute to be in private.
9. Inclusion of members of the Court on public service arbitration boards.
10. Breaches of registered employment agreements.
11. Fair employment rules.
12. Enforcement of sections 10 and 11.
13. Rights commissioners.
14. Prohibition on disclosure of information.
15. Amendment of section 23 of Principal Act.
16. Amendment of section 43 of Principal Act.
17. Extension of Part VI of Principal Act.
18. Amendment of section 67 of Principal Act.
19. Amendment of section 68 of Principal Act.
20. Investigation of dispute by Court at request of parties.
21. Dissolution of Electricity Supply Board manual workers and general employees tribunals.
22. Laying of orders before Houses of Oireachtas.
23. Repeals.

Section

24. Short title, construction and collective citation.

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:

Annotations

Modifications (not altering text):

C1 Application of collectively cited *Industrial Relations Acts 1946 to 2012* restricted by *Unfair Dismissals Act 1977* (10/1977), s. 8(10); as substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 14(1), commenced by S.I. No. 410 as per subs. (4).

[(10) (a) A dispute relating to a dismissal shall not be referred to an adjudication officer under the Industrial Relations Acts 1946 to 2012 if, in relation to the dismissal—

(i) a recommendation has been made by a rights commissioner under this Act, or a hearing by the Tribunal under this Act has commenced,

(ii) a decision (other than a decision consisting of a dismissal of the claim concerned) has been made by an adjudication officer under this Act,

(iii) a decision has been made by the Labour Court in accordance with subsection (2) of section 8A affirming a decision (consisting of a dismissal of the claim concerned) of an adjudication officer under this Act, or

(iv) a decision has been made by the Labour Court in accordance with the said subsection (2) —

(I) setting aside a decision to which subparagraph (ii) applies, and

(II) not awarding any redress under section 7.

(b) An employee shall not be entitled to redress under this Act in respect of a dismissal if, in relation to the dismissal—

(i) a recommendation has been made by a rights commissioner or an adjudication officer under the Industrial Relations Acts 1946 to 2012, or

(ii) a hearing by the Labour Court under those Acts has commenced.]

C2 Application of collectively cited *Industrial Relations Acts 1946 to 1990* restricted (31.05.2001) by *Industrial Relations (Amendment) Act 2001* (11/2001), s. 2, S.I. No. 232 of 2001, as partly substituted (6.04.2004) by *Industrial Relations (Miscellaneous Provisions) Act 2004* (4/2004), s. 2, S.I. No. 138 of 2004.

Investigation of dispute by Court.

2.—(1) Notwithstanding anything contained in the Industrial Relations Acts, 1946 to 1990, at the request of a trade union or excepted body, the Court may investigate a trade dispute where the Court is satisfied that—

[(a) it is not the practice of the employer to engage in collective bargaining negotiations in respect of the grade, group or category of workers who are party to the trade dispute and the internal dispute resolution procedures (if any) normally used by the parties concerned have failed to resolve the dispute,

(b) either—

(i) the employer has failed to observe—

(I) a provision of the Code of Practice on Voluntary Dispute Resolution under section 42 of the Industrial Relations Act 1990 specifying the period of time for the doing of any thing (or such a provision of any code of practice amending or replacing that code), or

(II) any agreement by the parties extending that period of time,

or

(ii) the dispute having been referred to the Commission for resolution in accordance with the provisions of such code, no further efforts on the part of the Commission will, in the opinion of the Commission, advance the resolution of the dispute and the Court has received a report from the Commission to that effect,]

(c) the trade union or the excepted body or the employees, as the case may be, have not acted in a manner which, in the opinion of the Court, has frustrated the employer in observing a provision of such code of practice, and

(d) the trade union or the excepted body or the employees, as the case may be, have not had recourse to industrial action after the dispute in question was referred to the Commission in accordance with the provisions of such code of practice.

(2) In the course of an investigation under subsection (1) the Court shall have regard to the entirety of labour relations practices in the employment concerned including labour relations practices engaged in by the employer or an associated employer in another employment including an employment outside the State.

C3 Application of collectively cited *Industrial Relations Acts 1946 to 1990* potentially restricted (1.04.2000) by *National Minimum Wage Act 2000* (5/2000), s. 42, S.I. No. 96 of 2000.

Act not to derogate from certain provisions of or under Industrial Relations Acts, 1946 to 1990.

42.— The provisions of this Act are in addition to and not in derogation of the Industrial Relations Acts, 1946 to 1990, or—

(a) Employment Regulation Orders, and the enforcement of such Orders, made under those Acts, or

(b) Registered Employment Agreements, and the enforcement of such Agreements, on the register under those Acts on the commencement of this section,

except that where a minimum hourly rate of pay in accordance with this Act is a greater amount than the minimum rate of pay prescribed under an Employment Regulation Order or such a Registered Employment Agreement, the employee's entitlement to pay in accordance with this Act shall prevail.

C4 Functions transferred and terms "Department of Labour" and "Minister for Labour" construed (20.01.1993) by *Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 18 of 1993), arts. 3, 4, and sch. pt. 1, subject to transitional provisions in arts. 5-9. Note that the name of the Minister for and Department of Industry and Commerce was changed:

- to the Minister for and Department of Enterprise and Employment (20.01.1993) by *Industry and Commerce (Alteration of Name of Department and Title of Minister) Order 1993* (S.I. No. 19 of 1993);

- to the Minister for and Department of Enterprise, Trade and Employment (12.07.1997) by *Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 307 of 1997);
- to the Minister for and Department of Enterprise, Trade and Innovation (2.05.2010) by *Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 185 of 2010); and
- to the Minister for and Department of Jobs, Enterprise and Innovation (2.06.2011) by *Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 245 of 2011).

...

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Industry and Commerce.

(2) References to the Department of Labour contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Industry and Commerce.

4. (1) There are hereby transferred to the Minister for Industry and Commerce the functions vested in the Minister for Labour by or under:—

(a) any Act mentioned in the Schedule to this Order, and

...

(c) the provisions mentioned in the Schedule to the Order so mentioned.

(2) References to the Minister for Labour contained in any Act or instrument thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Industry and Commerce.

...

Schedule

Part I

Acts functions under which are transferred from the Minister for Labour to the Minister for Industry and Commerce.

...

Industrial Relations Acts, 1946 to 1990.

...

- C5** Meaning of “rights commissioner” modified (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 35, commenced on enactment.

The Rights Commissioner Service.

35.—(1) The rights commissioners shall operate as a service of the Commission and references to rights commissioners in the Industrial Relations Act, 1969, the Unfair Dismissals Act, 1977, and the Maternity Protection of Employees Act, 1981, shall be taken to be references to rights commissioners so operating.

(2) A rights commissioner shall be independent in the performance of his functions.

- C6** Meaning of terms “independent member” and “chairman” extended (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 44 and sch. 5 para. 2(3)

FIFTH SCHEDULE

Constitution and Proceedings of Joint Labour Committees

2. ...

(3) The Minister shall appoint an independent person who shall act as independent member and chairman in the absence of the chairman and references in the Acts to an independent member or the chairman shall include references to a person so acting.

...

- C7** Application of collectively cited *Industrial Relations Acts 1946 to 1990* restricted (9.05.1977) by *Unfair Dismissals Act 1977* (10/1977), s. 8(10), S.I. No. 138 of 1977, as substituted (1.10.1993) by *Unfair Dismissals (Amendment) Act 1993* (22/1993), s. 7(d), commenced as per s. 17(4).

Determination of claims for unfair dismissal.

8.— ...

[(10) (a) A dispute in relation to a dismissal as respects which a recommendation has been made by a rights commissioner under this Act or a hearing by the Tribunal under this Act has commenced shall not be referred, under the Industrial Relations Acts, 1946 to 1990, to a rights commissioner or the Labour Court.

(b) Where, in relation to a dismissal, a recommendation has been made by a rights commissioner, or a hearing by the Labour Court under the said Acts has commenced, the employee concerned shall not be entitled to redress under this Act in respect of the dismissal.]

...

- C8** Application of Act restricted (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(1), commenced on enactment.

Additional divisions of the Court.

8.—(1) Whenever the Minister is of opinion that for the speedy dispatch of the business of the Court it is expedient that there should be added to the Court another division or other divisions he may, notwithstanding anything in the Act of 1969, by order, made with the consent of the Minister for the Public Service, provide for such an additional division or divisions.

...

- C9** Functions transferred and term "Minister for Finance" construed (1.11.1973) by *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1973* (S.I. No. 294 of 1973, arts. 3, 4(1)(n)), subject to transitional provisions in arts. 6-8.

3. (1) The administration and business in connection with the exercise, performance or execution of—

(a) any functions transferred by Article 4 of this Order,

...

(c) any functions referred to in section 1 (ii) of the Ministers and Secretaries Act, 1924 (No. 16 of 1924), that relate to equipment for the automatic processing of information,

are hereby transferred to the Department of the Public Service.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the operative date, be construed as references to the Department of the Public Service.

4. (1) The functions vested in the Minister for Finance by or under the following enactments are hereby transferred to the Minister for the Public Service: ...

(n) Industrial Relations Acts, 1946 and 1969,

...

(6) References to the Minister for Finance contained in any enactment or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the operative date, be construed as references to the Minister for the Public Service.

Editorial Notes:

- E1** One year time limit for institution of summary proceedings for an offence under collectively cited *Industrial Relations Acts 1946 to 1990* prescribed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 5, commenced on enactment.
- E2** Previous affecting provision: application of collectively cited *Industrial Relations Acts 1946 and 1969* extended (15.12.1975) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act 1975* (27/1975), s. 3(1)(b)(ii), S.I. No. 305 of 1975; ceased (29.06.1976) by *Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act, 1975, (Expiry) Order 1976* (S.I. No. 137 of 1976).

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.

F1[**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 **F2**[...].

(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.]

Annotations**Amendments:**

- F1** Substituted (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 9, commenced on enactment.
- F2** Deleted (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 77, S.I. No. 338 of 2015.

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.

Annotations

Modifications (not altering text):

- C10** Application of subss. (b) and (c) extended (18.05.1976) by *Industrial Relations Act 1976 (15/1976)*, s. 8(2), commenced on enactment.

Additional divisions of the Court.

8.— ...

(2) A division of the Court provided for under this section shall consist of a deputy chairman of the Court (who shall be chairman of the division), a workers' member and an employers' member, and sections 3 (b) and 3 (c) of the Act of 1969 shall apply in relation to such a division as if it were a division under that Act.

...

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

F3[**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.]

Annotations

Amendments:

- F3** Inserted (1.08.2015) by *Workplace Relations Act 2015 (16/2015)*, s. 78, S.I. No. 338 of 2015.

Editorial Notes:

- E3** Power pursuant to section exercised (1.08.2015) by *Industrial Relations Act 1969 (Section 3A) Order 2015 (S.I. No. 344 of 2015)*.
- E4** The section heading is that of the amending section in the absence of one included in the amendment.

Deputy chairman of the Court.

4.—F4[(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.]

F5[(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.]

F4[(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) F6[...]

(4) F6[...]

(5) F7[...]

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

(7) F4[The Civil Service Regulation Acts 1956 to 2005 shall not apply to the office of deputy chairman of the Court.]

Annotations

Amendments:

F4 Substituted (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 79(a), (c) and (e), S.I. No. 338 of 2015.

F5 Inserted (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 79(b), S.I. No. 338 of 2015.

- F6** Deleted (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 79(d), S.I. No. 338 of 2015.
- F7** Repealed (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(5), commenced on enactment.

Modifications (not altering text):

- C11** Application of subss. (4) to (7) extended (18.05.1976) by *Industrial Relations Act 1976* (15/1976), s. 8(3), commenced on enactment.

Additional divisions of the Court.

8.— ...

(3) Whenever the Minister makes an order under this section he shall appoint a deputy chairman of the Court, and sections 4 (4) to 4 (7) of the Act of 1969 (as amended by this Act) shall apply in relation to a deputy chairman appointed under this Act as if the references in those sections to a deputy chairman were references to a deputy chairman appointed under this Act.

...

Superannuation for chairman and ordinary members of the Court.

5.—F8[(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.

F9[(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.]

Annotations**Amendments:**

- F8** Substituted (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 40, commenced on enactment.
- F9** Substituted (18.05.1976) by *Industrial Relations Act 1976 (15/1976)*, s. 10, commenced on enactment.

Editorial Notes:

- E5** Power pursuant to s. 5(2) exercised (1.04.1982) by *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1983* (S.I. No. 216 of 1983).
- E6** Power pursuant to s. 5(2) exercised (31.07.1979) by *Labour Court (Members) Superannuation Scheme (Amendment) Scheme 1979* (S.I. No. 268 of 1979).

Industrial relations officers.

6.—F10[...]**Annotations****Amendments:**

- F10** Repealed (18.07.1990) by *Industrial Relations Act 1990 (19/1990)*, s. 7 and sch. 2, commenced on enactment.

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, F11[an education and training board] for the purposes of the Local Government Act, 1941,

(f) is employed as a teacher in a F11[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.

Annotations

Amendments:

F11 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013) s. 72, sch. 6 item 5, S.I. No. 211 of 2013.

Modifications (not altering text):

C12 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Number and Year	Short Title	Provision
...
No. 14 of 1969	Industrial Relations Act 1969	s. 9, 13(4) and 17
...

Breaches of registered employment agreements. **10.—F12[...]**

Annotations**Amendments:**

F12 Repealed (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (16/2015), s. 4(a), S.I. No. 329 of 2015.

Editorial Notes:

E7 Previous affecting provision: fines pursuant to subss. (2) and (3) increased (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 4 and sch. 1 ref. nos. 15 and 16, commenced on enactment. In each case the fine was increased to £1,000 and a daily default fine of £200.

Fair employment rules. **11.—F13[...]**

Annotations**Amendments:**

F13 Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

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) F14[...] 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.

Annotations

Amendments:

F14 Deleted (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 55, commenced on enactment.

Modifications (not altering text):

C13 Application of section extended and its construction modified (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 52, commenced on enactment.

Powers of inspection for enforcement of registered employment agreement.

52.—The powers of inspection given to inspectors by section 12 of the Industrial Relations Act, 1969, shall be exercisable for the purpose of enforcing the provisions of section 32 of the Industrial Relations Act, 1946, and section 51 of this Act and the said section 12 and this section shall be construed as one section.

Editorial Notes:

E8 Fine for offence under subs. (2) increased to £500 (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 4 and sch. 1, commenced on enactment.

Rights commis-
sioners.

13.—F15[...]

(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)F15[...]

(5)F15[...]

(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)F15[...]

(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.

Annotations

Amendments:

F15 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8 and sch. 2 part 1 item 2, S.I. No. 410 of 2015.

Modifications (not altering text):

C14 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Number and Year	Short Title	Provision
...
No. 14 of 1969	Industrial Relations Act 1969	s. 9, 13(4) and 17
...

C15 Procedure for appointment of rights commissioner provided (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 34, commenced on enactment.

Rights commissioners.

34.—(1) Where the Minister proposes to appoint a rights commissioner under section 13 (1) of the Industrial Relations Act, 1969, he shall request the Commission to submit to him a panel of

persons and he shall not appoint as a rights commissioner any person other than a person included in such panel.

(2) The term of office of a rights commissioner appointed in pursuance of subsection (1) shall be a period not exceeding three years.

(3) A rights commissioner may be re-appointed for a further term or terms by the Minister.

- C16** Application of subs. (2) restricted (9.05.1977) by *Unfair Dismissals Act 1977* (10/1977), s. 8(10), S.I. No. 138 of 1977, as substituted (1.10.1993) by *Unfair Dismissals (Amendment) Act 1993* (22/1993), s. 7(d), commenced as per s. 17(4).

Determination of claims for unfair dismissal.

8.— ...

[(10) (a) A dispute in relation to a dismissal as respects which a recommendation has been made by a rights commissioner under this Act or a hearing by the Tribunal under this Act has commenced shall not be referred, under the Industrial Relations Acts, 1946 to 1990, to a rights commissioner or the Labour Court.

(b) Where, in relation to a dismissal, a recommendation has been made by a rights commissioner, or a hearing by the Labour Court under the said Acts has commenced, the employee concerned shall not be entitled to redress under this Act in respect of the dismissal.

...]

- C17** Requirements for making objection under subs. (3)(b)(ii) provided (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 36, commenced on enactment.

Objections and appeals.

36.—(1) An objection under section 13 (3) (b) (ii) of the Industrial Relations Act, 1969, by a party to a trade dispute to an investigation of the dispute by a rights commissioner shall be of no effect unless it is notified in writing to the commissioner within three weeks after notice of the reference of the dispute to the commissioner has been sent by post to that party.

(2) An appeal to the Court against the recommendation of a rights commissioner shall not be considered unless it is notified in writing to the Court within six weeks after the making of the recommendation.

(3) A rights commissioner, in addition to notifying the Court, shall notify the Minister and the Commission of every recommendation made by him.

(4) The Commission shall not exercise its function of conciliation on a dispute on which a rights commissioner has made a recommendation.

Editorial Notes:

- E9** Provision for rights commissioners appointed under subs. (1) to stand appointed as adjudication officers for purposes of *Workplace Relations Act 2015* made (1.10.2015) by *Workplace Relations Act 2015* (16/2015) s. 40(3), S.I. No. 410 of 2015.

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.

Annotations**Modifications (not altering text):**

- C18** Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 41(1)(a) and sch. 3, part 1, commenced on enactment. This section is listed in sch. 3 part 1.

Enactments relating to non-disclosure of records.

41.—(1) A head shall refuse to grant an FOI request if—

- (a) the disclosure of the record concerned is prohibited by law of the European Union or any enactment (other than a provision specified in column (3) of *Part 1* or *2* of *Schedule 3* of an enactment specified in that Schedule), or

...

- C19** Application of section not restricted (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 25(6) and (8), commenced on enactment, as amended (18.10.1999) by *Employment Equality Act 1998* (21/1998), s. 105(b)(ii), S.I. No. 320 of 1999.

Functions of the Commission.

25.— ...

(6) The Commission, a member of the Commission or any of its staff shall not include in any report any information obtained by it in the course of any proceedings before it 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 proceedings (including conciliation conferences and advisory meetings) without the consent of the trade union or person concerned, nor shall any member of the Commission or any of its staff or any person concerned in the proceedings, without such consent, disclose any such information.

...

(8) *Subsection (6)* is without prejudice to [...] section 14 of the Industrial Relations Act, 1969.

Editorial Notes:

- E10** Previous affecting provision: person holding record under section excluded from requirement to refuse an FOI request (21.4.1998) by *Freedom of Information Act 1997* (13/1997), s. 32, sch. 3 part 1, commenced as per s. 1(2); repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4, commenced as per s. 1(2).

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.—F16[...]

Annotations**Amendments:**

- F16** Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

Modifications (not altering text):

C20 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Number and Year	Short Title	Provision
...
No. 14 of 1969	Industrial Relations Act 1969	s. 9, 13(4) and 17
...

Amendment of section 67 of Principal Act.

18.—F17[...]

Annotations**Amendments:**

F17 Repealed (18.07.1990) by *Industrial Relations Act 1990* (19/1990), s. 7 and sch. 2, commenced on enactment.

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.