



The right to strike in the public services

Ireland



The right to strike in the public services: Ireland

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1. Legal basis

International level

The Republic of Ireland has ratified:

UN instruments¹

International Covenant on Economic Social and Cultural Rights

(ICESCR, Article 8)

International Covenant on Civil and Political Rights

(ICCPR, Article 22)

Ireland signed the Optional Protocol to the International Covenant on Economic Social and Cultural Rights in 2012, but it has not yet ratified it.
(the Optional Protocol to the ICESCR entered into force in 2013).

ILO instruments²

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise

(ratified on 4 June 1955)

Convention No. 98 concerning the Right to Organise and to Bargain Collectively

(ratified on 4 June 1955)

Ireland has not ratified:

Convention No. 154, Collective Bargaining Convention, 1981

Convention No. 151 - Labour Relations (Public Service), 1978

European level

Ireland has ratified :

Article 6(4) (the right to collective action) of the Revised European Social Charter

(ratification on 4 November 2000)³

Ireland has also accepted the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints⁴
(ratification on 4 November 2000).

European Convention on Human Rights (ECHR)

(ratification on 25 February 1953), including Article 11 (the freedom of assembly and association).⁵

National level

The Constitution of Ireland

In Ireland, there are no constitutional provisions guaranteeing the right to strike.

Applicable law(s)

The Industrial Relations Act, 1990 provides general regulations governing industrial action while the Civil Service Regulation Act, 1924, as amended, and Garda Síochána Act, 1977 provide the regulatory framework for the Civil Service and the right to organise in the national police force.

The Code of Practice on Voluntary Dispute Resolution (2000) and the Industrial Relations (Amendment) Act, 2001 further regulate industrial action.

Case law on industrial action is a particularly important part of the legal framework guaranteeing the right to strike, in line with the common law legal tradition. Case law is instrumental in laying down the principles on the right to strike in conjunction with the statutory instruments. For instance, in *Nolan Transport (Oaklands) Ltd v James Halligan and Others*, the High Court decided that secondary industrial action is lawful.

Ireland has a voluntarist system of **collective bargaining**, mainly at workplace level (single-employer collective bargaining) in the private sector but nationally in the public sector. Social dialogue played a very important role following the first social partnership agreement in 1987, but the process collapsed in late 2009, although national-level collective bargaining has continued in the public sector.

2. Who has the right to call a strike?

Workers who engage in industrial action which is ‘in contemplation or furtherance of a trade dispute’ enjoy legal immunities⁶ which cover civil and criminal liabilities arising from conspiracy and inducement of a breach of contract. Immunities are also granted to trade unions for torts (civil liability) committed by or on behalf of the trade union if the tortious act was done ‘in contemplation or furtherance of a trade dispute’.⁷

The right to strike is guaranteed in all branches of the public sector, with the exception of the national police and armed forces. Immunities cover only officials and members of authorised trade unions holding a negotiation licence. In Ireland, the police and armed forces are completely excluded from the right to take collective action.⁸

3. Definition of a strike

Industrial action is defined as ‘any action which affects, or is likely to affect, the terms and conditions, whether expressed or implied, of a contract and which is taken by any number or body of workers in compelling their employer to accept or not to accept terms or conditions of or affecting employment’. A **strike** is defined as ‘a cessation of work by any number or body of workers in combination or a concerted refusal or a refusal under a common understanding of any number of workers to continue to work for their employer intended as a means of compelling their employer to accept or not to accept terms or conditions of or affecting employment’.⁹

Industrial action includes action short of a strike, such as a ‘**go-slow**’, **work-to-rule** and an **overtime ban**. **Secondary action**, **political strikes** and **sympathy strikes** are legal.¹⁰

Section 11 of Industrial Relations Act refers to immunity in relation to **picketing** including secondary picketing and provides that it shall be lawful to engage in peaceful picketing at the place where the employer works or carries on business if the picketing is in contemplation or furtherance of a trade dispute and designed to peacefully obtain or communicate information or to peacefully persuade persons from abstaining from working.

Secondary picketing (picketing at place of work of an employer who is not a party to the dispute) is lawful only if those picketing have reasonable grounds to believe that the employer whose place of work is being picketed has or is directly assisting their own employer with a view to frustrating the strike or industrial action.¹¹ However, any action taken by an employer in the health services to maintain life-preserving services during a strike or other industrial action shall not constitute assistance for the purposes referred above.¹²

Lockouts are not included in the definition of "strike" or "industrial action" under the Industrial Relations Act 1990, so are not regulated at the collective level. Rather, they are regulated at the individual employee level, under the Unfair Dismissals Acts 1977-93. If at the end of a lockout, an employee is not reinstated or re-engaged, and one or more others who were also locked out were reinstated or re-engaged, it would then be considered an unfair dismissal.¹³

4. Who can participate in a strike?

The 1990 Act provides that workers and employers are entitled to protection in the event of a trade dispute. Section 8 defines a worker as ‘any person who is or was employed whether or not in the employment of the employer with whom a trade dispute arises’, while an employer is ‘a person for whom one or more workers work or have worked or normally work or seek to work having previously worked for that person’. This section furthermore defines an authorised trade union as a trade union which is ‘the holder of a negotiation licence under Part II of the Trade Union Act, 1941’.

Public sector

The notion of public (civil) service in Ireland is narrow and covers only persons who work in the central administration, which means those working in government ministries; accordingly, teachers, members of the police force, hospital workers and local authority staff are not strictly considered to be civil servants.

Essential services are defined in the Code of Practice on Dispute Procedures as those ‘whose cessation or interruption could endanger life, or cause major damage to the national economy, or widespread hardship to the Community and particularly: health services, energy supplies, including gas and electricity, water and sewage services, fire, ambulance and rescue services and certain elements of public transport’.¹⁴

‘Essential services’ in the strict sense of the term have been defined by the ILO as those services ‘the interruption of which would endanger the life, personal safety or health of the whole or part of the population’.¹⁵

Procedures for the maintenance of ‘essential’ services during industrial action are outlined in the Code of Practice on Dispute Procedures. Section 20 of the Code provides that while the primary responsibility for providing minimum levels of services rests with management, trade unions share the duty to establish agreed contingency plans and other arrangements to deal with any emergency that may arise during an industrial dispute. Employers and trade unions should co-operate with the introduction of such plans and contingency arrangements.

In particular, employers and trade unions in each employment providing an essential service should co-operate with each other in making arrangements concerning:

- (a) the maintenance of plant and equipment;
- (b) health, safety and security;
- (c) special operational problems in continuous process industries;
- (d) urgent medical services and supplies; and
- (e) emergency services required on humanitarian grounds.

Should the parties encounter problems in making such arrangements, they should seek the assistance of the Labour Relations Commission.¹⁶

Sections 31 to 33 of the Code of Practice on Dispute Procedures encourage employers and trade unions in essential services to either agree to arbitration settlements, postpone disputes and provide for settlement in the future by an agreed body, or accept recommendations or

awards with provision to review the situation five years later. All of the options are to be adopted without resorting to industrial action, including strikes.¹⁷

Parties are encouraged to take all measures to avoid industrial disputes. Where the parties have not concluded an agreement incorporating the procedures referred to above and otherwise where for any reason a serious threat to the continuity of essential supplies and services exists, or is perceived to exist, as a result of the failure of the parties to resolve an industrial dispute and where the Labour Relations Commission is satisfied that all available dispute procedures have been used to try to effect a settlement, the Labour Relations Commission should consult the Irish Congress of Trade Unions and the Irish Business and Employers Confederation about the situation. The objective of such consultation should be to secure their assistance and co-operation with whatever measures may be necessary to resolve the dispute including, where appropriate, arrangements which would provide a basis for a continuation of normal working for a period not exceeding six months while further efforts by the parties themselves or the dispute settlement agencies were being made to secure a full and final settlement of the issues in dispute.¹⁸

5. Procedural requirements

Engagement in dispute resolution and negotiations is voluntary. The Code of Practice on Dispute Procedures outlines dispute procedures in industries which provide essential services. There are different procedures and bodies available for different sectors: for instance, the Garda Síochána has a dedicated Conciliation and Arbitration Scheme which was set up in 1993 and provides that, should disagreements persist in the conciliation stage, issues can be referred to an independent arbitrator.¹⁹

Before engaging in industrial action, a trade union must hold a secret ballot²⁰ and failure to do this can lead to the revocation of its negotiation licence.²¹ All of the trade union's members who might be reasonably interested in taking part in the industrial action must be given a fair opportunity of voting. The union may not organise a strike if the majority of its members vote against strike action unless the ballot was organised by more than one trade union and an aggregate majority of all the votes cast favours such strike action.²²

If the ballot favours industrial action, the trade union must give the employer at least one week's **notice** of when industrial action will take place. If the union complies with this requirement the employer shall not be entitled to apply to any court for an injunction restraining the strike or other industrial action unless notice of the application has been given to the trade union and its members who are party to the trade dispute.²³ The employer may still apply for an interlocutory injunction, but section 19 (2) of Industrial Relations Act provides that the Court will not grant the injunction where the trade union (as respondent) establishes a fair case that they were acting in contemplation or furtherance of a trade dispute.²⁴

6. Legal consequences of participating in a strike

Participation in a lawful strike

Status of the employment contract

From the common law perspective, strike action usually entails a breach of contract and results in termination of the contract. However, in *Becton Dickinson & Co Ltd v Lee*²⁵, the Supreme Court agreed with the argument that, if a strike takes place in accordance with the procedural requirements (i.e. after due notice has been given), the contract is suspended not breached. This naturally applies only if the contract does not contain a 'no-strike clause'.

Impact on wages, social security benefits and other privileges

There is no obligation on employers to pay workers who are on strike. Furthermore, for the days they are on strike, employees are not entitled to receive pension contributions from their employer.²⁶ Strikes also affect the concept of continuity of employment: days when employees are on strike do not count towards continuous employment. This provision affects the calculation of statutory redundancy entitlements for the purposes of the Unfair Dismissals Acts.²⁷

Trade unions can set up a strike fund in order to compensate workers for any financial loss sustained while being on strike.

Under common law, any type of industrial action could potentially lead to the **dismissal** of an employee found to be in breach of the employment contract. Under the Unfair Dismissals Act, an employer may dismiss all employees for taking part in a strike. Protection against unfair dismissal may be enforced in cases where the employer dismisses only certain employees or selectively rehires certain employees.

The 1993 Act amended the 1977 Unfair Dismissals Act to provide that the dismissal of an employee for taking part in a strike or industrial action is an unfair dismissal if at least one other employee was not dismissed for the same action, or if another employee was reinstated or re-engaged. The date of reinstatement or re-engagement is the date as agreed between the employer and employees, or if there is no agreement, the date on which reinstatement or re-engagement was offered to the majority of the workforce. If a particular employee is dismissed for taking part in a strike and other employees are not so dismissed, it would be an automatically unfair dismissal. However, if during the course of the strike or other industrial action, there was abusive behaviour by an employee, he or she could be deemed to be fairly dismissed for that reason.²⁸

Participation in an unlawful strike

An employer may claim damages for any losses caused by persons (workers and trade unions) who are not covered by the immunities conferred by the Industrial Relations Act.

The Unfair Dismissals Acts 1977 to 2007 protect trade union members participating in trade union activities. The dismissal of an employee engaged in industrial action would be considered unfair if: one or more of the other employees taking part in the action were not dismissed; or one or more of the other employees who were previously dismissed for taking part in the action were later reinstated. A dismissal can be lawful in the case of misconduct

(i.e. malicious damage and assault) on the part of the employee during the industrial action or strike.

The employer may obtain an injunction against the trade union if the strike action is considered to be illegal. Section 19 of the 1990 Act provides that an injunction restraining the strike or other industrial action will not be granted if: the secret ballot procedures have been observed and the outcome favours industrial action; due notice was given to the employer concerned; and the defendant demonstrates that he was acting in contemplation or furtherance of a trade dispute.

7. Case law of international and European bodies

International Labour Organisation

Freedom of Association Committee (CFA)

Case No 3353 - *Association of Secondary Teachers (ASTI) v. Ireland* – Definitive Report No 392, October 2020²⁹

In its complaint submitted on 4 March 2019, the Association of Secondary Teachers (ASTI) alleged that by according favourable treatment to another union, the Government influenced the choice of teachers as to which union they should join or in which union they should remain and thereby violated Conventions Nos 87 and 98.

The Committee noted ASTI's allegation that by being subjected to continuing disadvantage compared to members of the Teachers' Union of Ireland (TUI), its members were being punished for their participation in an industrial action. ASTI explained that legislation and case law made a distinction between teachers/public servants who did not engage in industrial action and were thus "covered" by an agreement and those who engaged in industrial action and were thus "not covered" by an agreement – with the former treated more favourably than the latter.

ASTI alleged that the Government had thereby influenced teachers' choice regarding the trade union to which they wished to belong, since they would undeniably want to belong to the trade union they perceive as being best able to serve their interests. According to ASTI, between 1 January and 10 June 2017, 1,235 members resigned from their association and at least 1,059 of those sought and were admitted into TUI membership. This resulted in financial loss for the union. ASTI considered that such discrimination by the Government is contrary to freedom of association and the effective recognition of collective bargaining.

The Committee noted the Government's explanation that any difference in treatment between ASTI and the other unions which at all times remained bound by the Public Service Stability Agreements (PSSAs) was entirely due to the decision of ASTI to withdraw from the Agreement and instead, to subject themselves to the provisions of section 7(1) of Financial Emergency Measures in the Public Interest (FEMPI) Act 2013. The Government asserted that once a representative organization, such as ASTI, had engaged in industrial action and failed to apply the dispute resolution procedures provided for in the relevant PSSA, then members of that organization were considered to have breached the Agreement and were no longer eligible to benefit from it. Any preferential regime envisaged by the Agreement no longer applied to ASTI following its action. The Government pointed out that at all times ASTI was notified by the relevant departments of the implications of its decision and the fact that the envisaged industrial action would result in the loss of benefits accruing under the PSSA in force. Thus, the State did all within its ability to ensure that ASTI had a clear understanding of the consequences of its decision to repudiate the terms of the relevant PSSA.

The Committee recalled that it had always considered that agreements should be binding on the parties. Mutual respect for the commitment undertaken in collective agreements is an important element of the right to bargain collectively and should be upheld in order to

establish labour relations on stable and firm ground (see Compilation of decisions of the Committee on Freedom of Association, sixth edition, 2018, paras 1334 and 1336).

The Committee understood that once ASTI withdrew from the collective agreement in force, legislative provisions of FEMPI Act 2013 became applicable to its members, which made a distinction between public servants covered by an agreement and those not covered by one. This situation was at all times objectively known to the parties; CL 0045/2016 had only clarified application of this distinction in the education sector following ASTI's withdrawal from the Lansdowne Road Agreement by virtue of industrial action. The Committee saw no discriminatory action on the part of the Government in this respect and therefore could not conclude that the withdrawal of ASTI members from their membership and their decision to join the TUI can be attributed to the Government.

The Committee considered that this case did not call for further examination.

European Committee of Social Rights (ECSR)

ECSR Decisions under the collective complaints procedure

European Organisation of Military Associations (EUROMIL) v Ireland, Complaint No. 112/2014³⁰

In this complaint, the ECSR found that there was a violation of articles 5 and 6§2 on respectively the right to organise and the right to bargain collectively for members of the **armed forces**. However, the ECSR found – by nine votes against four – that the prohibition of the right to take collective action for the armed forces does not amount to a violation of Article 6§4.

Follow up to decisions on the merits of collective complaints (Findings 2020)³¹

With respect to Article 5 of the Charter, the ECSR noted that Ireland had not removed the complete prohibition against military representative associations from joining national employees' organisations. The Government referred to a review of the Conciliation and Arbitration scheme for members of the Permanent Defence Forces (PDF) which was conducted in 2018. The terms of reference for the review included assessing the decision to involve the Irish Congress of Trade Unions (ICTU) in exploring the practical aspects of a PDF representative association forming an association/affiliation with the ICTU, while giving due consideration to any conflict that might arise between such an arrangement and the obligations of military service. However, discussions were still ongoing and the statutory limitations were maintained and the situation had not yet been brought in conformity with Article 5 of the Charter.

As regards Article 6§2 of the Charter, the ECSR took note of the inclusion of the Permanent Defence Forces Associations in public service pay negotiations alongside public sector trade unions, non-ICTU affiliated unions and representative bodies. However, PDFORRA highlighted that "side deals" were agreed between other areas of the public sector and the government during national pay negotiations in 2017. PDFORRA was informed during the aforementioned "parallel discussions" at the national pay negotiations that this would not occur. It further

stated that the legislation published to underpin the Public Sector Stability Agreement (PSSA) 2018-2020 had the potential to impact sectors that did not agree to the terms of the agreement through the withholding of increases and increments for specific durations. In addition, the dispute resolution body overseeing the PSSA had no representatives from the Defence Forces or PDFORRA.

While noting the above concerns, the Committee considered that with the de facto inclusion of the PDFORRA in public service pay negotiations alongside public sector trade unions, non-ICTU affiliated unions and representative bodies, the situation in practice was now compatible with Article 6§2 of the Charter.

The Committee therefore considered that the situation had not yet been brought entirely into conformity with Article 5 of the Charter, but was in conformity as regards Article 6§2 of the Charter.

*European Confederation of Police (EuroCOP) v Ireland, Complaint No. 83/2012*³²

In this complaint, in addition to other violations, the complainant alleged that there was a violation of Article 6§4 of the Charter on grounds of the prohibition of the right to strike of members of the **police**. In its decision, the ECSR found that there was a violation of Article 6§4 of the Charter on the ground that the domestic legislation amounted to a complete abolition of the right to strike as far as the police is concerned. The Irish Government had failed to provide a compelling justification for the imposition of an absolute prohibition on the right to strike of the police force, and therefore the provision of Section 8 of the 1990 Industrial Relations Act was not considered to be proportionate to the legitimate aim pursued.

*Follow up to decisions on the merits of collective complaints (Findings 2020)*³³

The ECSR took note of the measures described, which constitute progress. As indicated in the information submitted by the Irish Human Rights and Equality Commission in June 2020, the reviews conducted by the State into the operation of industrial relations within *An Garda Síochána* led to the State permitting Garda Associations to take part in national public service pay negotiations. The State had also enshrined in legislation Garda Associations' access to the Work Place Relations Commission and the Labour Court.

However, the ECSR also acknowledged that, in spite of the progress, the legislative changes announced had not yet been implemented and were still under development. Therefore, there are still restrictions in allowing *An Garda Síochána* to fully participate in negotiations regarding its services and they are not provided with a means to effectively represent their members in all matters concerning their material and moral interests. Moreover, as stated by the Government's report, the domestic legislation still includes a complete prohibition of the right to strike in the police.

The ECSR asked for information to be included in the next report on the development and implementation of all the measures announced in order to remedy the situation and asked particularly on the measures taken to address the abolition of the right to strike.

The ECSR found that the situation had not been brought into conformity with Articles 5, 6§2 and 6§4 of the Charter.

Pending collective complaint

Association of Secondary Teachers Ireland (ASTI) v. Ireland, Complaint No. 180/2019³⁴

In its complaint registered on 26 April 2019, ASTI alleged that the Irish Government, by according favourable treatment to a rival trade union, the Teachers Union of Ireland (TUI), as regards pay and increments for the latter's members, interferes with the right to organise guaranteed by Article 5 of the Charter. ASTI alleged that this favourable treatment influences the choice of teachers as to the trade union they should join or in which they should remain contrary to the provisions of the Charter. On 13 May 2020, the European Committee of Social Rights (ECSR) declared the complaint admissible.³⁵

ECSR Conclusions

In 2014, the European Committee of Social Rights (ECSR) concluded that the Irish legal framework of the right to strike is still not in conformity with Article 6§4 of the Revised Charter, on the grounds that:

- (a) Only authorised trade unions – i.e. trade unions holding a negotiation licence – their officials and members are granted immunity from civil liability in the event of a strike;
- (b) Under the Unfair Dismissals Act, an employer may dismiss all employees for taking part in a strike;
- (c) The absolute prohibition of the right to strike of **police** forces goes beyond the conditions established by the Charter.³⁶

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Notes

- ¹ The status of the ratification of the UN treaties concerned can be viewed at: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en> (accessed on 30 April 2021).
- ² The status of Ireland's ratification of all ILO conventions can be viewed at: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102901 (accessed on 30 April 2021).
- ³ Status of ratifications of the Revised European Social Charter: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=iPYjkVEL (accessed on 30 April 2021); see also ESC, Country Profile: Ireland (<https://www.coe.int/en/web/european-social-charter/ireland>).
- ⁴ Status of ratifications of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed on 30 April 2021).
- ⁵ Status of ECHR ratifications: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=iPYjkVEL (accessed on 30 April 2021).
- ⁶ Sections 10 and 12 of the 1990 Act.
- ⁷ Section 13 of the 1990 Act.
- ⁸ See ETUI Report 108, p. 95.
- ⁹ Both definitions can be found under section 8 of the Industrial Relations Act 1990.
- ¹⁰ See ETUI Report 103.
- ¹¹ Section 11(1) and (2) of the Industrial Relations Act 1990; see also ILO, Labour Law Profile: Ireland, 'Strikes and lock outs' (https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158901/lang-en/index.htm).
- ¹² Section 11 (3) of the Industrial Relations Act 1990
- ¹³ ILO, Labour Law Profile: Ireland, 'Strikes and lock outs' (https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158901/lang-en/index.htm).
- ¹⁴ Code of Practice on Dispute Procedures (Declaration) Order, 1992 (SI No. 1/1992), Section 30.
- ¹⁵ Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “essential services in the strict sense of the term” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, pp. 79-81.
- ¹⁶ Sections 20 and 21 of the Code of Practice on Dispute Procedures; see also ILO, Timo Knäbe and Carlos R. Carrión-Crespo, 'The Scope of Essential Services: Laws, Regulations and Practices', Working paper, 2019, Ireland, p. 22, (https://ilo.userservices.exlibrisgroup.com/discovery/delivery/41ILO_INST:41ILO_V2/1267249440002676?lang=en).
- ¹⁷ Sections 31-33 of the 1991 Code of Practice on Dispute Procedures (https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/cop2/).
- ¹⁸ Section 34 of the Code of Practice on Dispute Procedures
- ¹⁹ ETUI Report 108, p. 95.
- ²⁰ Section 14 of the Industrial Relations Act 1990.
- ²¹ Section 16 of the Industrial Relations Act 1990.
- ²² Section 14 (2) of the Industrial Relations Act 1990
- ²³ Section 19 (1) of the Industrial Relations Act 1990
- ²⁴ Section 19 (2) of the Industrial Relations Act 1990
- ²⁵ [1973] IR 1.
- ²⁶ *Fuller v Minister for Agriculture*, [2008] IEHC 95.
- ²⁷ Unfair Dismissals Act, 1977, as amended by the Unfair Dismissals (Amendment) Act, 1993.
- ²⁸ ILO, Labour Law Profile: Ireland, 'Strikes and lock outs' (https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158901/lang-en/index.htm).
- ²⁹ ILO CFA, Case No 3353 - *Association of Secondary Teachers (ASTI) v. Ireland*, Definitive Report No. 392, October 2020 (https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4059238).

³⁰ ECSR, European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits adopted on 12 September 2017, full text of the decision available at: <http://hudoc.esc.coe.int/eng?i=cc-112-2014-dmerits-en> .

³¹ See Findings 2020, Ireland, pp. 169-172 (<https://rm.coe.int/findings-ecrs-2020/1680a1dd39>).

³² ECSR, European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on admissibility and the merits adopted on 2 December 2013; full text of the decision and of dissenting opinions are available at: <http://hudoc.esc.coe.int/eng?i=cc-83-2012-dadmissandmerits-en> .

³³ See Findings 2020, Ireland, pp. 151-153 (<https://rm.coe.int/findings-ecrs-2020/1680a1dd39>).

³⁴ The Complaint No. 180/2019 with the case documents could be consulted at ECSR, Pending complaints: <https://www.coe.int/en/web/european-social-charter/pending-complaints> (accessed on 30 April 2021).

³⁵ ECSR, Association of Secondary Teachers Ireland (ASTI) v. Ireland, Complaint No. 180/2019, decision on admissibility adopted on 13 May 2020, text available at: <http://hudoc.esc.coe.int/eng?i=cc-180-2019-dadmiss-en> .

³⁶ ECSR, Conclusions 2014, Ireland, Article 6(4), text available at: <http://hudoc.esc.coe.int/eng?i=2014/def/IRL/6/4/EN> (accessed 30 April 2021).