



04/11/2011

RAP/RCha/IRE/IX(2011)Add

EUROPEAN SOCIAL CHARTER

Comments from the
Irish Congress of Trade Unions
on the
9th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF IRELAND

(Articles 1, 9, 10, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 3 November 2011

CYCLE 2012



STRONGER TOGETHER

CONGRESS

Irish Congress of Trade Unions

17 October 2011

Ms Geraldine Lynch
Employment Rights Unit
Department of Jobs, Enterprise and Innovation
Davitt House
Adelaide Road
Dublin 2

Re: Ninth Report on the Implementation of the Revised European Social Charter of the Council of Europe

Dear Ms Lynch

I wish to note your reply to the Council of Europe regarding Ireland's obligations. There are two significant omissions.

In regard to Article 24 *'Right of workers to protection in cases of termination of Employment'*

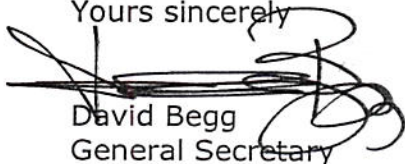
It is significant that the Employment Appeals Tribunal found companies are not precluded under Irish Law from discriminating against union members on the basis of their union membership. This means that in Ireland there is no effective legal protection from discrimination, demotion, transfers and other less favorable treatment of workers on grounds of their membership or their trade union activities (Employment Appeals Tribunal UD 311/ 08 Impact vs Ryanair)

In regard to Article 25 *'The right of workers to the protection of their claims in the event of the insolvency of their employer'*

It is remarkable that the report omits any mention of the situation in Waterford Glass, whose former workers are forced to take a lengthy and expensive tour through the legal institutions of Europe, in order to secure the entitlements accorded to them under European Legislation.

Both of these omissions give the impression to an outsider that things are rosy in these parts of the employment rights garden, when in fact the opposite is the case. It is unfortunate that the die had been cast and the report submitted without any consultation with the social partners. I trust that this will not be the case with future reviews.

Yours sincerely



David Begg
General Secretary

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