



European  
Social  
Charter

Charte  
Sociale  
Européenne



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

15 December 2016

**Case No. 2**

**Irish Congress of Trade Unions v. Ireland**  
Complaint No 123/2016

**OBSERVATIONS BY THE GOVERNMENT  
ON ADMISSIBILITY**

**Registered at the Secretariat on 14 December 2016**







**An Roinn Gnóthaí Eachtracha agus Trádála**  
Baile Átha Cliath 2

---

**Department of Foreign Affairs and Trade**  
Dublin 2

Henrik Kristensen  
Deputy Head of Department  
European Committee of Social Rights  
Council of Europe  
F-67075 Strasbourg Cedex  
France

14 December 2016

*by e-mail only*

**Irish Congress of Trade Unions v Ireland**  
**Complaint no. 123/2016**  
**Our file ref: 530-1228**

Dear Mr Kristensen

I refer to the above matter and your letter dated 10 October informing that the President of the European Committee of Social Rights had decided to extend, on request, the deadline for the presentation of observations on the admissibility to 14 December 2016.

I am writing to advise you that the Government does not wish to submit any observations in relation to the admissibility of this collective complaint.

In relation to the Private Member's Competition (Amendment) Bill referred to in my letter of 6 October I wish to update you on developments in respect of that Bill.

As I have indicated previously, the Private Member's Bill was considered at Committee Stage of Seanad Éireann (the Irish Parliament's upper chamber) on 6 July 2016 with the Minister for Jobs, Enterprise and Innovation stating that Government amendments would be brought forward at Report Stage of Seanad Éireann that would seek to address the motivation behind the Bill of protecting vulnerable self-employed workers in a manner that would be consistent with Irish and EU law.

Report Stage of Seanad Éireann was taken on 10 November 2016 and I enclose for your information, the Bill as passed by Seanad Éireann.

The amended Bill provides that when it is enacted, three categories of workers (voice-over actors, session musicians and freelance journalists) will be exempt from the application of section 4 of the Competition Act 2002 and will be allowed to engage in collective bargaining. In addition, a formal process is set out allowing trade unions apply for similar exemptions for certain categories of self-employed workers.

The Bill will now be transmitted to Dáil Éireann (House of Representatives) for its consideration.

Yours sincerely

A handwritten signature in black ink that reads "Peter White". The signature is written in a cursive style with a large initial 'P' and 'W'.

Peter White  
Agent for the Government of Ireland before the European Committee of Social Rights