

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

1 September 2022

Case Document No. 10

Association of Secondary Teachers Ireland (ASTI) v. Ireland
Complaint No. 180/2019

**ADDITIONAL INFORMATION
FROM ASTI**

Registered at the Secretariat on 26 August 2022

Mr Henrik Kristensen
Deputy Executive Secretary of the European Committee of Social Rights
Directorate General of Human Rights and Rule of Law
Department of the European Social Charter – Collective Complaints
Council of Europe
67075 Strasbourg Cedex
France

By email to DGI-ESC-Collective-Complaints@coe.int

Ref: 80/2022 HK/DB

26th July 2022

**Re: Association of Secondary Teachers Ireland (ASTI) v. Ireland
Complaint No. 180/2019**

Dear Mr Kristensen,

I refer to your letter, dated 8 June 2022, regarding the above matter.

As regards Irish domestic legislation and case law: I am not aware of any changes that have occurred during the period that has elapsed since ASTI last submitted observations in this case, which would be relevant here.

As regards any other “developments” since ASTI last submitted observations in this case: although not strictly relevant in the context of this Complaint, the Committee might note that ASTI issued plenary proceedings before the Irish High Court against the Irish Congress of Trade Unions (“Congress”) on 12 April 2022 (the “High Court Action”).

Against the background of ASTI members being induced to leave ASTI and seek to join the Teachers Union of Ireland (“TUI”) and ASTI’s complaint to Congress in that regard (as outlined in my 4 April 2019 letter by which this Complaint was initiated), ASTI made a second complaint to Congress that the demarcation of spheres of influence (organisation and representation) by ASTI and TUI that had been in place and been honoured for many decades had been contravened by TUI. That second complaint was heard by a Disputes Committee of Congress (the “Disputes Committee”) and the ASTI discovered whilst preparing an appeal submitted on 22 December 2020 that the Disputes Committee had been improperly constituted, in breach of paragraph 45 of the Constitution of Congress (a copy of which was attached to my 4 April 2019 letter at Appendix 9). Following an ASTI appeal which was dismissed by an Appeal Disputes Committee of Congress (the “Appeals Committee”), which Appeals Committee impermissibly disregarded the clear breach of the said Constitution and subsequent communications between ASTI and Congress in that regard, the High Court Action was commenced by ASTI. This High Court Action seeks only declaratory reliefs with regard to the status and powers of the Disputes

Committee and actions of the Executive Council of Congress and the Appeals Committee (by reference to that status and those powers). The pleadings do not embody any claim for damages or compensation and do not relate to any of the matters, the subject of this Complaint.

ASTI requests the Committee to uphold this Complaint.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kieran Christie', with a long horizontal stroke extending to the right.

Kieran Christie
General Secretary