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Irish Congress of Trade Unions

Submission on Ireland's 2025 National Report on the Implementation of the Revised European Social Charter

(Articles 2,3,4,5,6 & 20 on Labour Rights)

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General Secretary: Owen Reidy
31-32 Parnell Square, Dublin 1, Ireland **Tel: +353 1 889 7777 Fax: +353 1 887 2012**
Email: congress@ictu.ie Web: www.ictu.ie ***Affiliated to the European Trade Union Confederation***

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Introduction

The Irish Congress of Trade Unions (ICTU) welcomes the opportunity to make a submission to the European Committee of Social Rights' target questions to Ireland and to Ireland's 2025 National Report on Articles 2 (right to just conditions at work); 3 (right to safe and healthy working conditions); 4 (right to a fair remuneration); 5 (right to organise; 6 (right to bargain collectively); and 20 (right to equal opportunities between women and men) of the Revised European Social Charter.

ICTU is the representative body for 46 affiliated trade unions and seven associated bodies on the island of Ireland. These unions and bodies have a total membership of over 550,000 in the Republic of Ireland and 200,000 in Northern Ireland, making ICTU the largest civil society organisation on the island. We seek to represent and advance the interests of all workers in every sector of the economy through collective bargaining and social dialogue.

This submission follows the broad outline of Ireland's 2025 National Report, and addresses issues as they are discussed in this report.

In order to reduce the size of this submission, we will not repeat substantive points in our comments on every answer by Ireland to questions but will refer the ECSR to the section where we first make a substantive point.

Article 2 – right to just conditions at work

Question A

The ECSR asked Ireland to provide information on occupations where weekly working hours can exceed 60 hours or more, including on the exact number of weekly hours that persons in these occupations can work and on any safeguards that exist to protect the health and safety of workers in those occupations.

Ireland's response does not specify the maximum allowable hours that workers exempt from the 48-hour working week may lawfully work, nor does it provide sufficient safeguards to prevent overwork by these workers.

Furthermore, despite the request in the European Committee of Social Rights 2022 conclusions[1], Ireland's response does not identify any legislative amendment that brings civil protection workers under the Organisation of Working Time Act (OWTA)/Working Time Directive.

In 2023, the European Commission noted in its report on the implementation of EU Directive 2003/88/EC concerning certain aspects of the organisation of working time that in several EU member states certain categories of workers are excluded from the scope of the general legislation transposing the Working Time Directive but are generally subject to specific rules on working conditions. In Ireland, it identified the police, armed forces, civil protection services, fire fighters, prison staff and marine emergency personnel as falling within this category.[2]

This 2023 European Commission report also stated that in a 'small number of cases the Directive's limit is exceeded, and it specifically identified Ireland, where the limit is 'still not satisfactorily applied in practice by Ireland for social care workers, but [that] work is ongoing to remedy the situation.'[3] It is worth nothing however that the infringement proceedings[4] the European Commission opened against Ireland in October 2014 concerning the 'working time of social care workers under the responsibility of the Irish Health Service Executive' remains open at the time of writing, almost 12 years later.

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[1] European Committee of Social Rights Conclusions 2022 IRELAND, p.4

[2] European Commission (2023), *Report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* (COM(2023) 72 final), p.2

[3] European Commission (2023), *Report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* (COM(2023) 72 final), p.5

[4] INFR(2014)4131

With regard to the statement in Ireland's response that the reference period for calculating an average working week of 48 hours can be extended up to 12 months if there is a collective agreement between 'employers and employees' and that agreement is approved by Ireland's Labour Court (pages 3-4), it is worth noting that the European Commission has said that Ireland has proposed that 'consideration should be given to increasing working time flexibility by providing that the reference period for averaging out the maximum weekly working time of 48 hours may be extended to 12 months by law *without the requirement for collective agreement*.[5] It is not clear how this Government proposal is in any way compatible with Ireland's legal obligation to promote collective bargaining under the adequate minimum wages directive, discussed below, particularly in Ireland's responses under Article 5.

With regard to Ireland's response on **night work** (pages 4-5), the European Commission says that Ireland is in breach of EU Directive 2003/88/EC's definition of a night worker. The European Commission acknowledges that while the Directive is not entirely clear on whether the two criteria set out in the Directive to qualify as a night worker are 'cumulative' or 'alternative', Court of Justice of the European Union case-law from 1998 suggests they are alternative. It notes however that Ireland applies cumulative conditions and says this 'would be a too limited definition,'[6] and that all other member states treat the criteria as alternative.

With regard to Ireland's response on **redress** (p.5), the European Commission acknowledged that the European Trade Union Confederation (ETUC), to which ICTU is affiliated, and the European Confederation of Independent Trade Unions (CESI), have expressed dissatisfaction with the enforcement of EU Directive 2003/88/EC at national level, with weak enforcement 'especially emphasised by national trade unions in Germany, *Ireland* and the Netherlands.'[7]

With regard to Ireland's response on labour inspectorates (p.5), the EU's Joint Employment Report 2026 states that the International Labour Organisation's indicators on labour inspectorates 'reveal significant disparities in capacity and resources among EU countries to detect and combat work.

[5] European Commission (2023), *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* SWD(2023) 40 final, p.53 (emphasis added).
[6] European Commission (2023), *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* SWD(2023) 40 final, p.30
[7] European Commission (2023), *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* SWD(2023) 40 final, p.55

In 2023, the ILO's measure of inspectors per 10 000 employed people varied *from 0.23 in Ireland* to 3.08 in Luxembourg.[8] Furthermore, Irish firms reported the second largest decrease of the EU-27 in the number of firms reporting having had a visit by a labour inspector over the previous three years, down from 50% in 2019 to 35% in 2024.[9]

The fact that approximately 1,500 of the 9,000 complaints received by the WRC in 2025 related to working time[10] is a strong indication of major issues with the enforcement of working time legislation. With regard to Ireland's response on the right of workers to make a complaint to the Workplace Relations Commission (p.5), it is worth noting that the maximum fine on an employer convicted of over-working an employee is just €2,500.[11] Bell and Eustace say that it remains challenging for a complainant to navigate the intricacies of the law' especially for migrant workers.[12] Furthermore, undocumented workers are precluded from making a complaint to the WRC or the Labour Court.

Despite the legal protections in place, reports of working hours beyond the allowable 48 hours are common in Ireland. In a 2021 survey, almost 15% of workers reporting working 49 or more hours per week, including approximately 26% of workers in industry, 22% of male workers, and 17% of middle-aged workers.[13]

In 2024, 13 % of the Irish workforce reported that they usually work 48 hours or more per week in their main job.[14] In a 2026 survey of migrant workers, 27% reported being consistently required to work more than 48 hours per week, with some reporting working 70 to 80 hours and some also reporting very long shifts of up to 14 hours.[15]

Question B

The ECSR's 2014 conclusions found that Ireland was not in conformity with Article 2§1 of the Charter on the grounds that the working hours in the merchant shipping sector were allowed to go

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[8] Joint Employment Report 2026, as adopted by the Council on 9 March 2026, p.155 (No ILO data for Denmark, Greece, Italy and the Netherlands.)

[9] EU-OSHA (2025), *First findings of the Fourth European Survey of Enterprises on New and Emerging Risks* (ESENER 2024), Figure 5

[10] Workplace Relations Commission (2026) *Annual Report 2025,* p.16

[11] IHREC (2022), Trafficking in Human Beings in Ireland, p.52

[12] Bell, Mark and Eustace, Alan (2024), Chapter 32 - Ireland, in Ratti L., Brameshuber E., Pietrogiovanni V. (eds), *The EU Directive on Adequate Minimum Wages. Context, Commentary and Trajectories*, p.488

[13] Geary, J and Wilson, L. (2023) Job Quality in Ireland: First findings from the UCD Working in Ireland Survey, 2021.

[14] European Working Conditions Survey 2024

[15] Migrant Rights Centre Ireland (2026) Tied to Exploitation: The experience of migrant workers in Ireland

up to 72 hours per week. Ireland was therefore again asked to provide information on the weekly working hours of seafarers.

Ireland's response however refers to legislation that does not appear to have been updated since the previous findings on this issue. The Workplace Relations Commission 2025 Annual Report reports that the commercial sea fishing sector continued to be a focus of WRC inspections throughout 2025.[16] The Irish Human Rights and Equality Commission has noted an increasing trend of fishers working on vessels being (mis-)classified as self-employed.[17] In this regard, a 2022 labour force analysis of the Irish fishing fleet for Ireland's Seafood Development Agency acknowledged that long working hours were cited by both fishing crew and employers as an impediment to recruitment and retention in the sector.'[18]

Question C

With regard to Ireland's response to the request for information on how inactive on-call periods are treated in terms of work or rest time, it is worth nothing that the European Commission does not consider Ireland as one of the EU member states that have 'legal provisions regulating 'on-call' work'.[19] It has also identified Ireland as a member state that has proposed that it would be useful to 'clarify' the concept of working time with regard to on-call and stand-by duties'.[20]

Ireland's response concerning the ability of workers to make a complaint to the Workplace Relations Committee should be considered in the context of our comments about the Workplace Relations Commission under Article 2, Question A above.

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16 Workplace Relations Commission (2026), Annual Report 2025, p.27

17 IHREC (2025) Ireland's Actions Against Trafficking in Human Beings: Submission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). pg.61-62.

18 BIM (2022), Labour Force Analysis of the Irish Fishing Fleet, p.XI.

19 European Commission (2023), *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* SWD(2023) 40 final, p.10.

20 European Commission (2023), *Detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time* SWD(2023) 40 final, p.53

Article 3 – right to safe and healthy working conditions

Article 3.1 : health and safety and the working environment

The ECSR asked Ireland to provide information on the context and implementation of national policies on psychosocial or new and emerging risks, including in the gig or platform economy; as regards telework; in jobs requiring intense attention or high performance; in jobs related to stress or traumatic situations at work; in jobs affected by climate change risks.

ICTU welcomes the ECSR's focus on psychosocial or new and emerging forms of risk relating to work factors and that it situates the issue within occupational safety and health policy. This approach focuses on the prevention and management of work-related psychosocial risks, such as high workloads, extended hours, limited autonomy and inadequate support which fall within the responsibility of employers. It also acknowledges the reality that psychosocial risks stem from work organisation, management practices, power relations, and working conditions, and insufficient conditions for recuperation and daily rest.

Ireland's general comment on employers obligations under the Safety, Health and Welfare at Work Act 2025 (p.8) including with respect to psychosocial hazards (p.9) should consider that approximately 25% of firms in Ireland do *not* carry out regular workplace risk assessments according to the latest EU-OSHA ESENER survey. This is above the EU average and is 10th highest rate of the EU-27. [21]

With regard to Ireland's response on the **platform economy** (p.9), the Government did open a public consultation on the transposition of EU Directive 2024/2831 on improving working conditions in platform work in October 2025, but with a request for submission by November 2025, i.e. *before* the publication of the report of the European Commission's Expert Group on the transposition of the directive, which the Government has said would be an important source of guidance.[22] ICTU acknowledges and welcomes that the Government did facilitate ICTU in making our submission after the January 2026 publication of the Expert Group report.

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[21] EU-OSHA (2025), *First findings of the Fourth European Survey of Enterprises on New and Emerging Risks* (ESENER 2024)

[22] Written answer by Mr Alan Dillon TD, Minister of State for Employment, Small Business and Retail to Dáil written question no.29499/25, 10th June 2025.

Article 12 of this Directive deals explicitly with ‘safety and health’. In the 2026 Expert Group report, the European Commission’s services said this Article establishes safety and health obligations for Digital Labour Platforms which are employers regarding their platform workers, addresses risks from automated decision-making systems (AMDMS), ensures platform worker participation, and addresses specific issues such as violence and harassment.[23]

However, the specific questions posed in the Government’s public consultation on this article simply asked ‘what health and safety risks are most commonly associated with algorithmic management in platform work?’ and ‘How do these risks differ across different types of digital labour platforms?’

Furthermore, the Government has stated on a number of occasions since the beginning of 2026 that it is ‘maintaining ongoing dialogue with relevant stakeholders throughout 2026.[24] We would simply respond that there has been and is no ‘ongoing dialogue’ by Government with ICTU on this Directive. Furthermore, any Government engagement with (other) stakeholders must consider that this Directive is one of the ones that is expressly targeted for ‘simplification’ by the European employers’ lobby group, BusinessEurope.[25]

Ireland’s response on **telework** (p.10) should consider that a 2021 survey of Irish workers found that while employee productivity tended to increase through working from home, and is strongly supported by ICTU, it can also be associated with an intensification of work, higher stress levels and difficulty disconnecting from work.[26] It is worth noting in this regard that the right to disconnect is ‘not addressed in Irish legislation, but a Code of Practice for Employers and Employees on the Right to Disconnect has existed since 2021.’[27] Attention has also been drawn to the fact that the approach taken by Ireland is ‘distinct from that of other countries, such as France, Italy and Spain, where primary legislation has been introduced to protect workers’ right to

[23] European Commission (2026), Report Expert Group Transposition of Directive (EU) 2024/2831 on improving working conditions in platform work, p.60
[24] Written answer by Mr Alan Dillon TD, Minister of State for Employment, Small Business and Retail to Dáil written question no.41755/26, 9th June 2026
[25] BusinessEurope (2026) ‘STEPPING UP EU SIMPLIFICATION EFFORTS IN THE FIELD OF SOCIAL AFFAIRS’
[26] Geary, J. and Belizón Cebada, M.J. 2022. *Working at home and employee well-being during the Covid-19 pandemic First findings from the UCD Working in Ireland Survey, 2021*,
[27] European Commission (2024) *Study exploring the social, economic and legal context and trends of telework and the right to disconnect, in the context of digitalisation and the future of work, during and beyond the COVID-19 pandemic* – Annex 6 Country Fiches Ireland

disconnect' and that Ireland's code is 'also notable in not prescribing what constitutes "normal working hours".[28]

Ireland's response on **climate change** (p.11) should be considered in the context of the fact that Ireland's response acknowledges that:

> 'Any arrangement regarding the provision of paid leave during extreme weather events *is a matter for agreement between the employer and the employee*. Such leave may be provided for as part of an employer's policy or in a contract of employment [and that] there are no plans at present to introduce paid leave for extreme weather events…'[29]

This response by Ireland should also be considered in the context of Ireland's acknowledgement - in its response to Question C on Article 5 (p.23) - that, 'Employers in Ireland are not legally obliged to recognise trade unions for collective bargaining purposes.'

The references in this section of Ireland's response on climate change to the introduction of a right to request a remote working arrangement under the Work Life Balance and Miscellaneous Provisions Act 2023 should be considered in the context of the inherent weaknesses, from the outset, of the relevant provisions in this Act. This Act legislation only provides for certain *procedural* protections with which an employer must respect.[30] ICTU and affiliated unions have been very critical of the fact that if an employee's request to work remotely or in hybrid setting is denied by an employer, there is no recourse that results in the person securing remote or hybrid work'.[31]

As discussed below in our comments to Ireland's response under Article 20, 31% of women working in jobs in Ireland that can be done remotely never work from home, compared with 24% of men.[32]

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[28] Geary, J. and Belizón Cebada, M.J. 2022. *Working at home and employee well-being during the Covid-19 pandemic First findings from the UCD Working in Ireland Survey*, 2021, p.13

[29] Written answer by Mr Alan Dillon TD, Minister of State for Employment, Small Business and Retail to Dáil written question no.13368/26, 19th February 2026

[30] Dagmar Schiek, Paul Mair, Mary Naughton (2024), *InnovaWorking – Country Fiche Ireland* https://www.elforodelabos.es/wp-content/uploads/2024/11/Innovaworking-Country-Fiche-Ireland.pdf

[31] Joint Oireachtas Committee on Enterprise, Tourism and Employment (29 April 2026), *Statutory Review Report on the Work Life Balance and Miscellaneous Provisions Act 2023 and AI in the Workplac*e, 29 April 2026 https://www.kildarestreet.com/committees/?id=2026-04-29a.714&s=%22remote+work%22#g716

[32] European Commission (2026), *2026 Country Report – Ireland*, p.85

Ireland's response on **healthy workplaces** that Ireland's National Healthy Workplace Framework is based on the World Healthy Workplace Framework and Model should be considered in the context of the fact that whereas as the WHO Framework and Model acknowledges the role of and importance of trade unions and of collective bargaining in ensuring healthy workplaces[33], there is no equivalent recognition or emphasis in Ireland's Framework, nor in Ireland's National Mental Health Promotion Plan – 'Pathways to Wellbeing (2024-2030), which is cited on p.12.

Article 3.2 (Revised Charter): Health and safety regulation

Question A

The ECSR asked Ireland to provide information on measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal hours (including the right to disconnect) and how the right not to be penalised or discriminated against for refusing to undertake work outside normal hours is ensured.

ICTU would refer the ECSR to our comments on Ireland's responses under Article 3.1 above.

As Ireland's response acknowledges (p.13), the Code of Practice on the Right to Disconnect merely 'encourages' employers to implement policies that discourage routine work-related communications outside agreed working hours.

Ireland's response on work-related stress (p.13), particularly on risk assessments should also be considered in the context of our comments on Ireland's response on this under Article 3.1 above.

Question B

The ECSR asked Ireland to provide information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations and whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

[33] WHO (2010), *WHO Healthy Workplace Framework and Model: Background and Supporting Literature and Practice*

Ireland's response to Question B (p.14), particularly on the remote working risk assessment process, should again be considered in the context of our comments on Ireland's response on risk assessments under Article 3.1 above.

Article 3.3 (Revised Charter): Enforcement of health and safety regulation

The ECSR asked Ireland to provide information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as domestic workers, digital platform workers, teleworkers, posted workers, workers employed through sub-contracting, the self-employed, and workers exposed to environmental-related risks such as climate change and pollution.

Again, Ireland's comments on risk assessments (p.16) should again be considered in the context of our comments on Ireland's response on risk assessments under Article 3.1 above.

With regard to some of the groups of vulnerable workers identified in Ireland's response (pages 15-16) it is worth noting that a 2026 survey of employment permit workers by the Migrants Rights Council of Ireland identified issues concerning health and safety, including a lack of tools and equipment, compliance with safety requirements, and being forced to do risky jobs.[34]

Ireland's comments identifying night and shift workers (p.15) should be considered in the context of our comments on night work under Article 2, Question A above.

Ireland's response on labour inspectors (p.17) should be considered in the context of our comments under Article 2, Question A above.

[34] Migrants Rights Council of Ireland (2026), *TIED TO EXPLOITATION: The experience of migrant workers in Ireland*

Article 4: Right to Fair Remuneration

Article 4.3: Right of men and women to equal pay for work of equal value

Question A

The ESCR asked Ireland to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

With regard to Ireland's response (pages 18-19), it is worth noting that while the European Commission's 2020 evaluation of the relevant provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay for equal work or work of equal value' identified Ireland as a member state that has included concepts of 'equal/same work', 'work of equal value' or 'equivalent work' in its legislation, it also identified Ireland as a member state where 'experts report practical problems in clarity and lack of understanding of the concepts'[35].

Ireland's response to Question A does not acknowledge that Ireland has failed to meet its obligation to transpose the EU Directive 2023/970 on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (the pay transparency directive) by the agreed deadline of 7 June 2026.

Question B

The ECSR asked Ireland to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector. Ireland's response refers to Ireland's obligation to transpose this Directive into domestic law by 7 June 2026. Ireland's failure however to meet this obligation cannot, in our view, be divorced from the concerted attempts by employers organisations across Europe to block transposition.[36] Furthermore, despite the Government repeatedly saying that transposition is a 'challenge for many member states'[37] the number that have notified transposition measures stands at 14 at the time of writing.

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[35] European Commission (2020), {SWD(2020) 51 final}, p.19

[36] BusinessEurope (2026) 'STEPPING UP EU SIMPLIFICATION EFFORTS IN THE FIELD OF SOCIAL AFFAIRS' sought a "Stop the Clock" on the transposition to 'allow adequate time to make the necessary amendments to the Directive and to ensure a proportionate and effective transposition'.

[37] Written answer by the Minister for Children, Disability and Equality to Dáil written questions nos.43030/26 and 45479/26, of 23 June 2026 https://www.kildarestreet.com/wrans/?id=2026-06-23a.101&s=%22pay+transparency+directive%22#g102.q

Article 5 – right to organise

Question A

The ECSR asked Ireland to indicate what measures have been taken to strengthen the positive freedom of association of workers, particularly in sectors which traditionally have had a low rate of unionisation or in new sectors (e.g. the gig economy).

Ireland's response should be considered in the context of the fact that while employees in Ireland have the right to join a trade union and to seek to have that union recognised by their employer for the purposes of collective bargaining, an employer is legally entitled to refuse any request by a trade union to bargain collectively, effectively neutering employees' right to union representation even in instances where they explicitly make such a request.[38]

Ireland's response (p.21) that it has been the consistent policy of successive Irish governments to promote collective bargaining through the development of an institutional framework supportive of a voluntary system of industrial relations, premised upon freedom of contract and freedom of association. This claim should be considered in the context of the European Commission's recent observation that Ireland's model is 'not fully voluntary, as sectoral employment orders and employment regulation orders even apply to non-negotiating employers.'[39] Furthermore, Ireland's 2025 Action Plan to Promote Collective Bargaining includes a number of references to the 2023 report on Ireland under the EU BEFORE (Bargaining for Equality Project). This report concludes that Ireland's industrial relations 'also display (or have displayed) significant departures from this voluntarist model. A noteworthy departure relates to the existence of sectoral bargaining with automatic extension of collective agreements to workers and employers who did not take part in the negotiations (n)or signed the agreement'. It describes automatic extension as a 'clause totally in opposition to voluntarism' and one that has been upheld by Ireland's Supreme Court.[40]

All subsequent comments in Ireland's response about Ireland's voluntary and voluntarist system of industrial relations should be considered in this context.

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[38] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025,* p.7
[39] European Commission (2026), *2026 Country Report – Ireland*, p.87
[40] Ounnas, Alexandre (2023), *National Report – Collective Bargaining and Equality in Ireland*, https://hiva.kuleuven.be/sites/bfore/docs/d3-1-national-report-for-ireland

The comments in Ireland's response about the development of an Action Plan to Promote Collective bargaining in line with the requirements under Article 4 of the EU Directive on Adequate Minimum Wage, should be considered in the context of Ireland's obligation under the same Article to also provide for a framework of enabling conditions for collective bargaining, as this is not acknowledged in Ireland's response.[41]

The European Commission services has made clear that the two obligations under Article 4(2) of the Adequate Minimum Wages Directive are complementary. The framework of enabling conditions establishes the 'overall regulatory framework', in line with the elements set down in Article 4(1), and the Action Plan containing 'more concrete measures with a specific timeline' to progressively increase coverage.[42]

The obligations under Article 4(1)(c) require all Member States to:

> 'take measures, as appropriate, to protect the exercise of the right to collective bargaining on wage-setting and to protect workers and trade union representatives from acts that discriminate against them in respect of their employment on the grounds that they participate or wish to participate in collective bargaining on wage-setting;'

And under Article 4(1)(d), to:

> 'for the purpose of promoting collective bargaining on wage-setting, take measures, as appropriate, to protect trade unions and employers' organisations participating or wishing to participate in collective bargaining against any acts of interference by each other or each other's agents or members in the establishment, functioning or administration of trade unions or employers' organisations.

In the 2023 Expert Group report on the transposition of this Directive, the European Commission services said Member States 'may need to adopt measures prohibiting acts of discrimination or interference and putting in place effective instruments to prevent such acts, *wherever these*

[41] ICTU's submission to the Irish Government's 2025 public consultation is available at https://enterprise.gov.ie/en/consultations/consultations-files/ictu-submission-consultation-action-plan-collective-bargaining.pdf.
[42] European Commission (2023) *Report Expert Group – Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the European Union*, p.26.

measures are not yet in place[43]*.* It said the intention of the EU legislator[44] was to 'protect workers and trade union representatives that participate or wish to participate in collective bargaining from *any kind of discrimination or interference*.[45]

It further explained that the expression 'as appropriate' in both paragraphs acknowledges that some Member States 'already have functioning protection measures in place. If this is the case, those Member States do not need to adopt such measures again.'[46]

It follows that if a Member State does not have 'functioning protection measures' in place, it needs to adopt such measures.

The absence of functioning protection measures in Ireland is amply demonstrated by the 2024 study *Trade Union Access to Workers* by Dr. Michelle O'Sullivan and Dr. Caroline Murphy of the University of Limerick for the Friedrich Ebert Stiftung.[47]

This study examined the responses of trade union officials in Ireland of their experiences in union recognition campaigns since 2015 (i.e. since the enactment of the Industrial Relations (Amendment) Act 2015 and also the Code of Practice on Victimisation (S.I. No.463 of 2015).

Respondents reported that the most common factors that act as a barrier to union organising, bargaining and representing were actual or fear of employer reprisals. Examples given included constructive dismissals, with the employer knowing they could lose a case in the Workplace Relations Commission (WRC) but willing to pay the settlement, the initiation of sham redundancy processes, the isolation of activists, the poor performance ratings, using control over working hours and arrangements, flexible and remote work and annual leave, using non-disclosure arrangements to prevent or scare workers from talking to each other, use of bogus self-employment, and exploiting the vulnerable situation of migrant workers, such as in relation to the

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[43] European Commission (2023) *Report Expert Group - Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the European Union*, p.23 (emphasis added).
[44] The European Parliament formally adopted the Directive on 14 September 2022, with 12 of Ireland's 13 MEPs voting in favour, and the EU Council did so on 4 October 2022, with the Minister for Finance voting in favour for Ireland.
[45] European Commission (2023) *Report Expert Group - Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the European Union*, p.25
[46] European Commission (2023) *Report Expert Group - Transposition of Directive (EU) 2022/2041 on adequate minimum wages in the European Union*, p.26
[47] O'Sullivan, Michelle and Murphy, Caroline (2024), *Trade Union Access to Workers*, Friedrich Ebert Stiftung

sponsoring of work visas and the provision of company accommodation, with non-native English speaking migrant workers being particularly vulnerable.

92% of officials surveyed reported experiencing (either occasionally or regularly) employers victimising trade union members, 82% reported employers using management consultants for union avoidance purposes, 77% reported employers monitoring employee communications, 61% reported employers threatening closure or relocation.

As regards their own personal experiences, 44% reported having rumours/untruths spread about themselves, 33% reported having their movements surveilled/monitored (including 45% of female officials), 32% reported being intimidated by an employer, 17% reported experiencing fear (including 24% of female officials), 21% reported that hostility against them personally had curtailed their organising activities and 16% reported it had negatively affected their health and well-being.

The absence of such functioning protection measures for union members and unions against discrimination and interference plays a large part in ICTU's view to the ongoing decline in trade union density in Ireland.

Ireland's response does not address the issue of the longstanding decline in trade union density in Ireland.

The recently published report *Findings from the Working in Ireland survey 2025* estimates density at 25.5% down from 28% in 2021, 34% in 2009, 38% in 2003 and around 60% in the mid-1980s. The report states that the current level of union density equates with that last recorded in the 1930s. Membership is now concentrated primarily in areas of state employment, including health, education, public administration and defence. Formerly highly unionised sectors such as manufacturing, construction and transport have now comparatively low levels of union density. [48] The hotel and food service industry has the lowest level at 5%.[49]

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[48] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025,* p.6

[49] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025,* p.4

At the same time, the survey reports that 44% of workers employed in non-unionised firms want to see union representation in their firm.[50] However, the authors point out that if employees seek to organise their work colleagues, they risk exposing themselves to intimidation and victimisation.[51]

The reference in Ireland's response (p.21) to Ireland's Action Plan promoting 'recognition initiatives' (p.21) should be understood as referring to Action Item 7 in Ireland's Action Plan, to 'Sponsor a Best Practice Award to recognise excellent practices in collective bargaining'. This Action Item originated with the Government. It was not suggested by ICTU or any trade union.

Ireland's response does not address the request to indicate in particular the measures taken with respect to sectors which traditionally have a low rate of unionisation or in new sectors, such as the gig economy. For example, with regard to the gig economy, it is worth noting that the Government's 2025 public consultation[52] on the transposition of the improving working conditions in platform work directive did not include a specific question on Article 25 of that Directive. This Article obliges all Member States to take adequate measures to promote the role of social partners and to encourage the exercise of the right to collective bargaining in platform work, merely covering it in a general question under 'any observations on the final provisions' of the Directive.

Finally, it is not clear why Ireland's response to Question A discusses the Low Pay Commission (p.22). While the LPC plays an extremely useful role, particularly in the setting of the National Minimum Wage, it is not clear how it relates to the right to organise.

Question B

The ECSR asked Ireland to describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

With regard to definition of collective bargaining set down in the Industrial Relations (Amendment Act) 2015, it should be noted that the Adequate Minimum Wages Directive defines it as:

[50] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025,* Table 1, p.19
[51] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025,* p.37
[52] Government of Ireland (2025), *Public consultation and survey on the European Union's Platform Work Directive* https://enterprise.gov.ie/en/consultations/public-consultation-on-platform-work-directive.html

> 'all negotiations which take place according to national law and practice in each Member State between an employer, a group of employers or one or more employers' organisations on the one hand, and one or more *trade unions* on the other, for determining working conditions and terms of employment.'

Ireland's response that there is no legislation or other impediment which prevents parties who wish to exercise their right to collectively bargain from freely doing so in Ireland (p.22) must be considered in the context of its statement in its response to Question C (p.23) that 'employers in Ireland are not legally obliged to recognise trade unions for collective bargaining purposes'.

With regard to Ireland's comments about social dialogue in Ireland also involving civil society, we would contrast this approach with that taken by Ireland with respect to EU level initiatives on social dialogue. The EU approach recognises social dialogue as involving unions, employers and government and as encompassing collective bargaining and distinguishes it from dialogue with civil society organisations.

This distinction is made clear in Ireland's 2025 submission on the implementation of the 2023 Council Recommendation on strengthening social dialogue in the European Union.[53] This Recommendation commits member states to ensuring that the 'specific role of unions and employers is fully recognised and respected in social dialogue structures and processes, while recognising that *dialogue which involves a broader set of stakeholders is a separate process'*.[54] Ireland's response accordingly provides information on formal and semiformal structures in place for social dialogue and well as with civil society.

The reference in Ireland's response that the 'current, *balanced*, make-up of LEEF has proven very conducive to effective dialogue and engagement' is not reflected in many other social dialogue and civil society fora established by Government. Many of these are composed solely of employers' representatives (e.g. the Enterprise Forum, and the Responsible Business Forum) or are predominantly of employers' representatives (e.g. the Retail Forum, which has 26 employers'

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[53] Department of Enterprise, Tourism and Employment (2025), *Council Recommendation of 12 June 2023 on strengthening social dialogue - Submission of a list of implementing measures, p.* https://enterprise.gov.ie/en/publications/publication-files/social-dialogue-recommendation-reporting-checklist.pdf
[54] Council of the European Union (2023), Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union.

representatives and one ICTU representative, and the 'Cost of Doing Business Forum', which has approximately 10 employers' representatives and just one ICTU representative).

Lastly, Ireland's comments on social dialogue should be considered in the context of the European Commission's recent assessments that,

> 'While social partners can participate in these [LEEF] meetings, the extent to which their views influence policy decisions is unclear. Notably, LEEF is a consultative rather than a negotiating body, and social partners have expressed concerns that in certain cases their submissions to the government often go unanswered. Furthermore, they consider the national social dialogue structure to be weak, hindering its ability to effectively drive policy forward.'[55]

And,

> 'Social dialogue structures remained unchanged in 2025, with the Labour Employer Economic Forum (LEEF) continuing its work. However, trade union dissatisfaction with the process grew in 2025 due to slow progress on industrial relations reforms set out in the 2022 LEEF report, and the absence of primary legislation to transpose the EU Directive on Adequate Minimum Wages. The Directive was transposed in Ireland by S.I. 633/2024 (15 Nov 2024), rather than by primary legislation.'[56]

Question C

The ECSR asked Ireland to described the legal criteria used to determine the recognition and representatives of trade unions for the purposes of engaging in social dialogue.

Ireland's response to this question should be considered in the context of our comments on its responses under Article 5, Questions A and B, particularly with respect to its claim here that an employee cannot be discriminated against or dismissed for being in a union.

We note in particular, as stated above, that Ireland's response does not say, as it did in response to Question B, that there is no legislation or other impediment which prevents parties (i.e. unions in this instance) who wish to exercise their right to collectively bargain from freely doing so. Its

[55] European Commission (2025), 2025 country report – Ireland, p.65
[56] European Commission (2026), 2025 country report – Ireland, p.87

statement that ‘employers in Ireland are not legally obliged to recognise trade unions for collective bargaining purposes’ is a de facto acknowledgment that such an impediment does exist with respect to unions.

It is worth noting in this regard that the European Commission has recently urged Ireland to introduce such a right, saying that, ‘There is potential for improving collective bargaining coverage by considering measures such as requiring employers to engage with unions when they attain a certain level of representativeness.’[57]

Question D

The ECSR asked Ireland to provide information on the status and prerogatives of minority trade unions; and on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

With regard to the comments in Ireland’s response here we would make the point that just three Joint Labour Councils were registered, in 1948, 1964 and 1965, and still exist though two (Construction and Footwear) have been suspended since 1982 and 1983 respectively and the third (Dublin Wholesale Fruit and Vegetable Trade) has not met for many years. There are also eleven Joint Industrial Councils which have not sought registration.[58]

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[57] European Commission (2026), 2026 country report – Ireland, p.87
[58] THE LABOUR COURT “… not an ordinary court of law” https://www.labourcourt.ie/en/publications/history-of-the-labour-court-1946-to-2021/the-labour-court-1946-to-2021-edoc.pdf

Article 6 – right to bargain collectively

Article 6.1 to promote joint consultation between workers and employers

Question A

The ECSR asked Ireland to state what measures are taken by Government to promote joint consultation.

Ireland's response to this question should be considered in the context of our comments on its response on LEEF under Article 5, Question B and C above.

With specific regard to Ireland's comments on Joint Labour Committees (p.25), it should be noted that current Joint Labour Committees (JLCs) in many sectors in which they are established (notably retail, catering, and hotels) do not operate, '*as employer representatives do not attend the Committees, and so sectoral orders cannot be formulated*.'[59]

In 2021, a tripartite High-Level Working Group (HLG) was established to review collective bargaining and Ireland's industrial relations landscape. Its October 2022 final report[60] included a proposed mechanism whereby in the event employer representatives not attending (i.e. boycotting) a JLC, orders could be formulated, and enforced, with the approval of the Labour Court.

This recommendation however has not been implemented by Government. The Department of Enterprise, Tourism and Employment's report on the 2025 public consultation on the promotion of collective bargaining said that the 2022 HLG's proposals on JLCs are not [now] considered to "necessarily contribute to the overall objective of promoting collective bargaining in order to make a positive contribution to the economy and society, driving and enabling competitiveness and productivity".[61]

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[59] Doherty, Michael (2025), *We'll get by with a little help from our (EU) friends…Ireland, the Adequate Minimum Wage Directive, and the Action Plan for Collective Bargaining*, Italian Labour Law e-Journal Issue 2, Vol. 18 (2025

[60] Government of Ireland (2022) *Final Report of the LEEF High Level Working Group on Collective Bargaining* https://enterprise.gov.ie/en/publications/publication-files/final-report-of-the-leef-high-level-working-group-on-collective-bargaining.pdf

[61] Department of Enterprise, Tourism and Employment (2025), *Report on the public consultation on Ireland's Action Plan to Promote Collective Bargaining* https://enterprise.gov.ie/en/publications/publication-files/report-on-public-consultation-on-irelands-action-plan-to-promote-collective-bargaining.pdf

In effect, employers representatives will continue to enjoy an effective veto over the operation of current JLCs.

With regard to other forums mentioned in Ireland's response (p.26), it should be noted, as stated in our comments on Ireland's response to Article 5, Question B, there is also a gross imbalance in employers' representation on some of the forums referenced (e.g. the National Economic Forum and the Labour Market Advisory Council), while on others there is little or no trade union representation (e.g. the National Civic Forum for dialogue with the community and voluntary sector). It is difficult to see how these can be put forward as forums that promote 'joint consultation' between workers and employers, given the disparity in representation in favour of employers or non-involvement of trade unions.

Question B

The ECSR asked Ireland to describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as result of such discussions and how these agreements have been implemented.

Ireland's response to this question should be considered in the context of our comments on Ireland's response to Article 5, Question B with respect to LEEF and on Article 6.1, with respect to the High-Level Working Group on collective bargaining.

Question C

The ECSR asked Ireland to state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

First, it is not clear how the reference in Ireland's response to being committed to 'monitoring EU developments in the digital and green labour market spheres, maintaining an open approach to equipping social partners with the skills, resources and the support necessary to adapt to these emerging challenges' can be said to answer a question about joint consultation on the digital and green transition.

With regard to the references in Ireland's response to the Platform Work Directive, Article 25 of the Directive aims to strengthen collective bargaining in the context of platform work. It obliges all Member States to take adequate measures to promote the role of social partners and to encourage the exercise of the right to collective bargaining. This includes supporting the correct determination of employment status for platform workers and facilitating their rights related to algorithmic management (as outlined in Chapter III of the Directive). It also emphasises respect for the autonomy of social partners and national practices and does not prescribe specific measures, which allows for flexibility in implementation by Member States.

The European Commission services have suggested in the Expert Group report on the transposition of this Directive a variety of measures could be taken to comply with the obligation under Article 25 to take adequate measures to promote collective bargaining in platform work, including 'financial or logistical support for capacity building, research or training for social partners, awareness raising campaigns, *sanctions against Digital Labour Platforms (DLPs) that obstruct collective bargaining*, or the introduction of national legislation to support collective bargaining, including for the self-employed.[62]

While Ireland's response says that Ireland's Action Plan to promote collective bargaining under the Adequate Minimum Wages Directive 'will serve as a mechanism for implementing the provisions of Article 25' (p.27), there is no specific action in the Action Plan that would give effect to Ireland's obligations under Article 25 of this Directive that is 'tailored to the specific objectives' of the improving working conditions in platform work directive, as highlighted by the European Commission services in the 2026 Expert Group report.[63]

With respect to the broader digital transition, the Government has established an Enterprise Digital Advisory Forum in 2022 but this only includes employers' representatives and there are no trade union representatives[64]. This is a significant omission given that its current work programme addresses a number of issues of direct relevance and interest to workers, including to, 'Advise on digital and AI skills needs in enterprise and share best practices in upskilling and reskilling in a view to increase ICT training in enterprises.' It is worth noting in this regard that both on-the-job training and off-the-job training is significantly more pronounced among workers in unionised enterprises than in non-unionised enterprises.[65]

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[62] European Commission (2026). *Report: Expert Group: Transposition of Directive (EU) 2024/2831 on improving working conditions in platform work*, p.85
[63] European Commission (2026). *Report: Expert Group: Transposition of Directive (EU) 2024/2831 on improving working conditions in platform work*, p.86
[64] https://enterprise.gov.ie/en/publications/enterprise-digital-advisory-forum.html
[65] John Geary and Maria Belizon (May 2026), *Workers' Orientations to, and Views of, Union Voice in Ireland Findings from the Working in Ireland Survey, 2025*

Article 6.2: Collective bargaining

Question A

The ECSR asked Ireland to provide information on how collective bargaining is coordinated between and across different bargaining levels including information on the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, and the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

With regard to the question on the operation of factors such as erga omnes clauses, which Ireland's response does not appear to address, we would refer to our comments on Ireland's response on Article 5, Question A above, specifically in relation to its claims about Ireland's voluntary industrial relations model.

At the same time, the OECD does acknowledge that the mandatory extension of collective agreements to non-organised employers in Ireland is rather exceptional (e.g. used in some industries only, because of absence of sector agreements, or very high thresholds (supermajorities, public policy criteria, etc.), and/or *veto powers of employers*).[66] The references in Ireland's response to Joint Labour Committees (p.29) should therefore be considered in the context of our comments on Ireland's response to Article 6.1, Question A above.

Question B

The ECSR asked Ireland to provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

Again the references in Ireland's response to a 'voluntary' system of industrial relations should be considered in the context of our comments on Ireland's response on Article 5, Question A and to Article 6.1, Question A above.

The reference to Ireland's response (p.30) that there is no constitutional or legal impediment which prevents parties who wish to exercise their right to collectively bargain from freely doing so in Ireland and that some employers prefer not to recognise unions for the purpose of negotiating

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[66] OECD (2025), *Ireland Main indicators and characteristics of collective bargaining* https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/main-indicators-and-characteristics-of-collective-bargaining-2021-country-notes_4b5553c9/ireland_219a343c/2681e426-en.pdf

employees' terms and conditions of employment, should be considered in the context of our comments on Ireland's response to Article 5, Questions A, B and C above. As the European Commission has said, 'In Ireland, employees do not have a right to collective bargaining. Regardless of the number of workers a trade union represents, employers can refuse to negotiate, and has said that 'introducing the right to collective bargaining', as well as prioritising companies that engage in collective bargaining for public procurement, could effectively increase the coverage rate.[67]

The references in Ireland's response to insufficient resources in organising and mobilising workers to join trade unions (p.30) should be considered in the context of the fact that whereas Ireland allows businesses subscribing to employers' representative bodies to claim 100% tax relief for their subscriptions a similar but more modest mechanism (equating to a tax credit of €70 per annum) in respect of workers' subscriptions to trade unions was abolished in 2011 and has not been reinstated, despite repeated requests by ICTU and affiliated unions to do so.[68]

With regard to the reference to inadequate resources for organising and mobilising, it should be noted that the EU regulation establishing the European Social Fund+ over 2021-2027 requires Member States to allocate an 'appropriate amount' to the capacity building of the social partners, and of civil society organisations.[69] Such an allocation is to include 'training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners'.

Ireland however is one of just two of the Member States bound by the obligations under the Adequate Minimum Wages Directive to provide for a framework of enabling conditions for collective bargaining and to establish an action plan to promote collective bargaining (as discussed

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[67] European Commission (2025), 2025 country report – Ireland, p.93

[68] ICTU does acknowledge and welcome the fact that DETE's report on its 2025 Public Consultation on Ireland's Action Plan states (pages 7-8) that it had requested tax relief be considered on trade union fees in its budget submission for 2025, that it was 'fully committed to working with the Department of Finance on exploring this proposal further in advance of Budget 2026' and that it will 'also put forward a proposal to the Minister for Finance on allowing tax relief for trade union subscriptions'.

[69] Article 9(2) of Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013.

in our comments on Ireland's response to Article 5, Question A) that have *not* made any such allocation from its 2021 2027 ESF+ funding (of approximately €1.1 billion).[70]

Question C

The ECSR asked Ireland to provide specific details on the measures taken or planned in order address those obstacles; the timelines adopted in relation to those measures; the outcomes achieved/expected in terms of those measures.

ICTU considers that Ireland's response to Question C does not address the question and instead seems to concern the favourability principle raised by Article 6.1, Question A.

Question D

The ECSR asked Ireland to provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Ireland's response here must be considered in the context of our comments on Ireland's responses above on Article 5, Questions A, B and C above.

With regard to Ireland's response (p.37) concerning 'certain categories of workers', that Ireland has not effectively responded to the ECSR's 2022 conclusions seeking information in Ireland's next report about the 'practical application of Section 15F of the Competition Act 2002 insofar as different categories of self-employed workers are concerned, following the adoption of the Competition (Amendment) Act 2017.'

Article 20 – right to equal opportunities between women and men

Question A

The ECSR asked Ireland to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) and to provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

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[70] European Commission, DG EMPL, unit G1 ESF+ (2023), *Capacity building Allocation of ESF+ for capacity building of social partners and civil society organisations.* The allocations made by member states that are supporting social partners' capacity-building range from 0.1% to 1.4% of their total national ESF+ allocations. Ireland's is zero.

With regard to Ireland's response, we noted there is no consideration of issues around low pay or of collective bargaining as they affect women in particular.

In 2024, 109,400 females reported earning the National Minimum Wage or less, representing 9.1% of total females employed. This compares to 91,800 males earning the NMW or less, representing 7.7% of total males employed.[71]

A stated purpose of the National Minimum Wage Act adopted in 2000 is to 'protect those workers who are vulnerable and prone to being exploited, especially *women* and young people".

The Adequate Minimum Wages Directive, which is considered in Ireland's responses to questions on Articles 5 and 6 above, refers to the EU aim of promoting equality between women and men (Recital 1), to Article 23 of the Charter of Fundamental Rights, which provides for the right to equality between women and men in all areas, including employment, work and pay (Recital 3), and to the over-representation of women in low-paid jobs. It states that, 'Given the over-representation of women in low-paid jobs, improving the adequacy of minimum wages contributes to gender equality, closing the gender pay and pension gap, as well as elevating women and their families out of poverty, and contributes to sustainable economic growth in the Union' (Recital 10).

Ireland's National Minimum Wage has increased by just 10% in real terms between January 2022 and January 2025.[72] OECD data puts Ireland's National Minimum Wage (NMW) at 50% of the full-time gross median wage in 2024 (latest year available)[73], or one-fifth below the 60% level recommended by the Adequate Minimum Wages Directive for assessing adequacy. The 2026 rate of €14.15 an hour (for workers aged 20 and over) is €1.25 below the Living Wage Technical Group's rate of €15.40 an hour recommended in September 2025.[74]

Nonetheless, in April 2025, the Government decided to 'extend' (i.e. defer) the timeline for the progression to what it calls a living wage, set initially at 60% of hourly median wages of all workers

[71] Low Pay Commission (2025), *Recommendations for the National Minimum Wage*, p.32
[72] European Commission (2026), *2026 country report – Ireland*, p.86
[73] European Trade Union Institute (2026), *Benchmarking Working Europe*, Figure 2.24, p.62
[74] Living Wage Technical Group (September 2025) Update 2025/2026

(i.e. full-time and part-time) [75] from 2026 to 2029. In view of the greater proportion of women earning the NMW or less, this decision will disproportionately affect women.

Ireland's response to question A should also be considered in the context of the disproportionate impact of the Government's failure to implement the recommendation to effectively remove the employers' veto over the operation of Joint Labour Committee (JLCs), as proposed by the 2022 High Level Working Group on collective bargaining, which was raised in Ireland's response to questions on Article 6 above. It is worth noting here that Ireland's Action Plan to promote collective bargaining explicitly acknowledges that EROs play an important role in reducing inequalities as workers typically covered by EROs tend to be from disadvantaged groups, such as women, as well as young workers and migrants.[76]

With regard to the references in Ireland's response to the **Work Life Balance and Miscellaneous Provisions Act 2023** (p.36), it is worth noting that a 2024 analysis of Ireland's (and five other member states') transposition of the EU Work-Life Balance Directive found that Ireland had not fully implemented the Directive as of December 2023.[77] The European Commission did open infringement proceedings against Ireland in November 2023 and Ireland did notify further transposition measures in 2024. In June 2025, the Court of Justice of the European Union found Ireland in breach of its obligations with respect to transposition by September 2022. These proceedings remain open at the time of writing.[78]

With regard to the reference in Ireland's response to the **National Strategy for Women and Girls (2025-2030),** whereas the previous National Strategy covering 2017-2020 (and extended to 2021), committed to tackling the gender pay gap 'including by initiating dialogue between union and employer stakeholders to address the gender pay gap'[79], the new strategy contains no equivalent

[75] This is in contrast to the methodology commonly used at international level such as by the EU and the OECD which is based on full-time workers only.
[76] Government of Ireland (2025), *Ireland's Action Plan to Promote Collective Bargaining 2026-2030*, p.27
[77] https://transeuroworks.eu/wp-content/uploads/2024/10/Assessing-Compliance.-Implementation-of-EUs-Worklife-balance-directive.pdf
[78] INFR(2022)0370
[79] https://assets.gov.ie/static/documents/national-strategy-for-women-and-girls-2017-2020.pdf, Action 1.22

commitment, but does ‘envisage partnerships will be developed with civil society organisations, business organisations, trade unions, and others, to implement specific actions.’[80]

With regard to Ireland’s response on **Gender Balance** (p.37) and the Gender Pay Gap Information Act 2021 (p.37), it is worth noting that Ireland’s response does not refer to the failure to transpose the Pay Transparency Directive on time, as discussed in our comments on Ireland’s response to Article 4.3, Question A above.

With regard to Directive 2022/2381 on improving the gender balance among directors of listed companies and related measures (p.38), it is worth noting that this Directive’s recitals state that member states ‘should cooperate with the social partners and civil society in order to efficiently inform them about the significance, transposition and implementation of this Directive’. No such engagement took place with ICTU however.

With regard to Ireland’s response on the **labour market** (p.38),

almost three-quarters (72%) of the approximately 750,000 so-called ‘economically inactive’ people are women, with 90% of these citing family or household responsibilities as the reason for not working outside the home followed by health or disability reasons and living in rural areas, reflecting barriers such as limited access to transport or childcare and job opportunities.

Female employment has increased in recent years, reaching an historically high level of over 75% in 2024, above the EU average of almost 71% However, there is still a gender employment gap of 9.3 pps.[81] The Nevin Economic Research Institute previously estimated that increasing labour market participation among women and persons with disabilities could add around 100 000 workers to the labour force.[82]

With regard to the references in Ireland’s response to **Solas** – the state agency for Further and Higher Education, women account for just 9% of vocational education and training STEM programme students, well below the proposed EU-level target of 25% by 2030.[83]

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[80] https://assets.gov.ie/static/documents/dfe2f9bb/The_National_Strategy_for_Women_and_Girls_2025_-_2030.pdf, p.6

[81] European Commission (2026), 2026 country report – Ireland, p.85

[82] Nevin Economic Research Institute, “Very low work Intensity households In Ireland” Research in Brief No. 80, December 2021

[83] European Commission (2026), 2026 country report – Ireland, p.93-94

With regard to the references in Ireland's response (p.39) to **Pathways to Work** (2021-2025) and particularly to single parents, predominantly women, who face greater challenges in accessing the labour market with a 69% employment rate compared to an EU average of 75% and an in-work poverty rate of 21.5%.[84] The European Commission highlights that several factors are key to closing the gender employment gap and helping single parents access quality jobs, including expanding support that allows single parents to return to education, further improving childcare provision and affordability and offering more flexible work opportunities. As noted in our comments on Ireland's response to Article 3.1 above, in Ireland, 31% of women working in jobs that can be done remotely never work from home, compared with 24% of men.[85]

With regard to the references in Ireland's response to the **National Childcare Scheme** (p.40), Ireland has the highest percentage of people not working because of care duties in the EU (26% of the 'inactive' population), including almost 38% of women.[86] There is still not no statutory right to childcare in Ireland and ICTU and other stakeholders have been calling for public childcare to be made available to ensure a reliable supply of quality services, at affordable prices.

Question C

The ECSR asked Ireland to provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

We would draw attention to the fact that Ireland's response does not appear to address the question with respect to public institutions and that women occupy 45% of senior civil servant positions in Ireland, which is below the EU average of 48%.[87]

Conclusion

ICTU welcomes the opportunity to make a submission to the European Committee on Social Rights on Ireland's 2025 National Report. We would be willing and keen to engage further with the Committee on any aspects of our submission before it issues its forthcoming conclusions.

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[84] European Commission (2026), 2026 country report – Ireland, p.85
[85] European Commission (2026), 2026 country report – Ireland, p.85
[86] European Commission (2026), 2026 country report – Ireland, p.90
[87] European Institute for Gender Equality (EIGE), 2025, Gender Statistics Database.