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EUROPEAN SOCIAL CHARTER

Responses to ICTU's submission on the
21st National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF IRELAND
Articles 2, 3, 4, 5, 6, and 20

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CYCLE 2026

Response to the Irish Congress of Trade Unions comments on Ireland's 21st National Report on the implementation of the European Social Charter.

21st August 2026

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Question A

ICTU comment

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.

Response

Maximum Weekly Working Hours and Safeguards

Regarding maximum weekly working hours, there are a limited number of occupations or specific activities which are exempt from the maximum weekly working hours provided for by Section 15 of the Organisation of Working Time Act 1997 (OWTA). For many of these occupations or specific activities, other provision provided by the OWTA, such as annual leave, continue to apply. Responsibility for enforcing the statutory employment rights arising under this framework rests primarily with the Workplace Relations Commission (WRC).

The Safety, Health and Welfare at Work Act 2005 provides provisions to secure the safety, health and welfare of persons at work. Section 8(2)(b) of the 2005 Act provides that the employer's duties extend to 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'. Section 19 of the Act also requires that employers identify the hazards in the place of work under his or her control, assess the risks presented by those hazards.

The Health and Safety Authority provides guidance on managing the risk of work-related fatigue, stating that the employer has a duty to identify the hazards in their workplace; assess the risks to employees and put in place appropriate control measures to protect employees. The HSA does not generally enforce individual entitlements under the Organisation of Working Time Act. Its role is to enforce occupational safety and health law. However, excessive working hours, inadequate rest, shift patterns and night work may contribute to fatigue, stress and other safety and health risks. Employers must therefore consider such factors when identifying hazards, completing risk assessments and implementing the Safety Statement. HSA inspectors may examine whether fatigue and work organisation are being adequately managed where they create or contribute to occupational safety and health risks.

The roles of the HSA and WRC are therefore complementary. The WRC enforces statutory working-time and leave entitlements, while the HSA considers the safety and health consequences of how work is organised. Employers remain responsible for complying with both frameworks: they must maintain accurate working-time records and provide statutory rest and leave, while also assessing and controlling fatigue, stress and related risks. Certain sectors, including mobile road transport, are subject to separate or additional sector-specific working-time and drivers' hours regimes involving other competent authorities.

ICTU comment

Furthermore, despite the request in the European Committee of Social Rights 2022 conclusions, 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.

Response

Civil Protection Workers

With regard to civil protection workers, civil protection workers are under the remit of the OWTA. Section 3(3)(b) of the Act enables the Minister for Enterprise, Tourism and Employment, by regulation, to exempt persons employed in specified classes of activity, including civil protection services, from the application of specified provisions of the Act where the application of those provisions would adversely affect the efficient operation of the service.

Statutory Instrument (S.I.) No. 52/1998 - Organisation of Working Time (Exemption of Civil Protection Services) Regulations, 1998 – exempts specified persons employed within specified activities of the civil protection services from the application of certain provisions of the Act. S.I. No. 52/1998 does not exempt civil protection workers from the Act in its entirety, and provisions such as annual leave continue to apply. Ireland keeps the OWTA under ongoing review to ensure it is fit for purpose.

ICTU comment

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,' and that all other member states treat the criteria as alternative.

Response

Night Work

In relation to the definition of night worker, Ireland keeps the Organisation of Working Time Act under ongoing review to ensure it is fit for purpose.

ICTU comment

In 2023, the ILO's measure of inspectors per 10 000 employed people varied *from 0.23 in Ireland* to 3.08 in Luxembourg.

Response

It is important to recall that in Ireland inspection duties are split between two distinct national authorities: one specialised agency for health and safety the Health and Safety Authority (HSA), and another for employment rights and payroll compliance, the Workplace Relations Commission (WRC). The Irish dual structure model contrasts with the composition of many labour inspectorates across Europe or in practice in other ILO countries where multi-functional inspectorates operate covering safety, employment law, and social security, with commensurate numbers of inspectors. For example, the inspectorate of the comparator cited, i.e. the Luxembourg Inspectorate of Labour and Mines (ITM), is a multi-functional inspectorate with functions that include enforcing workplace laws together with responsibility for inspecting health and safety in the workplace.

The Workplace Relations Commission (WRC) is the national body in Ireland responsible for compliance with employment rights. The WRC's functions include inspection of employer records to ensure compliance with employment rights legislation. The number of WRC inspectors has increased by 33% since 2022, rising from 60 to the current figure of 80 sanctioned inspectors, albeit current vacancies mean there are 68 Inspectors in situ at end of July 2026. As of the end of Q2 2026 the Health and Safety Authority has 180 inspectors.

The Department of Enterprise, Tourism and Employment provides oversight and funding for - and works closely with - the WRC and Labour Court to ensure that they are resourced to carry out their important functions. Moreover, there is a clear commitment in Ireland's Programme for Government to support the central role played by the WRC and the Labour Court in industrial relations and employment matters.

ICTU comment

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.

Response

WRC Inspection activity is generally aimed at employment sectors where a risk of non-compliance has been identified or where previous non-compliance has been detected. These sectors may be identified through intelligence or information provided to the WRC and by other bodies or persons (including other State bodies) or in response to specific complaints received regarding alleged non-compliance by specific employers.

In the years 2023 to 2025, 15,028 inspection cases were closed and of these, 6,106 were found to have contraventions of employment law. These cases involved 18,332 individual workplace inspection visits which uncovered 22,188 specific contraventions of legislation.

Inspection and Enforcement Services

Figure 10: Inspection and Enforcement Service Activity 2023 - 2025

Key Metrics	2023	2024	2025
Employers Inspected	4,727	5,156	5,145
Employers in breach of employment law obligations	2,221	2,108	1,775
Unpaid Wages Recovered (€)	€1,950,601	€2,158,870	€1,578,924
Number of Specific Complaints Received	957	1,217	1,637
Total Number of Workplace Inspection visits	6,519	6,217	5,596

ICTU comment

The fact that approximately 1,500 of the 9,000 complaints received by the WRC in 2025 related to working time is a strong indication of major issues with the enforcement of working time legislation.

Response

In 2025, the Workplace Relations Commission (WRC) completed 5,145 inspections, involving a total of 5,996 workplace visits. Every WRC inspection includes checks under the Organisation of Working Time Act to assess compliance with working-time requirements. The WRC works collaboratively with employers to secure compliance and may initiate prosecution where compliance cannot otherwise be achieved.

ICTU comment

Bell and Eustace say that it remains challenging for a complainant to navigate the intricacies of the law especially for migrant workers.

Response

The Workplace Relations Commission's (WRC) Information and Customer Service Unit provides support on employment rights, equality, and industrial relations through a telephone call-in service, informational literature, and online resources. The WRC further supports access to its services through a range of language provisions. Its Information and Customer Service Unit produces multilingual guides, leaflets and animated videos explaining employment and equality rights, while the WRC website includes an integrated translation tool supporting more than 100 languages.

Professional interpreters may be arranged for adjudication and mediation hearings where necessary. The WRC Inspectorate can also deploy inspectors with relevant language skills, including Polish, Lithuanian, Czech and Russian, when conducting workplace compliance investigations.

ICTU comment Furthermore, undocumented workers are precluded from making complaints to the WRC or the Labour Court.

Response

Under Irish law, non-EEA nationals generally require a valid employment permit or permission that allows them to work in the State. Importantly, employment permit holders benefit from identical protections under Irish employment law as other workers in the State. The employment permits system also includes criteria intended to support the fair treatment of migrant workers in accordance with Irish labour law.

The Workplace Relations Commission (WRC) has enforcement powers under the Employment Permits Acts. Its investigation and enforcement functions are intended to promote compliance with the employment permits system and address potential abuses by employers.

While the WRC can enforce employment rights legislation, in circumstances where a person does not hold a valid employment permit or permission authorising them to work in the State, complexities arising from employment status may create barriers to obtaining redress. Under section 59 of the 2024 Employment Permits Act there is a route to allow an employee who was working in breach of the legislation (i.e. they had no valid employment permit to work) to themselves (or for the Minister for Enterprise, Tourism and Employment at his or her discretion and with the consent of the said foreign national) to take, civil proceedings where they were unpaid or under paid for work carried out – where payment is ordered it shall be paid to the foreign national. This allows for redress/recourse for irregular/ informal workers.

Ireland's Workplace Relations Commission plays a central role in protecting vulnerable workers including third country nationals in Ireland through a mix of inspection, enforcement, guidance, and dispute resolution.

Question B

ICTU comment
The Workplace Relations Commission 2025 Annual Report reports that the commercial sea fishing sector continued to be a focus of WRC inspections throughout 2025. The Irish Human Rights and Equality Commission has noted an increasing trend of fishers working on vessels being (mis-)classified as self-employed.

Response

In Ireland, there are a number of statutory bodies whose remit includes determining the employment status of a person from different perspectives (taxation, social protection entitlements, employment rights etc.). Each of these bodies make their determinations independently of each other in respect of the particular functions for which they are responsible. While the Irish Revenue Commissioners has responsibility for determination of employment status of a worker for taxation purposes, responsibility for determination of employment status of a worker for PRSI (Pay-Related Social Insurance) purposes falls to the Department of Social Protection (DSP).

Whether a person is an employee under employment rights legislation may be determined by the WRC's Adjudication Service and the Labour Court (on appeal), as a preliminary issue, and in such cases, the current law is applied and where employment status is an issue, the Irish Supreme Court “Karshan” ruling is one of the factors considered and applied where appropriate.

ICTU comment

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.

Response

Merchant Shipping

ICTU's comments regarding the working hours of seafarers are noted. The working time rules for seafarers are set out in the Merchant Shipping (Organisation of Working Time) Regulations 2003, as amended in 2014 and 2023.

These Regulations provide that working time may not exceed 14 hours in any 24-hour period or 72 hours in any seven-day period and also set out the requirements for minimum rest periods. Exceptions apply only in limited special circumstances, such as where action is needed to protect the safety of the vessel or persons at sea. Compliance with these requirements is monitored through inspections from surveyors of the Maritime Survey Office.

While the comments from ICTU refer to inspection activity and concerns about long working hours in the fishing sector, these issues do not demonstrate non-compliance with the statutory rules on working time and rest periods. Ongoing inspections reflect the Departments of Transport’s commitment to ensuring that these protections are enforced.

Inspections

In the period from 2021 to the end of 2025, the Workplace Relations Commission (WRC) carried out 309 fisheries inspections. Inspections were carried out on large and small commercial fishing vessels to monitor compliance with employment rights and employment permit legislation. Checks were carried out to ensure that non-EEA fishers and all other employees on the vessels were receiving their statutory entitlements under employment legislation. These inspections were generally unannounced and followed up by full announced inspections where additional records for review were required.

In the course of an inspection, in addition to the Employment Permits Act 2024, the WRC inspector will also check for breaches of employment law as they relate to the employment of non-EEA fishers. Compliance checks include compliance with the national minimum hourly rate of pay and annual leave entitlements. The inspector also checks for any unauthorised deductions, failure to keep records, failure to issue pay slips and or failure to issue contracts of employment. The WRC inspectorate works with the employer to achieve compliance with employment law. However, the WRC may prosecute employers where compliance cannot be achieved.

Matters relating to hours of work/hours of rest or the accommodation standards of employees in the fishing sector are reported by the WRC to the Marine Survey Office at the Department of Transport, as those issues fall under their remit.

Figure 15: WRC Fishing Vessel Inspections 2021 to end 2025

2021	2022	2023	2024	2025	Total
55	35	88	55	76	309

Figure 16: Outcomes of Fisheries Inspections 2021 - 2025

Year	Total Contraventions	Employers in Breach	Prosecutions
2021	42	17	5
2022	24	9	2
2023	55	25	4
2024	13	6	3
2025	8	7	2

Question C

ICTU comment
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'. 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'.

Response

Inactive on-Call Periods

Regarding inactive on-call periods, Ireland transposed the EU Working Time Directive through the OWTA and defines 'working time' consistent with the Directive.

Case law of the Court of Justice of the European Union (CJEU) has interpreted how inactive on-call periods should be treated in various scenarios.

Article 3.1 Right to safe and healthy working conditions

ICTU comment
Article 12 of this Directive [Platform Work 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. 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?'

Response

The consultation questions on Article 12 were not unduly narrow. Article 12 establishes a range of occupational safety and health obligations for digital labour platforms, including obligations relating to risks arising from automated monitoring and decision-making systems, worker information and consultation, and the prevention of adverse impacts on workers' health and safety. However, the purpose of the public consultation was to gather evidence from stakeholders on the practical implications of implementing these obligations in the Irish context. The public consultation questions, as cited by ICTU, were designed to elicit evidence-based responses regarding the specific occupational safety and health risks associated with algorithmic management, and how such risks may vary across different platform business models. Understanding the nature, scale and sectoral variation of these risks is a necessary precursor to assessing the most appropriate legislative, regulatory and operational measures required to give effect to Article 12.

The consultation was not intended to provide an exhaustive commentary on every provision of Article 12, nor to limit stakeholder submissions solely to the specific questions posed. It should be noted that respondents were invited to provide additional observations and evidence relevant to not only the provisions relating to the Algorithmic Management portion of the Directive, but also to the Directive's implementation more generally, thus allowing multiple opportunities to include any further desired comments. This allowed stakeholders to raise wider matters concerning employer responsibilities, worker participation, violence and harassment, information rights, and safeguards relating to automated decision-making systems where they considered these issues relevant.

Accordingly, the consultation approach was proportionate and appropriate. The questions sought targeted information on areas where practical evidence from stakeholders would be particularly valuable, while the consultation questions remained sufficiently broad to capture views on the full range of obligations arising under Article 12.

The Department of Enterprise, Tourism and Employment has been taking all submissions received into consideration, including those raising issues beyond the specific consultation questions, when developing Ireland's transposition measures. This is in the context where Ireland has an extensive suite of occupational safety & health legislation and a dedicated Authority to lead on such matters - the Health and Safety Authority (HSA) - which has overall responsibility for the administration and enforcement of health and safety at work in Ireland.

The HSA monitors compliance with legislation at the workplace and can take enforcement action (up to and including prosecutions). The HSA is also the national centre for information and advice to employers, employees and self-employed on all aspects of workplace health and safety. It also promotes education, training and research in the field of health and safety.

ICTU comment

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. 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.

Response

Government reemphasises its commitment to maintaining dialogue with all stakeholders. In this regard, the public consultation on the Platform Work Directive was conducted in October 2025 and was open for a four-week period. Despite a November 2025 deadline, the Department of Enterprise, Tourism and Employment (DETE) facilitated ICTU in submitting their response in March 2026 following the January publication of the Expert Group report. DETE considers that this exemplifies its commitment to facilitating stakeholder engagement, and the ascertaining of views from all relevant stakeholders for consideration.

Government remains committed to meaningful social dialogue and values the key role that ICTU plays in this process. For instance, specifically in relation to Platform Work, officials from the Department of Enterprise, Tourism and Employment recently attended the 114th International Labour Conference in Geneva and engaged in exemplary Irish tripartite social dialogue with colleagues from both ICTU and Ibec in the Standard-Setting Committee on Decent Work in the Platform Economy – dialogue that was fundamentally informed by the Platform Work Directive.

Regarding ‘simplification’, this agenda item is about cutting red tape and making implementation easier for all concerned and it is not about reducing standards.

ICTU comment
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 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.

Response

Right to Request a Remote Working Arrangement

The Department of Enterprise, Tourism and Employment recently completed a statutory review of the right to request remote work under the Work Life Balance and Miscellaneous Provisions Act 2023 in March 2026. The findings of the review were informed by a nationally representative survey of employees and employers, a public consultation, which received over 8,000 responses, engagement with the Workplace Relations Commission and engagement with employer and employee representatives.

The review found that when used, the legislation is operating effectively. The majority of requests are approved either fully or partially, demonstrating that the legislation can facilitate compromise. The reported level of administrative burden is also low. On this basis, the legislation will not be amended at this time. It is not the Government’s role, nor the role of the Workplace Relations Commission, to determine when employees can or cannot work remotely. Providing a right to request strikes the right balance between flexibility and the need for businesses to remain competitive, profitable and viable.

Following the findings of the report, the Minister of State for Employment, Small Business and Retail requested that the Workplace Relations Commission revise the Code of Practice on the Right to Request Remote Working to support uptake and understanding of the legislation.

Following a finding of the report that fewer than half of the employee population are aware that the formal right to request remote working exists, the Department of Enterprise, Tourism and Employment will also commence a national information campaign to improve awareness of the legislation.

Article 3.2 (Revised Charter) Health and safety regulation

Question A

ICTU comment

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.

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.

Response

Ireland's Code of Practice on the Right to Disconnect was introduced in April 2021 by the Workplace Relations Commission (WRC). The Code states that the right to disconnect refers to an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls or other messages, outside normal working hours.

The Code has been placed on statute (S.I. No. 159/2021) and is admissible in evidence in workplace dispute proceedings before the WRC and the Labour Court. The Code provides practical guidance for employers and employees to assist in meeting their obligations under existing legislation, including the Organisation of Working Time Act 1997, the purpose of which legislation is, among other things, to protect employees from working excessive hours.

Under the Code of Practice, the right to disconnect has three main elements:

1. The right of an employee to not routinely perform work outside normal working hours.
2. The right to not be penalised for refusing to attend to work matters outside of normal working hours.

3. The duty to respect another person’s right to disconnect (e.g., by not routinely emailing or calling outside normal working hours).

Question B

ICTU comment
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.

Response

Under the Safety, Health and Welfare at Work Act 2005 (the 2005 Act), employers are required, so far as is reasonably practicable, to ensure the safety, health and welfare of all employees at work. Employers must carry out risk assessments to identify hazards in the workplace and put in place appropriate control measures to protect workers.

The 2005 Act defines an employer as a person with whom the employee has entered into a contract of employment, including a person under whose control and direction an employee works. In addition, employers are required to manage and conduct their undertaking in such a way as to ensure that, in the course of the work being carried out, individuals at the place of work who are not their employees are not exposed to risks to their safety, health or welfare.

All employees in Ireland are therefore covered by and receive the same protection under our occupational safety and health regulations, regardless of their contractual status. This would include self-employed workers, teleworkers, domestic workers, temporary workers, interim workers and workers on fixed-term contracts.

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

ICTU comment

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.

Response

Vulnerable Workers

The Health and Safety Authority (HSA) operates in accordance with the provisions of the Safety, Health and Welfare at Work Act 2005. Where HSA Inspectors identify, or are made aware of, practices, conditions or hazards that pose health and safety risks, they are obligated to act in accordance with statute.

The Act sets out the general duties and responsibilities of the employer and employee in ensuring health and safety in the workplace. The Act also sets out a scale of enforcement actions available to the HSA in cases of non-compliance, from the direction of improvement plans to prohibition notices, and the potential offences and penalties arising for non-compliance.

Health and safety legislation requires the employer to assess the risks to safety and health at work for all workers, to avoid workplace accident, injury, and ill health. Employers are required to develop a safety statement, based on a risk assessment, which details how the safety, health and welfare of employees is protected. The safety statement includes all risk assessments and should be produced in consultation with employees and their representatives.

The HSA has published extensive guidance on occupational safety and health on vulnerable workers in the workplace, as well as a range of companion materials including information sheets for employers, managers and supervisors. Vulnerable workers are people who may be particularly sensitive or over exposed to potential health and safety risks in comparison to the general working population.

The HSA has also published a guide for employers on implementing inclusive health and safety practices for employees with disabilities. Working with employers to raise awareness of health and safety obligations, including employers of workers that may be considered vulnerable, is a key component of the HSA's strategic work programme.

Every person has the right to a safe workplace where any risks to their health and safety are properly controlled. Some people are more vulnerable to occupational safety and health (OSH) risks due to a variety of personal and job factors. People can be vulnerable before they start work, or they may become vulnerable during their working life. A person may have several different vulnerabilities linked to specific personal and job factors. All people reflect a spectrum of vulnerability – with some workers having higher or lower levels of vulnerability.

Psychosocial Hazards

The Health and Safety Authority (the Authority), as Ireland's national competent authority for occupational safety and health, recognises psychosocial hazards as a significant and growing occupational safety and health challenge. The Authority's Statement of Strategy 2025–2027 identifies psychosocial risk factors and their impact on workers' mental health as a cross-cutting issue affecting all sectors. Consultation with stakeholders highlighted the need for increased attention to occupational health, including psychosocial risks, with particular emphasis on addressing the organisational causes of work-related stress and promoting preventative approaches to worker psychological health at work.

Psychosocial hazards can arise from the design, organisation and management of work and include factors such as excessive workload, work intensity, time pressure, bullying, violence and aggression, emotionally demanding work, fatigue, remote and hybrid working arrangements, and emerging challenges associated with digitalisation and new technologies.

Under the Safety, Health and Welfare at Work Act 2005, employers are required to identify workplace hazards, assess the risks arising from those hazards and implement appropriate preventive and protective measures. These duties apply equally to psychosocial hazards where they may impact employees' safety, health or welfare. Employers are also required to review risk assessments where significant changes occur or where existing assessments are no longer valid.

Ireland's approach is based on the principle that psychosocial hazards should be managed through the same risk assessment and prevention framework that applies to all workplace hazards. This approach emphasises prevention, worker consultation, organisational learning and continuous improvement. Particular attention is given to psychosocial risk factors associated with high-demand work environments, including excessive workload, sustained concentration, rapid decision-making, high levels of responsibility, job insecurity, and frequent engagement with vulnerable members of the public.

To support implementation, the Authority has developed a range of guidance, tools and resources to assist employers in identifying psychosocial hazards, assessing risks and implementing appropriate control measures.

Key resources include:

- **Psychosocial Risk Assessment Guidance** covering factors such as work demands, workload, control, support, workplace relationships, organisational change, critical incidents and exposure to sensitive or potentially traumatic content.

- **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work** which has legal status and may be relied upon in enforcement and legal proceedings.

- **Work Positive and Work PositiveCI** evidence-based tools that support organisations in measuring psychosocial risk factors and implementing structured organisational improvements.

- **Guidance on Exposure to Sensitive Content** developed to assist organisations where workers may be routinely or unexpectedly exposed to distressing or traumatic material as part of their duties.

The Authority has also strengthened its organisational capacity in this area through the development of specialist expertise in occupational psychology and human factors. This capability supports the provision of expert advice on psychosocial risk management, workplace stress, psychological health and emerging occupational risks, while contributing to policy development, guidance and stakeholder engagement. Implementation is further supported through inspection activity, awareness campaigns, webinars, guidance publications and sectoral engagement initiatives aimed at improving employer capability and promoting good practice.

In the last year, the Authority delivered dedicated interventions and guidance on psychosocial risk assessment and human factors, reinforcing the requirement for employers to identify psychosocial hazards and implement appropriate preventative measures.

New and Emerging Risks

In relation to new and emerging risks, Ireland is increasingly examining the occupational safety and health implications of digitalisation, artificial intelligence (AI), algorithmic management, surveillance technologies and evolving forms of work organisation. Areas of focus include work intensification, reduced worker autonomy, increased monitoring, human-machine interaction, skills and competency gaps, and the cumulative psychosocial impacts associated with technology-enabled work systems. The Authority is incorporating consideration of these issues into occupational safety and health policy development, awareness-raising activities and inspection programmes.

Ireland's overall policy approach seeks to ensure that both traditional psychosocial hazards and emerging workplace risks are identified and managed effectively through a preventative, risk-based framework. This is particularly important in occupations characterised by sustained attention, high-performance demands, complex decision-making and significant psychological or emotional demands, where effective management of psychosocial risks is essential to protecting workers' safety, health and wellbeing.

All resources are available at www.hsa.ie

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

Question A

ICTU comment

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.

Response

With regard to the assertion on page 14 that Ireland did not acknowledge the delayed transposition of the EU Pay Transparency Directive under its responses to Question A and Question B under Article 4, it should be highlighted that the 21st National Report was submitted in December 2025, six months before the Directive transposition date of the 7th June 2026. The report could not have pre-empted such circumstances.

Question B

ICTU comment

Furthermore, despite the Government repeatedly saying that transposition is a ‘challenge for many member states’ the number that have notified transposition measures stands at 14 at the time of writing.

Response

Under the response on Question B, ICTU has highlighted that 14 member states have notified transposition measures to the Commission. Ireland has also notified the Commission of partial transposition.

It should also be noted that as of the 23rd June, only 4 member states have notified full transposition of the Directive, so we consider this point by ICTU to be misleading.

Article 5 Right to organise

Question A

ICTU comment
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.’

Response
Ireland’s industrial-relations system is most accurately described as predominantly voluntarist. That general framework coexists with and is supported by statutory sectoral mechanisms, notably Employment Regulation Orders and Sectoral Employment Orders. These mechanisms may establish legally binding minimum terms and conditions for all employers and workers within their statutory scope, including employers that did not participate directly in the underlying negotiations.

The existence of those statutory mechanisms does not negate the voluntarist character of the wider system. Rather, it demonstrates that Ireland operates a model in which voluntary enterprise-level bargaining is supplemented by targeted statutory machinery where the legislation provides for certain sector-wide application, especially in sectors where collective bargaining tends to be low. Importantly, such mechanisms are only established where there is substantial agreement between such workers and their employers to their establishment or the existing machinery for effective regulation of remuneration and other conditions of employment of such workers is inadequate or is likely to cease or to cease to be adequate, or having regard to the existing rates of remuneration or conditions of employment of such workers or any of them, it is expedient that a joint labour committee should be established.

ICTU comment

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

Response

Available evidence indicates that union density in Ireland has been declining for several decades, although the scale of the decline and the current rate vary depending on the data source, methodology and population measured. The latest available data from Ireland’s Central Statistics Office (CSO) Labour Force Survey indicates that, in Quarter 1 2026, approximately 548,100 employees aged 15–89 were members of a trade union or staff association, representing 22.89% of all employees. The CSO data indicates that, although the estimated number of employee members has not declined to the same extent, trade union membership has fallen materially as a proportion of the total employee population.

Separate evidence from the 2021 University College Dublin (UCD) Working in Ireland Survey estimated employee trade union density at 28.2%, with particularly low density among workers aged 16–24. As these figures are survey estimates, they should be considered alongside other available national and international data sources.

A decline in trade union density is not unique to Ireland. The OECD reports that trade union density and collective-bargaining coverage have declined across most OECD countries since the 1980s. While Ireland’s Action Plan to Promote Collective Bargaining does not impose a numerical target for trade union density, it seeks to address factors that may impede workers and employers from participating effectively in collective bargaining and includes practical measures across five pillars concerning research, capacity building, public awareness, protections for workers and representatives, sectoral bargaining mechanisms and support for the WRC and Labour Court. However, it is important to note that ultimately trade union membership remains a voluntary decision for individual workers in an economy where the size of the labour force and the numbers at work continues to grow significantly.

Nonetheless, it must remain a choice for individual workers as to whether they join a trade union to avail themselves of the benefits of collective bargaining or not. In this regard, Ireland’s constitution guarantees freedom of association.

ICTU comment

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.

Response

The reference was indeed intended to describe Action Item 7 of Ireland’s Action Plan to Promote Collective Bargaining 2026–2030, which provides for the sponsorship of a Best Practice Award to recognise excellent practices in collective bargaining.

The Action Plan as a whole was developed by the Department of Enterprise, Tourism and Employment following consultation and engagement with ICTU and Ibec. It does not mean that every action originated jointly with the social partners or reflected a proposal made by both ICTU and Ibec.

Action Item 7 should be understood as a promotional measure intended to identify and reward examples of effective collective bargaining, demonstrate the potential workplace benefits of collective bargaining and encourage the wider adoption of good collective bargaining practices.

ICTU comment

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 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.

Response

Ireland's Action Plan to Promote Collective Bargaining (p.17) specifically cites the Platform economy as comprising a 'significant number of workers (who) now occupy a "grey zone" between the legal definitions of employee and self-employed, where genuine ambiguity surrounds their employment status'. The Department of Enterprise, Tourism and Employment (DETE) is addressing the fact that such workers 'often engage in non-standard forms of employment and are less likely to have access to collective bargaining' by transposing the Platform Work Directive into Irish law, with the rebuttable presumption of an employment relationship where facts indicate that direction and control are present. This will represent positive and important progress in this space, as Article 25 of the Directive specifically provides for the promotion of collective bargaining in platform work.

DETE considers that its 2025 public consultation on the transposition of the Platform Work Directive provided stakeholders with comprehensive scope to share their views on all aspects of the legislation.

As ICTU has noted, stakeholders were afforded the opportunity to provide any and all desired observations on Chapter VI, the Final Provisions chapter of the Directive, which indeed includes provisions regarding the promotion of collective bargaining in platform work. DETE would therefore contest the use of 'merely'; rather it was the case that stakeholders could raise whatever comments they deemed important regarding the promotion of collective bargaining in platform work within the Chapter VI portion of the public consultation document. The Platform Work Directive is a complex, wide-ranging Directive, and the referencing (or not) of certain specific provisions within the consultation should not be conflated with the assigning of increased or decreased valuing of certain specific provisions within the legislation.

Question B

ICTU comment 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.

Response

Ireland does not have a statutory recognition procedure for employers' organisations for the purposes of social dialogue and collective bargaining. Consistent with Ireland's voluntarist industrial relations system, employers' organisations participate in social dialogue based on their representativeness, independence, organisational capacity, and ability to represent the interests of employers at sectoral or national level.

Recognition is therefore determined in practice by the organisation's representative status and acceptance by the State and other social partners within Ireland's industrial relations framework.

Social Partner Engagement

Broader engagement with trade unions and employer representative organisations takes place regularly at both official and ministerial level. The Department of Enterprise, Tourism and Employment, in particular, maintains direct and regular engagement with both trade union and employer representatives across a broad range of employment, industrial relations and labour market matters. This engagement extends beyond the Labour Employer Economic Forum (LEEF) and includes bilateral and multilateral meetings with the social partners. Over the recent period, it has included meetings with ICTU on occupational health and safety, preparations for Ireland's Presidency of the Council of the European Union, and engagement through the enhanced LEEF process.

A number of LEEF subgroups have also been established to facilitate more detailed and focused engagement on agreed policy priorities. In the context of the wider LEEF work programme, commitments were made to establish two additional subgroups focusing on EU legislation and economic migration. These structures complement the work of the LEEF plenary and provide further opportunities for the social partners to contribute to the consideration and development of relevant policy.

Question C

ICTU comment

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.'

Response

The Commission's observation in the 2026 Country Report is framed as a matter for consideration, identifying a potential means of improving bargaining coverage, rather than as a finding that Ireland is required to introduce one specific statutory recognition model. The observation introducing such a mechanism would represent a significant change to Ireland's predominantly voluntarist system grounded in its constitutional, legal and practical framework which has served both the economy and workers well, supplemented by legislative arrangements for low paid workers such as through the National Minimum Wage and other Wage Settling Mechanisms for lower paid workers (EROs, SEOs and REAs). The Action Plan nevertheless establishes a framework through which barriers to collective bargaining can be examined.

Question D

ICTU comment 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.

Response

"Minority" trade unions retain their legal status and may organise workers, recruit members, designate workplace representatives and represent their members through applicable workplace and statutory procedures. Irish law does not generally grant the largest union exclusive status and a "closed shop" is unconstitutional in Ireland.

Alternative enterprise-level representation structures include electing or nominating employee representatives under the Employees (Provision of Information and Consultation) Act 2006, European Works Councils, representatives under the European Company framework, representatives appointed for particular statutory consultation processes (e.g. Collective Redundancy situations where a Trade Union is not operating in the employment concerned), workplace committees and certain excepted bodies. However, these structures have different functions and prerogatives and do not necessarily confer collective-bargaining authority on workers or replace the functions of a trade union.

Ireland recognises that smaller and minority trade unions may face particular resource and capacity constraints. Measures under Ireland's Action Plan to Promote Collective Bargaining 2026–2030 include capacity-building initiatives intended to strengthen the ability of the social partners to participate effectively in collective bargaining as well as the development of an industrial-relations focused training and accreditation framework for trade-union representatives and other industrial-relations practitioners.

Ireland also supports trade union amalgamations through financial supports from the State under the Trade Unions Acts, including where a merger would address the relative strengths of the merging unions.

Article 6.1 to promote joint consultation between workers and employers

Question A

ICTU comment

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*.’

Response

Ireland acknowledges ICTU’s concern that a number of JLCs, including those covering sectors such as retail, catering and hotels, are not currently active. Regardless, the Labour Court’s 2023 statutory review recommended that the maintenance of all the nine existing JLCs will promote harmonious relations between workers and employers and assist in the avoidance of industrial unrest.

Additionally, the Early Years' Service Joint Labour Committee (which covers the early childhood learning and childcare sector) was established as recently as July 1, 2021.

ICTU comment

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 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”.

Response

The decision not to progress this specific proposal should be read alongside the Government’s commitment to supporting sectoral collective bargaining and improving the operation of the JLC system generally. The Government’s approach remains focused on establishing enabling conditions that encourage the social partners to participate in constructive negotiations, consistent with Ireland’s voluntary industrial relations tradition, freedom of association and also the commitments underpinning the Action Plan process.

The Department of Enterprise, Tourism and Employment will continue to engage with the social partners on measures to strengthen participation in JLCs and support effective sectoral bargaining. However, it does not consider that the particular mechanism proposed in the 2022 report is, at this time, the most appropriate or effective means of achieving those objectives. As demonstrated with the Early Years' Service Joint Labour Committee, which covers the early childhood learning and childcare sector, and which was established as recently as 2021, Ireland remains committed to additional practical actions where the case for same stands critical examination.

ICTU comment

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.

Response

It should be noted that each forum has a distinct mandate, composition and operating framework. The Government remains committed to meaningful engagement with trade unions and employer representatives through the appropriate social-dialogue structures and will continue to consider how worker and employer representation can be appropriately reflected in relevant consultative processes.

The Trade Union movement tends to be represented by the coordinating Irish Congress of Trade Unions whereas employer bodies tend to represent distinct subsets of the enterprise community such that matching numbers is not a sensible criterion to apply.

Question B

ICTU comment

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.

Response

Ireland continues to promote joint consultation between the Government, employer representatives and worker representatives through established social dialogue structures, in particular the Labour Employer Economic Forum (LEEF). The LEEF provides a standing tripartite forum for Government, employers and trade unions to discuss matters of mutual interest affecting the economy, employment and the labour market, including competitiveness, sustainable employment, labour market standards, equality and gender issues in the workplace.

Under the auspices of LEEF, social partners have been involved in a meaningful, systematic and timely manner in the design and implementation of key employment and social policies. In recent months, Ireland has also seen the establishment of thematic subgroups under LEEF on key issues such as EU directives, collective bargaining and migration. These developments reflect the State's commitment to allow more focused, flexible and timely engagement on complex and emerging policy challenges.

The emergence of additional fora and subgroups complements, rather than replaces, existing dialogue structures. Over the past five years, issues considered through joint consultation have included: economic and labour market developments; the impact of inflation and cost-of-living pressures; collective bargaining and the industrial relations framework; labour market participation and migration; skills and apprenticeships; remote and blended working; public service transformation; and the response to external economic risks, including trade uncertainty.

A significant area of joint consultation has been collective bargaining. In 2021, a High-Level Working Group on Collective Bargaining was established under the LEEF to review collective bargaining and the industrial relations landscape in Ireland. The Group, including employer representatives, trade union representatives and Government nominees, convened on 11 occasions, and held a public consultation in 2022. Its work has informed subsequent engagement between Government, ICTU and employer representatives, including LEEF subgroup engagement and a technical working group on the collective bargaining aspects of the EU Adequate Minimum Wages Directive.

Following on from these consultations, Ireland published its first Action Plan to Promote Collective Bargaining in November 2025. The Action Plan was developed by the Department of Enterprise, Tourism and Employment following consultation with ICTU and Ibec under Article 4 of the EU Directive on Adequate Minimum Wages.

The Action Plan, with its 22 specific Actions, is to run from 2026-2030 and will, accordingly, be delivered on a phased basis, supported by a robust monitoring framework, including a mid-term review scheduled for 2028. Implementation will be supported by constructive engagement with social partners within the LEEF framework.

Question C

ICTU comment 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.

Response

Commission Services have clarified that the required measures under Article 25 can be integrated into broader policy instruments, such as national strategies or action plans, as long as they are adequate in promoting collective bargaining in our discussions on platform work. Article 25 targets the correct determination of employment status and the facilitation of rights related to algorithmic management. Consequently, while the nature of the measures (Adequate Minimum Wage and Platform Work) may be similar, they must be tailored to the specific objectives of each Directive.

ICTU comment

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. 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. (p.25)

Response

The Enterprise Digital Advisory Forum (EDAF) was established to support the government in driving the digitalisation of enterprise across Ireland, providing a focused body for government to hear the views and perspectives of enterprise representatives.

Membership is determined through an open expression of interest process, with a focus on achieving balanced representation across the enterprise sector, from indigenous enterprises of all sizes, multinational companies, and experts in digital technologies and their adoption by business. The EDAF's work programme focuses on a number of strategic workstreams, including digital and AI skills in enterprise, to help identify opportunities, challenges and policy priorities that can support Ireland's digital transformation and enterprise growth. The EDAF was not established as a labour relations forum, and consequently its membership is drawn from enterprise and technology stakeholders rather than employee representative bodies.

Separately, the Government has recognised the importance of examining the impact of AI on workers and workplaces. The Taoiseach has recently proposed the creation of a dedicated tripartite forum under the LEEF to examine the impact of AI on Irish workplaces.

Article 6.2 Collective bargaining

Question A

ICTU comment

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.

Response

In Ireland, collective bargaining in the private sector takes place predominantly at enterprise or workplace level and there is no general *erga omnes* mechanism under which all collective agreements are automatically extended to every employer and worker in a sector. Ordinary collective agreements generally apply through the parties to the agreement and, where relevant, through their incorporation into individual contracts of employment. Registered Employment Agreements are similarly binding only on the parties to the agreement in respect of the workers covered by it. As mentioned in Ireland's response under *Article 5, Question A* above, statutory sectoral mechanisms i.e Employment Regulation Orders and Sectoral Employment Orders exist and are targeted at sectors where collective bargaining tends to be low.

Question B

ICTU comment 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). ICTU comment [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.

Response

In November 2025, the Government published Ireland's Action Plan to Promote Collective Bargaining 2026–2030, following consultation with ICTU, Ibec and other stakeholders. The Action Plan contains 22 measures intended to empower, encourage, promote and protect collective bargaining while supporting Ireland's industrial relations institutions. These include research to address data gaps, capacity-building measures, recognition of good practice, the development of a new Code of Practice, legislative reviews and consideration of financial or tax incentives to support trade union membership. Implementation of the Action Plan is being progressed on a phased basis. A technical subgroup of LEEF, comprising officials from the Department of Enterprise, Tourism and Employment and social partner representatives, meets regularly to monitor implementation.

Regarding taxation policy, constructive engagement has taken place between the Department of Enterprise, Tourism and Employment (DETE) and the Department of Finance, including through the submission by DETE of a detailed proposal on the reintroduction of tax relief for trade union subscriptions.

ICTU comment

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) 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).

Response

The Government notes ICTU's comments regarding the use of ESF+ funding to support the promotion of collective bargaining. The Employment, Inclusion, Skills and Training (EIST) Programme will see Ireland benefit from €508 million in ESF+ funds from the European Union for the 2021-2027 period. This, together with a planned national contribution of €573 million, will amount to a total EIST budget of some €1.081 billion.

The ESF+ framework requires Member States to allocate an appropriate amount of its resources to the capacity-building of social partners and civil-society. Ireland acknowledges the ESF+ requirement and will continue to engage with the Department of Further and Higher Education, Research, Innovation and Science, as the Managing Authority for the EIST Programme, to identify appropriate opportunities to support social-partner capacity-building, including measures that may contribute to the promotion of collective bargaining. This is in addition to direct national Government support to the ICTU's Education Training and Advisory Services (ETAS).

Question C

ICTU comment
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.

Response

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.
There is an extensive range of statutory provisions designed to back up the voluntary bargaining process. The system is based on respecting the autonomy of parties to negotiate and agree terms that enhance existing statutory protections.

Question D

ICTU comment
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.'

Response

Under Section 15F of the Competition (Amendment) Act 2017, any trade union representing a relevant category of self-employed worker may apply to the Minister for Enterprise, Tourism and Employment to prescribe them as either false self-employed workers or fully dependent self-employed workers. Any application received will be given due consideration with relevant input from any stakeholders.

In 2025, the Department of Enterprise, Tourism and Employment engaged with an organisation regarding recognition of certain workers under the Part 2B of the Act. The process of making an application under the Act was explained to the organisation, but no application has been received to date.

Article 20 Right to equal opportunities between women and men

Question A

ICTU comment
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. 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.

Response

Regarding the reference to the Work Life Balance Directive and the infringement proceedings. The judgement was made on the 1st August 2025. An infringement fine was paid to the European Commission in October 2025. This is no longer an active case.

ICTU comment
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, the new strategy contains no equivalent commitment, but does 'envisage partnerships will be developed with civil society organisations, business organisations, trade unions, and others, to implement specific actions.

Response

Regarding commitments to addressing the gender pay gap in the National Strategy for Women and Girls 2025-2030, the first action plan was launched on 5th August

2026. It contains specific actions to further address the gender pay gap. It should also be noted that ICTU are now part of the Strategy Monitoring Committee to oversee the implementation of the action plan.

ICTU comment

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.

Response

Page 30 references the response on Gender Balance and refers to its response to Article 4. Please refer to the response provided above under Question A, Article 4.3.

ICTU comment

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. 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.

Response

The National Childcare Scheme (NCS), in conjunction with fee controls introduced in 2022 through Core Funding, has made significant progress in bringing costs to parents of early learning and care (ELC) and school-age childcare closer to the EU average. In 2018, prior to introduction of the NCS, couples on low income (67% of the average wage) paid on average 22% of their net income for full time ELC, with lone parents spending 23% of their net income, compared to EU medians of 7% and 6% respectively.[1] By 2025, ELC costs in Ireland fell to 14% of net income for couples

[1] Figures are based on Department of Children, Disability and Equality calculations using model version 2.8.0. Family type has two children, one age 2 availing of NCS for 40 hours per week, one aged 3 attending ECCE and availing of NCS for 25 hours per week. In the couple, the second adult earns 67% of the average wage.

and 13% for lone parents on low income, compared to the EU median of 5% for both family types. In 2018, couples on the average wage paid on average 19% of their net income for full-time ELC, with lone parents earning the average wage spending 30% of their net income, compared to EU medians of 7% and 6% respectively. By 2025, ELC costs in Ireland fell to 12% of net income for couples and 13% for lone parents earning the average wage, compared to the EU median of 5% for both family types.

The Early Childhood Care and Education (ECCE) programme provides two years of free pre-school to children aged between 2 years and 8 months and 5 years and 6 months. While there is no statutory entitlement to the ECCE programme, participation is very high, at 96%. First 5, the Whole-of-Government Strategy for Babies, Young Children and their Families, 2019-2028, contains a commitment to introduce a universal legal entitlement to pre-school.

The Government is committed to enhancing parental choice through ongoing support for a mix of provider types, both centre-based and home-based (childminding). Following through on the recommendations of the Expert Group on the Funding Model in Partnership for the Public Good (2021), the increasing level of public funding has enabled increasing public management of the sector, delivered through both for-profit (private) and not-for-profit (community) providers. A public consultation is under way in 2026 to inform Phase 2 of Shaping the Future: The Early Years Action Plan, which will set out actions over the years 2027-2029. The Shaping the Future Phase 1 report notes that analysis and consultation for Phase 2 will include consideration of the appropriate balance between private, community, State-led and childminding provision.

Question C

ICTU comment
The ESCR asked Ireland to provide statistical data on the proportion of women on management boards of the largest 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%.

Response

In September 2020, the Code of Practice for the Governance of State Bodies (The Code) was updated to take account of the recommendations of the Inter-Departmental Group on Gender Balance on State Boards. The subsequent Annex to The Code: Gender Balance, Diversity, and Inclusion was published in September 2020. The Annex urges State bodies to lead the way in seeking to achieve gender balanced and diverse boards. The key amendments included in the Annex are:

- Subject to compliance with the relevant body's establishing legislation, board terms should be between 3 - 5 years, which may be renewed once to a maximum of 8 years.

- The annual report of the body should include details of gender balance; where the board stands vis-à-vis the 40% gender balance requirement; the key elements of the board's approach to promoting gender balance and diversity and the measures being taken to address the situation where a board is either all male or all female.

- The current gender composition of the board should be highlighted when making submissions to the Minister on board appointments and re-appointments.

- Each board should carry out an annual self-assessment evaluation which would include a detailed analysis and critical assessment of the gender, diversity and skills mix within the board.

- The annual report of the board should give an account of the approach being adopted in regard to the promotion of diversity and inclusion, including with regard to gender, in the specific context of the organisation; and on the progress and achievements in this regard.

The Department of Public Expenditure collated data from the Stateboards.ie website of the membership of State Boards serving in December 2024 where the board composition is greater than 3 and where the Minister makes the board appointments. When these parameters are taken into account the data set consists of 187 boards totalling 2,044 board members.

The analysis indicates that the gender participation rates are 49.5% female and 50.4% male, with 57.7% of Boards now meeting the 40% gender targets, of which, 45 are boards where female membership is greater than or equal to 60%.

Ireland’s 2025 Programme for Government – Securing Ireland’s Future - restates the Government commitment to increasing gender balance on State Boards.