

S.I. No. 1/1992 - Industrial Relations Act, 1990, Code of Practice on Dispute Procedures (Declaration) Order, 1992.

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INDUSTRIAL RELATIONS ACT, 1990, CODE OF PRACTICE ON DISPUTE PROCEDURES (DECLARATION) ORDER, 1992.

WHEREAS the Labour Relations Commission has prepared a draft code of practice on dispute procedures, including procedure in essential services;

AND WHEREAS the Labour Relations Commission has complied with subsection (2) of [section 42](#) of the [Industrial Relations Act, 1990](#) (No. 19 of 1990), and has submitted the draft code of practice to the Minister for Labour;

NOW THEREFORE, I, MICHAEL O'KENNEDY, Minister for Labour, in exercise of the powers conferred on me by subsection (3) of that section, hereby order as follows:

1. This Order may be cited as the [Industrial Relations Act, 1990](#) , Code of Practice on Dispute Procedures (Declaration) Order, 1992.
2. It is hereby declared that the draft code of practice set out in the Schedule to this Order shall be a code of practice for the purposes of the [Industrial Relations Act, 1990](#) (No. 19 of 1990).

GIVEN under my Official Seal, this 6th day of January, 1992.

MICHAEL O'KENNEDY,

Minister for Labour.

SCHEDULE

DRAFT CODE OF PRACTICE ON DISPUTE PROCEDURES, INCLUDING PROCEDURES IN ESSENTIAL SERVICES

SECTION I - INTRODUCTION

1. Section 42 of the Industrial Relations Act 1990 makes provision for the preparation of draft Codes of Practice by the Labour Relations Commission for submission to the Minister for Labour. (CF. Appendix I).

2. In February, 1991 the Minister for Labour, Mr. Bertie Ahern, TD, requested the Commission to prepare codes of practice on dispute procedures and the levels of cover which should be provided in the event of disputes arising in essential services. When preparing this Code of Practice the Commission held meetings and consultations with the Irish Congress of Trade Unions, the Federation of Irish Employers, the Department of Finance, the Department of Labour, the Local Government Staff Negotiations Board, the Labour Court and representatives of the International Labour Organisation. The Commission has taken account of the views expressed by these organisations to the maximum extent possible in preparing this Code.

3. The Code recognises that the primary responsibility for dealing with industrial relations issues and the resolution of disputes rests with employers, employer organisations and trade unions. It is the intention of the Code to ensure that in line with this responsibility employers and trade unions:

(i) agree appropriate and practical arrangements for resolving disputes on collective and individual issues;

(ii) observe the terms of these agreements;

and

(iii) refrain from any actions which would be in contravention of them.

4. The Code is designed to assist employers* and trade unions in making agreements which recognise the rights and interests of the parties concerned and which contain procedures which will resolve issues in a peaceful manner and avoid the need for any of the parties to resort to actions which will lead to a disruption of supplies and services and a loss of income to employees and of revenue to employers.

5. The major objective of agreed procedures is to establish arrangements to deal with issues which could give rise to disputes. Such procedures provide for discussion and negotiation with a view to the parties reaching agreement at the earliest possible stage of the procedure and without resort to any form of industrial action.

6. The Code provides practical guidance on procedures for the resolution of disputes between employers and trade unions and how to operate them effectively. The principles contained in the Code are appropriate for employments in the public and private sectors of the economy irrespective of their function, nature or size.

7. The procedures in the Code provide a framework for the peaceful resolution of disputes, including disputes in essential services. The Code also provides general guidance to employers and trade unions on the arrangements which are necessary to ensure minimum cover or service where disputes which give rise to stoppages of work could have serious and adverse

* (The use of the word "employers" in the Code includes employer organisations where relevant and appropriate).

consequences for the community or the undertaking concerned and its employees.

8. Although the Code has been prepared primarily for employments where terms of employment are established through employer/trade union agreements its general principles should be regarded as being applicable to other undertakings and enterprises and to their employees.

SECTION II -GENERAL PROVISIONS

9. Agreements between employers and trade unions on dispute settlement procedures can make a significant contribution to the maintenance of industrial peace. The dispute procedures contained in this Code should be seen as providing an underpinning for the conduct of industrial relations in an enterprise and in relationships between the parties.

10. Agreements on dispute procedures should be seen to be fair and equitable as between the interests of the parties and should include provision for the resolution of disputes on collective and individual issues and such procedures should be introduced where they currently do not exist.

11. Employers and trade unions should examine existing procedures at the level of the enterprise and take whatever steps may be necessary to ensure that the principles outlined in the Code are incorporated within them.

12. Dispute procedures should be as comprehensive as possible covering all foreseeable circumstances and setting out the consecutive stages involved in the resolution of disputes on collective and/or individual issues. Such procedures should include agreement on the appropriate level of management and trade union representation which will be involved at each stage of the procedure. The actions required of the parties at each stage of the procedure should be clearly indicated.

13. Agreements between employers and the trade unions should be in writing so as to eliminate the possibility of misunderstandings arising from lack of awareness of procedures or misinterpretation of informal arrangements which may have come to be regarded as "custom and practice".

14. Employees and management at all levels should be aware of the agreed procedures. Accordingly, arrangements should be made for these procedures to be communicated and explained through whatever means may be appropriate.

15. Dispute procedures should afford early access to disputes resolution machinery and to arrangements for the settlement of collective and individual issues within a reasonable timescale. The introduction of any specific time-limits for the operation of different stages of a disputes procedure is a matter for consideration by employers and unions at local level.

16. The procedures for building disputes on collective and individual issues should take account, where appropriate, of the functions of the relevant State agencies (The Labour Relations Commission, The Labour Court, The Rights Commissioner Service, The Equality Service and The Employment Appeals Tribunal) so as to facilitate the potential use of these services in the development and maintenance of good industrial relations.

17. Nothing in the Code precludes an employer and trade union in an enterprise, industry or service from adding other stages to their dispute procedures should this be considered appropriate.

18. The operation of dispute procedures should be reviewed from time to time with the object of improving the practical working of the procedures.

19. The Labour Relations Commission will provide assistance to employers and trade unions in formulating agreed dispute procedures in accordance with the Code.

SECTION III -EMERGENCY/MINIMUM SERVICE

20. While the primary responsibility for the provision of minimum levels of services rests with managements this Code recognises that there is a joint obligation on employers and trade unions to have in place agreed contingency plans and other arrangements to deal with any emergency which may arise during an industrial dispute. Employers and trade unions should co-operate with the introduction of such plans and contingency arrangements. In particular, employers and trade unions in each employment providing an essential service should co-operate with each other in making arrangements concerning:

(a) the maintenance of plant and equipment;

(b) all matters concerning health, safety and security;

(c) special operational problems which exist in continuous process industries—

(d) the provision of urgent medical services and suppliers;

(e) the provision of emergency services required on humanitarian grounds.