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Decentralised Bargaining in Ireland

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Executive Summary

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The institutional framework for collective bargaining in Ireland is underpinned by the principle of voluntarism. Employers and trade unions voluntarily engage in collective bargaining, and their agreed terms and conditions of employment are not legally binding. Workers have the right to form and join a trade union. However, unions cannot force employers to enter collective bargaining, meaning that there is no legal right to bargaining in Ireland. There is only one trade union confederation, the Irish Congress of Trade Unions. Equally, there is one major cross-sectoral employers' association, the Irish Business and Employers Confederation. These two organisations played a very significant role in the regulation of the economy during the national social partnership in Ireland between 1987 and 2009, negotiating wage rates for all unionised workers.

Since the collapse of the national social partnership in 2009, the main levels at which collective bargaining takes place are the company and the workplace levels. Sectoral bargaining still occurs in a number of low-paid and weakly unionised sectors and in construction and allied sectors. Sectoral bargaining also takes place in public services. Recently, employers and unions have called for a deepening of tripartite social dialogue, and this has occurred in several areas central to Ireland's response to the COVID-19 pandemic. However, this emerging forum cannot be considered as a precursor to a new form of national social partnership. Neither unions nor employers favour the alignment of social dialogue directly with pay bargaining in a renewal of the social partnership-type centralised pay agreements of the 1987–2009 era.

The main actors involved in decentralised bargaining are, on the side of the union, full-time trade union officials, organising workers at the sector level alongside shop stewards working in companies, and, on the side of the employer, Human Resource (HR) Directors and their delegation of managers, variously composed of the HR Manager(s), Head of Finance, and Operations Manager(s). In the largest companies, which are considered to be pattern setters in collective bargaining, the employers' association also takes part in the negotiations. There are no works councils within companies in Ireland, and only trade unions with a licence are authorised to sign a collective agreement with their management counterpart. In some companies, particular industrial relations arrangements, whereby trade unions and management collaborate in various areas, such as information sharing, training, and work organisation, can be found. These are called workplace partnerships and are supported by formal workplace participation forums that are used by both management and shop stewards to voice their concerns as well as to discuss any issue that is relevant to the workers and the company. These forums, however, are never the locus of collective negotiations.

Decentralised Bargaining in Ireland

Following the collapse of the national social partnership, the Irish Congress of Trade Unions and the Irish Business and Employers' Confederation agreed a 'protocol' to guide collective bargaining in private and commercial state-owned firms that prioritised job retention, competitiveness, and orderly dispute resolution. Such was the scale of the economic collapse during the trough of the recession that little scope existed for pay rises other than in the most resilient and profitable firms and in the multinational sector. However, as the economy recovered, the manufacturing division of Ireland's largest union, SIPTU, strategically targeted strongly unionised firms in commercially buoyant export sectors, such as the pharmaceuticals, chemicals, and medical sectors, leading to a new phenomenon in Irish collective bargaining defined as 'pattern bargaining'. It was intended that the pay deals reached in strongly unionised firms in these sectors would set the trend for the restoration of collective bargaining over pay rises after widely pervasive concession bargaining. The objective from the start was to negotiate deals providing for average annual pay increases of 2 per cent – matching or exceeding the trend in inflation.

While pattern bargaining was led by SIPTU eventually in deals reached with employers across a wide span of industries, other unions emulated the 2 per cent norm. In retailing, the Mandate union assigned priority to stabilising working hours, and adopting the established pay pattern allowed the union to focus its attention on this issue. From 2011, the Financial Service Union concluded 2 per cent pay deals in a number of major banks while accommodating pressure from employers to align pay rises with individual performance. Major unions soon identified the return to decentralised pay bargaining as an opportunity to reconnect with members, to demonstrate unions' effectiveness in gaining pay rises, and to rebuild organisation and representation at the firm level after 22 years of centralised tripartite bargaining.

Research Objectives

The objective of this research is to explore the responses of the Irish trade unions to the decentralisation of collective bargaining and the subsequent increasing devolution of bargaining competences to the company level. The project will explore the relationship between national-level, sectoral-level, and company-level trade unions with respect to setting the terms and conditions of employment through collective bargaining. It will also explore how collective bargaining over pay and conditions aligns with other forms of employee representation (i.e. partnership structures and arrangements) at the company level.

The main research questions that this research investigates are as follows:

- How have unions coped with decentralised bargaining since the collapse of the national social partnership in Ireland?
- Which strategies have unions formulated, if any, to coordinate company-level bargaining?

- Have new forms of worker representation, such as work councils, emerged at the workplace level and, if so, what is their relationship with unions?
- What are the outcomes of company-level bargaining?

Research Methodology

This research adopts a combined quantitative and qualitative approach based on the analysis of a database of over 1,000 pay agreements and on semi-structured interviews and document analysis. To investigate the strategies of Irish trade unions in decentralised bargaining, four company case studies in four sectors of economic activity were selected. The rationale for choosing these sectors is as follows:

1) The pharmaceutical sector is a key sector for the Irish economy. All of the top 10 global biopharmaceutical companies are present in Ireland. It is an export-oriented sector in which workers have significant structural power. This sector was chosen by SIPTU, the largest union in Ireland, as a strategic target after the collapse of the national social partnership to resume and/or strengthen company-level bargaining. Data collection was carried out in one subsidiary of a large US multinational company (referred to as PharmCo) which is considered in Ireland to be a pattern setter in pay bargaining. The company has grown steadily over the years, and the management engages with unions in collective bargaining.

2) The financial service industry is an interesting sector in which to explore collective bargaining developments after the collapse of the social partnership. Domestic Irish banks have experienced a catastrophic financial crisis with significant implications for the workforce as well as for the entire country. In parallel to that, the sector has undergone significant technological change due to service automation and online banking. FSU, the largest trade union by membership in the sector, was involved in managing redundancies and job losses. Data were collected from one of the largest Irish banks (referred to as FinCo), which was heavily hit by the financial crisis. Between 2012 and 2020, more than 2500 jobs were lost, and the company is currently undergoing a restructuring process that is defined as ‘amalgamation’, involving several branch closures and mergers.

3) Retail is Ireland’s largest industry, accounting for almost 300 thousand employees and 14 per cent of jobs. From 2011 to 2012, 57 per cent of retailers experienced a reduction in their turnover, and most sought to deal with this by reducing their labour costs and profit margins. In 2014, the market returned to growth, but there is still intense competition amongst the larger employers and very little appetite for collective bargaining. In contrast to pharmaceuticals, workers’ structural power in retail is relatively low, and, overall, retail can be described as a hostile context for trade unions to engage in negotiations. The company selected for the research is one of Ireland’s largest grocery and food distributors (referred to as RetailCo. After a merger in 2011, the business recorded significant losses, but the group returned to profits in 2016. Our case study is based on 24 stores located in the Dublin area. The company has a reputation for being a ‘good employer’, and it recognises two unions, Mandate and SIPTU, for the purpose of collective bargaining.

4) The food and drink sector is a major part of the Irish economy, accounting for almost 8 per cent of all jobs in the country and 10 per cent of exports. The large companies in the sector are multinational enterprises producing goods for exporting, and the sector has enjoyed steady growth by volume in the past decade. However, in contrast to pharmaceuticals, its value fluctuated during the financial crisis due to a combination of price pressures and currency variations. The sector is also more exposed than pharmaceuticals to international competition. Data were collected from a subsidiary of one of the largest global producer of infant formula (referred to as FoodCo). The company is strongly unionised, and it engages in collective bargaining.

Research Findings

First, it was found that the sudden collapse of centralised bargaining pushed unions to mobilise their own internal resources to re-engage their membership base. They have relied primarily on (a) the leadership skills of their activists, (b) instruments of internal democracy, such as ballots, surveys, and elected workplace committees, and (c) links with external bodies, academics, economists, *IRN News* reporters, and other unions in the European Union. The success of the unions in Ireland in securing collective bargaining coverage varies contingent on some external conditions, such as the overall sector economic performance, the employee skill profile, industrial relation legacies, and the level of union density. In pharmaceuticals, a technology- and skill-intensive sector in which companies are traditionally well organised by unions and the product demand is less subject to fluctuations, SIPTU has been able to maintain significant bargaining activity. Conversely, in retail, a labour-intensive sector characterised by high turnover and high competition between the major employers, Mandate has struggled to access workers. However, collective bargaining decentralisation in all the companies has been interpreted by unions as an opportunity to reconnect with members. Its positive effects are evident in the pay gains achieved over the past 10 years and the widening of the collective bargaining agenda.

Second, despite the lack of coordinating mechanisms governing negotiations at the centralised level, unions have developed mechanisms of vertical coordination through the establishment of formal workplace representation structures, which are elected by the members and linked to the sector level via highly trained full-time sectoral union officials. By leading the company-level negotiations, these trade union officials make sure that the sectoral strategy is implemented consistently across companies and that similar pay outcomes for members are achieved. Meanwhile, the contribution of shop stewards is to maximise, where possible, the use of local resources. Unions have also managed to coordinate collective bargaining across companies (within the same sector) and across unions (within the same company). However, the degree of horizontal coordination varies. Across companies, unions coordinate through meetings amongst the Lead Negotiators, who, by sharing information, make sure that their bargaining strategy remains coherent. Across unions, the coordination is greater when the local negotiators have a positive and strong personal relationship or when all the unions are part of workplace partnerships so that they sit at the same bargaining table and sign the same deals.

Third, some new forms of workers' participation and/or union representation have emerged. These are variously referred to by unions as 'House Committees', 'Store Forums', and 'Joint Management Union Forums' and are not directly involved in negotiations. However, they support the bargaining process by facilitating transparency in financial information, communication, and participation. These forums may be seen as a functional equivalent to work councils – union members do not negotiate but are consulted, are informed, and participate indirectly in formulating the bargaining agenda. Nevertheless, these structures are formally decoupled from collective bargaining, which remains the main channel through which unions engage in negotiations and pay fixing. They cannot derogate from, or change, collective agreements or engage in company-wide or local changes that would impinge on collective bargaining. Thus, decentralised bargaining in Ireland does not appear to have shifted functions or power away from unions or led to any new alignment between the joint management–union partnership in which it exists and collective bargaining.

Fourth, despite operating in a context that is characterised by reduced institutional support and, in retail, faced with increasing hostility from employers, all the trade unions appear to be satisfied with the outcomes of company-level bargaining. They consistently report that decentralised bargaining has led to more measurable improvements in the terms and conditions of employment that compare favourably with centralised national bargaining. More specifically, it has widened the scope of collective bargaining and strengthened the collaboration between unions and management, facilitating win-win deals on some issues. Moreover, unions are particularly proud of the negotiating skills that the local negotiators have developed and the close relationship that they have regained with their members. The level of participation of their membership base in the life of the unions is also reported to be greater. All the trade unions are currently campaigning to introduce a right to bargain into legislation and to persuade employers to recognise unions at the company level. The outcomes of decentralised bargaining are positive, with employers recognising and engaging with the unions, but the share of employers who choose not to engage remains high in Ireland and has been increasing during recent decades.

1. Introduction

Industrial relations in Ireland have been characterised by the principle of voluntarism. There is no legal right to bargain, and decentralised collective bargaining has traditionally been the norm. Nevertheless, towards the end of the 20th century, there were a series of initiatives to centralise collective bargaining. Between 1946 and 1970, economy-wide ‘pay rounds’ were negotiated at the sectoral level and at the firm level in the case of large, prominent employers. From the 1970s until the early 1980s, nine centralised national pay agreements were concluded between union and employer confederations. Following the breakdown of national pay bargaining in 1981, in part due to second-tier bargaining and pay drift at the firm level (Hardiman, 1987; O’Brien, 1981), collective bargaining was decentralised and occurred primarily at the firm level, with sectoral bargaining prevailing in low-pay industries and in construction and allied sectors. In 1987, collective bargaining was again centralised. Over a 22-year period, seven national tripartite social partnership programmes were negotiated between the Irish Congress of Trade Unions (ICTU) and employers’ association (IBEC) and the government, each containing agreements on phased pay increases and a widening range of economic, fiscal, and social policy concessions and commitments (Roche, 2007a; Roche & Gormley, 2018). As a result of the Great Recession, however, this experience came to an end as employers collectively withdrew from the national social partnership.

In 2009, trade unions returned to engage in collective bargaining at the company level. Sector-level pay fixing remained in place in some low-pay industries and in construction and allied industries. Collective agreements in private-sector firms took the form of ‘concession bargaining’ (Teague & Roche, 2014) – employers responded to the deterioration in business conditions by implementing retrenchment programmes, which unions accepted in return for assurances that such measures would serve to bolster employment security or minimise job losses (ibid.). However, from 2011, when the economy and the labour market started to recover, a new form of pay negotiation, ‘pattern bargaining’, emerged (Roche & Gormley, 2018). The objective was to negotiate deals providing for average annual pay increases of 2 per cent (IRN, 24 November 2011). Scholars found that pattern bargaining was led by one union, SIPTU, and that other unions emulated the 2 per cent per annum pay norm (Roche & Gormley, 2018). Nevertheless, little is known about the strategies that these unions have adopted to identify the pay target and how it has been implemented across companies. Furthermore, it remains to be understood how unions currently articulate their members’ demands and coordinate their actions across companies. Thus, the four research questions that underpin this study are as follows: (1) How have unions coped with decentralised bargaining since the collapse of the national social partnership in Ireland? (2) Which strategies have unions formulated, if any, to coordinate company-level bargaining? (3) Have new forms of worker representation, such as work councils, emerged at the workplace level and, if so, what is their relationship with unions? Finally, (4) what are the outcomes of company-level bargaining?

To address these questions, we adopted a combined quantitative and qualitative research approach involving semi-structured interviews and document analysis. We selected four companies in which to perform case studies across four sectors of economic activity – pharmaceuticals, financial service, retail, and the food and drink industry – each featuring different structural characteristics. In all the selected companies, PharmCo, FinCo, RetailCo, and FoodCo, one (or more) trade union(s), SIPTU, FSU, or Mandate, is recognised by the employer and negotiates collective agreements. Interviews were conducted with key informants from all the unions involved directly and indirectly in the definition of the collective bargaining strategy and/or with the collective bargaining process at all levels, the congress level (ICTU), sectoral level, and company level. Moreover, we used a data set compiled by UCD researchers over a period of 10 years (2011–2021), which recorded over 1200 collective agreements, including pay deals (and other bargaining issues).

The report is structured as follows. Section one covers the institutional framework of collective bargaining and the forms of employee representation in Ireland. Section two is dedicated to the phenomenon of bargaining decentralisation following the collapse of the national social partnership after the Great Recession. It includes the responses of trade unions and the main trends in pay bargaining. Sections three to six present our findings from the selected case studies. They discuss in detail the unions' strategies, the modes of collective bargaining coordination within unions (within a sector and a company) and across unions (across sectors and companies), and the process and outcomes of decentralised bargaining. Section seven provides a cross-company comparison and highlights the research's contribution.

2: Institutional Frameworks of Collective Bargaining and Employee Representation in Ireland

In Irish law, collective bargaining is defined as comprising 'voluntary engagements or negotiations' between employers and trade unions aimed at reaching agreement regarding the terms and conditions of employment or non-employment.[1] The use of the term 'voluntary' is significant because the concept underpins the legal and regulatory approaches to collective bargaining and employee representation. Until European directives began to take effect in the 1970s, the Irish judiciary considered the employment relationship to be based on a simple contract between two parties with equal status in law, the employer and employee, who had equal rights to terminate it. As for bargaining, if either party became dissatisfied with the contract, they were free to seek a discussion with the other and, if the outcome was not satisfactory, they were free to terminate the relationship on giving any notice required under the terms of the contract. The form of discussion was a matter for the parties themselves: one party might refuse to discuss the terms at all, might agree to a discussion on a one-to-one basis only, might agree to discuss the terms collectively, or might agree to the involvement of a third party. Traditionally, employees had no fundamental 'right to bargain', that is, to discuss an issue with the employer collectively or individually, unless the employer also wished to participate in the discussion.

There is one trade union confederation, the Irish Congress of Trade Unions (ICTU). There is no legal obligation for trade unions to be affiliated to ICTU or for employers to be affiliated to any of the sectoral or national organisations open to them. In the majority of cases, unions choose to be affiliated, but some opt to remain unaffiliated. The employers' confederations active in collective bargaining and industrial relations are the Irish Business and Employers' Confederation (IBEC), which represents mainly larger employers across the private and public sectors, and the Construction Industry Federation (CIF), which represents construction employers.

In the Irish system of industrial relations, company-level matters are dealt with in company-level bargaining between employers and trade unions. Matters relevant to a specific group of workers within a company, including issues about pay, may be dealt with by shop-floor activists with support from company-level activists and full-time officials as required. As discussed in more detail below, specific sectors have sector-level collective bargaining mechanisms facilitated by the Labour Court. Bargaining here is conducted by sector-level representatives of workers, typically full-time officials of trade unions, and employers, including representatives of employer confederations, under the chairmanship of the Labour Court. The construction sector has long had sector-level bargaining, carried out primarily by full-time union officials with support from company- or site-level activists. There are no special conditions pertaining to multinational companies (MNCs); the regulatory framework

[1] Industrial Relations (Amendment) Act (2015a)

and the union approach are the same as for indigenous entities, although, in recent decades, there has been a growing tendency on the part of MNCs of US origin to resist union organisation and to refuse union recognition.

Collective bargaining in Ireland has been conducted over different periods at the sectoral, firm, and national or centralised levels or in combinations of these levels. Between 1946 and 1970, a series of economy-wide ‘pay rounds’ were negotiated at the sectoral level and at the firm level in the case of large, prominent employers. From the 1970s until the early 1980s, nine centralised national pay agreements were concluded between union and employer confederations. Following the breakdown of national pay bargaining in 1981, in part due to second-tier bargaining and pay drift at the firm level (Hardiman, 1987; O’Brien, 1981), collective bargaining was decentralised and occurred primarily at the firm level, with sectoral bargaining prevailing in low-pay industries and in construction and allied sectors. Between 1987 and 2009, collective bargaining was again centralised. Over a 22-year period, seven national tripartite social partnership programmes were negotiated between union and employer confederations and governments, each containing agreements on phased pay increases and a widening range of economic, fiscal, and social policy concessions and commitments (Roche, 2007a; Roche & Gormley, 2018). Pay drift was better contained in the private sector under the centralised social partnership agreements but posed a more serious problem in public services (Roche & Higgins, 2016).

With the collapse of the social partnership in 2009 due to employers’ withdrawal from the national agreement, collective bargaining was decentralised to the firm level across the private sector and in commercial, state-owned firms. Sectoral bargaining occurred in a number of low-paid and weakly unionised sectors and in construction and allied sectors, punctuated for a time by constitutional challenges, to be discussed below. Sectoral bargaining also took place in public services. Recently, employers and unions have called for a deepening of the tripartite ‘social dialogue’, and this has occurred in a number of areas central to Ireland’s response to the COVID-19 pandemic. This development, which does not presage a return to the social partnership or centralised pay bargaining, will be outlined in section 2.

In this section, we consider legal regulation and collective bargaining, state institutions for collective bargaining, the developing idea of a ‘right to bargain’, and the relationship between collective bargaining and employee participation.

2.1 Legal Regulation and Collective Bargaining

As noted above, voluntarism is a basic principle of the Irish legal approach to collective bargaining. The consensus view in parliamentary and judicial circles has been that the state should not intervene in the relationship between employers and employees but should leave that relationship to the parties themselves. Ireland’s 1937 Constitution provides that workers have a right to form and join trade unions, but the law courts have stated that this does not imply that an employer is required to bargain with them. A 1995 case in the High Court offered a clear statement of this legal principle, which had been established in earlier cases:

> I do not consider that there is any obligation imposed by ordinary law or the Constitution on any employer to consult with or negotiate with any organisation representing his employees or some of them, when the conditions of employment are to be settled or reviewed. (Justice O'Hanlon in Association of General Practitioners and Others versus Minister for Health, 1995)

In a later case involving the low-cost airline Ryanair, the Supreme Court went somewhat further, declaring that '… as a matter of law Ryanair is perfectly entitled not to deal with trade unions nor can a law be passed compelling it to do so' (Justice Geoghegan in Ryanair Limited versus The Labour Court, 2007).

A trade union may legally organise industrial action to persuade an employer to negotiate, provided that it follows a number of procedural steps. This requirement leads to a certain approach to union organisation in a company that did not already have a representative union. Typically, a number of stages are involved. In the first stage, a disaffected individual employee or a number of such people would make an approach to a union with a view to gaining representation in dealings with their employer. In the second stage, an organiser working for the union would explore ways in which to increase the membership among the employees without alerting the employer to this activity. Failure to gain support would leave the union effectively unable to represent the workers who had approached it, but success would lead to the third stage, in which the union organiser would make a formal approach to the employer, seeking representation rights on behalf of all the employees or an identified section of the workforce. The employer would consider this request and either accede to it voluntarily or face the possibility of industrial action. If an employer agreed to deal with a union, the parties could make any agreement that they wished. The typical outcome of discussions would take the form of a long-term 'house agreement' between the employer and the trade union, with provisions for a periodic review of rates of pay and for arrangements to discuss any issues arising or any other terms and conditions at the request of either party. Again, it is important to note that the established position of the law courts is that such an agreement is 'binding in honour only upon the parties' (Justice Barrington in the High Court case of O'Rourke versus Talbot, 1984); that is to say that a union–management agreement has no legal force.

Over the century, a number of employers, determined not to deal with trade unions, took court actions to prevent them from fulfilling threats of industrial action and were often successful. Given the views expressed in the cases cited above, which were consistent with previous cases and the consensus of the judiciary in its interpretation of voluntarism, the trade unions sought to avoid the courts, if possible, and lobbied for alternative mechanisms that would support collective bargaining. This objective became more pressing from the 1990s, when incoming multinationals, especially of US origin, increasingly commonly sought to operate on a non-union basis and when employers more generally hardened their postures towards union recognition (D'Art & Turner, 2006). We examine the development of such mechanisms now.

2.2 State Institutions for Collective Bargaining

Until the 1940s, the state support for collective bargaining was largely informal. The general trade unions representing workers who were not members of the traditional crafts had played a significant role in the war for independence and had grown rapidly in the early years of the independent state (Greaves, 1982; Nevin, 1994). Because of this, they exercised influence over government policy and were able to persuade ministers to help resolve disputes. However, in 1946, anticipating that the challenges arising from the economic recovery following the war would lead to increased friction and a need for more formal mechanisms, the government established the Labour Court through the Industrial Relations Act (1946).

Despite its name, the Labour Court, which continues to exist in a modified form, was not intended to be a court of law and does not include judges. It was formed of members nominated by trade unions and employer organisations, with a Chairperson nominated by the government, and it offered arbitration to parties on a voluntary basis, issuing non-binding recommendations to help resolve disputes. Members of its staff, called Conciliation Officers, provided mediation services, thus reducing the case load of the Labour Court itself.

Further legislation[2] introduced another layer of service intended to reduce the case load of the Labour Court in the form of Rights Commissioners. The title here was perhaps misleading at the time: although it referred to 'rights', the focus remained within the voluntarist system and the primary aim was to resolve disputes involving only one or a small number of employees, leaving the Labour Court to deal with larger-scale disputes. However, rights-based approaches to the employment relationship emerged in the following decade. Legislation, some of it arising from European Directives, provided statutory entitlement to paid time off,[3] equal pay for women and men,[4] and redress for unfair dismissal.[5] Under these laws, the Labour Court had the power to adjudicate rather than simply to issue recommendations to the parties in dispute. Amendments to the existing legislation and further European Directives led to the formation of a number of separate specialist agencies to deal with particular aspects of workers' rights: the Employment Appeals Tribunal (1977); the Labour Relations Commission (1990); the Equality Tribunal (1998); and, finally, the National Employment Rights Authority, established by agreement among the social partners in 2007 (Government of Ireland, 2006). It was suggested from time to time that this multiplicity of agencies led to confusion, and, following consultations with employers and unions, the government introduced legislation to consolidate and clarify the processes.[6] The Workplace Relations Commission (WRC) is now the agency of first instance for all workplace-related disputes,

[2] Industrial Relations Act (1969)
[3] Holidays (Employees) Act (1973)
[4] Anti-Discrimination (Pay) Act (1974)
[5] Unfair Dismissals Act (1977)
[6] Workplace Relations Act (2015b)

individual or collective, and a party dissatisfied with a decision of the WRC may appeal to the Labour Court.

The 1946 law also gave the Labour Court limited powers to establish or endorse extension mechanisms in specified sectors. Where union organisation was relatively weak, it was able to establish Joint Labour Committees (JLCs), which regulated the conditions of employment and set pay rates by issuing enforceable Employment Regulation Orders. There are at present JLCs in eight sectors: agriculture; catering; contract cleaning; English language schools; hairdressing; hotels; retail, grocery, and allied trades; and the security industry. Following a constitutional challenge to the JLC system and subsequent amendments to the law, four out of the eight JLCs remain active: security; catering; contract cleaning; and hairdressing. A new JLC for childcare employers and workers has also been mooted but has yet to be established (IRN, 18 March 2021). While the hairdressing JLC has not yet agreed proposals for an Employment Regulation Order (ERO), both the contract cleaning and the security JLC have agreed proposals that have been made into EROs for those sectors.

In other sectors, the Labour Court was empowered to register Joint Industrial Councils, voluntary collective bargaining bodies for particular industries or parts of industries, and to register the agreements reached in these Councils. Three Registered Employment Agreements exist at present, in public transport, food services, and veterinary services. Legally binding Registered Employment Agreements (REAs) also underpinned sectoral-level collective bargaining in construction and allied industries. The Labour Court's powers to establish enforceable wage-setting extension mechanisms through JLCs and REAs were deemed by the law courts to be unconstitutional (2011, 2013) and were subsequently restored in modified forms in amendments to the law in 2012 and 2015. However, when a group of electrical contractors challenged a decision by the Labour Court in 2020, the High Court found the terms of the 2015 Act covering sectoral bargaining enforced by Sectoral Employment Orders (SEOs), which are successor mechanisms to REAs, to be unconstitutional. The Government appealed this decision to the Supreme Court. In 2021, the Supreme Court overturned the High Court's ruling and upheld the constitutionality of Chapter 3 of the 2015 Act. In the construction industry, the impact is that the existing SEOs covering mechanical engineering and construction remain valid. It will now be for the Labour Court to make a new recommendation for the electrical SEO, providing an adequate reason for its enforceability.

In parallel with these institutional developments, the question of whether there was a 'right to bargain' for workers remained controversial, and we turn to consider that now.

2.3 The Development of a Right to Bargain

As already observed, 'voluntarism' was traditionally construed by the Irish courts of law to mean that employers could not be forced by law to bargain with trade unions if they did not wish to do so, an interpretation that meant that employees had no fundamental right to bargain, although they could not be prevented from forming or joining trade unions and those unions were free, under certain circumstances, to engage in industrial action to persuade employers to deal with them. However, a major revision of industrial relations legislation restricted this freedom considerably.[7] Under the 1990 law, trade unions might face legal action by employers if they organised industrial action without following a strict set of rules regarding ballots, ratification, and notice. Since unions engaged in recognition disputes were often unable to demonstrate that they had followed these rules, and since they faced growing resistance to gaining recognition, calls for a 'right to bargain' re-emerged as an industrial relations and political issue. Laws were enacted to secure such a right.[8] The so-called 'right to bargain procedure' was of limited impact and was effectively nullified by the Supreme Court's judgement in 2007 in the Ryanair case (D'Art & Turner, 2006; Roche, 2007a).

This contrast between workers' explicit right to form and join trade unions and employers' right not to bargain with them remained a feature of Ireland's framework until the Industrial Relations (Amendment) Act (2015a) became law. Under this act, employers refusing to engage with trade unions may face an investigation and recommendation of a dispute by the Labour Court, potentially followed by a legal determination, unless the employer can show that it already engages in a meaningful way with its employees through an alternative method that is independent of the employer. Orders to this effect have been made in a small number of cases, for example Freshways Food Co. versus SIPTU (2016), Conduit Enterprises Ltd. versus Communication Workers Union (2017), and Zimmer Orthopaedics Manufacturing Ltd. versus SIPTU (2017), and have not been challenged in the law courts.

2.4 Collective Bargaining and Employee Participation

Ireland possesses no system of works councils grounded in law or collective agreements between trade union and employer confederations. As noted at the beginning of this section, collective bargaining in Irish law refers to negotiations aimed at 'reaching agreement regarding working conditions or terms of employment, or non-employment, of workers'.[9] Employers and worker representatives may of course discuss other issues as they wish, and the process of collective bargaining has been characterised as 'pragmatic' (McAuley, 1967), with workers, trade unions, employers, and employer organisations adapting their approaches to the circumstances that prevail. Collective bargaining in strongly unionised firms and sectors may extend to work practices, hiring and layoff procedures, opportunities for progression within organisations, and many other matters that might otherwise appear to reside within the realm of managerial prerogative.

A number of initiatives have been attempted by trade unions and sometimes by employers, aimed at developing collaborative mechanisms for the collective discussion of issues beyond the traditional scope of collective bargaining or to engage in such matters outside collective

[7] Industrial Relations Act (1990)
[8] Industrial Relations (Amendment) Act (2001); Industrial Relations (Miscellaneous Provisions) Act (2004)
[9] Industrial Relations Act (2015a)

bargaining institutions within firms. These have included information and consultation programmes (Geary & Roche, 2005), worker participation forums (Kelly & Hourihan, 1997), voice mechanisms (Lavelle et al., 2010), partnership initiatives (Boyle, 1998; Dobbins & Gunnigle, 2009; O'Dowd & Roche, 2009; Roche, 2007b), and joint union–management groups as well as a small number of European Works Councils. There is little evidence of any of these tentative initiatives being so successful as to become well established in general practice (Roche & Teague, 2013).

2.5 Conclusion

This section has shown that collective bargaining in Ireland is located within a legal framework in which voluntarism has traditionally been prioritised over the right to bargain and in which decentralised collective bargaining has traditionally been the norm. Initiatives towards the end of the 20th century led both to centralisation of bargaining and to statutory interventions aimed at securing the right to bargain. While the global recession led to a collapse of the institutions for centralised bargaining, the decentralisation process has been characterised by a significant degree of coordination, as will be outlined in section 2. Meanwhile, the most recent statutory intervention in bargaining rights, which has been in place for some 5 years, has been found by the High Court to be in breach of the Constitution, a decision that the Government has now appealed to the Supreme Court.

3: Trends and Debates in Decentralisation and Decentralised Bargaining in Ireland

The financial crisis in 2008 was the death knell for the long period of centralised tripartite collective bargaining that spanned the period from 1987. Faced with the rapid onset of the then most serious economic crisis in Ireland's history as an independent country, employers, unions, and the Government failed to reach agreement on a strategy for responding to the deep economic downturn, escalating unemployment, and the associated fiscal crisis (Roche et al., 2017). In 2008, the state introduced pay cuts for public servants in the form of a levy to fund public service pensions and, in 2009, it imposed cuts in salaries. Employers collectively withdrew from the social partnership in early 2009, though significant numbers of firms that were less seriously affected by the advent of the Great Recession continued to honour agreed pay rises.

3.1 The Orderly Decentralisation of Collective Bargaining

Following the collapse of the social partnership, the Irish Congress of Trade Unions and the main employers' confederation, the Irish Business and Employers' Confederation (IBEC), agreed a 'protocol' to guide collective bargaining in private and commercial state-owned firms that prioritised job retention, competitiveness, and orderly dispute resolution. In 2010, the government and public service unions agreed the first in a series of public service-wide pay agreements that provided guarantees of no compulsory job losses while significantly reducing public service employment and wage costs.

The ICTU–IBEC 'protocol' framed the orderly decentralisation of collective bargaining to the firm level across most of the private sector and state-owned commercial firms (Roche & Gormley, 2017, 2018). Sectoral collective bargaining continued to prevail in low-paid, low-union-density industries, in construction and allied sectors, and in public services. This pattern of collective bargaining remains in Ireland.

3.2 From Concession Bargaining to Pattern Bargaining

Such was the scale of the economic collapse during the trough of the recession that little scope existed for pay rises other than in the most resilient and profitable firms and in the multinational sector (Roche & Teague, 2015; Roche et al., 2013). From 2007 to 2009, the GDP fell by nearly 11 per cent, while the incidence of company insolvencies escalated by more than 80 per cent from 2008 to 2010. Unemployment climbed to a peak of nearly 15 per cent, and emigration rose sharply. In the public services, the government faced rising deficits, spiralling public debt, and the risk of default (Roche et al., 2017).

Under these conditions, 'concession bargaining' between unions and employers was widespread in the private and state-owned commercial sectors and in public services. Employers in private-sector firms responded to the sudden and prolonged deterioration in business conditions by implementing retrenchment programmes, commonly involving combinations of deferred pay rises, pay freezes, pay cuts, short-time working, changes in work practices, and job losses (Teague & Roche, 2014). Unions agreed retrenchment measures with employers in return for assurances that such measures would serve to bolster employment security or minimise job losses. While employers commonly enough insisted on short negotiating cycles and afforded little scope for unions to shape concessions, concession bargaining did not involve any wide-scale attempts by employers to narrow the scope of collective bargaining or rescind union recognition (Roche & Teague, 2015).

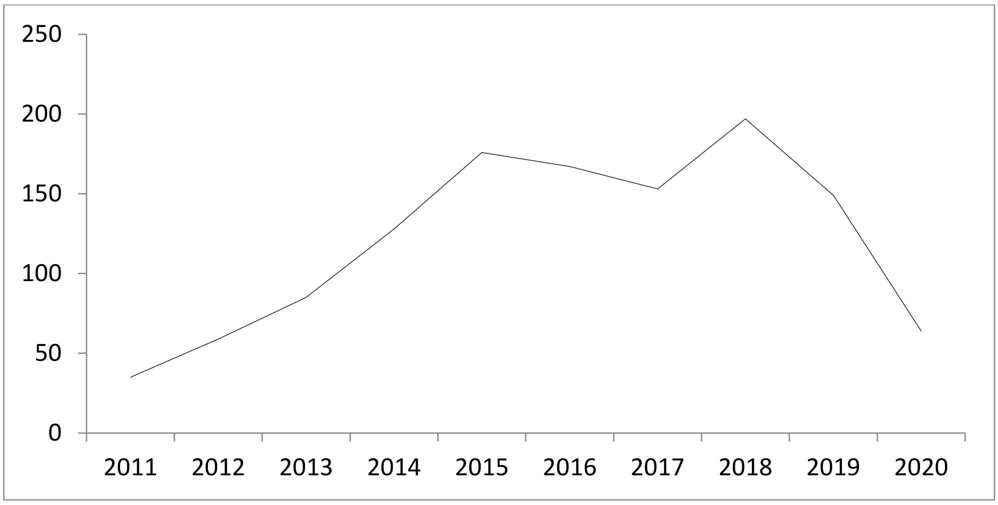
Many multinational firms, especially in relatively recession-proof sectors, such as pharmaceuticals and healthcare devices, continued to observe the existing collective agreements and to award pay increases during the trough of the post-2008 recession (Gunnigle et al., 2018). Some of these firms were now to be targeted to prime a return to collectively bargained pay increases and improvements in conditions of employment through a form of 'pattern bargaining' that was without precedent in Irish industrial relations. Pattern bargaining first emerged in 2011 as the economic decline bottomed out, and this approach to decentralised collective bargaining became increasingly pervasive over subsequent years as the economy recovered and began to grow dramatically.

Pattern bargaining originated in the strategic targeting by the manufacturing division of Ireland's largest union, SIPTU, of strongly unionised firms in commercially buoyant export sectors, such as pharmaceuticals, chemicals, and medical devices. It was intended that the pay deals reached in strongly unionised firms in these sectors would set the trend for the restoration of collective bargaining over pay rises after widely pervasive concession bargaining. The objective from the start was to negotiate deals providing for average annual pay increases of 2 per cent – matching or exceeding the trend in inflation (IRN, 24 November 2011).

Initially, the pay deals were confined to small numbers of firms within the targeted sectors, heavily focused on exporting. Pay agreements were soon extended to the great majority of members working in the target sectors and then to food firms (IRN, 17 April 2013, 9 July 2014). As the recovery gathered pace, pay bargaining spread progressively beyond export-oriented sectors into engineering, retail multiples, construction supply, extractive industries, financial services, and commercial state-owned firms. Figure 3.1 shows the rising incidence of pay agreements as the economy and labour market revived from the effects of the Great Recession and entered a new phase of economic growth and rapidly decreasing unemployment.[10]

[10] A quantitative portrait of the progression of pay bargaining can be obtained using as a core resource data published annually by *Industrial Relations News* on the details of pay deals concluded in the private sector and state-owned commercial firms. For details of the pay deals database created from this and other sources, see Roche and Gormley (2018, pp. 448–449). This database was used for the analysis of the features of pay bargaining presented in this section of the report. The database is curated by Valentina Paolucci, Tom Gormley, and Bill Roche.

Figure 3.1 The Number of Pay Agreements Negotiated Annually, 2011–2020



As the incidence of pay deals increased across these and other sectors, the 2 per cent pattern-bargaining norm continued to set the trend. It also became a benchmark for pay rises in non-unionised firms (Roche & Gormley, 2018). The 2 per cent pay target was influenced in part by the pattern pay rises in companies internationally with a strong export performance as well as by the prevailing pay increases in the German chemicals industry and across the German economy. A key SIPTU official involved in setting the 2 per cent target and negotiating pattern-setting deals indicated that the 2 per cent bargaining norm also took account of the European Central Bank's inflation prediction (Roche & Gormley, 2018).

While pattern bargaining was led by SIPTU in deals reached with employers across a wide span of industries, other unions emulated the 2 per cent per annum pay norm. Unions viewed the 2 per cent pay increases as providing for earnings stability and employment security while also preserving competitiveness, sometimes describing 2 per cent deals as 'pay and stability agreements'. Unions in retailing and financial services saw firm- and sector-specific advantages in adhering to the 2 per cent norm. In retailing, the Mandate union assigned priority to stabilising working hours by seeking agreements on 'banded hours', and adopting the established pay pattern allowed the union to focus its attention on this issue. From 2011, the Financial Service Union concluded 2 per cent pay deals in a number of major banks while accommodating pressure from employers to align pay rises with individual performance (Roche & Gormley, 2018).

While employers instigated decentralised bargaining in the private sector by withdrawing from the social partnership, contrary to critics of bargaining decentralisation in Ireland (Hickland & Dundon, 2016), major unions soon identified the return to decentralised pay bargaining as an opportunity to reconnect with members, to demonstrate unions' effectiveness in gaining pay rises, and to rebuild organisation and representation at the firm level after 22 years of centralised tripartite bargaining. There was little appetite among negotiators to return to centralised pay bargaining (Roche & Gormley, 2017).

No works council system rooted in law or collective agreements prevails in Ireland. As such, pay agreements at the firm level are negotiated between union representatives and officials and employers. There are cases in which collective bargaining arrangements coexist in parallel with consultative, information exchange, or partnership bodies. In general, these types of bodies have tended to restrict their activities to agendas that exclude collective bargaining over pay and conditions (Roche & Teague, 2013).

While the 2 per cent pay norm was widely accepted, the duration of pay deals varied significantly. Most agreements were for 12 months, but significant numbers extended to longer periods and included phased pay increases. Unions showed flexibility in agreeing with employers deals that tailored the length of agreements to the commercial circumstances of firms.

In addition to increases in basic pay, deals included a range of improvements in conditions of employment covering such areas as reduced hours and extra leave, improved bonuses, and pension-related and private health insurance payments. For example, 34 per cent of pay deals negotiated in 2017 included improvements in the terms and conditions of employment (Roche & Gormley, 2017). Lump-sum retrospective payments were also made to cover periods between the termination of earlier pay deals and the negotiation of new agreements. Pay deals commonly contained clauses requiring cooperation by unions and their members with normal ongoing change. Agreements also sometimes involved pledges with regard to specific productivity improvements.

Pay bargaining remained orderly as the economic recovery accelerated. While a rising number of pay disputes were referred for resolution to the Labour Relations/Workplace Relations Commission and the Labour Court, few pay disputes resulted in major work stoppages – the exceptions being in state-owned or state-outsourced public transport firms (Roche & Gormley, 2018).

3.3 Beyond Pattern Bargaining

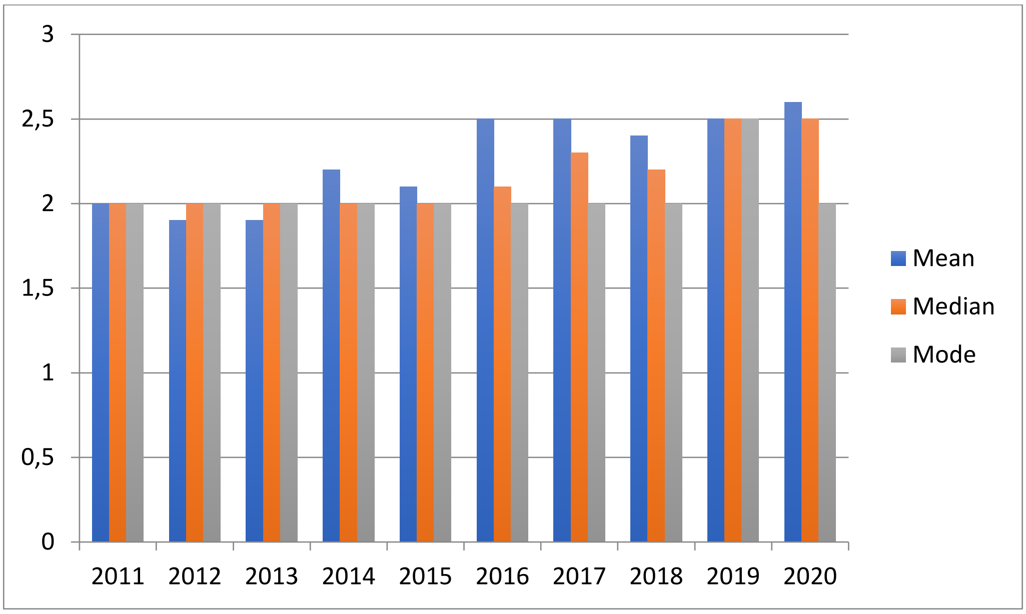
While the 2 per cent pay norm was influential in shaping pay agreements from 2011, the pattern-bargaining norm was never sacrosanct, and deals above and below 2 per cent were negotiated by unions and employers. Table 3.1 shows that the modal pay increases from 2011 to 2020 were for 2 per cent per year, with the exception of 2019, when 2.5 per cent was marginally the single most frequent pay rise. Figure 3.2 shows that the median and mean pay rises rose above 2 per cent in the years following 2016 as the economic recovery gathered pace and unemployment declined. Table 3.1 shows that the range encompassed by the middle 50 per cent of pay rises (the interquartile range) also gradually widened. The dispersion of pay rises on this measure was highest from 2018 to 2020, when the interquartile range of annualised pay rises increased from 0.6 per cent in 2018 to 0.8 per cent in 2020.

Table 3.1 Annualised Percentage Pay Increases, 2011–2020: Summary Statistics

	Mean	*Median*	*Mode*	*Standard Deviation*	*Interquartile Range*	*Skewness*
2011	2.0	2.0	2.0	0.8	0.47	1.7
2012	1.9	2.0	2.0	0.4	0.29	0.2
2013	1.9	2.0	2.0	0.5	0.40	1.6
2014	2.0	2.0	2.0	0.6	0.33	3.3
2015	2.2	2.0	2.0	1.3	0.48	6.6
2016	2.5	2.1	2.0	1.4	0.50	7.2
2017	2.5	2.3	2.0	1.6	0.50	5.4
2018	2.4	2.3	2.0	1.3	0.56	6.8
2019	2.5	2.5	2.5	0.7	0.70	2.4
2020	2.6	2.5	2.0	0.7	0.80	1.0

Source: Pay Deals Database.

Figure 3.2 Mean, Median, and Modal Annualized Percentage Pay Rises in Pay Agreements Each Year, 2011–2020

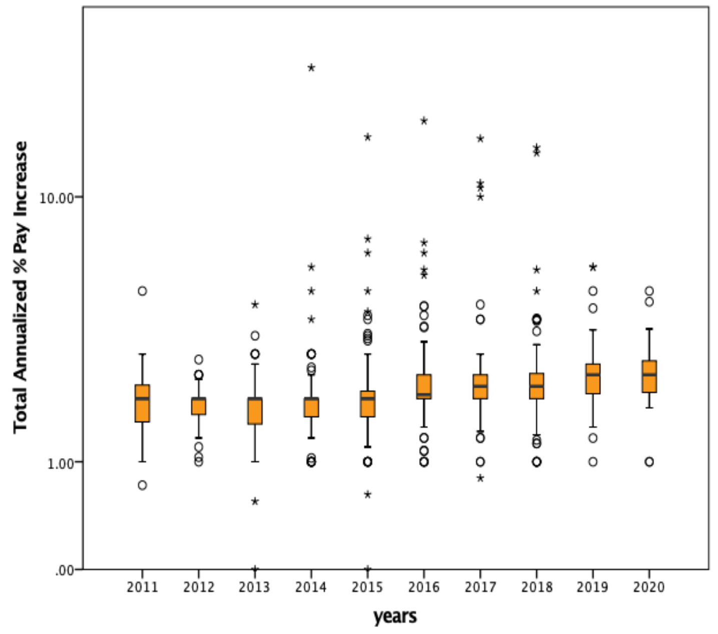


Source: Pay Deals Database.

The boxplot in Figure 3.3 shows that the incidence of negative outlier deals for under 2 per cent declined from 2011, while the incidence of positive outlier deals grew over time – some deals substantially exceeding the 2 per cent pattern-bargaining norm, often reflecting exceptional or idiosyncratic local conditions and sometimes involving small numbers of workers. No progressive rise is evident over time in the incidence of positive outlier increases (denoted by the o symbols) or very high positive outlier increases (denoted by the * symbols).

Figure 3.3 Boxplot of Pay Rises, 2011–2020

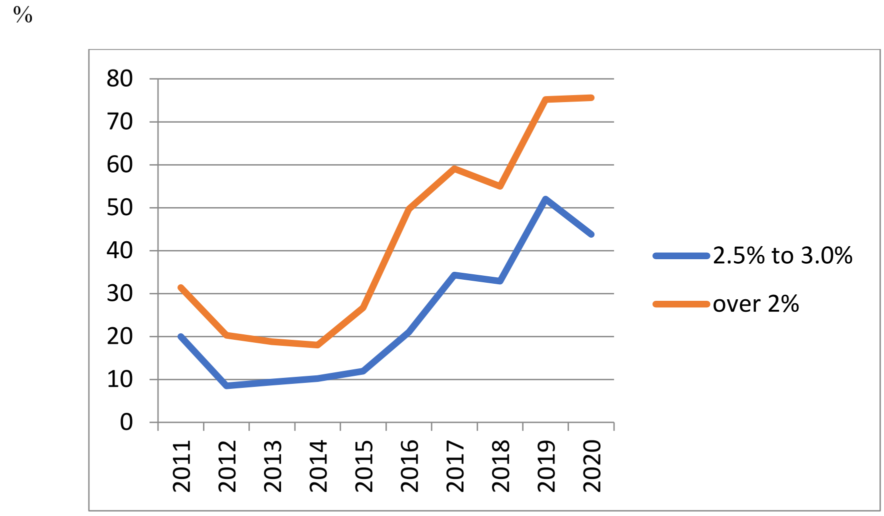
Logarithmic scale



Source: Pay Deals Database.

Figure 3.4 shows that the incidence of pay deals above 2 per cent and between 2.5 and 3.0 per cent increased significantly from 2015. These data indicate that the 2 per cent pay norm – while remaining the modal pay increase for most of the period – loosened significantly as the economic recovery gathered pace. Pay determination was ostensibly evolving beyond pattern bargaining. In 2017, SIPTU, the architect of pattern bargaining, announced that the '2 per cent pay strategy was over' (IRN, 16 March 2017). In that year, the Private Sector Committee of ICTU, which coordinates the activity of major unions with members across the private and commercial state sectors, recommended a 4 per cent pay target, but the target was not pursued in practice by affiliated unions.

Figure 3.4 The Incidence of Pay Rises above the Original Pattern-Bargaining Norm, 2011–-2020



Source: Pay Deals Database.

The following year, the ICTU Private Sector Committee recommended that unions should pursue minimum pay rises of 3 per cent to take account of 'normal productivity and cost of living factors' and press for pay increases to compensate for the 'excessive costs of housing, childcare and pensions' (ICTU, 2018). In 2019, affiliated unions were advised to pursue a pay target of 3.4 per cent and to focus on securing additional non-pay benefits, such as bonuses, enhanced annual leave, pension improvements, and tax-free vouchers. Where the firm or sector performance was above the average for the economy, unions were advised to formulate claims for higher pay rises (ICTU, 2019a).

The role of the ICTU Private Sector Committee amounts to a form of loose coordination of the pay-bargaining activity of affiliated unions, guiding unions on the broad dimensions of pay targets that take account of improving macro-economic and labour market conditions, changes in the cost of living, and varying commercial circumstances of firms. The Committee, however, does not orchestrate pay bargaining or position unions strategically in pursuit of pay rises, nor has it sought to institute a new pattern-bargaining norm. It provides a forum in which unions exchange information and discuss bargaining activity, guided by research and analysis from the ICTU-affiliated research body, the Nevin Institute. Beyond coordination by the Committee, unions and employers appear spontaneously to have adjusted their pay-bargaining targets upwards as increasing numbers of pay deals drifted above 2 per cent and fell within the range of 2–3 per cent.

3.4 COVID-19, Brexit, and Collective Bargaining

Prior to the COVID-19 pandemic and the economic dislocation that followed from the first quarter of 2020, the ICTU Private Sector Committee advised unions to target pay rises of between 3.5 and 4.5 per cent for the year, taking account of firm-level conditions.

Negotiators were also advised to seek improvements in other conditions of employment (ICTU, 2019b).

The most striking effect of the COVID-19 pandemic on collective bargaining during 2020 is the large reduction in the incidence of pay deals reported compared with 2019 – again using the IRN list as the barometer of the level and features of bargaining activity. During 2019, when the Irish economy continued to boom and the labour market reached nearly full employment, the IRN reported 149 pay settlements. The incidence reported during 2020 dropped to 64 settlements.[11] This represents a fall of more than half in the incidence of pay agreements compared with the previous year and is the lowest incidence of pay settlements reported by the IRN since 2012. While the summary statistics for pay rises negotiated in 2020 contained in Table 2.1 and Figure 2.2 show little change in the average pay settlements during 2020 compared with recent years, Figure 2.4 suggests moderation in the incidence of pay settlements above 2 per cent and more markedly between 2.5 and 3 per cent.

The sharp reduction in the numbers of pay agreements concluded by employers and unions in 2020 suggests that, in many instances in which pre-existing agreements were open for renegotiation, either employers were reluctant to enter into or progress in talks on new agreements or unions did not press for the renewal of agreements in the conditions that prevailed.

A number of major food firms affected by or at risk of trade disruption due to Brexit asked unions to defer pay talks on new deals until 2021 (IRN, 28 January 2021). An influential employer advisor advocated that firms should seek inter alia to defer negotiations and pause existing agreements and claimed that firms were now postponing wage negotiations to allow them to assess the current challenges and establish greater certainty (McGinty, 2020). In a number of reported instances, such as state-owned transport utilities, little progress was made in talks on the renewal of pay deals. In the postal service, An Post, the pre-COVID-19 talks stalled. In other instances, unions and employers reached agreement in adverse commercial conditions to defer negotiations (IRN, 28 January 2021). These developments in pay bargaining seem to involve the occurrence of pay freezes or pay pauses on a significant scale – although retrospection might arise when agreements are renewed.

The key dimensions of deals agreed between unions and employers show little difference from the pattern of recent pre-COVID-19 years. While the small number of deals recorded in 2020 needs to be borne in mind when considering the profile of rises for that year – the number further reduced by cases in which annualised pay rises cannot be determined[12] – median pay rises of 2.5 per cent were agreed and the modal pay rises were for 2 per cent. The interquartile range was similar to that in 2019, indicating that the middle 75 per cent of pay increases changed little post-COVID-19 and with Brexit impending.

[11] A caveat that should be entered for 2020 is that, as the overall number of pay deals is modest, the summary statistics for that year need to be viewed in that context, especially as not all deals recorded allow for the calculation of annualised pay rises, further reducing the number of cases for which summary statistics can be obtained.
[12] Annualised pay increases could be calculated or estimated for 41 of the 64 pay deals reported by the IRN for 2020.

Employers in general have observed the terms of pre-existing multi-year agreements and have not sought to renegotiate these in the light of the general economic dislocation caused by COVID-19. In some instances, the parties have agreed to defer payment dates for agreed pay rises. While, in sectoral pay agreements in construction, employers failed to defer agreed pay increases, the Joint Labour Committee for the security sector accepted a Labour Court recommendation to defer the agreed starting dates of three pay rises from February to June 2021, 2022, and 2023 (IRN, 18 February 2021).

During 2020, firms in the chemicals, pharmaceuticals, and medical devices sectors recorded pay agreements of over 2.5 per cent per year or higher. This put these sectors ahead of other sectors with respect to both the scale and the continuity of pay bargaining. Firms in these sectors have been largely unaffected by the pandemic, and the number of pay deals agreed remain similar to that in 2019.

Pay agreements in other areas of manufacturing were more variable, ranging from 2 per cent to 3 per cent per year or higher. Service industries reported moderate pay rises, with a small number of deals concluded in retail firms involving pay rises of 2 per cent per year. In the case of banks, settlements during 2020 continued to contain low basic pay increases and individual performance-related payments (IRN, 28 January 2021).

The prevailing pre-COVID-19 pattern of high variability in the duration of agreements continued during 2020: agreements ranging from 12 months to 30 months or more. Longer settlements were more likely in industries like pharmaceuticals and medical devices, in which cost certainty could be secured through long agreements that made it possible to project buoyant commercial conditions.

Instances of the re-emergence of concession bargaining, involving pay cuts, short-time working, job reductions, and work reorganisation, have been reported in sectors that were particularly heavily affected by the COVID-19 pandemic, especially airlines and airports (Aer Lingus, Ryanair, CityJet, Dublin Airport Authority, and Irish Aviation Authority) and retailing (Brown Thomas and Arnotts).[13] However – leaving aside instances in which pay rises have been deferred – concession bargaining on a wide scale was not evident during the COVID-19 pandemic. This reflects the government support programmes for business and employment wage subsidies introduced early in the pandemic and maintained during 2020 and beyond. In December 2020, 323,90 employees and 32,800 employers received wage subsidies under the Government's Employment Wage Subsidy Scheme (IRN, 28 January 2021). The government policy, supported by changes in the EU fiscal rules and debt support from the European Central Bank, contributed to a business and economic environment for pay bargaining that remains significantly different from that shaped by the austerity measures introduced by Irish governments in the wake of the 2008 financial crisis. Between 2010 and

[13] The IRN list of pay deals largely excluded some sectors that were particularly hard hit by the COVID-19 pandemic, such as hospitality, due to the low prevailing level of union density and limited coverage of collective bargaining (IRN, 28 January 2021).

2013, public spending was slashed and taxes were increased under the financial rescue or 'bailout' programme agreed between Ireland, the IMF, the EU Commission, and the European Central Bank.

While pay bargaining seems set to remain decentralised, the COVID-19 pandemic has accelerated calls by employers and unions to deepen the tripartite 'social dialogue'. Prior to the advent of COVID-19, the main employers' confederations, IBEC and ICTU, sought a return to the social dialogue all but abandoned following the collapse of the social partnership. Moves in the direction of recreating forums for social dialogue had already been instigated by the State. The Labour Employer Economic Forum (LEEF) was established for the parties to discuss areas of shared concern affecting the economy, employment, and the labour market, such as competitiveness, sustainable job creation, labour market standards, and equality and gender issues in the workplace. The National Economic Dialogue (NED) was also established to provide unions and employers with consultative input into the annual budgetary cycle.

Unions and employers, however, viewed these forums as being of limited value and sought to deepen and extend the social dialogue (IRN, 11 June 2019, 3 and 10 October 2019, 12 November 2020). Since the advent of COVID-19, social dialogue has been accelerated through the involvement of union and employer bodies in devising measures to respond to the sharp rise in unemployment following the 'lockdown', including the design of temporary wage subsidy/employment wage subsidy schemes and a protocol to guide a safe return to work (IRN, 26 November 2020). In a major pronouncement favouring 'trilateralism', the leader of IBEC envisaged the possibility of a 'social partnership-style moderate wage agreement' linked to commitments to the social infrastructure (IRN, 3 October 2019; McCoy, 2020). While the Government has pledged to deepen the social dialogue, this is seen as distinct from the social partnership (IRN, 23 July 2020). Neither unions nor employers favour aligning social dialogue directly with pay bargaining in a renewal of the social partnership-type centralised pay agreements of the 1987–2009 era (IRN, 17 October 2019, 11 June 2020, 30 October 2020, 12 November 2020).

Significantly, the LEEF will undertake a special study investigating how collective bargaining might be developed in a way that is consistent with the Irish business environment (IRN, 4 March 2021). This development was triggered by the provision in the draft EU Directive on Adequate Minimum Wages that the social partners in countries such as Ireland, with less than 70 per cent collective bargaining coverage, should devise a framework of enabling conditions for collective bargaining and establish an action plan to promote it (IRN, 11 February 2021).

3.5 Conclusion

Following the advent of the Great Recession and the collapse of the social partnership, employers and unions in the private sector and commercial state companies engaged in widespread concession bargaining, for the most part at the level of individual firms. Sector-level pay fixing remained in place in some low-pay industries and in construction and allied industries. From 2011, a new form of pay fixing, 'pattern bargaining', began to emerge as the economy and the labour market recovered. The objective was to negotiate deals providing for average annual pay increases of 2 per cent. While pattern bargaining was led by SIPTU, across a wide span of industries, other unions emulated the 2 per cent per annum pay norm. However, as the economy further improved, unions and employers adjusted their pay bargaining targets upwards. This led to the emergence of more varied pay rises across firms within and across different industries. Except for a large reduction in the incidence of pay deals reported compared with 2019, the impact of the COVID-19 crisis on the key dimensions of the deals agreed between unions and employers was not significant. In the main, unions identified in the return to decentralised pay bargaining an opportunity to reconnect with members, to demonstrate their effectiveness in gaining pay rises, and to rebuild their organisation and representation. Currently, there is little appetite to return to centralised pay bargaining, although the interest in developing a new form of social dialogue, with the aim of providing consultative inputs on economic decisions, is widely shared amongst the Government, IBEC, and ICTU.

4: A Case Study in Manufacturing

4.1 A Profile of Ireland's Pharmaceutical Sector

The pharmaceutical sector is a significant sector in the Irish economy, accounting for over 35,000 jobs and over €52 billion (21.5 per cent) of exports. Most of the major companies in the sector are multinational enterprises, although it includes over 100 indigenous Irish firms. All of the top 10 global biopharmaceutical companies have a manufacturing presence in Ireland (Government of Ireland, 2021). Due to the ever-present demand for existing products as well as the growing need for new therapies, the sector is protected to a considerable extent from the kinds of market fluctuations that arise from recessions. Partly as a result of this, pharma was chosen by SIPTU as a strategic target in the emergence of decentralised collective bargaining following the global financial crisis and the collapse of national-level bargaining in the private sector (Roche & Gormley, 2018, p. 450).

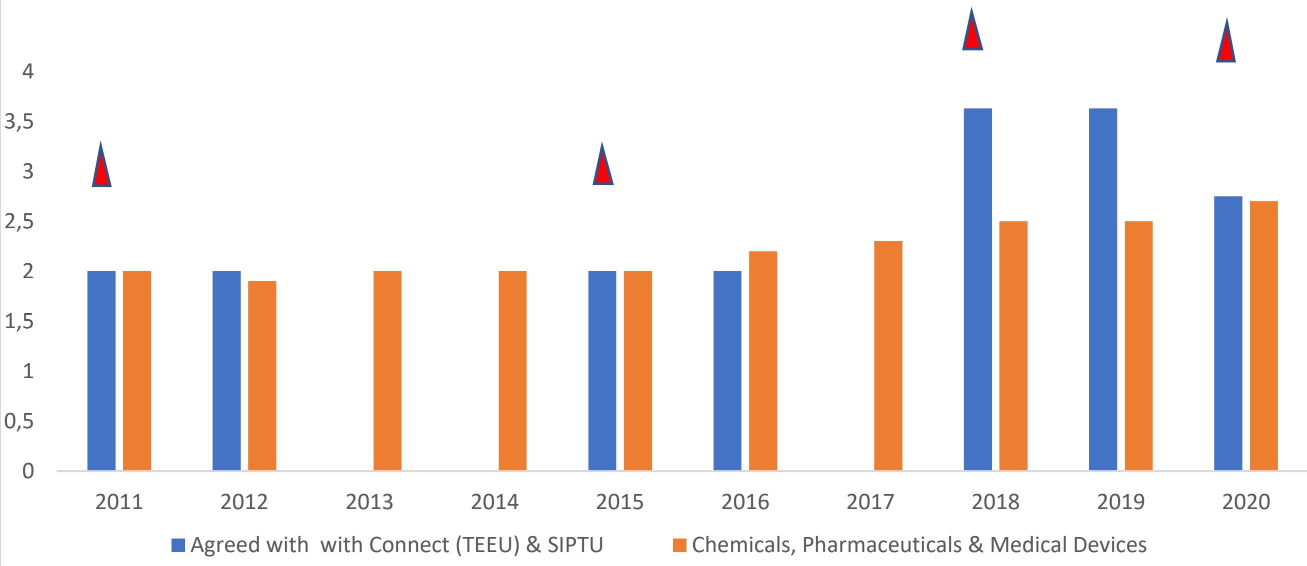
The sector was not a traditional element of Irish economic life but became a focus of industrial policy from the 1960s, when governments changed from a strategy of protectionism to one of attracting foreign investment. Union organisation was strong in the manufacturing sector at that time, and collective bargaining became the norm for incoming companies. The largest companies in the sector, by turnover, are Allergan (€14.8 billion turnover, 16,900 employees), MSD (€13.8 billion, 2,700 employees), and Pfizer (€7.4 billion, 4,000 employees).

4.2 The Case of PharmCo.

PharmCo was one of the first US pharmaceutical businesses to locate in Ireland, and it set up its first production facility in the South. The site, where this study was conducted, is the largest PharmCo production site outside the US and comprises three plants, each of them being a multi-purpose manufacturing facility capable of producing a wide range of bulk products. These are shipped to other PharmCo plants across the world for finishing and packaging. Each subsidiary of PharmCo performs a specific role in the production process (or provision of services) in a vertically integrated chain, making the most of locational specialisation. This diversified, and vertically integrated, organisational structure has sheltered the PharmCo facility in Ireland from the threat of relocation and contributed to the slow but steady increase of its workforce.

The site employs over 600 workers and has never undergone a restructuring process since it was established in the late 1960s (IDA Ireland, n.d.). The company recognises trade unions and negotiates collective bargaining. The large majority of workers at the production sites – around 260 laboratory and quality control workers, supervisors, operatives, and warehouse workers – are represented by SIPTU, while 50 craft workers are Connect members. While these two unions do not negotiate together, they generally sign the same collective agreements. Data on union density in the PharmCo site are not officially available, but, according to the information derived from the IRN website regarding any newly signed collective agreements, it amounts to over 50 per cent.

Figure 4.1 Annual Percentage Pay Rises in PharmCo and Median Annual Pay Rises in Chemicals, Pharmaceuticals, and Medical Devices



Source: Pay Deals Database.

Figure 4.1 reveals the pattern of pay rises negotiated by SIPTU and Connect for the PharmCo plant. Pay rises were also negotiated for other bargaining units in the plant (e.g. quality and process specialists.) These are on par with the pay rises shown. Up to 2016, the pay deals in PharmCo are comparable to the median pay rises in the sector – which is to be expected given PharmCo's reputation among unions as a 'trend setter' for the sector. However, in the case of the agreement negotiated in 2018, the 3.6 per cent pay agreement negotiated by unions at PharmCo significantly exceeded the 2.5 per cent median rise in the wider chemicals, pharmaceuticals, and medical devices sector, a trend that was not repeated in the 2020 pay agreement. PharmCo mirrors the relatively long pay deals that are common in the sector, ranging from 24 to 36 months (in 2020). The pattern of pay rises in PharmCo shows a significant departure from the pattern-bargaining norm during the latter years of the period.

4.3 Trade Union Representation Strategies and Priorities in Firm-Level Bargaining

After the collapse of the social partnership, unions in the pharmaceutical industry faced two major problems. Firstly, they had to make sure that individual employers, especially large US multinational companies, which are notoriously hostile to union recognition, continued to engage in meaningful collective bargaining. Secondly, they quickly realised that, during the phase of centralised bargaining, local representatives had lost their negotiating skills. One of the founding principles of the social partnership agreement provided that unions (or employees) could not make any cost-increasing claims during the lifetime of a national agreement. As a result, workplace- and company-level bargaining remained confined to a marginal role. Shop stewards had an input into shaping the national agenda but no longer played a significant role in collective bargaining.

The most representative union in the sector, SIPTU, identified a strategic industry in pharmaceuticals. The union mobilised a series of distinctive sector-specific power resources that persuaded employers to re-enter collective bargaining. In particular, the sector's reliance on skilled employees, coupled with the high demand for and internationalisation of pharmaceutical products, offered SIPTU a unique opportunity to represent workers viz-à-viz employers. Under these favourable structural conditions, a number of proactive national officials worked towards re-engaging union members at the workplace level. In each company with SIPTU representation, they organised meetings with members to discuss issues of concern and shape the bargaining agenda. These were followed by regular surveys to assess the workers' priorities over time. In some rare instances, small campaigns, involving overtime bans and work-to-rules – whereby workers refused to give their input into companies' teams and structures – were organised. Meanwhile, SIPTU used its internal training structures to prepare sector-level officials and shop stewards for company-level bargaining by enhancing their negotiating skills.

The benefits of this sectoral strategy are apparent in the case of PharmCo, where most of the interviews for this study were conducted. Here, SIPTU has established a formal workplace representation structure called the 'Committee'. The Committee comprises 10 shop stewards, each representing a specific division of the company. It is led by a Chairman, who is democratically elected by the members, and by a sector-level trade union official, external to the company, who is directly employed by SIPTU. The Committee is the locus for all the discussions that are relevant to collective bargaining. While the Committee defines a shared bargaining agenda, taking into account the view of all the members previously surveyed, only the Chairman and the Sectoral Official sit at the actual bargaining table. The interviewees report that the role of local negotiators dramatically changed after the collapse of the social partnership. The bargaining activity intensified, and shop stewards can directly regulate the terms and conditions of employment.

> You know a lot of the times when the pay rates were set as at the national level, usually we [national officials] would sit down with a company and argue and say: 'Are you going to pay the rate of pay that's been agreed?' And you know the meeting goes ahead and might last half an hour and the company will lay out their position that they are struggling blah blah. Now definitely a lot more negotiations are taking place. Before […] there was always something in the bigger picture coming down the road – now it's clear negotiations are taking place at the company level. (Lead Negotiator at PharmCo, SIPTU)

To strengthen shop stewards' bargaining power, SIPTU has invested significant resources in developing the negotiating skills of workers' representatives and providing training. Shop stewards at PharmCo regularly attend the SIPTU College, where they acquire a wide range of industrial relations competences, from how to handle disciplinary cases to how to improve workers' participation in the life of the company. The College also plays an important role in educating members in activities that are instrumental to the business, such as team-based activities, digital training, and suggestion schemes, enabling them to learn how to contribute with innovative production processes.

At PharmCo, the main challenge faced by the Committee is to temper members' expectations with regard to pay increases. Due to the company's remarkable financial performance, leading the sector, it is difficult for unions to identify a pay target that satisfies the workers. In instances in which meeting such expectations proves to be impossible, state agencies, such as the Workplace Relations Commission (WRC) and the Labour Court (LB), may become involved. Interestingly, the interviews suggest that SIPTU finds it harder to set a percentage increase that is in line with members' demands than to agree a pay deal with the company. Recently, given the difficulties encountered, the union has sought to improve the overall reward package by negotiating new items, such as extra paid holidays and additional health insurance benefits, with the approval of workers.

Moreover, due to the changing and evolving nature of the production process in the company, one of the main priorities in collective bargaining at PharmCo is to define what constitutes, in practice, 'normal ongoing change' and thereby to ensure that new tasks and responsibilities are appropriately rewarded. This is also the most controversial issue: to find an agreement with the company that expects workers to change their work practices constantly at no cost, keeping up with newly arising business needs.

4.4 Coordination in a Context of Decentralised Bargaining

Vertical Coordination

SIPTU has developed a sophisticated system in the pharmaceutical sector to control company bargaining centrally. This initially informal arrangement resulted from the commitment of a handful of leaders with a strong vision and the ability to mobilise the significant structural resources available in the sector. The coordinating strategy has progressively formalised and become a pattern setter, first in manufacturing and then in other industries.

As already mentioned, SIPTU made sure to train a selected group of sector-level officials, who became expert negotiators. These officials, each specialised in a given company, collaborate on a daily basis, primarily by sharing information on the status of pay talks in relevant workplaces. They operate in highly profitable and internationalised companies, in which SIPTU is well organised and relies on a large share of members. Here, sectoral officials, shop stewards, and members work closely together in formulating claims through meetings, surveys, and ballots. In each company, the union carefully calculates a pay increase that is deemed to be acceptable to the employer.

> What you do in collective bargaining, at the level of the enterprise – when you don't have centralized bargaining – you pick the best employers […] and you will make outlandish claims and you know, to pick the softest ones, get the best increase you can, then say to everyone: this is what we want! So we [SIPTU] didn't do that! We pick a reasonable increase, we argue it quite well, we use financial information to back it up. And what we did then was to apply that across the entire sector. (SIPTU Trade Union Leader)

All the agreements across pharmaceuticals are recoded in an internal database to which all officials have access. SIPTU makes sure that newly signed pay deals are publicly known to industrial relations specialists and practitioners, thereby ensuring, before any given bargaining round, that all parties have internalised the pay expectations. To facilitate this, SIPTU regularly supplies information to the *Industrial Relations News* (IRN), a widely read weekly magazine providing coverage of all industrial and employee relations issues in Ireland. Thus, the union has effectively established an indirect channel of communication with other strategic actors: the employers and the Labour Court. This targeted information-sharing practice has played a key role in coordinating pay developments in the sector.

The case of PharmCo sheds light on the specific mechanisms through which SIPTU has strategically derived pay targets for company bargaining. Given the significance of the company in terms of union density, size, and profitability, PharmCo is considered to be a pattern setter in collective bargaining. Before initiating pay talks, local negotiators review the yearly pay recommendations of the ICTU Private Sector Committee, which is formed by representatives of different Irish unions. Such recommendations, at the national level, are informed by the work of the economists of the Nevin Economic Research Institute and based on a series of economic parameters (i.e. the cost of living, personal consumption deflator, earnings by sector, and Central Bank and EU Commission growth forecasts). The ICTU guidelines are seen as an informal mode of coordination, and the PharmCo Committee does not feel compelled to abide by them. They are used as a starting point in pay talks with members and shop stewards and adjusted by negotiators to the resources that are available locally.

At PharmCo, the Chairman and the union official rely on the SIPTU sector-specific pay target that is derived from different indicators: the Central Bank inflation rate, the wage increases gained by IG Metall in Germany, and the information collected by the ETUC and the ETUI on pay trends in the high-end manufacturing industry across Europe. This pay target is communicated to all members at PharmCo through an online questionnaire, along with other items that are identified as potential issues for collective bargaining. A meeting is then organised, at which the PharmCo Committee listens to any additional observations from members and presents a draft proposal for collective bargaining.

Meanwhile, the Chairman and the sectoral official evaluate the financial position of the company. This is a highly confidential process whereby the Human Resource Director and the Chief Financial Officer, on the one hand, and the union representatives, on the other, meet and review the so-called company books, including the financial statements. If PharmCo rejects SIPTU's pay proposal, it must bring evidence of its inability to afford the pay increase. If the company refuses to provide evidence, a third party is involved in the process. In the first instance, the WRC serves as a conciliator – if this process fails, the claim escalates to the LC. The LC recommendations are not binding, but PharmCo has generally accepted them. It is important to mention that the LC evaluates a pay claim by reviewing existing pay deals in the sector, as recorded in the SIPTU database and published in the IRN.

Once the PharmCo Committee has a clear picture of the company's financial performance, a second meeting with members is organised and the draft proposal is re-assessed. This phase is considered to be the key to managing members' expectations. If the final proposal is approved, the negotiation process can start. Before signing the agreement, the members are balloted. At PharmCo, in most cases, agreements are signed without involving a third party. The most delicate stage is the preparatory work with members, during which the Chairman and the sectoral official have to obtain an official mandate.

In sum, while collective bargaining is decentralised, SIPTU, the largest union operating in the pharmaceutical sector, has managed informally to set up an effective system of vertical coordination. The union is able to control pay developments at the company level, firstly by carefully calculating a sector-specific pay target that is acceptable to the employers, and secondly by making sure that well-trained SIPTU officials implement it across companies. Sectoral officials play a strategic role as they are the link between the sectoral union, the shop stewards, and the members. They work towards both persuading employers and defining a bargaining agenda that is enticing for workers and members. Finally, the coordination provided by ICTU, through the Private Sector Committee, is acknowledged by the union and used as a starting point in pay talks. However, local negotiators prefer to adhere to SIPTU's sectoral guidelines. Hence, its role can be described as limited.

Horizontal Coordination

The process of coordination between different unions in the pharmaceutical sector has remained largely informal since the collapse of the social partnership. The most representative unions in pharmaceuticals are SIPTU and the craft union Connect. As they represent different categories of workers, they rarely compete for members. In some companies, employee representatives of SIPTU and Connect decide to negotiate together in a single bargaining unit, which is called the Group of Unions (GOU), under the coordination and supervision of Congress. Unite the Union is a British trade union that also operates in the Republic of Ireland. It is not affiliated to ICTU and is a relatively small union. The relationship that SIPTU and Connect have with Unite is limited to the workplaces where Unite has some form of representation. However, it is loose and notoriously complex.

In companies in which unions do not bargain together, as at PharmCo, coordination occurs primarily by word of mouth between the trade union officials and the shop stewards involved in the negotiations. At PharmCo, SIPTU and Connect generally sign the same agreement. Sometimes, depending on the items on the agenda, relevant only to a specific category of workers, there may be small differences in the final deal. However, the two unions have agreed with the employer that the pay increase will be applied consistently throughout the company independent of the category of workers and their representatives. A week before parallel negotiating tables open, the two union committees from SIPTU and Connect meet formally to develop a common strategy and finalise the agenda items for collective bargaining. Union representatives of SIPTU and Connect have a very close working relationship, and informal conversations between them are constantly ongoing. This collaboration is not confined to PharmCo. The sectoral officials representing workers belonging to different unions know each other personally as they are all affiliated to the same confederal umbrella organisation:

> Trade union officials just normally talk about what we do […] and generally, if you go above what the norm is, we do let people know; and also below, we let people know so as to be warned, you know […] just taking PharmCo, for example – and if at PharmCo we can't go over 2 per cent and can't afford it any more, that's what's coming down the track, so that's how it happens. But it wouldn't be any formal meeting; they're just general conversations that we'd pick up. (Lead Negotiator at PharmCo)

Coordination between unions within a company, as well as more broadly across sectors, takes place as a result of the coordinating work occurring at the Congress level, at which sector-level trade union officials meet and participate in the activities organised by the union confederation. Moreover, different unions are present in the same workplace, and negotiators keep each other informed of their respective strategy. These regular interactions offer employee representatives an opportunity to develop personal relationships and discuss bargaining topics and outcomes informally.

4.5 Bargaining Processes and Outcomes

At PharmCo, the relationship between the union representatives and their employer counterparts is described as *collaborative*, *cordial*, and *professional*. However, depending on the issue discussed, the climate can become *tense*. Dialogue is constantly ongoing between the two negotiating teams, even outside the formal negotiating process. In addition to the HR Director, Deputy HR Manager, and HR Specialist, the employer' side is represented by the directors of three different plant divisions, and, in some cases, a member of the employers' association, IBEC, sits at the bargaining table. It is unusual for IBEC to participate in directly company-level bargaining in Ireland. However, due to the fact that PharmCo has become a pattern setter in collective bargaining, the employers' association has remained involved to monitor bargaining developments and outcomes.

Interestingly, the interviews reveal that pay at PharmCo is the least controversial issue in collective bargaining. The union committee is well aware that the percentage increases have to remain within a certain range to be considered acceptable by their counterpart. Pay proposals are thoroughly backed up with data, and both parties, in most cases, substantiate their arguments with evidence. Thus, there is reduced scope for discussion. By contrast, issues such as pension contributions and normal ongoing change are the most complex areas in which to reach an agreement because there is a greater margin to make gains (or losses). Negotiations on pension contributions have been particularly arduous at PharmCo. Disagreement between parties arose in 2014, when the HR Team proposed to move existing members of the non-contributory defined pension scheme to defined contributions for future service. The unions refused to sign the agreement and, despite the involvement of both the LC and the WRC, members repeatedly rejected any further proposal. In 2019, the unions issued a notice for industrial action (which was averted by the intervention of the WRC) and, after 5 years of negotiations, the company eventually dropped its pension-restructuring plan.

The breadth and scope of company-level bargaining has substantially widened over the past 10 years. Health insurance, parental leave, sick pay, holidays, training, and education have all become common items in negotiations. These issues are exchanged by the company in return for flexibility in work organisation and improved digital skills among workers. Unions show great satisfaction with the outcomes of local bargaining at PharmCo. In a context in which parties can rely on significant local resources, due to the profitability of the company, collective bargaining has become an opportunity to make win-win trade-offs.

> Pay is always the same, companies will say: look, between 2 and 2.5 is the average pay so we may get that. But then our members are looking for more, so we're trying to know where we can increase their terms and conditions in relation to parental pay, maternity pay, you know […] we might get the company to increase its [pension] contribution as well […] [during the social partnership] they [unions] were just coming in – are you paying the national wage agreement? The company will say yes, and that was all; now there is greater scope.
>
> There are win-win situations to [sic.] collective bargaining – our companies are beginning to realize now that they can look for extra things to be done in return for pay and increases in terms and conditions – and it's the collaborative nature that's there. (Lead Negotiator at PharmCo)

Union leaders have no nostalgia for the social partnership era. Decentralised bargaining is considered beneficial to strengthen union power resources by reconnecting with members and building organisational capacity through skilled activists and expert negotiators. Unions' enthusiasm for local bargaining mainly revolves around three themes. Firstly, it reinvigorates the union movement by re-engaging with members. Secondly, it produces measurable benefits for workers by improving their terms and conditions of employment. Thirdly, it improves the relationship between unions and HR management by creating incentives for open dialogue and collaboration.

These beneficial outcomes notwithstanding, SIPTU acknowledges that the benefits of this system for workers remain confined to particular types of companies, such as pharmaceutical companies, in which unions are well organised. In low-pay sectors or in organisations that struggle to remain competitive, all unions, including SIPTU, have encountered increasing hostility from employers since the collapse of the social partnership. The absence of the right to bargain in Ireland is seen by all the trade union leaders interviewed as a major obstacle, undermining both the unions and the working conditions in the country.

4.6 Conclusion

At the PharmCo South Ireland facility, collective bargaining activity has intensified since the collapse of the national social partnership. SIPTU, the most representative union in the sector, has managed to re-engage the employer by identifying pay targets that reflect the company's financial performance. Moreover, it has strengthened its negotiating capacity by establishing a formal workplace representation structure, the Committee, elected by the members and dedicated exclusively to collective bargaining. Meanwhile, it has invested significant resources in training the local shop stewards, who had lost their negotiating skills. Despite the lack of national coordination, SIPTU was particularly effective in establishing new mechanisms of vertical coordination. It relied on the proactivity of some trade union leaders, who targeted the best-performing companies and successfully concluded collective agreements that were used as a reference for the entire sector. It reached out to industrial relations specialists and practitioners both in Ireland and in the European Union to make sure that their strategy was well known to the wider public and that local negotiators could internalise their demands. Horizontal coordination is more informal. It occurs primarily through word of mouth: local negotiators from SIPTU and Connect have informal conversations and, while not negotiating together, they keep each other informed about bargaining developments. The relationship between the management and the unions at PharmCo is positive and collaborative, despite experiencing some moments of tension regarding the pension scheme. While pay is the most important issue for negotiation, it is also the least controversial. SIPTU plays a key role in managing members' expectations, which are often well above what is feasible for the company. In the past decade, the bargaining agenda has widened, and the unions are satisfied with the outcome.

5: A Case Study in Retailing

5.1 A Profile of Ireland's Retailing Sector

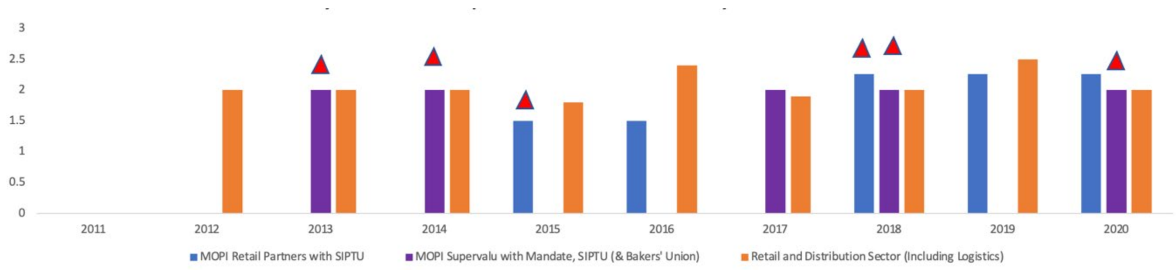
The retail sector is Ireland's largest industry, accounting for €30 billion in sales and 280,000 employees, 14 per cent of the jobs in the country. The reduction in consumer demand resulting from the financial crisis and the consequent high levels of unemployment had a considerable impact on the sector. From 2011 to 2012, 57 per cent of retailers experienced a reduction in turnover, and most sought to deal with this by reducing their labour costs and profit margins (AIB, 2013). By 2014, however, the market had returned to growth and the internal competitive dynamics of the sector had regained significance. Three major supermarket chains, Dunnes, Tesco, and SuperValu (part of the Musgrave Group), have dominated the sector in recent decades, each representing about 20 per cent of trade, while Aldi and Lidl follow with approximately 10 per cent each. Competition is seen primarily in the three major groups jockeying for first place, a position currently held by SuperValu, with over 22 per cent (Kantar, 2021). COVID led to an acceleration of the trend towards increasing online retail (KPMG, 2021), but the lifting of lockdowns and related restrictions in late 2021 has led to a return of in-person shopping (McCall, 2021). Dunnes, Aldi, and Lidl do not recognise trade unions for collective bargaining purposes, while Tesco has a somewhat strained relationship with unions at present.

5.2 The Case of RetailCo

The Retailing Group to which RetailCo belongs is a family-owned, well-established Irish business that was founded in the late 1800s. It operates in food retail, wholesale, and food service, owning a number of shop brands. The Group employs 41,000 people in more than 1,400 stores and offices. Traditionally, most of RetailCo's retail premises have been located outside the Irish capital, mainly in the South of Ireland. In 2011, to expand its presence in Dublin, the Group began the acquisition of 24 new stores and converted them into RetailCo. Following the merger the Group reported significant losses. In 2016, however, it returned to profits. RetailCo Group is currently one of Ireland's largest grocery and food distributor by market share and one of the largest private-sector employer. Our case study is based on its 24 RetailCo stores operating in Dublin.

RetailCo Group itself has a reputation as a 'good employer' (Teague et al., 2015, p. 160) and, unlike other food retailers in Ireland, deals with trade unions. In particular, at RetailCo, there is a closed-shop agreement providing that all workers, on the first day of their employment, must join one of the two trade unions that are entitled to collective bargaining. Mandate represents workers in the shops, and SIPTU represents butchers and bakers, initially represented by the Bakers and Food Workers Amalgamated Union, who were incorporated into the membership of Mandate in 2019. All employees, up to the 'duty manager' grade, are unionised. As a result of such a high density, the collective bargaining coverage nears 100 per cent. This is an exception in the retail sector. Only Penneys, the Irish brand name of the fast fashion retailer Primark, has a similar industrial relations arrangement.

Figure 5.1 Annual Percentage Pay Rises RetailCo and Median Annual Pay Rises in Retail and Distribution



Source: Pay Deals Database.

Figure 5.1 shows the pay agreements concluded for all categories of workers at the RetailCo shops. These range from 12 to 24 and 36 months' duration. No clear trend is apparent in the size of the pay increases negotiated in comparison with the wider sector medians. The trend shows a progressive rise from the earlier to the later agreements, reflecting the economy- and sector-wide upward drift in pay rises. The RetailCo pay agreements record a series of other improvements in pay and conditions, and only one agreement obliged the union and its members to cooperate to achieve specific business targets.

5.3 Trade Union Representation Strategies and Priorities in Firm-Level Bargaining

The retail sector is a particularly challenging context for trade unions to organise workers due to the tenuous structural resources on which they can rely. In this respect, retail stands at the opposite pole from the pharmaceutical sector. Replaceable skills and a high labour turnover make employers less vulnerable to workers' direct action. Moreover, the tight competition between the major retailers keeps the profit margins relatively low, and companies need to adapt to constant changes in customers' tastes. Unions have limited leeway to demand wage increases and secure the so-called union premium. In this scenario, the most representative union in the sector, Mandate, has struggled to maintain a sufficiently high density to put pressure on employers. Under the 2015 Industrial Relations Act, if an individual employer does not want to recognise a union for collective bargaining purposes, the union must demonstrate that it is *substantially representative* of the workers in the company to activate a process involving the intervention of the Labour Court and the possibility that pay will be fixed by law when groups of workers are shown to be out of line with comparable groups performing similar work. For Mandate, it has been difficult to meet the representativeness requirement expected by the Labour Court. As a result, the majority of employers do not recognise trade unions for collective bargaining purposes.

> In retail the voluntary system doesn't exist, which is hard to believe, but Mandate's experience in the last couple years is that we haven't collectively

> bargained with Tesco since 2015. We don't collectively bargain with Dunnes stores, they don't recognize the Union – LIDL and ALDI don't recognize the Union – Forever 21 doesn't recognize the Union, […] there is an absolute unapproachable employer, that, when they trade in this country, they just take an absolute approach that they won't recognize unions, like IKEA, one example. Marks & Spencer's – they collectively bargain in the UK, whereas in Ireland they don't have the same relationship with us. (Trade Union Leader, Mandate)

The greater the hostility of employers, the more limited the possibility for Mandate to negotiate and improve the terms and conditions of employment for members, who, as a result, are no longer willing to pay a membership fee. Moreover, workers in retail often face precarious working conditions (i.e. reduced and unsociable working hours and minimum wage) – they either are afraid or cannot afford to engage in industrial action.

In this challenging context, in which Mandate can mobilise neither structural nor institutional resources to (re)build density levels progressively, leaders have concentrated all their efforts on unionising workers in non-unionised companies by shifting their strategy from confronting employers via strikes and pickets to offering members individualised services such as educational grants (i.e. Irish language learning grants), bursaries, family benefits, and events. Moreover, the union organises national and company-specific campaigns to raise wages.

Meanwhile, Mandate continues to strengthen collective agreements in companies in which employers engage in negotiations. At RetailCo, in which the interviews for this study were conducted, collective bargaining occurs and all workers are unionised. As previously mentioned, the company operates under an IR model defined as Day One according to which, on the first day of employment, employees automatically join the union that represents their job category in the company. Mandate is the largest union, representing most workers in the shops and stores (2500), while butchers (200) are represented by SIPTU.

The most significant level at which collective negotiations occur is the company-wide level, at which terms and conditions, which apply to all 24 RetailCo stores, are agreed. These generally cover pay, redundancy plans, and other employees' benefits, such as maternity leave. The negotiations are carried out by the so-called 'National Negotiating Team', including two Mandate full-time officials, one of whom acts as the Lead Negotiator, one official from SIPTU, and an elected committee of five shop stewards. The committee is elected by all the shop stewards who represent workers in each store, and it remains in office for the duration of the collective agreement. In addition, collective bargaining takes place at the store level. Here, negotiations are handled by the regional mandate official and the relevant shop stewards from Mandate and SIPTU.

Each store has a formal workplace representation structure defined as the 'House Committee', in which organisational and local issues are discussed amongst workers. Moreover, to mediate between potentially conflicting interests, each store is equipped with a

‘Store Forum Committee’, which meets formally about 12 times per year. The Store Committee includes the Store Manager, the Personnel Manager, the shop stewards from Mandate and SIPTU, and a member of the House Committee. Together they discuss a number of issues, including the store’s performance and/or any potential aspects on which both parties consider it essential to reach an agreement. If an issue becomes controversial, it is escalated to the National Forum, which gathers twice a year. This comprises all shop stewards, three Mandate officials, and members of the HR Team. Both the House and the Store Forum Committee play a strategic role in supporting the collective bargaining process as they maintain the dialogue between parties and make sure that issues are dealt with before they are discussed at the actual negotiating table.

The Lead Negotiator at RetailCo reports that the main priority for the union is to ensure that the company continues investing in the current IR model, which entails constant dialogue, collaboration, and trust between parties. Both the union and the management operate under significant financial constraints as the company has only recently (in 2016) returned to profits. Therefore, the parties have developed a common interest in enhancing the company’s performance and making sure that as many stores as possible remain open during downturns. While securing yearly pay increases in collective bargaining may not always have been possible, the unions were instrumental in managing members’ expectations and keeping a collaborative work environment on the floor. To facilitate this, Mandate has provided several accredited training programmes, concerning computer skills, health and safety, and House Committee training, through its ‘Training Centre’. Moreover, the management and unions have organised joint training sessions to keep the Store Forum Committees active and functioning by developing the IR skills of newly recruited HR Managers and shop stewards.

> The company wouldn’t be extremely profitable. OK, so usually there are a lot of constraints around, you know, what’s available or what’s feasible, or what we’d [unions] be able to get. (Lead Negotiator at RetailCo, Mandate)

Despite the company’s financial challenges, there is scope for Mandate to make gains for members through collective bargaining at RetailCo. Union leaders are aware that this result is only possible due to the extremely high, and exceptional, level of union density in the company.

> In RetailCo, membership is extremely high because we have the Day One system. […] Any decent trade union uses the strike, you know, as the last resort. You try to do everything but the strike – but if [RetailCo’s management] don’t sit down and play ball and negotiate fairly, you know, then we [the union] will pull that trigger [strike] and we will ballot our members. But if we’re in a company and have 20 per cent of the members, there’s every chance they’ll turn around and say: yes go on! (Lead Negotiator at RetailCo, Mandate)

5.4 Coordination in a Context of Decentralised Bargaining

Vertical Coordination

Similar to other sectors, the interviews conducted in retail suggest that the coordination provided by the ICTU Private Sector Committee is informal, yet relevant. The Head of Collective Bargaining for Mandate participates in the national talks to gain a sense of the priorities for collective bargaining each year and discuss the average pay increase proposed by the Nevin Institute. However, the ICTU targets are viewed by Mandate officials as overambitious, and they have developed a separate process of coordination for retail and standardised it for all companies in which collective bargaining occurs.

> […] over the last couple years we've changed, we've standardized our approach with most of the companies that we deal with, and so it's very prescriptive. (Trade Union Leader, Mandate)

The case of RetailCo shows how pay increases, as well as other items for collective bargaining, are derived by Mandate before approaching the negotiating table. Here, two parallel processes take place. Mandate's full-time trade union officials discuss the ICTU guidelines internally and compare them with aggregate data regarding the sector's overall performance. The union also takes into consideration any reduction of staff, company closures, previous pay deals, and recommendations of the Labour Court. It works out a pay target that might suit the requirements of most companies in the sector. Such a target helps shop stewards to formulate their views on what is feasible given the sector's constraints. Meanwhile, all Mandate members across RetailCo stores are surveyed and asked whether there are any specific items that they would like to enter into the next collective agreement. Once the survey data have been collected and analysed, the findings are reviewed by the National Negotiating Team. The Team identifies the main priorities for collective bargaining by combining three sets of information. First, members' expectations, as emerged from the survey, are considered. Second, the National Team takes into account the principles and values included in the *Union Charter for Decency and Respect in Retail*, which is a document produced by Mandate to inspire all its National Negotiating Teams during the preparatory phase of collective bargaining in different companies. Finally, all the available financial information on the company performance is carefully evaluated. This consists of the data shared by the store managers within the Store Forum Committees and, most importantly, the financial information collected by the three full-time trade union officials in the National Negotiating Team, while reviewing the company's books confidentially with the HR Director.

The discussions of the National Negotiating Team end with an official draft proposal that is ratified by the National Group of shop stewards representing all stores. Once the mandate has been obtained, Mandate writes to the company and asks to engage in company-wide talks.

The official negotiation process starts. The draft agreement is then presented to all the shop stewards, who decide whether to accept or reject it. If the shop stewards sign off on the deal, the members are asked to vote on it.

> When we [the National Negotiating Team] bring together all the survey results, we'll correlate them with the requests of shop stewards at the general meeting. And let's say that the cost of living increase is the number one issue, usually pay is the number one issue, right? We would put in a number and explain to the shop stewards: listen, this is what ICTU is recommending, through its Nevin economists. And this is what the general flavour out there within retail is. And this is what companies have given in the recent past. And here is where we [RetailCo] are at financially. We nearly negotiate with the shop stewards and they essentially say OK, our claim clearly is 3 per cent, 3.5 per cent, 2 per cent. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

In sum, due to the limited structural resources that unions can mobilise in retail, the ICTU guidelines are considered to be too ambitious to be achieved by negotiators. Thus, Mandate has developed a sector-specific approach to derive a bargaining target and standardised it for all companies. Firstly, full-time Mandate officials set a potential pay increase that is aimed at guiding shop stewards during the preparatory process by forming their views on what is feasible given the sector's overall economic indicators. Secondly, surveys are conducted amongst members to identify the preferred bargaining items in each company. The National Negotiating Team collects all the relevant information and, after receiving a mandate from the National Group of shop stewards, initiates and leads the collective bargaining process. Once a deal with the management is reached, the National Group of shop stewards can accept or reject it. If the proposed deal is accepted, members are then balloted.

Horizontal Coordination

At RetailCo, Mandate and SIPTU negotiate together, and there is a formal system in place that enables these unions to coordinate their activities. All the representation structures present at the store and company levels, namely the House Committee, Store Forum Committee, National Group of shop stewards, and National Negotiating Team, include members from both Mandate and SIPTU. In all these structures, Mandate is more widely represented due to its larger member base. Thus, Mandate officials also tend to take the lead in defining the collective bargaining strategy:

> Usually, the way it works with SIPTU in RetailCo, where we're the bigger, bigger union, we go to the official and say: this is what we're going into, going with, right? Are you happy with that? And 99 times out of 100 they will be. They'll go along with the same because there are roughly about two hundred members of SIPTU, whereas we have two and a half thousand. […] If our shop stewards are recommending something, and our [Mandate] members are all in favour, we

> would have way more people endorsing the deal. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

The representation structure that plays the most important role in coordinating the bargaining strategy across all RetailCo stores is the National Group of shop stewards, which also acts as a link between the members and the National Negotiating Team. Specifically, the Group makes sure that the expectations regarding the outcomes of collective bargaining are, and remain, aligned with the overall union strategy throughout the entire bargaining process. The Group meets formally and informally to gather members' views and address any controversial issues before they become an obstacle to negotiations. In other words, the National Group of shop stewards steers members' demands in different stores and ensures a consistent flow of communication.

> Shop stewards are the best barometer, right? They know if the company is doing well, they know their store people – they'll know that through the Store Forum process as well. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

In retail, there is also coordination between Mandate's full-time officials operating at different companies. The process is both formal and informal. Regional full-time union officials hold a 'strategy meeting' every 6 weeks; here, they present a report on the status of the negotiation process and the outcomes at different companies. Often, Mandate officials circulate information on a potential deal without waiting for the formal meeting, especially if large companies are involved.

In sum, while Mandate and SIPTU work together at RetailCo in different committees – in which they discuss any potential issue that is of interest to members – the most important role in coordinating collective bargaining across stores is played by the National Group of shop stewards. While acting as a link between the members and the National Negotiating Team, shop stewards seek to align members' expectations with what is achievable given the company's performance, thereby contributing to the successful implantation of the unions' overall bargaining strategy.

5.5 Bargaining Processes and Outcomes

At RetailCo, trade unions and management operate under a partnership model that, according to the interviewees, frames and facilitates the process of collective bargaining. Negotiations are led by the Union National Negotiating Team and the HR Team, comprising the HR Director and four HR Managers. The Financial Director is invited to one of the first meetings to provide financial information on the organisation. IBEC is rarely involved in negotiations unless there is a controversial issue on the table that requires the intervention of the Labour Court.

The above-mentioned representation structures, such as the House Committee and the Store Forum, are not directly involved in the bargaining process. However, they play an important part in maintaining a collaborative relationship on the shopfloor between union members and store managers. The constant dialogue that takes place within these representation structures is instrumental in handling tensions over day-to day organisational aspects. The Store Forum, which meets once a month, is the arena within which the Store Manager, the Personnel Manager, the shop steward, and a member of the House Committee discuss the most complex issues and make sure that they are resolved before they become a problem for the company. If the Store Forum is not successful, the problem is raised at the National Forum, where Mandate and SIPTU officials, with the support of the relevant shop stewards, seek a resolution with the HR Managers. By the time items are brought to the negotiating table, both teams are aware of the dynamics in each store and prepared to make their concessions and claims. The communication process between parties is defined as *transparent* and their relationship as *collaborative* and *professional*. The HR Team is used to talking regularly with its union counterpart through different forums at various levels. Informal contact takes place before, during, and after the negotiation process starts.

> There will be constant communication there, right? And we would be able to pick up the phone. I'll give you an example. Three weeks ago, I got a phone call from one of the HR Managers to say that the bakers in one of the shops wouldn't bake certain products. Now, they raised it as an issue. So I spoke to the bakers and discussed the issue they had, and we were able to talk and find an agreement, preventing a problem before it became an issue that can't be solved. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

The trade unions and the management also collaborate on a series of shared activities that are geared towards building a personal relationship and enlarging areas of cooperation. For example, the Store Forum Committees, in the pre-COVID era, would organise joint training sessions regarding the social partnership model at RetailCo to transmit its values and principles to new staff members.

> We'd arrange joint training sessions on the forum process so that you can have, and you have, say, new members of management – they wouldn't necessarily be fully aware of the Forum's process – and we could have new reps […] we would bring both groups together to go through the whole process, so it really is a partnership approach. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

Mandate also supports the workplace partnership model by offering training to shop stewards and to House Committee members, an accredited health and safety course, and IT training.

The unions show satisfaction with the outcomes of company-level bargaining. Despite operating under significant constraints, due to the difficult financial position of the company, the negotiating parties have, in most cases, reached agreement on pay and other important issues. The Mandate official reports that company-level negotiations, by engaging with a wide variety of items, can top up limited pay increases with other benefits, which can nonetheless contribute to the overall reward package. For example, collective agreements at RetailCo have in recent times offered additional paid time off work, increased the staff discount, which is currently 12.5 per cent, and awarded monetary hourly increases to the lowest-paid employees to reduce the gap between different categories of workers. At RetailCo, the terms and conditions agreed via collective bargaining are applied to all employees up to the category of duty managers, who are 100 per cent unionised thanks to the Day One membership model. In addition to the measurable gains that collective bargaining achieves for members, the unions consider it as a means to cultivate a company culture of industrial democracy in which managers, unions, shop stewards, and members can find areas of collaboration and develop a well-functioning relationship. The Day One system at RetailCo is the result of positive collaboration with the management. However, it is a unique case for the sector. Mandate reports that the situation is different in workplaces in which the density is low and employers are hostile to unions. The main problems with collective bargaining are that it covers few retailers and most workers do not have the protection of a union. However, Mandate is not in favour of centralised wage bargaining as a means to increase coverage as, due to the past experience, this system is seen as detrimental to the union movement.

> Mandate was always against social partnership for the simple reason that it wasn't able to go after the big companies that were making serious money. There was very little negotiation with companies. We believe, looking back, that the social partnership actually led to a decline in membership in trade unions. Because they couldn't see that the Unions were fighting […]. There were no people out fighting for their own rights. They were getting given increases from a national level. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

Mandate is currently advocating for the introduction of 'a right to bargain' in legislation to increase the number of employers recognising unions at the workplace level. Under the current voluntarist system, workers do not see the value of joining a union, especially in the sectors in which unions are needed the most. They fear retaliatory actions from employers and cannot afford to go on strike.

> When you don't have the support of legislation behind it, the only option is to quit. And because we deal, let's face it, with a low-pay sector of the economy, it's fairly hard to ask member of ours to go on strike because they are the people who live week to week and unfortunately employers know that. So they know that the ultimate weapon in our arsenal is unavailable to us because our members just can't afford it. (Lead Negotiator at RetailCo, member of the National Negotiating Team)

There is hope in Mandate that the sacrifices made by the front-line workers during the pandemic will be recognised by employers and that the EU Directive on the minimum wage, which is under discussion in Ireland, will help unions in low-pay sectors, such as retail, to organise workers.

5.6 Conclusion

Unlike other major retailers in Ireland, RetailCo recognises unions, Mandate and SIPTU, and negotiates collective agreements. Moreover, there is a de facto closed-shop agreement in place in the company that secures 100 per cent union representation. This high level of union density has facilitated a collaborative relationship between the negotiating parties. There is a workplace bargaining structure, the National Negotiating Team, in which both unions are proportionally represented and which collectively bargains on behalf of all members. Alongside the National Negotiating Team, there is an additional representation body, the National Group of shop stewards, which functions as the main link between the local negotiators and the union members and participates in the definition of the bargaining strategy by articulating their demands. Mandate has established effective mechanisms for both vertical and horizontal coordination of collective bargaining through the National Negotiating Team and the National Group of shop stewards. In addition, RetailCo has a workplace partnership in place that features a number of participation and representation forums, such as the House Committee and the Store Forum. These are used by unions as a means to voice members' concerns and ensure that their demands are addressed consistently throughout the company. The Bargaining Committee and the Workplace Partnership Committee work together, but their competences are clearly demarcated and there is no competition between them. Despite the financial difficulties experienced by RetailCo, the unions and the management have always worked collaboratively. While pay increases may not always have been achieved, the unions have been involved in other issues. Overall, Mandate is satisfied with the outcomes of decentralised bargaining at RetailCo, but it highlights that most employers in the retail sector do not recognise unions and refuse to engage in collective bargaining. Hence, they call for statutory measures to facilitate the access of unions to the workplace.

6: A Case Study in the Financial Service Sector

6.1 A Profile of Ireland's Financial Service Sector

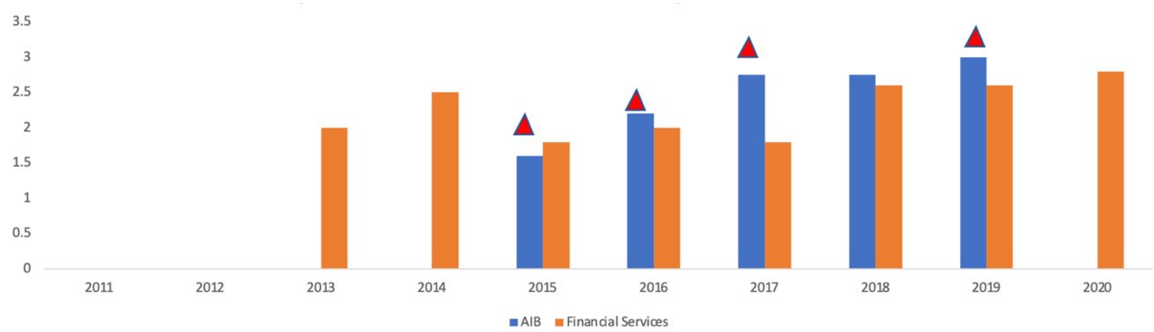
The financial service sector may be divided into two main groups of companies, banking and non-banking, and, within the banking sub-sector, we can distinguish between companies that provide international services and those that concentrate on the domestic economy. Our focus is on banks operating in the domestic economy. Ireland had 'one of the most catastrophic experiences of financial crisis in the developed world, in the wake of the global financial crisis of 2008' (Clarke & Hardiman, 2012), and, because of the damage to the domestic banking sector, the recovery was slower and more difficult than in other sectors. During the crisis, the government invested capital to rescue some banks, including the two main companies in the sector, the Bank of Ireland and Allied Irish Banks. However, others were allowed to fail, leading to a much-changed sector over the past decade (Baudino et al., 2020). At the same time, technological developments permitted rapid progress in the online banking business and the closure of physical branches. For example, the Bank of Ireland reduced its staff in Ireland by 14 per cent in 2020 and plans to close more than one-third of its branches during 2021. Both the Bank of Ireland (with assets valued at €134 billion and 9,782 employees) and Allied Irish Banks (€110.4 billion and 9,356 employees) engage in collective bargaining with the Financial Services Union (FSU).

6.2 The Case of FinCo

FinCo was set up in Ireland in the 1960s, and, in 2009, for the first time in its history, it reported significant losses due to the financial crisis. In March 2010, FinCo was ordered to raise €7.4 billion following the first round of stress tests carried out by the Central Bank and, only a few months later, in December 2010, the State took control of the business. Since the government bailout, only 0.2 per cent of stock has remained in private hands, and the bank has undergone several dramatic restructuring processes (Brennan, 2017). In 2012, a plan to cut 2500 jobs was announced, and a further 10 per cent cost reduction target by 2023 was recently established (Brennan, 2021). This will entail the closure of three of the six Dublin Head Offices as well as 15 branches across Ireland, the operations of which will be merged. Around 100 employees are expected to be laid off as a result, but no compulsory redundancies are envisaged.

FinCo, where this study was conducted, recognises exclusively one union, FSU, for collective bargaining purposes, and redundancies, over time, have been regulated via collective bargaining. There has been an active agreement on voluntary redundancies since 2017, which is called the 'Foley Agreement'. This is considered to be a template for FinCo's severance plan, and its terms provide (a) 4 weeks' pay per year of service including statutory entitlement; or (b) 3 weeks' pay per year of service plus the statutory entitlement. In addition, an upper limit is applied, with payments capped at 2 years' salary or €225,000.

Figure 6.1 Annual Percentage Pay Increases in FinCo and Median Annual Pay Rises in the Financial Service Sector



Source: Pay Deals Database.

The data in Figure 6.1 show the pay increases negotiated between FinCo and FSU from 2011 to 2021 as well as the annual pay increases in the finance sector as a whole.[14] The pay rises in FinCo are annualised in the case of pay deals or more than 1 year of duration. The data on annual pay rises in the finance sector show median pay rises for firms and unions negotiating pay rises each year. In interpreting the data, it needs to be borne in mind that, whereas the data for the sector show pay rises negotiated during each of the years covered, in the case of FinCo, the pay rises during some years were agreed in multi-year pay deals concluded during earlier years. Years in which new pay deals were negotiated are denoted by the triangle symbols, and these years permit a more direct comparison between new pay deals in the firm and contemporaneous pay deals in the wider sector.

What emerges is that neither FinCo and FSU nor the employers and unions in the sector negotiated pay deals during the early years following the financial crisis, when the bank underwent a recapitalisation process that involved the sale of multiple assets, a state bailout, and significant job losses. During this time, FinCo imposed pay freezes. Pay deals commenced in the sector in 2013, with the first pay deal between FinCo and FSU occurring with something of a lag in 2015. Thereafter, the annualised pay rises provided for in collective agreements exceeded the median pay rises in the finance sector for most of the period. A pay agreement that secured a 2.25 per cent base pay increase for all staff, independent of performance, was negotiated in 2020. The terms of the agreement were considered to be exceptional given the COVID-19 pandemic, and the commitment to performance-related pay (agreed in 2019) was temporarily set aside.

The pattern of pay rises in both FinCo and the wider financial service sector mirrors the general trend in pay rises considered earlier, showing a progressive increase above the 2 per cent pattern-bargaining norm from around 2018 onwards. While FinCo lagged some other employers in the sector in recommencing pay bargaining, it is clearly not lagging in terms of

[14] Caution is required in interpreting the data and associated trends. Besides data for sectors showing newly negotiated deals for the years shown and data for firms showing annualised pay rises that may have been negotiated during earlier years in the case of multi-year deals, the entry or exclusion of firms in the data set may also have arisen due to records of deals becoming available or omitted. The varying numbers of deals recorded across years and in particular the relatively low numbers recorded during the earlier years and in 2020 also need to be kept in mind in interpreting the data. For this reason, sectoral pay trends are represented by median pay increases.

the scale of pay rises agreed from 2016 onwards. In years when annualised pay rises exceeded freshly negotiated deals by employers and unions in the sector, the pay 'premium' within the firm has been between 0.2 and 0.95 per cent.

No clear trend is evident in the duration of pay agreements. The 2015 and 2016 agreements were of 12 months' duration, followed by one 24-month agreement in 2017, succeeded by a further 12-month agreement in 2019.

Table 6.1 Other Improvements in Pay and Conditions Contained in Pay Agreements

	AIB	Danone	Pfizer	MOPI
Lump-sum Payments		1		1
Reduced Hours and/or extra leave				1
Improved voucher payments				
Improved bonus payments		2		1
Improved pension-related benefits				
Improvements in private health insurance		1		
Other improvements in terms & conditions	1	1		1

Source: Pay Deals Database.

As is evident from Table 6.1, the pay agreements concluded at FinCo contained few additional improvements in pay and conditions. Pay agreements in general during the period covered made it incumbent on unions and their members to 'cooperate with normal ongoing change'.

Table 6.2 Conditions Pertaining to the Granting of Pay Rises Contained in Pay Agreements

	AIB	Danone	Pfizer	MOPI
Cooperation with specific change measures or targets	1			1
Cooperation with restructuring				
Introduction of new comprehensive agreements or ER models			1	
Cooperation with new performance-based pay frameworks	3			
Other conditions attached				

Source: Pay Deals Database.

Table 6.2 shows that three agreements contained specific provisions whereby the union was required to cooperate with the implementation of the so-called ‘two-pot’ pay system, combining general pay rises with pay rises based on individual performance.

6.3 Trade Union Representation Strategies and Priorities in Firm-Level Bargaining

Union leaders at FSU, the most representative union in the sector, have focused their efforts primarily on protecting job security for members, who were threatened by the simultaneous impact of two major developments. Firstly, all banks after the 2008 financial crisis underwent a process of restructuring known as *amalgamation*, entailing the closure of smaller branches, mostly in suburban areas across Ireland, and the concentration of retail banking divisions in densely populated cities. Secondly, the introduction of digital banking, exploiting artificial intelligence, and its related processes of digitalisation, automation, and mobile banking have resulted in a significant contraction of the workforce.

In this ever-changing scenario, unions report that they have faced an increasing number of challenges, first and foremost greater hostility from management. As previously mentioned, based on the principle of voluntarism, employers in Ireland are entitled not to negotiate at the workplace level. Hence, unions can rely solely on collective action to enforce company-level bargaining. However, even in banks in which workers are unionised, it is becoming hard for union officials to access them, either physically or digitally, if managers refuse to facilitate the representation process. These anti-union postures have, over time, produced an atmosphere of fear amongst members, who are preoccupied both with their jobs and with retaliatory actions and show no appetite for participating in any form of union activities.

> […] so if the employer constantly says ‘no, we are refusing to talk to your trade union’, that sends a message to staff that is not helpful when you’re trying to overcome fear. I think lack of access and ability to get in front of workers and employers’ responses [are our major challenges]. And we’re seeing increasingly union avoidance strategies from employers, some of them kind of soft strategies – ‘no, we [banks] have a very sophisticated human resource management team, you don’t need a union’ – and some of them meddling – as in ‘we refuse to talk to the union, we refuse to implement Labour Court recommendations’. And then, in some cases, there is the hiring of external legal advisors and pretty aggressive anti-union campaigns. But we’re definitely seeing a lot more of that in Ireland. (Trade Union Leader, FSU)

While the overall industrial relations climate in the banking sector has deteriorated, affecting the collaborative relationship between banks and unions, FSU can still rely on a long tradition of unionisation, particularly in Irish-owned banks, such as FinCo, in which the interviews for this study were conducted. A relatively high density has enabled FSU officials and shop stewards to participate in decision making around redundancies and organisational restructuring, albeit from a defensive position.

> We've managed it [job losses] on the basis of voluntarism so that people aren't, you know, tapped on shoulders and moved out. We do it on a voluntary basis, though, you know, we have negotiations with them. (FSU Lead Negotiator at FinCo)

At FinCo, in which collective bargaining takes place, FSU relies on a formal representation structure called a 'Sectoral Committee', which negotiates on behalf of all workers employed by FinCo in Ireland and the UK. FinCo employees who are FSU members elect their Committee representatives in each region where the bank operates (Dublin, Leinster, Munster, Connacht, and the UK) for a duration of 3 years. The elected Committee appoints one member as the Lead Negotiator, 'the Officer', who is seconded into the FSU and paid by the company to perform union duties as a full-time employee representative. The Sectoral Committee is supervised by a sector-level trade union official who works closely with the Officer in preparing the bargaining strategy and representing employees. Collective agreements also occur at the branch level to deal with practical and organisational issues (e.g. opening hours, ventilation, and office spaces) and/or spell out the terms negotiated at the company level when adaptation to local contingencies is required, especially across different jurisdictions, such as Ireland and the UK.

The FSU at the sector level works in strict collaboration with the FinCo Sectoral Committee. There is a training department at FSU that provides the Committee's members with 'workplace training'. After the collapse of the social partnership – and several years of pay freezes in the sector – their joint effort was directed to restoring the so-called 'two-pot' pay system whereby trade unions can participate in the negotiation of two elements of pay: the cost of living increase and the performance-related increase. It took 2 years of campaigns to achieve this result at FinCo. A similar development took place at the Bank of Ireland, whereas, in other financial organisations, such as the Ulster Bank and Danske Bank, this objective was not reached.

The main priority of FSU at FinCo in the past decade has been to deal with the impact of organisational restructuring and the subsequent job losses. Moreover, the transition to remote working during the pandemic further accelerated the pace of digitalisation and reconfigured most organisational aspects of work, for example how employees use the technology, their breaks and working hours, and the reduction of office spaces. Interestingly, the interviews reveal that, in terms of pay, the strategy of the union has not changed substantially over the past 10 years. Making sure that employees receive a pay increase has historically been the core business of FSU at FinCo.

> Pay, you know, will be dealt with, all those other matters will be dealt with. But how we work is going to be the big one! How you regulate that and how you keep people […] is going to be hugely important for the future. (Lead Negotiator at FinCo, Sectoral Trade Union official)

6.4 Coordination in a Context of Decentralised Bargaining

Vertical Coordination

According to Lead Negotiators in the banking sector, there is informal coordination between ICTU, the union confederation, and the unions negotiating at the company level. However, the limited role of Congress in setting negotiating objectives for decentralised bargaining is not perceived by FSU as a disadvantage. On the contrary, it is seen as an opportunity because the lack of external support forces unions to establish stronger links with members and shop stewards at the organisational level.

> I think trade unions need to be stronger, as close to members as possible, because it makes them more democratic, more responsive – and that way we can organize new members better, so actually I'm in favour of decentralized power within the trade union movement. (Head of Industrial Relations, FSU)

Nevertheless*,* the recommendations made by ICTU, based on the Nevin Institute's analysis, are not irrelevant to unions. They are used by negotiators to make research-informed pay claims and rigorously back them up with employers. However, the coordination process is described as informal by the parties involved. There are no sanctions or other mechanisms for unions that decide not to adhere to the ICTU guidelines:

> You know it's up to us, we can tear it up and put it in the bin or we can actually present it to an employer. But that's one hundred per cent our choice. (Trade Union Leader, FSU)

Moreover, in Ireland, pay bargaining does not occur in a synchronised fashion across companies. Hence, it is often impossible for unions to achieve the targets that are issued by ICTU once a year. Depending on the timing of each bargaining round in a given bank, these targets may become outdated or obsolete.

> […] So, as bargaining has become decentralized, the timing of pay negotiations has become decentralized and sporadic. So, we start in one bank in September and we don't actually start in another bank until February, and some increases are due the first of January, some increases are due in April. So it's actually not easy. Sometimes you finish bargaining before ICTU has even started that process, so there are challenges like this. (Trade Union Leader, FSU)

Against a backdrop of bargaining decentralisation, FSU has established clear control mechanisms, through its internal structures, to derive bargaining targets and ensure a high level of member participation in decision making. In each local branch, FSU relies on a 'point of contact', who is selected by colleagues to act as the face of the union. Points of contact have the responsibility to connect the union with the members by listening and providing information and communication.

In banks like FinCo, which has multiple branches in different regions, local activists (points of contact) are coordinated by the elected 'Area Co-ordinators'. These are the key link between (1) union members at the workplace level, (2) the FinCo Sector Committee, which makes all the decisions pertaining to collective bargaining in the company (see the section above), and (3) the General Council. This Council comprises all the Officers elected by the FSU Sector Committees operating in the financial service sector. There are 70 Area Coordinators in FinCo; their role is to report to the Sector Committee the issues that are important to the union members and the challenges that they face in each individual workplace. In the first instance, the Sector Committee discusses these issues internally and defines a strategy that is suitable for the FinCo members. The FinCo Officer then takes these concerns to the General Council. It is within this structure, including the representatives from all banks, that the priorities of FSU regarding collective bargaining are defined. The Council meets six times a year. It approves and signs off on the union's overall sectoral strategy and gives a clear mandate to the Lead Negotiators in each bank. By the time that issues are discussed in the General Council, consensus has been reached amongst members and local representatives. It is unlikely that Officers' expectations are ever at odds with the negotiating strategy of each Sector Committee. The mandate for collective bargaining offered by the General Council is wide in scope, to allow the Committees to fine tune the FSU's sectoral strategy and adjust it to the resources and conditions available locally. In other words, the Council does not determine the actual items entering into the company-level collective agreements. Each Committee has leeway to adapt the sectoral strategy to bank-specific demands.

The Sector Committee at FinCo works very closely with the Area Coordinators to align members' expectations before initiating a bargaining round. While it is the Sector Committee that defines the agenda items, the Area Coordinators are strategically significant: they communicate with members and mediate between potentially diverging interests. A ballot is organised only after members, Area Coordinators, and Lead Negotiators have agreed on a specific bargaining proposal for FinCo.

> So we would get them together [Area Coordinators] and we would go through the details with them first and say, listen, that's here [in FinCo] what it is, and then we will send it out – send out details to members of the outcome, and then we would arrange meetings. We would meet with members and have our meetings and inform them of the minutiae of the details of the deal and then we would organize a ballot. (FSU Lead Negotiator and member of the FinCo Sector Committee)

Given this constant interaction between different groups of activists and representatives at varying levels (FinCo Area Coordinators, the FinCo Sector Committee, and the FSU General Council), at FinCo, an increasing number of items has progressively appeared on the bargaining agenda. This is the result of an iterative process whereby the union engages with ad hoc issues as they become important to members. By contrast, the process used by the FinCo Sector Committee to derive pay targets has remained largely unaltered, except for one significant change. In addition to taking into account sector-specific economic indicators, such as the inflation rate and level of employment, deals in other private sectors in Ireland, the IRN website, and the financial position of the bank (i.e. performance, staffing levels, and deals agreed in previous years), the union has become more aware of pay developments in the public sector. After the financial crisis, FinCo was bailed out by the Irish Government, which has exerted greater influence since then.

> The bank will not sign off on a 3 per cent pay rise because it's state owned and the State will be watching what is being paid by the bank because that'll influence what happens with the public sector. So they have to keep an – while they say they don't interfere – they still keep an eye. (FSU Lead Negotiator and member of the FinCo Sector Committee)

In sum, after the collapse of the social partnership, FSU established a well-functioning system of vertical coordination through a series of internal structures that enabled the union to reconnect with members and articulate their demands by means of collective bargaining. This bottom-up process in banks such as FinCo, in which negotiations take place, has offered unions the opportunity to engage with any upcoming issues, in addition to pay, that are important to employees. While the role of the ICTU Private Sector Committee in coordinating bargaining is informal, the influence of the State, being the majority shareholder over much of the period, increased following the financial crisis.

Horizontal Coordination

The interviews with FSU representatives unveil three different instances of horizontal coordination in the banking sector, namely (1) coordination between multiple unions operating in the same workplace, (2) coordination between FSU representatives across branches (within the same bank), and (3) coordination between FSU negotiators across banks (within the same sector). Each of them will be described below.

Coordination between Different Unions Operating in FinCo

Generally, the coordination between FSU and the other unions operating in the sector, SIPTU, Mandate, and Unite, is extremely informal. These unions represent different categories of workers and do not negotiate together. Except for TSB Bank, in which Unite's presence is significant, FSU is by far the most representative union in the banking sector. Negotiators from different unions know each other personally because they meet and discuss their work at the ICTU Private Sector Committee, which is the only forum offering them the opportunity to exchange ideas and views regarding collective bargaining.

At FinCo, some employees are Unite members. However, the bank does not recognise Unite for bargaining purposes. The FinCo Sector Committee, especially the Officer and the FSU Lead Negotiator, have regular contact with the Unite Official and shop stewards. Once a pay agreement is reached, FSU negotiators notify their colleagues from Unite of the outcome. Unite then ballots its members on the pay rate agreed by the FSU and the management. This process does not have any effect on the deal reached: it is purely an act of courtesy. SIPTU represents the porters in the retail branches and FinCo head offices. FSU negotiators keep them informed about bargaining developments, but there is no regular contact.

Coordination between FSU Representatives across FinCo Branches

As shown in the previous section, FSU has created a sophisticated structure that enables the union to control the preparatory phase of collective bargaining and define a strategy that is in tune with members' demands and expectations across the entire company. Indeed, while negotiations do take place at individual FinCo branches, the most important issues, such as pay, are bargained at the company-wide level. This requires the development of a joint collective bargaining platform between union representatives from multiple FinCo divisions. FSU can rely on the active participation of a large network of members across regions that functions as a coordinating link. Specifically, the 70 FinCo Area Coordinators ensure that there is a constant communication flow across members and representatives in different branches. Moreover, lateral coordination at FinCo occurs within the Sector Committee itself, in which all the FinCo shop stewards sit together and establish common priorities for collective bargaining. The role of the Committee members is to communicate regularly with the Area Coordinator within their constituency to exchange information and receive feedback on any relevant local developments. In other words, there are both formal forums (i.e. the Sector Committee) and informal mechanisms (i.e. ongoing communication between Area Coordinators) that provide coordination between FSU representatives across different FinCo divisions for the purpose of collective bargaining.

Coordination between FSU Negotiators across Banks

Within-sector coordination amongst FSU negotiators takes place in the General Council, in which the Officers of all the Sector Committees operating in the banking sector agree on a common bargaining strategy. Moreover, FSU Lead Negotiators meet formally four times a year and informally every Monday to discuss developments in different banks. The conversations between them revolve primarily around items for collective bargaining. While there is agreement regarding the proposed average pay target in the sector, the way in which the actual increases are calculated by each Committee may differ as there are bank-specific requirements. For example, in FinCo, unlike the Ulster Bank, performance-related increments are not based on a performance matrix. The FSU and the management only negotiate the figure that is relevant to 'middle performers', namely the largest category of employees who are likely to receive the same annual pay increase. During the pandemic, a flat rate of 2.25 per cent independent of performance was negotiated for all employees at FinCo. In addition to pay claims, the FSU Lead Negotiators at different banks keep each other informed about other potential bargaining items that are of interest to members. Some items may be company specific, such as the working hours at FinCo, but, in most cases, FSU officials aim to achieve whatever their colleagues have already obtained.

There are different types of horizontal coordination in the banking sector. The coordination between different unions is minimal as they are responsible for different categories of workers. FSU, the most representative union, has developed an articulated system to control bargaining developments centrally both within and across the companies in which it operates. In each bank, a Sector Committee, with the support of Area Coordinators, makes sure that different divisions converge towards the same negotiating platform. At different banks, pay targets and other potential bargaining items are defined by the General Council, in which all the FSU negotiators share the decision-making process. The targets are sufficiently broad to allow each Committee to take into account local contingencies and bank-specific demands.

6.5 Bargaining Processes and Outcomes

FinCo historically operated under a partnership approach and, within it, the relationship between the management and the FSU was collaborative. The bank has an Employee Relations (ER) Office, and the Head of Employee Relations is the main interlocutor of the FSU Sector Committee in collective bargaining. IBEC is not involved in the negotiating process, but it may offer external advice to the ER Office.

Following the 2008 crisis and the concomitant collapse of the national social partnership, the FinCo ER model did not survive. Integrative bargaining was no longer a viable option for bargaining parties who had lost their mutual trust. The expression *social partnership* itself became controversial amongst employees, and neither the unions nor the management felt comfortable with it. However, a few years later, in 2012–2013, a new Head of ER was appointed to reinvigorate collective bargaining. A series of initiatives took place to enable the union leaders and the FinCo ER team to meet and discuss a shared plan of action. First, a two-day workshop was held to restore dialogue. A group of expert negotiators from South Africa was invited to share their experiences of the post-Apartheid negotiation process. This event was instrumental in the reopening of a channel of cooperation between the management and the unions. The Global Head of Employee Engagement and Internal Communication reported the following in relation to the new partnership model, renamed *Alliance*.

> Previously our engagement was a bit haphazard. Now we know the value in talking to [FSU] early, and we have much more clarity on when and how to engage. We recognised that before we would go to them at the 11th hour with something that was fully baked, presenting here is what we want to do and then asking them to respond. We see now that stifled their input. We are now able to approach them with more of a blank page and get input from them from the outset. This feels like more true engagement. (Anthony Burrows, Global Head of Employee Engagement and Internal Communications in FinCo)

After the Alliance was instituted, the parties invested significant resources in creating an ER model that could produce fruitful results both for employees and for the organisation. The unions and management had to develop key principles, define common targets, and monitor the implementation of the collective agreements closely. Progressively, the new system normalised and required less effort to make it work. There are still monthly meetings between the management and the union representatives, but they are now more informal. The Alliance was instrumental during the pandemic, when a number of crucial decisions had to be negotiated, mostly concerning health and safety for workers and remote working.

Interestingly, the interviews indicate that the Alliance, while valuable and well functioning, is somehow subject to the State's interference. Due to the fact that the bank is publicly owned, the parties are not entirely independent when making decisions; they must be aware of the terms and conditions negotiated in the public sector. Even though it may be possible to strike a deal with the management on the basis of the bank's performance, this may not be acceptable for the government. Hence, the union tends to make instrumental use of state agencies, such as the WRC, to obtain validation of the collective agreements.

> Normally in a partnership approach you'd be able to agree those things locally, but inevitably, because FinCo is state owned, we have to use the institutional tools that we have […] while the state […] would want us to be working together in an alliance and in partnership and everything else – and not be, you know, in dispute all the time – those kind of things do necessarily themselves necessitate someone else telling us what's right in terms of pay. Because you know, if we were to go into a local discussion and agree something that is outlandish, from the State's perspective, they'd say: what are you doing? Whereas, if the WRC says that outlandish payment is fine, given the circumstances, then the State can't say anything. (FSU Lead Negotiator and member of the FinCo Sector Committee)

Concerning the substantive content of the collective agreements at FinCo, pay, severance plans, and pensions remain the most important items for negotiation. Except for the year of the pandemic, the FSU and the management have collaboratively negotiated two elements of pay, like the two-pot pay system in the banking sector: (1) a flat-rate increase, based on inflation, and (2) a performance-related increase. As indicated earlier, the bargaining strategy at FinCo is decided mostly by the Sector Committee, taking into account other banks' deals, FinCo's financial performance, and members' priorities. Maternity leave, parental leave, the right to disconnect, and protection of remote working are the most recent issues that have entered into collective agreements. According to the interviews, the norms regulating remote working will take front stage in the next bargaining rounds.

> City centres won't be as full of workers any more, and buildings won't be as full of workers any more either. I mean FinCo – they'll have three left out of nine. That's dark. I think there are 3500 people currently based in Molesworth Street – and Molesworth Street only holds about 750 people. And that's where they are

> based. If they all come back to work on 1st September, you have no seats for them [...] It's in terms of shifting and the pace of work from home and how that's going to impact on people, [it] is gonna be huge. [...] And you know working a 4-day week and compressed week, that kind of stuff. (Member of the FinCo Sector Committee)

Currently, the Sector Committee is working towards restoring 35 hours a week for workers.

Overall, the FSU representatives are satisfied with the outcomes of company-level negotiations both at FinCo and more generally in the banking sector. The union leaders are not in favour of higher-level bargaining as they believe that strengthening national institutions could disempower local negotiators. They report that, being a relatively small union, the FSU would be less capable of directly influencing the terms and conditions of employment for their members if the confederal union (ICTU) negotiated nation-wide with IBEC. Moreover, industrial relations models, such as the Alliance at FinCo, favour a close relationship between bargaining parties at the company level, at which the agreed terms and conditions are effectively implemented. At this level, it is possible to achieve greater outcomes in collective bargaining for members as well as showing the contribution that unions can make to an organisation.

> I mean, there were 20,000 people working in FinCo in 2012, there are 10,000 now, and there will be 7,500 in a few years' time. That's a huge loss of jobs in any sector, but we were, they were all done on an agreed basis. The redundancies were done on an agreed basis; we secured pay rises during that period as well. And you know we protected pensions, so we've done an awful lot, you know? So I think we have been successful at that local level where others haven't been as successful. (FSU Lead Negotiator and member of the FinCo Sector Committee)

Nevertheless, the FSU calls for the 'right to bargain' to be recognised to secure a more widespread presence of collective bargaining across companies and facilitate union access to the workplace.

> There is a need to address that particular issue in terms of the right to collective bargaining and the right for our unions to have access to workers [...] I think the Government is hiding behind the likes of the Googles and the Microsofts to say: listen if you bring in the right to collective bargaining, these companies won't come into Ireland, you know, and that I don't believe is an argument that stands up at all. (FSU Lead Negotiator and member of the FinCo Sector Committee)

This is currently a burning issue of discussion between FSU leaders.

6.6 Conclusion

The FSU in the banking sector has faced significant challenges, mainly due to the impact of the financial crisis, which, by directly affecting banks, resulted in massive job losses in the industry. The union was, however, able to engage the management at FinCo and participate in decision making regarding redundancies and the terms and conditions of employment by means of collective bargaining. Moreover, collaboratively, the FSU and the management were able to negotiate two elements of pay following the two-pot pay system in the banking sector: (1) a flat-rate increase, based on inflation, and (2) a performance-related increase. At FinCo, the FSU has established a sophisticated system of bargaining coordination that occurs vertically, thanks to the Sector Committee, in which all the decisions that are relevant to collective bargaining are made, and vertically, though the work of the General Council and the Area Coordinators. At FinCo, there is a workplace partnership between the management and the FSU, the Alliance, which has resulted in a collaborative model of industrial relations. Due to the fact that the bank is publicly owned, the union has indicated that the Alliance, while valuable and well functioning, is subject to the State's interference. The most important items for negotiation at FinCo are pay, severance plans, and pensions. Maternity leave, parental leave, the right to disconnect, and protection for remote working are the most recent issues that have entered into collective agreements, suggesting that the scope for collective bargaining has widened. Overall, the FSU shows satisfaction with the outcomes of company-level bargaining.

7: A Case Study in the Food and Drink Industry

7.1 A Profile of Ireland’s Food and Drink Sector

The food and drink sector is a major part of the Irish economy, accounting for 173,000 jobs (almost 8 per cent of all jobs in the country) and 10 per cent of exports (Bord Bia Annual Report, 2020). The large companies in the sector are multinational enterprises producing goods for exporting, and the sector has enjoyed steady growth by volume in the past decade, with exports of food and beverages from Ireland rising from €7.88 billion in 2010 to €13 billion in 2020 (Bord Bia Annual Reports, 2020). However, while the volume has grown steadily, the value has fluctuated somewhat due to a combination of price pressures and currency variations. Its main outputs are dairy products (34 per cent) and meat (30 per cent), and its main market remains, as it traditionally has been, the UK. Recent years have witnessed growth in sales to the EU and international markets, and it seems likely that these trends will continue in the wake of Brexit.

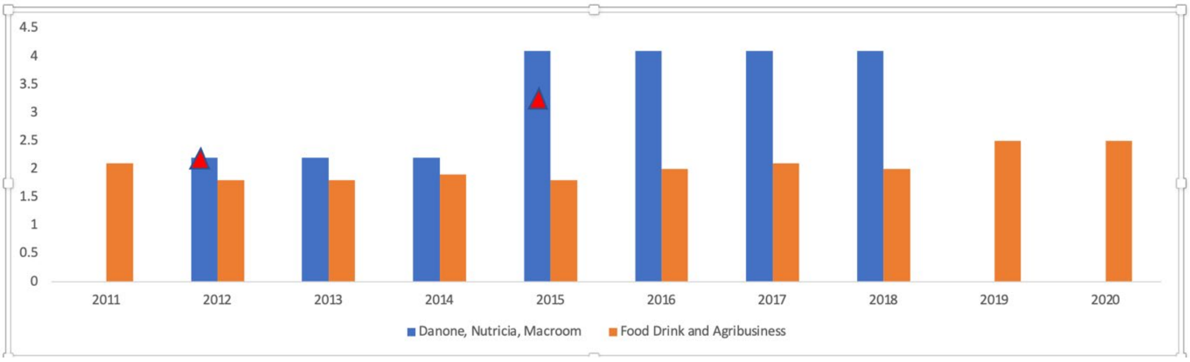
The main Irish-owned companies in the sector, such as Kerry Foods, with 26,000 employees worldwide and €7 billion turnover in 2020, and Glanbia, with 6,600 employees and €3.8 billion turnover (*Irish Times*, 2022), have their roots in the co-operative movement and have historically engaged in collective bargaining with trade unions. FoodCo, a multinational enterprise with its headquarters in France, entered the Irish market through two factories that already had well-established collective bargaining relationships.

7.2 The Case of FoodCo, South Facility

FoodCo has two production sites, located in the South and South East of Ireland. They are amongst the biggest divisions in the FoodCo specialised nutrition global network. With over €250 million invested in its factories over the past 10 years, Ireland has become a key location for new product launches and innovation. It is therefore considered to be strategic to the business. Some 70 per cent of FoodCo’s European spray-drying capacity and 40 per cent of its European finished goods packing capacity are in Ireland.

This study is conducted in the production facility located in the South, which is FoodCo’s largest infant milk spray-drying facility. The site operates on a 24/7 basis and produces infant formula, which it supplies to other FoodCo facilities in Europe, China, Indonesia, Brazil, and Argentina for local markets as well as for exporting. It employs approximately 200 employees, 134 of whom are SIPTU members. There is also another union that represents a very small number of craft workers (4), but the two, unlike in other companies in the industry, do not negotiate together. Collective bargaining has occurred since the 1980s, and the company is committed to negotiating with the unions. There is an informal closed-shop agreement in place that has secured SIPTU 100 per cent membership and high collective bargaining coverage. It provides that any employee who joins the South site, including those on a temporary contract (for longer than 12 months), becomes a SIPTU member. All new employees are contacted by the relevant union representative, who explains the role of the union in the company and the terms and conditions acquired through collective bargaining. The management is supportive of industrial relations.

Figure 7.1 Annual Percentage Pay Increases in FoodCo, South, and Median Annual Pay Rises in the Food, Drink, and Agribusiness Sector



Source: Pay Deals Database.

The last agreement was concluded in January 2022 for the duration of 3 years and provided for a 2.5 per cent pay raise each year. The data shown in Figure 7.1 for SIPTU and Connect and FoodCo South and for the food, drink, and agribusiness sector reveal that pay rises were previously recorded at the level of the company in 2012 and 2015. This 2012 agreement was a 36-month agreement. During the years from 2015 to 2018, the unions and FoodCo agreed a 48-month pay agreement, providing for average pay rises of just above 4 per cent per year. These pay rises were above and, in the case of the 2015–2018 agreement, significantly above the median pay rise as a whole within the food, drink, and agribusiness sector. The trend over the period as a whole mirrors the economy-wide pattern in showing a rising trend with 2 per cent pattern bargaining loosened with the economic and labour market revival.

SIPTU assigns FoodCo to the union's pharmaceutical sector for legacy reasons. To the extent to which pay comparators may (also) reside in that sector, the unions' pay agreements with FoodCo remain ahead of the median pay rises in chemicals, pharmaceuticals, and medical devices, as can be seen from the pattern in Figure 4.1, in which PharmCo's pay agreement data are presented.

As shown in Table 6.1, the pay agreements at FoodCo also provided for a number of other improvements in conditions of employment. Single agreements involved lump-sum payments, contributions to private insurance provision, and other improvements, while two agreements provided for improvements in bonus payments. No specific conditions appear to have been attached to pay rises or improvements in conditions. Acceptance of normal ongoing change is a recurrent collective bargaining issue.

7.3 Trade Union Representation Strategies and Priorities in Firm-Level Bargaining

As already mentioned, SIPTU considers FoodCo to be a pharmaceutical company. This is an anomaly in the sector as, formally, both the South and the South East facility operate in the food and drink industry. There are several reasons for this strategic decision in representing workers at FoodCo. First, FoodCo's main competitor, the Nestle-owned Wyeth Nutritional Ireland, was once owned by the Pfizer Group. SIPTU sought to establish a close link between their respective trade union representatives to create a joint network and business-specific negotiation skills. Moreover, the employee skill profiles in FoodCo are similar to those in pharmaceuticals. In this highly internationalised context, shop stewards have embraced and promoted an industrial relations model that responds to the company's need for flexibility (on-the-job training, 24/7 work shifts, and provisions for atypical workers), in exchange for good pay and conditions and employment security (high pay, generous welfare benefits, and sophisticated health and safety measures). SIPTU members themselves, due to the nature of production at FoodCo (continuous and highly specialised), requested that they be categorised as and associated with the pharmaceutical sector.

After the collapse of the national social partnership, SIPTU in FoodCo continued to negotiate effectively at the enterprise level thanks to its high density levels, which, on the one hand, created an incentive for the management to develop a collaborative relationship with the union and, on the other, strengthened the role of the local shop stewards. These have taken a proactive role in recruiting members and in ensuring that the quasi-closed-shop agreement remained in force.

> Our committee is so strong that it ensures that whoever joins the company will also become a member of SIPTU. Our Committee at FoodCo is very strong. (SIPTU Lead Negotiator at FoodCo)

The Committee consists of seven members: four shop stewards, each representing a small group of 15–20 employees working in shifts, one shop steward for the laboratory and quality control operators, one shop steward representing the warehouse workers, and the SIPTU sector-level Lead Negotiator. The Committee is elected by the union members, based on their job role and key responsibilities, and remains in charge for 1 year. The chief shop steward is subsequently nominated by the Committee.

The Committee is instrumental in implementing the collaborative model of industrial relations promoted in the pharmaceutical sector while also defining a FoodCo-specific collective-bargaining strategy. The SIPTU Lead Negotiator meets with the shop stewards prior to opening a bargaining round, and they bring forward the issues that are important to members and articulate their concerns. These recommendations are used to prioritise the main bargaining items that are presented to the management. While the SIPTU Lead Negotiator is in charge of the bargaining process and secures deals that are in line with the sectoral trends, shop stewards report on the volume of work and technical aspects of the production process, making sure that the pay rises are reflective of employees' effort on the floor.

The most recurrent item for negotiation is pay, but, as shown in Table 6.1, other important issues have dominated the bargaining agenda in recent years. One in particular is the 'sickness and accident scheme'. While the company contends that payments should be made once per calendar year, the members claim that, after exhausting the annual leave allowance of 12 weeks, an employee should be allowed to return to work for 4 months and then benefit from this entitlement again. At the last bargaining round in January 2022, shop stewards refused to discuss any pay rise until the interpretation of the sickness and accident scheme reached an agreed settlement. However, this proved to be impossible. The matter has been referred to arbitration and remains unresolved.

The Lead Negotiator reports that it is extremely common for members, as well as for shop stewards, to develop unrealistic expectations of what can be achieved through collective bargaining. One of SIPTU's main objectives within a company, including FoodCo, is to manage those expectations. It achieves this in different ways depending on the issues discussed. For example, the Committee may hold several in-house meetings to persuade the members that achieving a 5–6 per cent pay increase is not feasible. Additional meetings, involving FoodCo's Chief Negotiators, may be organised at the sectoral level to show data on other deals in similar companies. This strategy is amongst the most effective as it offers shop stewards the confidence that they need to face their constituencies and lower their demands.

> An important part of what SIPTU does in the company is to manage members' expectations. They often [members and shop stewards] ask for a 5–6 per cent increase, and that doesn't help – especially because the company comes in with very low figures – so the role of SIPTU is really to mediate and find something in between. There are also personal dynamics that play a role as they [shop stewards] don't want to disappoint their friends [colleagues on the floor], who expect a lot from them. (SIPTU Lead Negotiator at FoodCo)

Another example of SIPTU's role in managing members' expectations concerns 'normal ongoing change', which is seen by workers at FoodCo as *working more for nothing*, as the Lead Negotiator puts it. To overcome their resistance, SIPTU provides data from the WRC and the LC regarding pay increases for 'normal ongoing change' in other companies in which mediation was required. Generally, pay rises oscillate between 2.25 and 2.5 per cent per year, and members realise that there is little margin to make greater gains.

The Committee is particularly active in the preparatory stage of collective bargaining and during the negotiation. All the shop stewards sit at the bargaining table while giving regular feedback to their constituencies. There is no formal instrument to voice members' concerns, but meetings in the canteen intensify at this time. Outside the bargaining process, shop stewards interact daily with their colleagues and have a clear sense of what their needs and demands are. These demands become part of the bargaining strategy.

7.4 Coordination in a Context of Decentralised Bargaining

Vertical Coordination

Consistent with other cases, the interviewees report that the vertical coordination offered by ICTU is informal, especially for companies such as FoodCo, in which the terms and conditions of employment, including pay, are relatively generous. The latest ICTU pay target for all sectors, which was released in January 2022 and guided by the Nevin Institute, provided that unions should seek a pay raise in the range of 2.5 and 4.5 per cent. The view of SIPTU at FoodCo is that such a range targets low-pay industries or companies that have not received a pay increase during the pandemic. In the sector in which FoodCo operates, companies have achieved on average a 2.5 per cent increase per year, and any pay target beyond that is considered to be unrealistic. The main target that the Committee members at FoodCo have in mind before walking into a negotiation session is what other companies in the sector have previously agreed.

> We do it [set a pay increase] locally, so some companies may get 2.5, others 2.6 or 2.4 per cent; we are all in on the same average – it's done on a local basis, company by company. We use comparators, so we say, that's what we have in another company, so we look for something close to that. We don't use a company where we get 1.8 per cent as a comparator – once we know what's the average out there, we then go and say: look, that's the average, and we then try to achieve that. (Lead Negotiator at FoodCo)

The average sectoral pay increase is discussed within the Committee and used to identify a pay rise that is considered to be acceptable to union members at FoodCo. As previously indicated, this preparatory stage is the most delicate of the entire bargaining process as members' expectations have to be adjusted. Parallel to the work in the Committee, shop stewards consult and inform members of any decision made regarding pay and other potential bargaining items. Unlike in other companies, at , the Chief and the Lead Negotiators at this stage do not have access to the company's books.

> It's funny because the only time the company is willing to show its books is when they are going bad and it can't pay the pay increase – if we ask for the books, they'll say NO, that's confidential information. (Lead Negotiator at FoodCo)

However, SIPTU acknowledges that the management is collaborative during negotiations. Its counterpart comes to the bargaining table well prepared to provide evidence on the company's performance. The data function also provides a reality check for shop stewards and members, especially when IBEC is involved.

Once a pay rise that the Committee considers to be acceptable is identified, the union organises a general meeting. The members have a week to reflect on the deal and ask questions. If consensus is not reached, the Committee re-engages with the management, asking for amendments. SIPTU will not organise a ballot unless there is agreement with the union base. It is uncommon for members to reject a proposal if it comes with a recommendation for acceptance as this provides a signal that the Committee has achieved the best deal and that there is very little margin to change it unless a third party is involved.

Horizontal Coordination

At the South site, FoodCo recognises two unions for collective bargaining purposes, SIPTU, representing the large majority of employees, and Connect, representing only four craft workers. Unlike the situation in other companies, in which Connect and SIPTU jointly sit at the bargaining table and work closely together in the bargaining committee, at FoodCo South site, there is no formal coordination between them. The interviews reveal that the relationship between the two unions is not collaborative.

> In many companies, SIPTU and Connect would have a joint committee and we would negotiate together; [in the] vast majority of companies, we would negotiate together. But in FoodCo there is history down there and we negotiate separately – that's an anomaly in FoodCO between Connect and Siptu. (SIPTU Lead Negotiator)

There is no coordination in collective bargaining across the South and Sothwest sites either. In the South East site, the most representative union is Unite, which, in the Republic of Ireland, has virtually no links with SIPTU. There may be informal contact between the Lead Negotiators at the two sites but very limited information sharing. Moreover, the bargaining rounds at FoodCo are not synchronised. While, in the South site, the agreements generally have a duration of 3 years, in the South East site, they are renewed every 2 years. This has reduced the possibility for unions to work on a common strategy. Finally, in 2018, the South East division concluded a collective agreement with Unite that the management tried to extend to the South site without discussing its terms and conditions with SIPTU. That incident temporarily eroded the relationship with the management, which was eventually repaired. However, it interrupted any form of limited, pre-existing collaborations between the two unions. This lack of coordination across sites again is an anomaly. The interviews suggest that, in most of the companies operating in Ireland with multiple divisions, all the unions participate in national bargaining, adopt a common bargaining strategy, and sign similar deals.

The FoodCo case shows that, in a context of decentralised bargaining, the degree of bargaining coordination is contingent on personal relationships amongst unions' leaders and their willingness to establish links across different bargaining units by collaborating through information sharing.

7.5 Bargaining Processes and Outcomes

The management at the South site *genuinely* engages in collective bargaining. FoodCo is a strongly unionised company – its *collaborative* industrial relations model took shape in the early 1980s, when the division was first established, and it has remained mostly unchallenged. This is evident in the capacity of SIPTU to maintain a 100 per cent union density and a high level of bargaining coverage. The employer is committed to an open and ongoing dialogue with the union – it facilitated union organisation and the growth in trade union membership. The quasi-closed-shop agreement has always been honoured, despite remaining informal. There was, however, a moment of significant tension in 2018, when the management sought to extend the collective agreement that was signed by Unite in the South East plant to the South plant, without it being ratified by SIPTU. The conflict, on that occasion, escalated rapidly, and the company has not attempted to overstep the union since then.

> We did have one difficulty – the South East site had completed its negotiations and I just happened to be on sick leave at that time. The company went back to our members and said: we are now giving this [deal] to you. Our members didn't accept this, you [the management] did it with another union – it was with Unite, we don't accept it. The company did find it hard to understand, and we [SIPTU] had to explain to them that collective bargaining means that you have to sit down with us, with our union, and our members would either accept or reject any deal that comes, so that was a slight argument we had about 3 years ago, but I do think the company has certainly learned. Since then, for any issues that arise, they would sit down and discuss with us and negotiate with us. (SIPTU Lead Negotiator)

SIPTU at the South site negotiates with the HR Manager, the production managers, and the maintenance manager. However, the negotiations are led by IBEC, the employers' organisation. IBEC's representatives and the HR Manager lay out the bargaining strategy and present their agenda. More technical managers are involved to illustrate data on production volumes, orders, and the future prospects of the company. SIPTU indicates that IBEC plays a prominent role and is instrumental in presenting financial data, the industry's objectives, and economic indicators.

The relationship between the two sides of the negotiation table is generally positive. There are also informal conversations between the SIPTU Lead Negotiators, IBEC, and the FoodCo HR Managers away from the bargaining table, during which the parties gain a sense of each other's expectations. Pay itself has never been a highly problematic issue as there are economic parameters that can be used to back up the claims rigorously. It is the way in which the increase is calculated that is normally the object of contention. For example, in the most recent bargaining rounds, SIPTU's demands have gravitated towards a 2.5 per cent increase. However, the union has attempted to improve it by adding other tangible benefits.

> Rather than getting the increase through pay, we use other ways, for example, asking for extra annual leave, health insurance contribution, and this all adds up to the mix. So, if we have in mind a 3 per cent increase, we eventually get it. At the negotiation, there is a lot of discussion of these items. (SIPTU Lead Negotiator)

In past negotiations, the most controversial issue was not pay but the 'sickness and accident scheme', which was eventually referred to arbitration in 2022 when the parties failed to reach a settlement. SIPTU reports that the scope of collective bargaining is wide and that issues such as health insurance and annual leave have become increasingly important to members in recent years.

Union representatives appear to be satisfied with the process and outcomes of collective bargaining at FoodCo. It is considered to be extremely valuable for members to participate actively in the definition of the strategy and make sure that the union is involved in all the decisions that concern their terms and conditions of employment. SIPTU perceives it also to be instrumental to management: the union makes sure that the terms of the agreement are respected and that there is control over certain production processes. It helps the company to reach its strategic objectives without major disagreements. The cooperation between management and SIPTU at the South site over more than 40 years has enabled the introduction of new technologies and has contributed to product innovation, benefitting both sides.

7.6 Conclusion

From the perspective of the union organising strategy, the FoodCo South facility can be considered as an anomaly as SIPTU views it as a pharmaceutical company despite it belonging to the food and drink industry. This is due to the fact that the production processes involved, the employee skill profiles, and the company's characteristics are largely similar to those in pharmaceuticals. It follows that the union strategy at FoodCo is the same as that at PharmCo. There is a high density level, guaranteed by a quasi-closed-shop agreement. This has creative incentives for collaboration with the management's counterparty and enabled the union to be involved in any decisions regarding members' terms and conditions of employment. The Committee uses pay deals reached in other companies with similar characteristics to identify a pay target. The target is then aligned with members' expectations and subsequently discussed with the management, taking into account data on the company's, as well as the sector's, performance. Overall, there is informal vertical coordination, and the bargaining process is largely localised. The main strategic link between the sector and the company is provided by the SIPTU Lead Negotiator, and it is highly effective. By contrast, horizontal coordination, across both FoodCo sites and unions, has proved to be difficult for two reasons. Firstly, the bargaining rounds in the two Irish FoodCo facilities are not synchronised; secondly, the relationship between the two unions representing workers, Unite in the South East and SIPTU in the South, is not collaborative. Thus, there are neither formal nor informal links facilitating the exchange of information between them. At FoodCo South, collective bargaining has occurred regularly since the collapse of the social partnership, and industrial relations have been mostly collaborative except for 2018, when the management tried to overstep SIPTU in the South site and impose a collective agreement that was signed only by Unite. The incident was resolved and a climate of collaboration resumed. The agenda of collective bargaining in the past decade has expanded to include new items, such as health insurance, holidays, and pension contributions. While pay is the least controversial issue, the negotiation of additional tangible benefits, such as the sickness and accident scheme, as well as normal ongoing change has been more contentious. The union is satisfied with the outcomes of decentralised collective bargaining and is not in favour of a national social partnership.

8: Comparison between Case Studies and Conclusion

The analysis of the four case studies shows that, in strongly unionised companies, such as those investigated, the decentralisation of collective bargaining following the collapse of the national social partnership in Ireland has not reduced the role of unions in setting pay levels and other terms and conditions of employment. There are more similarities than differences between the selected cases concerning the strategies that unions have devised to represent their members and coordinate collective bargaining. Overall, unions in all the companies show satisfaction with both the process and the outcomes of local-level negotiations. Nevertheless, they all call for a strengthening of the ‘right to collective bargaining’ to facilitate unions’ access to workplaces where employers refuse to engage in negotiations. In the section that follows, the main comparative findings of the cases will be reviewed in detail. These are summarised in Table 8.1.

Table 8.1 Summary of Case-by-Case Findings

	PharmCo	**FinCo**	**RetailCo**	**FoodCo**
Strategies and Challenges	Retraining shop stewards Mobilisation of trade union leaders and extensive research on the sector’s and company’s performance Use of surveys, ballots, and other instruments of internal democracy to facilitate members’ participation Reliance on strong structural resources – little resistance from employers	Retraining shop stewards Extensive research on the sector’s and company’s performance Use of surveys, ballots, and other instruments of internal democracy to facilitate members’ participation Financial crisis Technological change Traditionally well-organised company	Strengthening collective bargaining where it exists Offering individual services to members Retraining shop stewards Use of surveys, ballots, and other instruments of internal democracy to facilitate members’ participation Hostility of employers Low density Limited structural resources	Retraining shop stewards Mobilisation of trade union leaders and extensive research on the sector’s and company’s performance Use of surveys, ballots, and other instruments of internal democracy to facilitate members’ participation Reliance on strong structural resources – little resistance from employers

Bargaining Coordination	Internal workplace bargaining structures Activists – link between members, negotiating team, and sector-level trade union Informal horizontal coordination	Internal workplace bargaining structures Activists – link between members, negotiating team, and sector-level trade union Emergence of new forms of workplace representation structures Formal horizontal coordination – Area Coordinator and General Council	Internal workplace representation structures National Group of shop stewards – link between members, negotiating team, and sector-level trade union Emergence of workplace representation structures Formal horizontal coordination – National Group of shop stewards and National Negotiating Team	Internal workplace bargaining structures Activists – link between members, negotiating team, and sector-level trade unions No horizontal coordination
Bargaining Process	Professional and strong relationship between negotiating parties Tension on some items (i.e. pension scheme)	Professional, strong, and collaborative relationship between negotiating parties Workplace partnership	Professional, strong, and collaborative relationship between negotiating parties Workplace partnership	Professional and strong relationship between negotiating parties Tension on some items (i.e. sickness and accident scheme and normal ongoing change)
Bargaining Outcomes	SIPTU shows satisfaction with the outcomes of collective bargaining Greater scope for collective bargaining – tangible benefits, pension contribution, and health insurance Training and provisions for atypical workers	FSU shows satisfaction with the outcomes of collective bargaining Greater scope for collective bargaining – severance payments Maternity leave, parental leave, and remote working	Mandate shows satisfaction with the outcomes of collective bargaining Greater scope for collective bargaining – discount vouchers Working time	SIPTU shows satisfaction with the outcomes of collective bargaining: Greater scope for collective bargaining – tangible benefits, pension contribution, health insurance Training and provisions for atypical workers

8.1 The Strategies and Challenges of Trade Unions in Ireland after the Collapse of the Social Partnership

The strategies that unions devised to negotiate collective agreements across PharmCo, FinCo, RetailCo, and FoodCo are largely similar. In the absence of centralised collective bargaining, SIPTU, FSU, and Mandate resorted to their own organisational resources to empower shop stewards and revitalise their company-level representation structures. Their objective was twofold. On the one hand, the unions focused their effort on persuading employers that collective bargaining could still play an important role within a company by showing a constructive approach to negotiation and working towards developing a strong bargaining relationship through sharing information and committing to reaching settlements, where possible, without engaging in conflict or threatening sanctions. As shown in Table 8.1, the unions supported this posture with a number of pragmatic measures. First, they conducted extensive research in their respective sectors (pharmaceuticals, the food industry, the financial service sector, and retail) to identify a pay target that was compatible with the sectoral trends as well as with each company's performance. Second, they invested time and resources in managing members' expectations, making sure that these were in line with the reality on the ground. Third, they secured the implementation of the agreements by maintaining peace on the shopfloor. On the other hand, trade unions worked towards strengthening their negotiation capacity at the company level. They retrained their shop stewards, who, during the national social partnership, had lost their bargaining skills. They also organised regular meetings at the sectoral level to inform local negotiators of any developments in other companies. Finally, by establishing a constant channel of communication with shop stewards, the unions made sure that their initiatives filtered through to their members, thereby promoting common company-level practices (i.e. online surveys, monthly meetings in the canteen, limited work-to-rules, and overtime bans).

While the strategies of SIPTU, FSU, and Mandate were found to be alike across the companies investigated, each union faced its own specific challenges (see Table 8.1). It is important to note that, in the context of our case studies, unions have relied on strong density levels. In the pharmaceutical and food chemical sectors, this is not an exception to the prevailing pattern. Export-oriented and highly internationalised companies, such as PharmCo and FoodCo, tend to be well organised by unions, and employers are generally open to collective bargaining. However, the situation is different in the financial services sector and in the retail sector, in which employment relations are more polarised across companies. FinCo, similar to other Irish-owned banks, has a long history of broadly collaborative industrial relations, including workplace partnerships, whereas other financial institutions have, especially in the past decade, shown growing hostility to any form of union organisation and largely refused to engage in collective bargaining. Workers in the retail sector are the most difficult for unions to mobilise due to its structural conditions, namely low pay, high labour turnover, and significant competition between employers. The success of Mandate at RetailCo in maintaining the closed-shop agreement (securing 100 per cent membership) and continuing to negotiate collective agreements is far from the norm. Unions have struggled to access members in the workplace as well as to persuade large, hostile employers to engage in any meaningful collective bargaining.

The trade union leaders, both at PharmCo and at FoodCo, were instrumental in implementing SIPTU's strategy, namely targeting the best-performing companies in the sector and using their pay increases as a benchmark for other companies. Their approach, in fact, went mostly unchallenged: the local negotiators were able to frame the bargaining agenda in a manner that was acceptable to the employers and, at the same time, to gain the support of their members. Meanwhile, at FinCo, trade unions have faced more challenges due to the impact of two parallel developments: first, the financial crisis, which was followed by massive restructuring and a large number of redundancies; second, the closure of multiple branches due to the introduction of new technologies, such as online banking and service automation, which has further accelerated the process of job losses and, in turn, affected the level of union membership. Despite operating in a traditionally well-organised company and continuing to engage in collective bargaining, FSU at FinCo focused its effort on protecting jobs and participating in decision making around redundancies. Unlike at other retailers, at RetailCo, Mandate could rely on high union density thanks to a well-functioning closed-shop agreement and a distinctive employment relations model based on the workplace partnership. Here, the relationship between the union and the employer has been collaborative since the collapse of social partnership. The union cooperated with the management on the shop floor during the financial crisis, when RetailCo experienced several economic downturns, entailing significant profit losses. While pay increases could not always be offered to the workers, the relevant union representation structures were involved in all decisions concerning the terms and conditions of employment. Despite its limited resources, Mandate was able to strengthen the collective bargaining, involve the workers in the life of the company, and provide individual services to members.

8.2 Coordination in the Process of Decentralised Bargaining

Vertical Coordination

Our four case studies demonstrate that, despite the lack of centralised collective bargaining at the national level, trade unions developed alternative mechanisms for coordinating collective bargaining after the collapse of the social partnership. As shown in Table 8.1, such mechanisms revolve around a series of both formal and informal steps that unions undertake before, and during, pay talks. First, prior to initiating a bargaining round, sector-level officials review the yearly pay recommendations released since 2017 by the ICTU Private Sector Committee, which is formed by representatives of different unions. These are compared with the average pay deals achieved by local negotiators and adjusted to meet the sector-specific demands. SIPTU, FSU, and Mandate have their own internal strategy (i.e. IT systems) to record all the collective agreements signed in the companies in which they negotiate, and they use it as a reference to identify priorities, gaps, potential new items for collective bargaining, and subsequent pay targets.

Moreover, in all the companies investigated, unions established a formal workplace bargaining structure – the Committee – the function of which is exclusively to negotiate collective agreements. At PharmCo and FoodCo, the shop stewards sitting on the Committee are elected by all the members on the basis of their skills and job responsibilities. At FinCo, all the employees who are FSU members elect their Committee representatives in each region where the bank operates (Dublin, Leinster, Munster, Connacht, and the UK) for a duration of 3 years. At RetailCo, members in each store elect a number of shop stewards who constitute the National Group of shop stewards. These, in turn, elect the negotiators who participate in the National Negotiating Team. The work of the Committees and the National Negotiating Team is led by a full-time sector-level trade union official, who functions as a (vertical) link between sector and the company levels and makes sure that there is coordination between the sectoral strategy and the agreed settlements at the company level.

Once the Committee identifies a pay target – after considering the ICTU's recommendations, the sectoral economic trends, previous deals, and the company's specific characteristics – it is communicated to members, generally through a survey whereby members are asked to give their opinion on the priorities identified for collective bargaining, including the proposal of a pay increase and other potential agenda items. This process facilitates their active participation in the definition of the bargaining agenda. A list of priorities is drafted, and a general meeting is organised. A meeting at this stage is the key to aligning the members' expectations with the reality on the ground, specifically the financial position of the company and the resources available locally. Before entering a negotiation with their management counterpart, all Committees receive a clear mandate from their members, who, in various ways (ballots, surveys, and informal meetings) approve the bargaining agenda. At the end of the bargaining process, members are balloted again either to approve or to reject the final deal agreed with the employer.

Parallel to collective bargaining structures, both at FinCo and at RetailCo, unions have also established other forms of workers' participation that are aimed at consulting and informing members about various aspects that concern them, such as the organisation of work, the implementation of new practices and policies, and any potential matters of disagreement. These participation forums support the process of collective bargaining by maintaining peace on the shop floor and securing an ongoing dialogue with the management. However, these partnership structures are not directly involved in the collective bargaining process. To some degree, these emerging forms of union representation may be equated to the works councils that are more commonly found in continental Europe. However, in Ireland, there is no competition between bargaining committees and workers' participation forums. These structures work with each other, and the same actors, namely shop stewards, lead the representation process. Their roles are complementary, and they operate to strengthen the link between unions and members.

While collective bargaining is decentralised, trade unions have set up an effective system of vertical coordination. They control pay developments by calculating a sector-specific pay target that is based on rigorous economic indicators and previous pay deals; hence, it is difficult for employers to debunk. SIPTU has been particularly effective with its coordinating strategy, especially in the phase that followed the collapse of the national social partnership. By engaging with academics, economists, and other trade unions in Europe and using ad hoc channels of communication, such as *IRN News*, SIPTU made sure that its collective bargaining objectives were internalised by industrial relations specialists and practitioners.

In sum, sectoral union officials play the most strategic role by connecting the sectoral unions with the shop stewards. They are instrumental in managing both employers' and members' expectations. The coordination provided by ICTU, through the Private Sector Committee, is not binding and works by providing guidance frameworks, yet it is acknowledged by the unions and used a starting point in pay talks.

Horizontal Coordination

Across the four case studies investigated, three different modes of horizontal coordination emerge: (1) coordination between multiple unions operating in the same workplace, (2) coordination between unions across divisions (within the same company), and (3) coordination between unions across companies (within the same sector).

First, the process of coordination between different unions both at PharmCo and at FinCo has remained largely informal. Coordination occurs primarily by informal contacts between the trade union officials and the shop stewards involved in negotiations. While, at PharmCo, the union representatives of SIPTU and Connect have a very close working relationship and informal conversations between them are constantly ongoing, at FinCo, the FSU representatives simply notify their colleagues from Unite and SIPTU of the outcome of collective bargaining. At RetailCo, the level of collaboration between unions is the greatest amongst the cases investigated. There is a formal system in place that enables Mandate and SIPTU to coordinate their activities. First, members of both unions elect their respective representatives who will sit in the National Group of shop stewards. The shop stewards, in turn, elect the members of the National Negotiating Team, in which the unions are proportionally represented based on membership. Once the Negotiating Team has been instituted, the two unions define a common bargaining strategy. At FoodCo, there is neither formal nor informal coordination between SIPTU and Connect due to the fact that the personal relationship between the trade union leaders deteriorated in the past. This suggests that collaboration between different unions in the context of decentralised bargaining is contingent on personal networks and experiences as well as on actors' willingness to sustain this over time.

Second, there is no collective bargaining coordination between the unions operating in the various divisions of PharmCo and FoodCo. In the two companies, there are different bargaining committees that negotiate separately with the management. The fact that the collective bargaining rounds are not synchronised in these two companies did not facilitate collaboration between unions. In addition, at FoodCo, similar to other contexts in Ireland, the relationship between Unite and SIPTU is complex and unions have not been able to engage in any form of cooperation. At RetailCo, the National Negotiating Team negotiates on behalf of all RetailCo members, and it coordinates its activities across the different stores through the support of the National Group of shop stewards, which represents all workers. Specifically, the role of shop stewards at RetailCo is to link the National Negotiating Team with the union members, securing consistency in bargaining priorities and expectations across all the stores. At FinCo, lateral coordination occurs thanks to the Sectoral Committee, on which all the shop stewards from different divisions sit together and jointly set the agenda for collective bargaining. The Committee relies on 70 FinCo Area Coordinators, ensuring that there is a constant communication flow between members and shop stewards in different branches. In other words, the depth of coordination between unions (within a company) varies by employer; where workers are largely represented by the same union, such as at FinCo and RetailCo, a single, national bargaining table is more likely to be found. This bargaining model goes hand in hand with workplace partnerships, whereby unions and employers also work in collaboration in these parallel structures. Conversely, where multiple unions are involved in multiple sites, such as at FoodCo, the management may opt to open different, often not synchronised, bargaining tables and sign separate agreements with each of the unions. Such an arrangement has made it difficult for the leaders of different unions to collaborate and share information.

Finally, the most formal system of coordination across companies (within the same sector) is found in the financial service industry, in which all officers of all FSU Sector Committees sit on the General Council and agree on a common bargaining strategy. In parallel to that, all FSU Lead Negotiators in all banks meet formally four times a year and informally every week to discuss collective bargaining developments. Informal and formal meetings amongst the sector-level trade union officials, who participate in negotiations at the company level, occur in all the other sectors investigated, including retail, food and drink, and pharmaceuticals. At these meetings, the conversations revolve around the items and priorities for collective bargaining. Trade union leaders keep each other informed about the latest deals and share their gains and challenges with colleagues. Such interactions are instrumental in strengthening those personal networks and relationships, which seem to be vital in securing bargaining coordination between unions at all levels, within and across companies.

As summarised in Table 8.1, the trade unions in all the selected companies have resorted to their own internal resources to coordinate collective bargaining. Vertical coordination occurs mainly thanks to the sector-level officials who sit on the companies' committees and, along with shop stewards, shape the bargaining strategy. Their role is to implement the objectives set at the sectoral level while taking advantage, when possible, of the resources available locally. There is more variation across cases regarding the depth of horizontal coordination. It is deeper where union leaders have a history of a cooperative relationship and in companies such as FinCo and RetailCo, in which the industrial relations model is supported by a workplace partnership.

8.3 The Collective Bargaining Process and Outcomes

The relationship between management and unions is described by all the unions as *strong* and *professional*. Nevertheless, there have been moments of tension between the parties linked to specific bargaining items, such as the pension scheme at PharmCo and the sickness and accident scheme at D. These involved long-lasting disputes that required the intervention of a third party. At FinCo and RetailCo, the strength of the union–management relationship has improved due to the presence of a stable workplace partnership that has favoured the institutionalisation of formal joint participation forums whereby shop stewards and HR managers cooperate in various areas, such as work organisation, training, and dispute resolution. At FinCo, following the financial crisis and the collapse of the national social partnership, the collaboration between the management and the FSU stalled for several years, but it was revitalised in 2012 by a management initiative and is now functioning well.

The main actors involved in the bargaining table are, on the union side, the sector-level trade union official along with a local committee of elected shop stewards and, on the management side, the HR Director, HR Manager(s), and, depending on the different stages of the negotiation, the Head of Finance and the Operations Manager(s). Both at PharmCo and at FoodCo, IBEC also sits at the bargaining table as both these companies are considered to be trend setters in manufacturing. At RetailCo, IBEC is rarely involved – and only if particularly controversial issues are brought to the bargaining table – while, at FinCo, it never participates.

Perhaps not surprisingly, all the unions report that pay is considered to be the most important item of negotiation. However, it is also described as the least controversial as both management and unions identify a target that is rigorously supported by data and evidence. While the parties tend to estimate their respective targets for pay bargaining effectively, members' expectations are generally perceived by union officials to be too high. Unions invest significant effort in managing them and making sure that the members consider the final deal to be acceptable. Moreover, it is found that the agenda of collective bargaining has widened considerably over the past 10 years. Unions indicate that the decentralisation of collective bargaining has presented an opportunity for the bargaining parties to engage with new issues and negotiate so-called package deals. The most common bargaining items are pension contributions, health insurance, sick leave, and extra days off. Such items are seen by the unions as a means to top up the pay increase by adding other tangible financial benefits. Depending on the company and the skill profile of workers, other matters have also appeared on the bargaining agenda, such as parental leave, maternity leave, flexible work arrangements at FinCo, provisions for atypical workers at PharmCo and FoodCo, vouchers, and working time at RetailCo. These extra benefits are generally offered by the company in return for flexibility in work organisation ('normal ongoing change') and improved digital skills of workers.

In all the companies, unions show satisfaction with the outcomes of decentralised bargaining. None of the unions express nostalgia for the social partnership era, when only a limited number of companies negotiated at the local level. Their enthusiasm for local negotiation revolves around three themes. Firstly, it reinvigorates the union movement by re-engaging with members. Secondly, it produces measurable benefits for workers by improving their terms and conditions of employment. Thirdly, it improves the relationship between unions and HR management by creating incentives for open dialogue and collaboration. However, SIPTU at PharmCo and FoodCo highlight that the industry in which they operate is particularly well organised by unions and the membership levels remain relatively high. Therefore, it has been less challenging for them to re-engage individual employers and support them in negotiating collective agreements. This view is reinforced by Mandate, in the retail sector, in which the density levels are considerably lower. The union here is actively campaigning to strengthen the right to bargain and facilitate the access of unions to workplaces. RetailCo, in fact, is described by Mandate as an exception in the industry, in which larger employers continue to refuse to engage in collective bargaining. FSU reports a similar concern; while the main Irish banks remain unionised, other employers are showing increasing hostility towards trade unions and collective bargaining. Hence, while interpreting bargaining decentralisation as a positive development, the unions emphasise that the number of individual employers engaging in local negotiation is uneven across sectors and that, in non-union contexts, their attitude towards collective bargaining is hostile. They all call for new statutory measures that tackle the limited bargaining coverage that currently exists.

8.4 Conclusion

The qualitative analysis of collective bargaining arrangements in four Ireland-based companies, namely PharmCo, FoodCo, FinCo, and RetailCo, each representing a different sector of economic activity, has shed light on a series of important findings. Firstly, it was found that the sudden collapse of centralised bargaining has pushed unions to mobilise their own internal resources to re-engage their membership base. They relied primarily on (a) the leadership skills of their activists, (b) instruments of internal democracy, such as ballots, surveys, and elected workplace committees, and (c) links with external bodies, academics, economists, *IRN News* reporters, and other unions in the European Union. The proactivity of some trade union leaders was particularly instrumental. Indeed, it was thanks to the extreme determination of a handful of union officials that some employers were persuaded to (re)enter company-level bargaining. The success of the unions in Ireland, SIPTU, FSU, and Mandate, in securing collective bargaining coverage varies contingent on some external conditions, such as the overall sector economic performance, the employee skill profile, industrial relations legacies, and the level of union density. In pharmaceuticals, a technology- and skill-intensive sector, in which companies are traditionally well organised by unions and product demands are less subject to fluctuations, SIPTU has been able to maintain significant bargaining activity. Conversely, in retail, a labour-intensive sector characterised by high turnover and strong competition between the major employers, Mandate has struggled to access workers. However, collective bargaining decentralisation in all the companies investigated has been interpreted by unions as an opportunity to reconnect with members. Its positive effects are evident in the pay gains achieved over the past 10 years and the widening of the collective bargaining agenda.

Secondly, despite the lack of mechanisms governing negotiations at the centralised level, unions have developed mechanisms of vertical coordination through the establishment of formal workplace representation structures with representatives who are elected by the members and linked to the sector level via highly trained full-time sectoral union officials. By leading the company-level negotiations, these trade union officials make sure that the sectoral strategy is implemented consistently across companies and that similar pay outcomes for members are achieved. Meanwhile, the contribution of shop stewards is to maximise, where possible, the use of local resources. Unions have also managed to coordinate collective bargaining across companies (within the same sector) and across unions (within the same company). However, the degree of horizontal coordination varies. Across companies, unions coordinate mostly by organising formal and informal meetings amongst the Lead Negotiators, who, by sharing information, ensure that their bargaining strategy remains coherent. Across unions, the coordination is greater where local negotiators have a positive and strong personal relationship or where all unions are part of workplace partnerships so that they sit at the same bargaining table and sign the same deals.

Thirdly, along with workplace-level bargaining committees, the focus of which is exclusively to negotiate collective agreements, new forms of workers' participation and/or union representation have emerged. These are variously referred to by unions as 'House Committees', 'Store Forums', or 'Joint Management Union Forums' and are not directly involved in negotiations. However, they support the bargaining process by facilitating transparency in financial information, communication, and participation. These forums may be seen a functional equivalent to work councils – union members do not negotiate but are consulted, informed, and participate indirectly in formulating the bargaining agenda. These structures are formally decoupled from collective bargaining, which remains the main channel for negotiations and pay fixing. They cannot derogate from, or change, collective agreements or engage in company-wide or local changes that would impinge on collective bargaining. They do seem to affect collective bargaining, however, through building and maintaining trust, exchanging information, and influencing members' expectations. Thus, decentralised bargaining in Ireland does not appear to have shifted functions or power away from unions or led to any new alignment between the joint management–union partnership, where it exists, and collective bargaining.

Fourthly, despite operating in a context that is characterised by reduced institutional support and, in retail, faced with increasing hostility from employers, all the trade unions appear to be satisfied with the outcomes of company-level bargaining. They consistently report that decentralised bargaining has led to measurable improvements in terms and conditions of employment that compare favourably with centralised national bargaining. More specifically, it has widened the scope of collective bargaining and strengthened the collaboration between unions and management, facilitating win-win deals on some issues. Moreover, unions are particularly proud of the negotiating skills that the local negotiators have developed and the close relationship that they have regained with their members. The level of participation of their membership base in the life of the unions is also reported to be greater. All trade unions are currently campaigning to introduce a right to bargain into legislation and to persuade employers to recognise unions at the company level. The outcomes of decentralised bargaining are positive where employers recognise and engage with the unions, but the share of employers who choose not to remains high in Ireland and has been increasing during recent decades.

Finally, it is worth noting that no attempts by workplace committees and shop stewards to challenge union pay targets and engage in what might be described as 'wildcat secession' were found in the selected case studies. Previous research pointed to two disputes in 2016 in the transport sector, concerning tram drivers in Dublin's privately operated light rail system (LUAS) and drivers in the city's state-owned bus service (Dublin Bus), that resulted in settlements which appeared initially to threaten the pay norms. Industrial relations legacies influenced both disputes. Because of agreed phasing arrangements these two deals had little effect on pay rises in general (Roche & Gormley 2018). Wildcat secessions and other attempts to challenge pay targets were however reported as features of company-level bargaining under previous decentralised and centralised pay bargaining regimes (Hardiman 1987; McCarthy, O'Brien and Dowd 1975) – but not in the private sector during the social partnership era, when a series of networked forms of co-ordination seemed effective in controlling serious pay drift (Higgins and Roche 2014). This change may well reflect the effectiveness with which pay bargaining has been coordinated vertically and horizontally by unions and the array of new mechanisms that have been developed to manage firm-level bargaining. In particular, the generalised consensus that is found around pay targets, both across sectors (amongst trade union leaders), and within companies (between trade union leaders and members on the shop floor), may be explained by the combined effect of three parallel measures that were simultaneously adopted by the trade unions. First of all, the 2 per cent target (at the outset of the financial crisis), and the 2.5-3 per cent range increase (after the economic recovery), were identified on the basis of rigorous market analysis and considered reasonable by all the parties involved in the negotiations, including the employers. Secondly, SIPTU, FSU and Mandate invested significant resources in training their shop-stewards deliberately to monitor expectations in the shopfloor and make sure that these remained consistent with average pay increases. Thirdly, by engaging with new bargaining items, such as health insurance, pension contributions, bonus and voucher schemes, trade unions have been able to offer additional tangible benefits in the most profitable companies; members' demands were met by taking advantage, where possible, of local resources, through customised package deals. Meanwhile, the unions could negotiate pay deals that continued to reflect an uncontentious pay target. In other words, the scope that exists to tailor wage targets to firms' specific circumstances, and the scope provided to supplement pay rises with improvements in conditions of employment may have provided pressure 'release valves' that have supported and sustained union pay targets and the resulting collective agreements.

List of References

Allied Irish Banks (AIB). (2013). *Irish retailing: The challenges and the opportunities*. Retrieved November 11, 2021, from https://business.aib.ie/content/dam/aib/business/docs/help-and-guidance/Outlook-Retail-Report-FINAL.pdf

Baudino, P., Murphy, D., & Svoronos, J. P. (2020, October). *The banking crisis in Ireland.* Bank for International Settlements FSI Crisis Management Series No. 2. Retrieved December 2, 2021, from https://www.bis.org/fsi/fsicms2.pdf

Bord Bia. (2020). *Annual report and accounts* 2020. Irish Food Board. Retrieved February 2, 2022, from https://www.bordbia.ie/globalassets/bordbia.ie/about/governance/annual-reports-pdfs/bord-bia-annual-report-2020.pdf

Boyle, R. (1998). *Partnership at the organisation level in the public service*. Dublin: Institute of Public Administration.

Brennan, J. (2017, May 31). How AIB went from boom to bust and back again. *The Irish Times.* Retrieved December 2, 2021, from https://www.irishtimes.com/business/financial-services/how-aib-went-from-boom-to-bust-and-back-again-1.3102656?mode=sample&auth-failed=1&pw-origin=https%3A%2F%2Fwww.irishtimes.com%2Fbusiness%2Ffinancial-services%2Fhow-aib-went-from-boom-to-bust-and-back-again-1.3102656

Brennan, J. (2021, February 10). AIB begins union talks on cutting up to 1500 jobs. *The Irish Times*. Retrieved December 2, 2021, from https://www.irishtimes.com/business/financial-services/aib-begins-union-talks-on-cutting-up-to-1-500-jobs-1.4481131?mode=sample&auth-failed=1&pw-origin=https%3A%2F%2Fwww.irishtimes.com%2Fbusiness%2Ffinancial-services%2Faib-begins-union-talks-on-cutting-up-to-1-500-jobs-1.4481131

Clarke, B. J., & Hardiman, N. (2012). *Crisis in the Irish banking system*. UCD Working Papers in Law, Criminology & Socio-Legal Studies, Research Paper No. 02/2012, UCD Geary Institute Discussion Paper Series WP2012/03. Retrieved December 2, 2021, from SSRN: https://ssrn.com/abstract=2008302

D'Art, D., & Turner, T. (2006). Union organising, union recognition and employer opposition: Case studies of Irish experience. *Irish Journal of Management*, *26*(2), 165–183.

Dobbins, A., & Gunnigle, P. (2009). Can voluntary workplace partnership deliver sustainable mutual gains? *British Journal of Industrial Relations*, *47*(3), 546–570.

Geary, J. F., & Roche, W. K. (2005). The future of employee information and consultation in Ireland. In J. Storey (Ed.), *Adding value through information and consultation* (pp. 170–199). London: Palgrave Macmillan.

Government of Ireland. (2006). *Towards 2016*. ICTU. Dublin: Government Stationery Office.

Government of Ireland. (2021). *Focus on Biopharmachem*. Retrieved August 13, 2021, from https://enterprise.gov.ie/en/Publications/Publication-files/Focus-on-Biopharmachem-2020.pdf

Greaves, C. D. (1982). *The Irish Transport and General Workers' Union: The formative years 1909–1923*. Dublin: Gill and Macmillan.

Gunnigle, P., Lavelle, J., & Monaghan, S. (2018). Multinational companies and human resource management in Ireland during the recession: A retrospective from a highly globalized economy. *Thunderbird International Business Review*, 1–9.

Hardiman, N. (1987). *Pay, politics and economic performance in Ireland, 1970–1987*. Oxford: Clarendon.

Hickland, E., & Dundon, T. (2016). The shifting contours of collective bargaining in the manufacturing sector in the Republic of Ireland: Government, employer and union responses since the economic crisis. *European Journal of Industrial Relations*, *22*(3), 235–249.

Higgins C and Roche WK (2014) Networked pay coordination and the containment of second tier pay bargaining: Social partnership in Ireland at the height of the boom. Economic and Industrial Democracy 35(4): 667–693.

IDA Ireland. (n.d.). *Pfizer*. Retrieved March 15, 2022, from https://www.idaireland.com/how-we-help/case-studies/pfizer

Industrial Relations News (IRN). Issues cited in the text.

Irish Congress of Trade Unions (ICTU). (2018). Guidance for private sector trade unions on 2018 pay bargaining. *Private Sector Bulletin*. Dublin: Irish Congress of Trade Unions.

Irish Congress of Trade Unions (ICTU). (2019a). Congress guidance for private sector unions on pay bargaining in 2019. *Private Sector Bulletin*. Dublin: Irish Congress of Trade Unions.

Irish Congress of Trade Unions (ICTU). (2019b). Congress guidance for private sector unions on pay bargaining in 2020. *Private Sector Bulletin*. Dublin: Irish Congress of Trade Unions.

The Irish Times. (2022). Top 1000: Our guide to Irish business. Retrieved February 20, 2022, from http://www.top1000.ie/industries/food-and-beverage

Kantar. (2021). *Grocery market share*. Retrieved November 11, 2021, from https://www.kantarworldpanel.com/global/grocery-market-share/ireland/snapshot/20.09.21/08.08.21

Kelly, A., & Hourihan, F. (1997). Employee participation. In W. K. Roche and T. Murphy (Eds.), *Irish industrial relations in practice* (pp. 405–443). Dublin: Oak Tree Press.

KPMG. (2021). *Future of retail*. Retrieved November 11, 2021, from https://home.kpmg/xx/en/home/insights/2021/01/transitioning-from-retail-to-consumer-commerce.html

Lavelle, J., Gunnigle, P., & McDonnell, A. (2010). Patterning employee voice in multinational companies. *Human Relations*, *63*(3), 395–418.

McAuley, D. J. (1967). Collective bargaining and industrial disputes in Ireland. *Journal of the Statistical and Social Inquiry Society of Ireland*, *21*, 125–150.

McCall, B. (2021, August 20). Bricks and mortar retailing far from dead – But now it's just part of the mix. *The Irish Times*. Retrieved November 11, 2021, from https://www.irishtimes.com/special-reports/future-of-retail/bricks-and-mortar-retailing-far-from-dead-but-now-it-s-just-part-of-the-mix-1.4645578

McCarthy, W. E. J., J. F. O'Brien and V. Dowd (1975), Wage Inflation and Wage Leadership: A Study of the Role of Key Wage Bargains in the Irish System of Collective Bargaining (Dublin, ESRI).

McGinty, B. (2020). *Affordability will inform private sector pay amidst Covid-19*. Dublin: Stratis Consulting. Retrieved March 15 2022 from https://www.stratis.ie/single-post/affordability-will-inform-for-private-sector-pay-post-covid-19

Nevin, D. (Ed.). (1994). *Trade union century*. Cork: Mercier Press.

O'Brien, J. F. (1981). *A study of national wage agreements*. Dublin: ESRI.

O'Dowd, J., & Roche, W. K. (2009). Partnership structures and agendas and managers assessments of stakeholder outcomes. *Industrial Relations Journal*, *40*(1), 17–39.

Roche, W. K. (2007a). Developments in industrial relations and human resource management in Ireland. *Quarterly Economic Commentary*, 62–77.

Roche, W. K. (2007b). Social partnership in Ireland and new social pact. *Industrial Relations*, *46*(3), 395–425.

Roche, W. K., & Gormley, T. (2017). The durability of coordinated bargaining: Crisis, recovery and pay fixing in Ireland. *Economic and Industrial Democracy*, *41*(2), 481–505.

Roche, W. K., & Gormley, T. (2018). The advent of pattern bargaining in Irish industrial relations. *Industrial Relations Journal*, *48*(5–6), 442–462.

Roche, W. K., & Higgins, C. (2016). Networked dispute resolution: The national implementation body in Irish industrial relations. *Advances in Industrial and Labor Relations*, *22*, 161–188.

Roche, W. K., O'Connell, P., & Prothero, A. (2017). *Austerity and recovery in Ireland: Europe's poster child and the Great Recession*. Oxford: Oxford University Press.

Roche, W. K., & Teague, P. (2014). Effective but unappealing: Fifteen years of workplace partnership in Ireland. *International Journal of Human Resource Management*, *25*(6), 781–94.

Roche, W. K., & Teague P. (2015). Antecedents of concession bargaining in the Great Recession: Evidence from Ireland. *Industrial Relations Journal*, *46*(5–6), 434–445.

Roche, W. K., Teague, P., Coughlan, A., & Fahy, M. (2013). *Recession at work: HRM in the Irish crisis*. New York & Oxford: Routledge.

Teague, P., & Roche, W. K. (2014). Recessionary bundles: HRM in the Irish crisis. *Human Resource Management Journal*, *24*(2), 176–192.

Teague, P., Roche, W. K., Gormley, T., & Currie, D. (2015). *Managing workplace conflict*. Dublin: IPA.