

# fusion



Official Magazine of the Technical, Engineering & Electrical Union (TEEU)

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2016

## 1916 - 2016 A Century of Progress



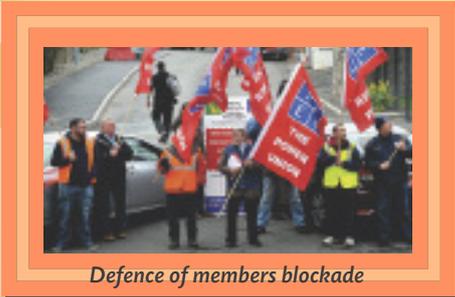
TEEU/UA Global Agreement



2016 Patricia King,  
First Woman General Secretary ICTU



[www.TEEU.ie](http://www.TEEU.ie)



Defence of members blockade



Global Power Congress



10,500 Electricians Strike 2009



Irish Industrial Development, ESB Ardnacrusha



Anti-Apartide Dispute



Ireland enters the EEC



British Troops leave  
Dublin after Ireland  
was declared a Free State



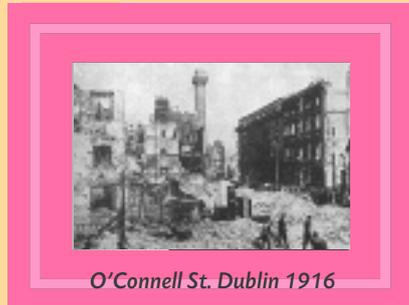
Times of Struggle



Formation of our Union 10th May 1920



Emigration from Ireland



O'Connell St. Dublin 1916



Countess Markievicz



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## EDITORIAL

## A TIME OF CHANGE

As we emerge from the depths of economic depression there are some knowns and many unknowns. However, we have it in our hands to shape a number of issues that directly affect our lives.

For better or worse we are heading into a general election having come through an extremely difficult time in Ireland. The last Fianna Fáil - Green Party Government without doubt turned their back on the citizens of Ireland by investing our future in the "Bank Guarantee", slavishly following their European Masters who themselves in turn were serving the interests of the German and French Banks and worse still they did so in fright without even negotiating a debt reduction, thereby committing this and the next generation to a huge financial burden.

The outgoing Fine Gael-Labour Government, whether you like them or not, has managed to plot a course to recovery. Ireland consequently has the highest growth rate in Europe with tax revenue for 2015 3.3bn higher than expected, experiencing further substantial investment and employment opportunities have returned.

Last year the Government enacted the Industrial Relations (Amendment) Act 2015. This legislation, prompted by the Labour Party side of the Government, has three elements:

The right for trade unions to bargain with employers where these employers refuse to engage with trade unions for the purpose of collective bargaining.

The introduction of Sectoral Employment Orders, following the Supreme Court ruling that declared Registered Employment Orders unconstitutional, which will restore the ability to have once again enforceable pay rates, travelling time for working away from base, sick pay, pension and mortality benefits in mechanical & electrical contracting and the construction industry.

Introduced the Low Pay Commission that has once again increased the National Minimum Rate to €9.15 from January 2016.

Another significant milestone, in the concept of a true Republic, was the passing into law of the Marriage Act 2015, following the Referendum of the Irish People on the 22<sup>nd</sup> May 2015. The Legislation which approved marriage being available to same sex couples came into effect on the 16<sup>th</sup> November 2015.

While we are facing into a period of positive growth, we are facing into a year of uncertainty both industrially and politically.

On the Industrial front at National level in construction and in mechanical & electrical contracting, the employers through their representative body, the Construction Industry



*Eamon Devoy, General Secretary*

Federation (CIF) have at separate meetings in the three sectors denied the existence of an agreed rate of pay in each of the sectors in recent weeks. In response to the TEEU's 5% pay claim that they will not agree to any pay increase unless a Sectoral Employment Order (SEO) is in place. The introduction of an SEO, even if it is achievable, will take at least 12 months to accomplish and in such circumstances the pay terms are not negotiated but imposed. That is why it is essential that our 5% pay claim on the rates of pay that are already formally agreed with the employers is achieved before an SEO is contemplated by the Union.

On the Political front we are facing into the most unpredictable general election in decades with many independents and minor political groupings emerging. One thing that we all need to be conscious of is the fact that to form a government there must be an overall majority group capable of electing a Taoiseach in order to form the next government. While the TEEU is not affiliated to any political party, prior to the last election the TEEU Executive Council, concerned with the prospect of being faced with a single party Fine Gael Government, took the unprecedented step of calling on our membership to vote for the Labour Party. We did this in order to restrict the potential damage to workers that could be inflicted should a single party Fine Gael Government be elected. On this occasion the TEEU is calling on members to challenge all political candidates on 5 key issues prioritised by our recent Biennial Delegate Conference concerning: Apprenticeship Fees, The Social Housing Crisis, The Retirement Age anomaly, Opposition to TTIP CETA trade deals and the demand for a Constitutional Referendum to retain water provision and treatment in public ownership.

Finally, as I retire from the position of General Secretary/Treasurer in July of this year I wish to extend my appreciation to our President, Trustees, EMC/NEC Officers, branch officers and committee members, shop stewards and all our many activists who work tirelessly on a voluntary basis for the Union in the interests of our members, as well as our officials and staff for all their dedication and hard work throughout 2015.

I wish Paddy Kavanagh well in his succeeding role as General Secretary/ Treasurer. I have every confidence in his ability to lead the union into the decades ahead.

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## THANKS

*Thanks to Frank Keoghan General President, Sean Heading Regional Secretary and Tamara Harte Personal Assistant for their support and assistance in producing this edition of Fusion.*

*I trust you will enjoy reading it.*

*Eamon Devoy, General Secretary*

# Biennial Delegate Conference – Ennis 2015

**EAMON DEVOY, General Secretary proposing the TEEU Motion to Conference on Defence of Pensions and Living Standards** that won the unanimous support of the Conference.



**Motion 28**  
**Defence of Pensions and Living Standards**

Conference notes with concern the continuing attacks by neoliberal commentators and greedy employers on worthwhile pension schemes (i.e. those that sustain living standards in retirement) throughout the Irish

economy in both the public and private sectors and calls on the Executive Council to take the following measures:

Lead a sustained campaign to defend existing worthwhile schemes and to campaign for the restoration of cuts to pension schemes where such cuts have occurred.

Promote the introduction of worthwhile schemes where none exist.

Campaign for a fair retirement age at which time the state will provide a worthwhile Contributory Pension Scheme paid for by members throughout their working life through their Social Insurance Contributions.

Systematically examine other pension changes that may arise, while developing effective visible responses to resist any negative changes; and

Campaign for a Statutory Pension Protection Fund which is capable of providing compensation to those pension scheme members affected by insolvencies, while members over normal retirement age or retired due to ill health would continue to receive their pension.

*Proposer: Technical Engineering Electrical Union*

**PADDY KAVANAGH, General Secretary (Elect) Speaking in favour of motions 32 & 36 in defence of the Public Service**



**Motion 32**  
**Public Services V Privatisation**

Conference re-affirms its long standing opposition to privatisation of key public utilities and public services such as health and education. Specifically, it calls upon the incoming Executive Council to campaign for a constitutional amendment to ensure that the water supply infrastructure in the





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Republic of Ireland will always remain in public ownership, and to maintain its opposition to the privatisation of Northern Ireland Water. It also calls upon the incoming Executive Council to oppose the disposal of the Irish government's remaining shareholding in Aer Lingus insofar as this could jeopardise the strategic issue of connectivity from both the Republic of Ireland and Northern Ireland to Britain, Europe and North America.

*Proposer: Executive Council*

**Motion 36**

**FEMPI and Pay & Conditions of Public Sector Workers**

That this Conference demands:

- i. That the Government repeals all aspects of the FEMPI legislation, and

- ii. That any future attempt by the government to impose unilateral changes to the pay and working conditions of public sector workers be vigorously opposed and rejected by the ICTU.

*Proposer: Association of Secondary Teachers Ireland*

**Water Charges and Public Ownership**

That the Waterford Council of Trade Unions calls on Conference to reject the imposition of water charges on the Irish people and calls for a Constitutional Amendment that ensures water remains in the ownership of the Irish people.

*Proposer: Waterford Council of Trade Unions*

This motion was supported by the TEEU and carried by a narrow majority.

1. ICTU BDC 2015
2. Tommy Guilfoyle, President Clare Council of Trade Unions, formerly opening the ICTU BDC 2015
3. Patricia King, General Secretary ICTU, addressing Conference
4. ICTU BDC 2015
5. ICTU BDC 2015
6. Joan Burton, Tánaiste, Addressing Conference on the good news of the introduction of the Industrial Relations (Amendment) Act 2015 that reinstates the Right to Bargain Legislation in the wake of the Ryanair Supreme Court Judgement. The legislation also introduces Sectoral Employment Orders to replace the Registered Employment Agreement legislation lost in the Supreme Court in the Electrical Contracting Industry and the increase in the National Minimum Wage from January 2016. The other item of good news she announced was the state's decision to fund the Pensions of the Waterford Glass Workers who had lost their jobs without their pensions being honoured.
7. Frank Keoghan, TEEU General President speaking in support of Motion 42. Transatlantic Trade and Investment Partnership (TTIP). In the name of the Executive Council of the ICTU, which called for the halting of the Free Trade Treaty, a wide ranging trade deal giving unprecedented power and influence to transnational corporations.
8. Sharron Burrow, General Secretary, International Trade Union Confederation, addressing the ICTU BDC
9. Bernadette Ségol, General Secretary European Trade Union Confederation, addressing the ICTU BDC



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# Women's Forum Report

Following on from the 2014 Biennial Delegate Conference held in Kilkenny, it was decided that the Women's Forum would be resurrected and a more formal arrangement would be put in place to promote female membership in the union. Arising from this a committee of five members took on the responsibility to progress the agenda with the support of the Executive Council. Breda Swift and Áine Broderick were elected to represent the women's forum at the National Executive Council. The women's forum now meet every 2-3 months and welcome any female members who wish to become more active in the union to join them at their meetings.

The women's forum is currently made up of the following members: Breda Swift, Christine Spaight, Áine Broderick, Caroline Kinsella, and Madelyn Portley. We would like to take this opportunity to introduce the new Women's Forum.

## **BREDA SWIFT** (Chairperson of Women's Forum):

I've been working in Honeywell Turbo Technologies for nearly 20 Years and I have been a shop steward for 16 years. I was elected on to the EMC in 2015.

## **MADELYN PORTLEY:**

I was working as a Health and Safety Officer with Mid-Western Lifts and decided to become a Union Member in 2012. I also hold a Diploma in Alcohol and Addiction Studies and I am currently studying a course in Mental Health within the Community, which is affiliated with UCC. I currently volunteer with Le Cheile/Limerick Mental Health Association Limerick.

## **ÁINE BRODERICK:**

I joined the TEEU in 2011 and I am the Branch Organiser for the Limerick no 1 Branch. I am currently completing my PhD in physics in NUI, Galway. I represent the Women's Forum at the NEC.

## **CHRISTINE SPAIGHT:**

I am a production operator with Green Isle foods and a committed member of the Women's Forum.

## **CAROLINE KINSELLA:**

I qualified as an electrician with ESB. Since qualifying I have worked in several areas including Transmission Stations, ESB's training School and Training in IT Projects all within ESB. I currently work as lifting and climbing equipment inspector in the Dublin area for ESB.

Following some initial dialogue on a process, the General Secretary allocated resources to the committee including delegating Bro Paddy Kavanagh to facilitate a consultation process with the women members throughout the union. The first of the agreed series of Committee meetings took place on 20th November 2015 and was addressed by the General Secretary Bro. Eamon Devoy. At the meeting the following series of actions were agreed:

Ms. Breda Swift was elected as Chairperson of the Women's Forum Committee.

Members of the Committee took on delegated responsibilities, in addition to Ms. Breda Swift as Chair, Ms. Aine

Broderick and Ms. Caroline Kinsella took on the responsibility of social media and gender issues, Ms. Madelyn Portley took on the responsibility of Health & Safety and Ms. Christine Spaight – representation in the Workplace. In addition, other issues were outlined in a report to the EMC such as:

Promoting women members more in the TEEU.

Changing public perception of the TEEU as a predominantly male union.

Guidelines for female members raising issues in the workplace.

Delegation status for women members at BDC.

Alliances with other Unions with female memberships.

The next meeting arranged for the women's forum will be 26th February, 2016.

In conclusion, both the Executive and the Committee Members of the Women's Forum are more than pleased with the progress to date. There is a serious job of work to be done to address the issues raised, but all involved are committed to a positive outcome.



*L to R: Breda Swift Chairperson, Áine Broderick Eamon Devoy General Secretary, Madelyn Portley, Paddy Kavanagh General Secretary Designate, Caroline Kinsella and Christine Spaight.*



Every Monday night come rain, hail or shine, trade union activists across the country are heading into union offices and emerging some hours later describing the experience as “really thought-provoking”, “very interesting” and “changing forever the way I think about things” Quite clearly this is no ordinary union meeting then? No, it’s **Educate to Organise**.

## What is **Educate to Organise** ?

**Educate to Organise** grew out of a need to politicise ourselves, to answer some of the questions we frequently ask ourselves but seldom debate within the union - questions about our society and economy; about democracy and globalisation; class and inequality; left and right wing politics and power. **Educate to Organise** aims to address this but in a really unique way. Instead of dealing with, say, democracy or globalisation in a purely academic way, **Educate to Organise** looks instead at the role of a trade union in a democratic society or the effects of globalisation on workers and their unions. It is a programme produced by trade unionists, for trade unionists, with the aim of empowering all of us together to build stronger unions and effect positive change in our society.

There are three separate modules in **Educate to Organise** each running over several weeks

**Workers in SOCIETY;**

**Workers and the ECONOMY;**

**Workers in their UNION**

### Workers in **Society**

This module looks at workers in society in a particular way – looks at where workers are placed in society, at issues such as class, left and right wing politics, globalisation, inequality – and how these affect us all.

### Workers and the **Economy**

As the name implies, this module explores economics from the viewpoint of workers, helping to reach an understanding of how economic decisions affect workers and their families.

### Workers in their **Unions**

This module examines the history of the unequal relationship between workers and employers, explores the need and contribution of unions, before addressing the potential for union renewal with particular emphasis on organising in Irish trade unions.

**Educate to Organise** is delivered over a 2-hour session once a week, led by Tish

Gibbons from SIPTU’s Strategic Organising Department, using a lively mix of lecture, film and debate. Participants can expect to spend an additional two hours each week, reading and generally exploring the issues raised. Reading materials are all provided and participants discuss their reading and its relevance to trade unions. There are no essays or exams, no qualifications needed or awarded. The whole idea is to think and read around a topic and apply it afterwards to our everyday trade union lives.

## A very successful pilot project

**Educate to Organise** is the brainchild of SIPTU’s General Officers and the Strategic Organising Department. Researchers there spent a year examining trade union and worker education programmes world-wide and identified a need for a political education initiative in SIPTU. They first ran a pilot project between September 2014 and May 2015 involving SIPTU activists, and reaction was very positive. Participants said they enjoyed the “intense and great debates” and “learnt to look at things in a different way”.

## A novel support system

The **Educate to Organise** website – <http://eto.siptu.ie> – contains a link to ‘Module Support’. This is an on-line resource for participants on **Educate to Organise**. It includes weekly summaries and/or copies of material presented each week plus links to the relevant readings and films for that week. While there are no written assignments there is a weekly quiz on ‘Module Support’ where participants can test their learning. They can also provide feedback there and suggest readings or other

material to other participants, all at the click of a button.

## Phase 2

**Educate to Organise** is now entering another phase. It is currently running in Cork with participation by activists from 12 different unions active in the Cork area, including Jack O’Sullivan from the TEEU. Already reaction in Cork is very positive; “challenging but rewarding” and “really making me think outside the box on a lot of issues”. A further **Educate to Organise** course for TEEU and SIPTU activists in the Dublin area looks set to start early in 2016.

Tish Gibbons, a Senior Researcher at SIPTU who leads all of the modules explains that **Educate to Organise** “is not your usual training course. There are no written essays or exams. It’s not about learning something off and writing it up. It’s about understanding what’s happening around us. We can’t hope to change the world if at first we don’t understand why it is the way it is.” Prior qualifications are not an issue either she says. “Whether you have three degrees or none, there’s a place for you at **Educate to Organise**. If you’re willing to attend for 2 hours per week; put in a bit of effort reading and thinking for another 2 hours at home and not afraid to say your piece during debates, then that’s all you need”.

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# THE IRISH CITIZENS ARMY, COUNTESS MARKIEVICZ AND 1916

In March 1916, just a few weeks before the Easter Rising, the police raided Liberty Hall. In response the Irish Citizens Army were mobilized across Dublin. James O'Shea remembered how 'all jobs stopped (with) men running out of foundries, fitting shops, forges and building jobs. Carters left horses in the street and ran for their rifles and equipment...it was a glorious sight to see men in all conditions of clothes, some with whips hanging to their belts, others in smocks all full of grease, mud, coal or cement...' Though no further confrontation ensued on the day, the mobilization illustrated that the Citizens Army drew its membership from among Dublin's working class.

A few weeks later over 250 members of the ICA would take part in the Rising. ICA members fought at the GPO, City Hall and the College of Surgeons and 14 of its contingent would die as a result of the rebellion. Two of its most senior leaders, James Connolly and Michael Mallin were executed and one of its best-known officers, Countess Markievicz, narrowly escaped the firing squad. Early in Easter Week the ICA's Starry Plough flag was hoisted over the Imperial Hotel in O'Connell Street. As the hotel was owned by William Martin Murphy this act carried special meaning as a reminder that the roots of the ICA lay in the Dublin Lockout.

The ICA was founded in the winter of 1913 in response to police violence against locked-out workers. Initially trained by former British officer Captain Jack White it numbered over 1,000 men by early 1914, armed only with sticks and hurleys. Nevertheless it succeeded in ensuring the police attacks on strikers became rarer as the Lockout wore on. In the aftermath of the workers defeat however, the numbers involved declined. Now led by James Larkin, by the summer of 1914 the ICA was a smaller, though a more professionalized and uniformed militia. Unlike the much larger Irish Volunteers, the ICA allowed women to become active in it, with Countess Markievicz, a well-known personality in radical circles, the most high-profile female recruit. But other women, including Dr. Kathleen Lynn, Helena



Molony and Nellie Gifford were also active. Most members however were men, usually members of the Transport Union.

In August 1914 war began in Europe and large numbers of Dublin's workers (including some ICA members) were called up by the British Army. Larkin soon departed for America and James Connolly succeeded him not only as head of the ITGWU but also of the ICA. Connolly was outraged that the European labour movement had not sought to prevent the war and determined that the ICA would fight any attempts to deepen Ireland's involvement. He lamented during August

1914 that 'we are helpless! What then becomes of all our protests of fraternization; all our threats of general strikes...were they all as sound and fury, signifying nothing?' But he also suggested that 'Ireland may yet set the torch to a European conflagration that will not burn out until the last throne and the last capitalist (are) shriveled on the funeral pyre of the last war lord.'

Under Connolly the ICA became a proficient military force. A key decision was appointing Michael Mallin, a former British soldier, as Chief of Staff. Training as well as arms procurement was stepped

up during 1915. There were also weekly route marches, public parades and concerts. James O'Shea recalled that 'we ... had something that was worth more than anything else before or since-a peculiar comradeship with no limits. It meant you stood by your mates against all comers, friend or foe. We were like a big family when you got the swing of it. Home or nothing else mattered. I stress this as I have felt it and sensed it amongst the ICA in this period. It made for a carelessness in danger and a happy-go-lucky devil-may-care comradeship that I had never experienced before.' Uniformed ICA members took part in drill competitions with the Irish Volunteers and formed part of the guard of honour at the funeral of O'Donovan Rossa in August 1915. The ICA were also mobilized during two strikes on Dublin docks during that year. Despite complaints from the employers, the ICA paraded with arms on the quayside and Connolly asserted that 'They should always remember the way in which they were followed and buffeted by the

police ... two years ago, but such a thing was impossible today. The rise of the Citizen Army had made that a thing the authorities would not try on.'

During late 1915 Connolly met ICA members individually and asked them were they prepared to fight for Ireland's freedom and cooperate with the Irish Volunteers if necessary. In early 1916 Connolly entered into an alliance with the Irish Republican Brotherhood that concluded with the rising of Easter Week. In the run up to the Rising an ICA member recounted how Liberty Hall 'resembled a military barracks in everything but name' as Citizen Army men 'some in dark green uniform, some in their ordinary working clothes, some in their Sunday best' took over the building. On the first floor 'improvised hand grenades were being manufactured. Cartridges were being altered, to fit rifles and guns for which they were never meant. Bayonets, of an old French type, were being heated over a blow-lamp and bent or reshaped to fit an

old German Mauser rifle....(it was) common to see...(a) man sitting over the fire; brewing a can of tea on one side of it, while melting a pot of lead on the other side; two or three men at a bench making repairs to a rifle, while at the same time, two or three others were stretched on the bare floor, snoring, fast asleep.'

The ICA marched into history during Easter Week. In the aftermath of the Rising some veterans joined the IRA, while others concentrated on trade union activity. The ICA itself remained in existence and Countess Markievicz was still associated with it, but she was more centrally active as a Sinn Féin TD (the first woman elected to Westminster) and as Minister for Labour in the First Dáil. It was in her role as Minister that she encouraged Michael Collins to help fund the setting up of an explicitly Irish craft union, which emerged in May 1920 as the Irish Engineering, Shipbuilding and Foundry Trades Union, the forerunner of today's TEEU.



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# YOUTH & APPRENTICE FORUM

The TEEU Youth and Apprentice Forum plays a pivotal role in ensuring the active participation of the union's younger members.

As a group it is considered equal to any structure within the union and is represented by two elected delegates on the National Executive Council (one of which is a member of the Executive Management Committee).

At the recent NEC of November 2015, Alan Douglas (Chairman of the Y&A Forum/EMC) was elected to post of Construction Official (M&E) Region 5.

His role on the EMC will now be filled by Chris McCormack (Apprentice Electrician) and Fusion Magazine recently took some time to talk with the man flying the flag for our Youth & Apprentice members.

Here's what Chris had to say "I am an apprentice electrician and I have been actively involved in the Youth & Apprentice Forum over the past number of years while currently holding a seat on the NEC and most recently the EMC. The Youth and Apprentice Forum have been involved in many campaigns such as the "Axe the Tax on Apprenticeship Training" which is an ongoing challenge to the student service charge that has been imposed on apprentices. Alongside the efforts of the union as a whole, the Y&A Forum have lobbied politicians including MEP's

over the issue and we are taking positive steps to stop these charges.

The union consider apprentices to be extremely important to the success of the Union in all workplaces and together we'd urge all craft workers to ensure that all apprentices are members of the TEEU and break away from old views that "Apprentices don't have to be in a union".

After all if we do not protect our young workers who will?

Union membership is free for Apprentices and they should do so online at [www.teeu.ie](http://www.teeu.ie)

Experiences shared amongst Apprentices who have joined the Union has proven that union membership has been invaluable in dealing with and advising on issues that every apprentice goes through.

Prior to Alan being elected as the newest TEEU Official he held a seat on the Youth and apprentice Forum. This is proof that the Union hold the Youth and Apprentice Forum in high regard. The fact that on the NEC and EMC our views and opinions are not only listened to but implemented is proof of this also.

In November 2016 there will be a Biennial Delegate Conference and the Youth and Apprentice forum will participate by bringing



Youth & Apprentices together once again to discuss the issues effecting us. In the lead up to the conference we are planning to support a number of charity events and any other events involving the Union throughout the 1916 commemoration.

If you are interested in getting involved I would encourage you to contact the Union and we look forward to seeing you soon.

*If you would like to get involved with the Y&A Forum please contact the union today:*

**Tel: 01 8719 903**

**Email: [construction@teeu.ie](mailto:construction@teeu.ie)**

## FUSION INTERVIEW WITH EAMON DEVOY, *General Secretary*

### **When did you join the TEEU and what did you do before that?**

I joined the TEEU 20 years ago as Assistant General Secretary. Before that I was a full time official of another engineering union for over a decade, having worked my way through the ranks from Shop Steward and holding many other positions through a lifetime committed to the ideals of the trade union movement.

### **What is the TEEU's role in the Irish Trade Union Movement?**

The TEEU has always prioritised defending members' terms and conditions of employment while pursuing improvements in general living standards. It promotes progressive social and economic policies at national level on taxation and welfare, besides seeking better access to education and health provision for members. In short it pursues Social Justice and a fairer society for all.

While not affiliated to any political party it does not shirk its responsibilities in the political arena where living standards can be affected by the stroke of a minister's pen. Over the past eight years workers have

survived one of the worst recessions ever experienced in Ireland. Members in vulnerable employments helped their companies survive through accepting sacrifices in the knowledge that the TEEU would support them, when firms returned to profitability, in restoring their previous terms and conditions, in both the public and private sectors.

### **What changes have taken place over the last 20 Years in the TEEU?**

Following the amalgamation of the ETU and NEETU in June 1992, the ethos of the union steadily changed from a vocational outlook to a wider, more diverse perspective.

The TEEU has become a force to be reckoned with, building a reputation for not shrinking from the ongoing threats of legal action by some employers who have made it their weapon of choice.

We never threaten employers with strike action unless we intend using it. Therefore,



*Eamon Devoy General Secretary congratulating Paddy Kavanagh on his election as General Secretary (Elect).*

when necessity requires it, our action is taken seriously, resulting in a high success rate.

### **What is the greatest challenge that you have experienced?**

The neo-liberal agenda promoted by some political parties and ruthless employers. This manifests itself in activities such as:

Importing workers from low wage economies to undermine existing terms and conditions;

Undermining employment regulations at European and National level;

Attacking the Registered Employment Agreements, indeed all collective employment agreements, to return to a Master and Servant relationship leaving individuals at the mercy of the employer.

### What were the three most significant changes that you were directly involved with on your watch as General Secretary?

Firstly, the TEEU formed the first ever trade union training company in Ireland called ETOS, or Education, Training and Organisational Services. It now delivers training to European and Worldwide standards for members as well as providing training at home to ensure members going abroad are qualified to work in places such as Australia and North America. We work with the renowned American United Association to bring its exemplar training standards to Ireland in Mechanical Construction Skills. Our National Certificate in Maintenance Skills Technology is also highly sought after, not alone by members but by progressive companies, most of them in the multinational sector.

Secondly we have become a global trade union. Our affiliation to IndustriALL, which encompasses the former European Metalworkers Federation, has opened many doors for us. Our close working relationship with the Building Workers International, BWI, is another example of how we interact with unions at International level. Even more significant was our initiation of the Global Power Trade Union Congress, which held it's inaugural meeting in Dublin in 2013. It has put manners on a number of anti-union employers, particularly in the lift industry across the globe.

Thirdly, we established Youth and Women's Forums to ensure both of these important groups were represented on the TEEU National Executive Council and Executive Management Committee. Future workplace projections show traditional skills must keep pace with changing technologies and more women will become involved in sectors we organise.

### What is your legacy to the Union?

When I became General Secretary in 2009 the country was in deep recession. We had lost thousands of members and the union was in financial decline. With the help of everyone of influence in the TEEU, the Executive, the Staff, the Branch Officers, Trustees and union activists we turned the organisation around. While it was not in our members' workplace interest at the time to make it public, I would now like to acknowledge the voluntary financial sacrifice made by the majority of staff and officials to maintain the stability of the union. I found working with such selfless colleagues an inspiring experience.

The union can now build on our success and broaden membership to incorporate new trades through the transfer of engagements with other unions. The object is to make the TEEU Ireland's major craft union. The groundwork is well laid and recent rules change will help facilitate success.

The union's strong growth path in traditional sectors is in no small measure due to the recruitment and organising activity of our full time officials, branch organisers, regional and membership office staff. The recent change in rules allowing former members to return without financial penalty, along with the incorporation of new health benefits into normal membership, also boosted growth.

### What are your hopes for the future of the Union?

While many other unions are declining, the TEEU is growing. What I hope to see in future is a diverse TEEU catering for the workers in new occupations throughout industries in which we operate. This will include greater gender balance in a country where women are forming an increasing proportion of the labour force.

I believe the TEEU will continue to develop its international links to combat the exploitation of posted workers, thereby protecting indigenous jobs.

Finally, I believe the TEEU will continue investing in Training of Excellence for members, ensuring they update skills and have skills relevant in tomorrow's world.

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# GENERAL ELECTION PENDING

BRIAN HANLEY

## What are you going to ask the candidates to do?



We are living in an era when many of our members feel the government are only interested in looking after the wealthier in society and are happy to burden the rest of us with increased charges and levies. Now, with the general election fast approaching, prospective TDs will soon be knocking on your door seeking your support.

A number of our members have approached the union, asking what commitments they should seek from those who seek their support. The TEEU is not affiliated to any political party but we have chosen five areas of concern, in no particular order, that are supported by resolutions passed by delegates at our Biennial Delegate Conference in 2014! We have also outlined five points that might be made in support of our concerns in each instance.

The fact that these issues are still current despite our best efforts and those of other unions, speaks volumes and lends support to the view that the government does not care. This is your only real opportunity to exert influence on our legislators for the next four years. We recommend that you use it and exercise your vote accordingly.

Would you support, through the introduction of appropriate legislation or Ministerial Order,

# 1

## The abolition of all Student Service Charges for Apprentices.

Apprentices can be charged fees of up to €3,000 in phases 4 & 6 for student services they cannot avail of, while at the same time they are being denied access to various student support grants.

This is a major expense to apprentices, who are already amongst the lowest paid workers in Ireland, and are in addition to the costly exam fees which they already have to pay.

The total income from the charge is €1.6 million a year, which constitutes an enormous burden on the young workers concerned but is insignificant in terms of the potential loss to the economy

The charges were abolished for apprentices in 2004 because it was accepted that they were not students but employees and were not eligible for student grants and they were also not able to avail of the services they were being charged for in third level colleges. This is still the case.

The delivery of apprenticeships has changed. Only apprentices in Institutes of Technology pay fees, while attending phases 4 & 6, while apprentices attending Education & Training Boards (ETBs) do not.

# 2

## An immediate social housing programme carried out by direct labour (public employees).

There are 21,000 applicants on the social housing list in Dublin city, a massive 7,900 in Galway city and county and 4,200 in Limerick city.

Minister Alan Kelly says that over 200 units were built in 2015 – yes, 200!

According to his Department, homelessness increased by 76% between January and August 2015, bringing the total to 707 families with 1496 children. The figure is likely to have increased since then. Fifty-five homeless people who used the Simon Communities of Ireland services last year met with an untimely death, most likely the tip of the iceberg.

There has been a 79% fall in funding for local authority housing during the past two years.

The National Development Finance Agency (NDFA), which is part of the National Treasury Management Agency (NTMA), has set out its plans to procure and provide financial advice on the building of 1,500 social housing units, based around the Dublin area, as well as Louth, Kildare and Wicklow. It will be well over a year before any starts and the inadequate project will involve private investors and private contractors.

### 3 Reinstatement of 65 years of age as the qualifying age for old age pension.

Pension 'reform' now means that the State Pension (transition) was abolished at the start of 2014. Previously those with sufficient stamps would have received this pension between their 65<sup>th</sup> and 66<sup>th</sup> birthdays, subject to conditions. The next phase in the roll-out of the government's pension policy will be to increase the eligibility age for the State Pension from 66 to 67, which will happen in 2021. In 2028 the eligibility age will increase to 68.

How can workers plan for their retirement, if after paying PRSI for forty years, they can be denied three years' pension with little notice? Making major pension changes in such an ad-hoc way is not just a cruel injustice to individual workers; it is a denial of the right of legitimate expectation.

In the case of any politician who went along with this measure and who is aged 59 this year, will not be asked to wait until age 67 and then settle for a State pension of €12,000 per annum. Many will receive hundreds of thousands of tax payers' money before they reach age 67. Of course, this will depend on when they retire and how many elite pensions they qualify for.

On the other hand, a fifty-nine year old private sector worker, who started work at sixteen and who has had circa 15% of their income paid in PRSI since then, will lose circa €24,000 (two years' State pension). Such a person will now get their pension at age 67 after fifty one years in work (2021).

Citizens are being deprived of a significant benefit they earned and paid for and neither employers nor unions were given an opportunity to consider the complex labour market issues involved.

### 4 Do you give an undertaking to oppose the TTIP and CETA trade deals, should they be placed before the Oireachtas for ratification?

TTIP and CETA are, respectively, EU/US and EU/Canada trade deals. The former is being negotiated in secret – our main information currently comes from leaks. Negotiations on the latter have been concluded and it is expected to be put before the European Parliament for ratification, in the spring. The deals are being negotiated by the Commission and it is unclear but unlikely at this point, whether they will be submitted to national parliaments.

Both deals have an Investor – State Dispute Settlement (ISDS) procedure that allows corporations to sue states if any measure taken by the state: ISDS is one of the greatest threats posed by TTIP in that it seeks to grant trans-national corporations the power to sue individual countries directly for losses suffered in their jurisdictions as a result of public policy decisions.

This provision is unparalleled in its implications, in that it elevates transnational capital to a legal status of corporate sovereignty equivalent to that of the state.

TTIP would lead to a downgrading of any labour standards identified as 'barriers' to trade, such as collective labour agreements which could be challenged as representing restrictions on the business model of competitors.

The USA has refused to ratify ILO Conventions on core labour standards such as collective bargaining, freedom of association and the right to organise.

Business sees TTIP as an opportunity to relocate production to where wages and workers' rights are lowest, creating its own 'race to the bottom' in order to reduce labour costs and increase corporate profits.

TTIP and CETA aim to secure the liberalisation of services markets, including the opening of public services such as health, education and water to private firms.

### 5 Support keeping water provision and treatment in Ireland in public ownership; under public control and serviced by public employees and are you committed to holding a constitutional referendum, if elected, to enshrine public ownership of water, both in its natural and treated states, in Article 10.5 the Irish Constitution?

In the last 15 years there have been at least 180 cases of water municipalisation in 35 countries. Paris, Berlin, Barcelona and now Scottish water, are recent examples.

According to Public Service International, 90% of the 400 cities in the world with over 1 million inhabitants have public provision of water; Even in the US, 85% of the total population is served by public provision of water as the most efficient method of delivery;

According to the World Bank, 90% of investment in water provision internationally is public money.

All parties in the Oireachtas support this call except Fine Gael.

# THE JOB INTERVIEW

So you have been called for interview; well done, the hard work you put into preparing your CV or completing the application form has paid off. You have successfully shown that you do have the knowledge, skills and experience they are looking for.

Remember though, being shortlisted is no guarantee you will get the job! At interview you will be competing with the other shortlisted candidates. Careful and thoughtful preparation will enhance your interview performance, calm your nerves and help you show the interviewers that you are the most suitable of all the candidates and the one that they would most like to employ.

Start by reviewing the role you are applying for, what does it involve? What would the best person for this job be like? What are the necessary competencies? Competencies are the knowledge, skills and abilities that someone in the job needs to have. Most employers provide job applicants with a detailed person specification or set of competencies that they require. Read through this information and identify your own experiences that demonstrate you have these competencies and practices describing this for the interview.

Interview panels will ask questions designed to judge whether you do have the required competencies and it is important to remember that all the candidates will be asked the same question so your answer needs to stand out and clearly and honestly demonstrate that you have the skill and are the best fit for the job.

Let's look at an example, if the job specification states the successful candidate will need to have 'planning and organising skills', then you need to identify how and when you have used these skills in your current or previous job. Simply stating that you are good at this is not sufficient and won't make

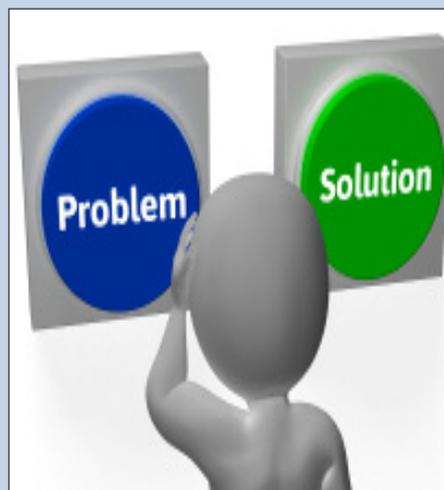
you stand out from other candidates, you must demonstrate it so have a few good examples ready to talk about.

If this is your first job then think about how you have shown these skills in other contexts, perhaps in college or school when working with other students or when you worked on a project.

A typical opening interview question is, "Tell me about yourself and why you are suitable for this job". Prepare an answer that provides a succinct overview of your career and work experience to date showing how it relates to the job you are applying for. Your answer should be no longer than 4-5 minutes, although that will depend on the seniority of the job you are applying for, avoid providing too much detail instead focus on highlighting the most relevant details.

"Tell me your strengths" is another question that can be prepared for in advance is. Focus on strengths relevant

to the role and refer to real and tangible skills that they require, highlighting an example that show you have mastered the skill. So if team leadership is highlighted as an important competency and you have lots of experience in this area then highlight that as one of your strengths



and give a few examples that clearly demonstrate your experience. Have about three strengths with suitable examples prepared.

This question is sometimes articulated in a slightly different way, for instance "How would your last manager /or your colleagues describe you?" here again you are given an opportunity to honestly describe your strengths and what makes you suitable for the role so do have an honest and thoughtful answer prepared that shows why you are the best fit for the job.

One of the most dreaded and challenging questions to be asked at interview if you haven't prepared an answer is, "What are your weaknesses?". In preparing for this be honest outlining a real weakness that **does not** disqualify you from the role and proceed to show how you are already trying to overcome it. For instance you could highlight an IT package that you have not had much experience on and explain how you are undertaking a training programme in that area or are seeking experience in your current role to help you master it. If you have had limited experience

leading a team, be honest and state that but then proceed to state what you have done to try and compensate for this, maybe stepping up for opportunities to lead the team on projects or problem solving discussions in team meetings. Don't say you have no weaknesses, this suggests a lack of insight and perhaps an unwillingness to learn.

Be prepared to explain why you left or are leaving a job for positive reasons rather than talking about negative aspects of the job. For instance moving to develop new skills, seek opportunities to take on more responsibility or to work in a different field.

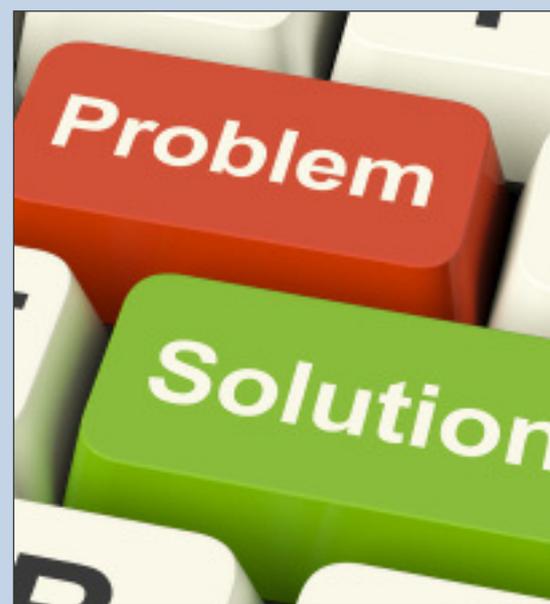
Another key aspect of preparation is researching the organisation, look at their website, google them, see if there are important changes, challenges or developments they are currently facing and reflect on how this might impact on the job you are applying for. Use

this information at interview to demonstrate organisational awareness, enhancing your credibility as a motivated and interested candidate and show how you might have skills related to their current needs.

Finally practice your answers, have some practice interview sessions with a friend or family member or consider booking an interview preparation session with a coaching professional.

Get a good night's sleep the night before the interview and on the day have a good breakfast to ensure you are alert and focused. Give yourself plenty of time to get to the venue and find parking but don't head into the interview until about 5 minutes before the appointed time.

On entering the interview room greet each of the interview panel as you are introduced, smile, remember that you are prepared so try and relax. Focus on the questions they ask and answer fully

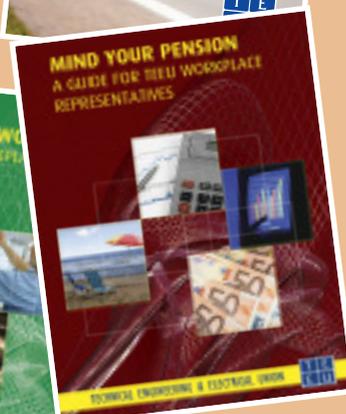
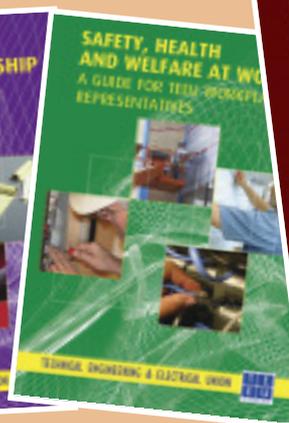
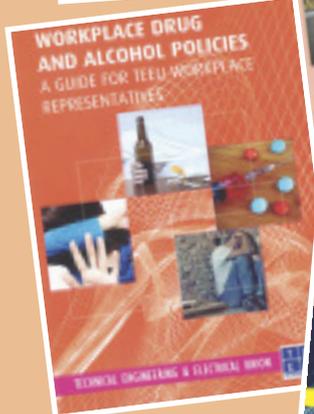
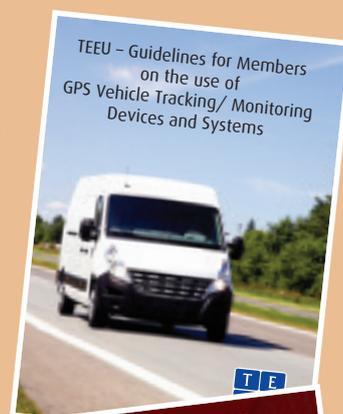
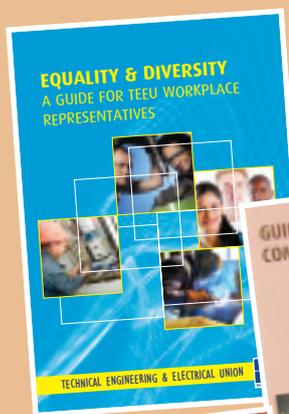


with your prepared examples. This is your only chance to show that you are the best candidate for the job.

***Good luck and best wishes.***

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# REVOLUTIONARY DUBLIN BROUGHT TO LIFE

*Padraig Yeates*

*A City in Wartime: Dublin 1914-18*

*A City in Turmoil: Dublin 1919-21*

*A City in Civil War: Dublin 1921-4*

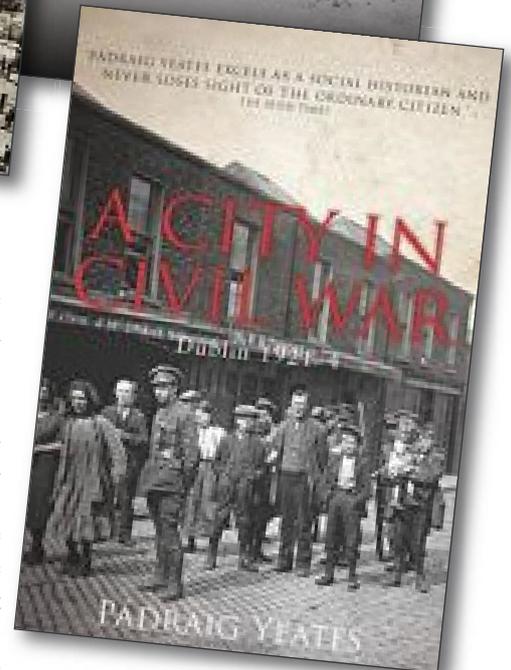
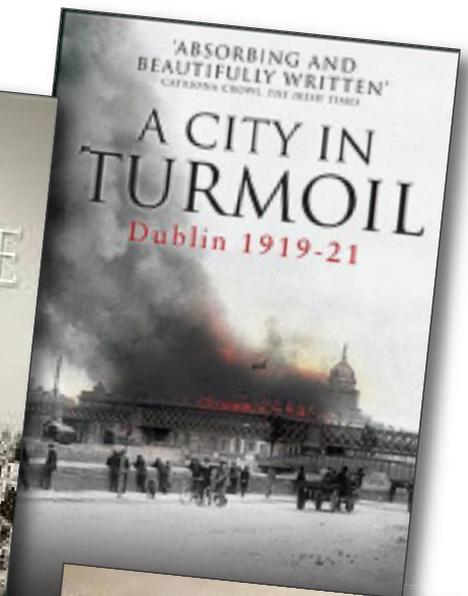
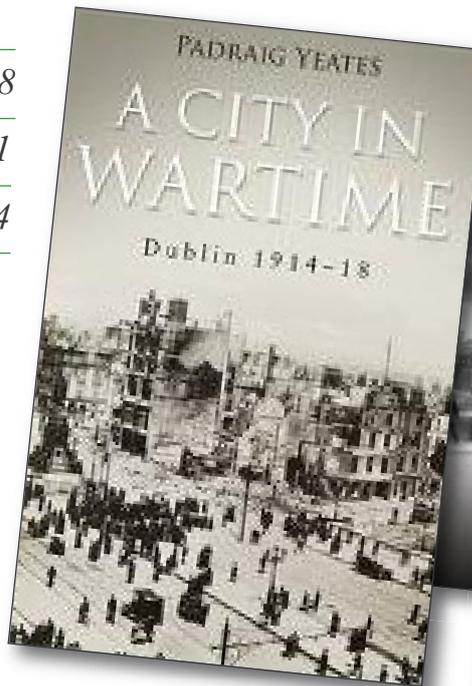
Published by Gill & Macmillan

Alongside his magisterial work *Lockout* these books establish Padraig Yeates as *the* authority on Dublin during the revolutionary era. A strength of the three books is that while Yeates does not ignore 'high' politics he tries to look at events through the experience of everyday life by 'ordinary' people. The first volume takes up where *Lockout* concluded. Dublin, still bearing the scars of industrial conflict was soon a provincial city of an empire engaged in a world war. At least 5,000 Dubliners died in British uniform between 1914-18 while the conflict impacted on every aspect of daily life. Yeates traces the importance of military service to the economy of working class Dublin and suggests that the separation payments made a major difference to the lives of soldiers' families. This material benefit must be balanced against the huge human cost however. While the war also brought economic benefits to rural Ireland, Dubliners faced rising prices and unemployment which brought hardship to many in the city. Partly in response there were signs of a revival in trade union militancy before 1916. Yeates argues that the war was never very popular in Dublin and points to the electoral success of maverick nationalists such as Alfie Byrne as indicators of disillusion with John Redmond's Home Rule party. The horrific losses at Gallipoli during 1915 had a particularly devastating impact on Dublin and the widespread feeling that Irish sacrifices were not being acknowledged contributed to growing disillusion. Yeates is alive to the importance of religious division in the social, political and economic life of the city. Dublin's large Protestant minority

feature prominently in all three books and the important social and religious differences within that community are not ignored. The Home Rule crisis had already divided Dublin and the potential for sectarian conflict in the city was real. Indeed during 1914 the Loyal Dublin Volunteers (Dublin's UVF) claimed 2,000 members. Yet in the end Dublin's Unionists did not fight, despite continuing to oppose independence until it became inevitable. War brought the Rising and ultimately revolution. Almost 500 people died as a result of the Rising and Dublin's city centre was destroyed. Most of the British troops involved in attempting to suppress the insurgents in the Rising's first days were Irish; many of the city's poorest citizens reacted with anger to the rebels' intervention in their lives and one indication of the city's poverty was the widespread looting in the early stages of Easter Week. But Yeates also shows how republicans managed to enlist support after Easter Week, not simply out of outrage at the executions but through practical efforts to deal with food shortages in the city during 1917.

The book helps explain the motives of the republican insurgents through tracing the role of men such as William

Cosgrave and Thomas Ashe. While the names of the 1916 martyrs are well known how many can name the Sinn Féin TDs elected for Dublin in 1918? Yeates provides interesting descriptions of that general election campaign and notes the differing forces in contention in each constituency. He also shows how local government continued to play an important role in life of the city and how despite Sinn Féin's sweeping successes at national level, Home Rulers, Unionists and independents remained important players on Dublin Corporation. How both Sinn Féin and their opponents tried to raise funds and how they spent them is also explained. Between 1919-21 Dublin was a key



battleground in the intelligence war between republicans and the British. Yeates provides much detail on Michael Collins and Richard Mulcahy's leadership of the IRA in the city. At least 300 people were killed in Dublin between 1919-21, several hundred more were wounded and around 3,000 jailed. Yeates never loses track of the day to day lives of the city's people, some of whom lived through, rather than participated in, the revolution. But while many did not approve of the IRA's campaign, in general most of the city's population, (including many Unionists) were resentful of the British Army's actions and often appalled by the behaviour of the Auxiliaries and Black and Tans. How radical was this revolution? There were general strikes against conscription in 1918 and for the release of republican prisoners in 1920, and another even more popular strike against militarism on the eve of the Civil War. These reflected a growing

confidence in the trade union movement, particularly a reinvigorated Irish Transport and General Workers Union. Labour made gains in the local elections of 1920 and men such as Tom Johnson and William O'Brien were significant figures in national politics. But there were also important developments among craft workers, splits between British based and new Irish unions and divisions among trade unionists on the national question. Labour's successes in the 1922 general election point to a section of Dublin's workers being less than impressed with either side of the Treaty split. Unfortunately Dublin's trade unionists were to suffer a civil war of their own, with bitter divisions erupting in the Transport Union following the return from America of Jim Larkin in 1923. The new Free State also exposed its conservative nature from an early stage with the breaking of the postal workers strike in 1922, during which troops fired

on strikers. This coincided with a vicious 'dirty war' in Dublin as the new state ruthlessly crushed republican opposition in the city. Yeates conclusions echo those of the German socialist Karl Kautsky, who lamented that while the 'deciding battles for Ireland's independence' were won by the 'energy and devotion' of its workers, 'that proletariat is threatened by the independent state which it won, not with an improvement but with a further decline of its position.' Whether the conservative state which emerged was the inevitable result of the independence struggle is open to question but what is clear is that forcing the most powerful empire in the world to relinquish its hold on most of Ireland was a phenomenal achievement. If you want to learn how Dubliners experienced that process then Padraig Yeates trilogy is indispensable.

Brian Hanley.



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# A charter for fairness

Since taking up the post of ICTU general secretary this year, Patricia King has established a Congress campaign for fairness, ethics and respect in the workplace. NIALL SHANAHAN met with Patricia to explore the ICTU charter for fair conditions at work, and Patricia's views on the landscape for the Irish workforce as the country begins to emerge from economic catastrophe.

"EVERY WORKER is entitled to enjoy fair pay and decent conditions; all workers should be entitled to negotiate collectively with their employer without fear, and every worker is entitled to be treated with respect." These were the words of Patricia King when it was announced she would succeed outgoing ICTU general secretary David Begg earlier this year.

Before becoming ICTU general secretary, Patricia was a full time official with SIPTU for over 25 years, representing workers in all areas of the economy, and played a leading role in the Irish Ferries dispute (2005/6) and in subsequent negotiations to establish the National Employment Rights Authority.

After taking up the post of general secretary, Patricia immediately set about a programme of work to pursue the principles she outlined, which has led to the development of the ICTU charter for fair conditions at work. The charter identifies the "key elements required to make Ireland the best place in which to work, live and raise a family" and is underpinned by the conviction that a strong economy cannot exist without a fair society.

## A Living Wage

A living wage affords an individual sufficient income to achieve an

agreed, acceptable minimum standard of living, taking account of the need for food, clothing, heating, accommodation, transport and other essential costs. – Congress Charter for Fair Conditions at Work.

Patricia is one of two trade union representatives on the Low Pay Commission, who produced a minority report in July that argued that the Commission's proposed rise of 50c per hour to the minimum wage was inadequate. Patricia's approach was to aim for a Living Wage of €11.50 over the three year term of the Low Pay Commission, looking for a minimum wage of €10 per hour as a first step. The report maintained that, because of an anomaly in the PRSI system, a single adult working 39 hours a week could end up taking home less money after receiving the proposed rise.

Setting out her views on the issue of low pay, Patricia cautions against buying into the idea that pay recovery is widespread. "There is a misconception that if that certain sections of the economy are now delivering pay increases that everything is fixed. We're a long way from that to be honest."

Patricia highlights the fact that some industries, like hotels, are moving into big profit, and it is quite affordable for them to pay people a better rate for the work that they do. "The nature of

the work is very labour intensive. It amazes me that employers can't grasp how much is demanded of staff, and yet they don't estimate the value of that to be high.

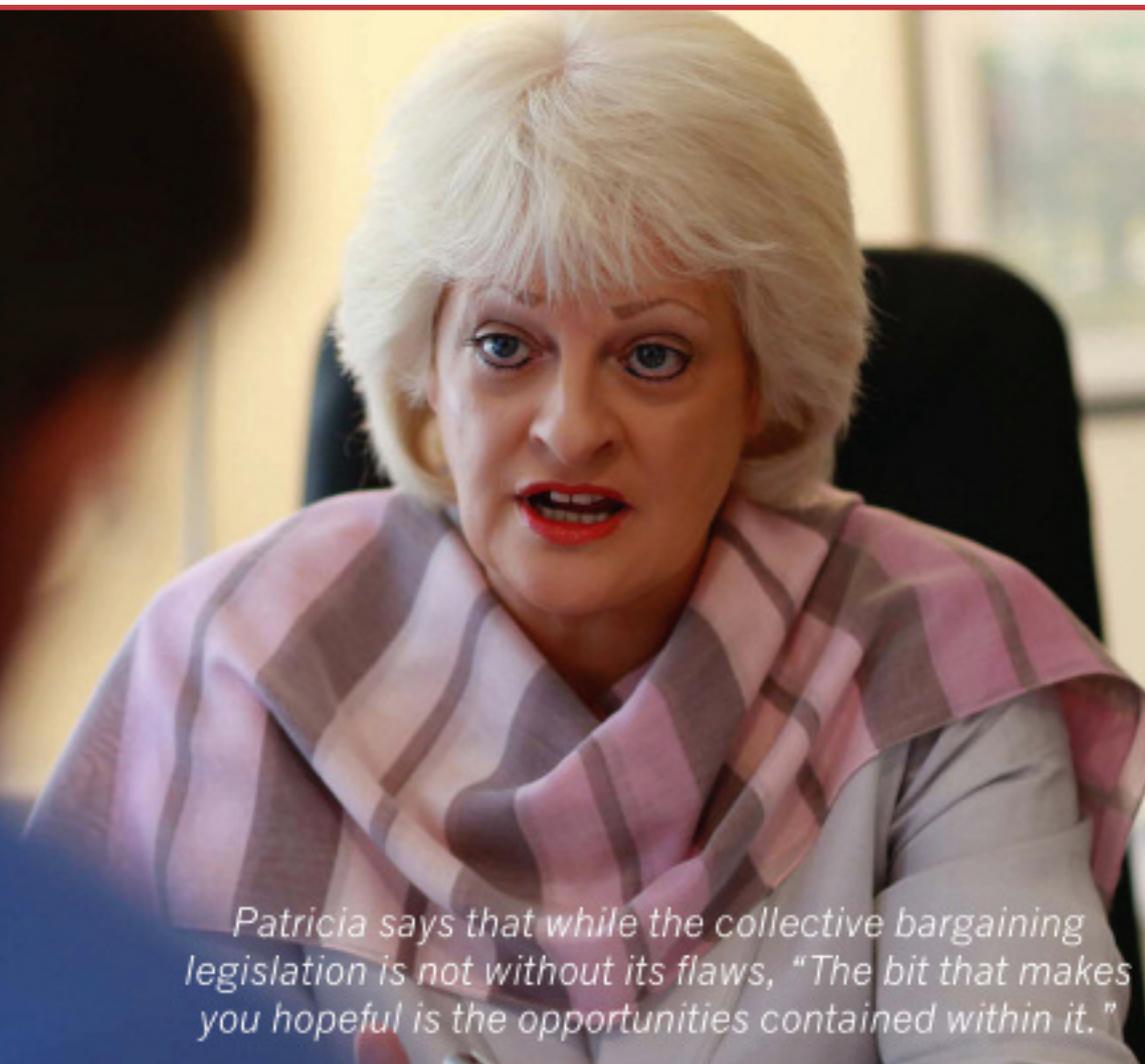
"The other issue is the availability of staff. It doesn't take a lot to figure out that a big reason for this is that they won't pay their staff appropriately. In Dublin you can't get a hotel room and yet, for the most part, they're not going in to the JLCs (Joint Labour Committees) to agree a decent rate of pay.

"I've said it before that such employers should not be allowed to avail of the reduced VAT rate of 9%. Where did that reduced rate go? It was supposed to go to the customer but all of the evidence I've looked at suggests that it has in fact gone into the profit margins."

## Recovery

Patricia says the legacy of budgets during the years of crisis – which saw each euro increase in tax matched by a two euro cut in public spending – is a 'double whammy' for lower paid workers. "People on lower wages depend a great deal more on public services, so there is a double hit for those workers inherent in the pattern of tax increases and public spending cuts for them. They are suffering on the double, they are being denied public services that they can't afford to get anywhere else, unlike those who are much better off."

The conversation about recovery turns, inevitably, to the growing crisis in housing, about which Patricia is a very passionate advocate for releasing land through compulsory purchase, a model that's been proposed by the National Economic and Social Council (NESC).



*Patricia says that while the collective bargaining legislation is not without its flaws, "The bit that makes you hopeful is the opportunities contained within it."*

"There are competing factors, such as developers holding on to land (see page 14), construction companies and their representatives determining what's affordable or not, and local authorities who won't do anything unless they see the colour of the Government's money.

"All of these competing interests won't do anything as they are all holding out to see if they can get a better offer down the road. The NESC proposition is to have NAMA provide land in those cities with an urgent need, if necessary on a compulsory basis, and have them do an agreement with local authorities and construction companies so that affordable housing is built and rents capped within that scheme, purchase prices capped, construction companies get a guarantee on investment and there would be no shortage of the provision of the land that would be required.

"We need to get people in the establishment to accept that housing is a fundamental necessity for people. How many more children need to be living in hotels before it's acknowledged that we are in a housing emergency and we need to take measures to address that emergency? That's why we need to build houses using the compulsory purchase model, and why I fully support the NESC model," she says.

### Hours

*Every worker has the right to a regular contract of employment which provides security of hours and certainty of income. – Congress Charter for Fair Conditions at Work*

Patricia says that the recent Dunnes Stores dispute shows how easy it is for employers to manipulate working hours. "Uncertainty over available paid hours of work means that you

cannot determine many aspects of your life, some employers are assuming total control over that, and there is nothing to stop them from engaging in that type of behaviour."

Patricia explains that Congress is looking for an inclusion in the Organisation of Working Time act that workers are entitled to know for a reasonable period what their hourly commitment will be. "That will give them certainty about their day to day life as well as their income. The next big step around this issue is the low hours report by the University of Limerick, commissioned by Minister Ged Nash, which is due to

be published shortly."

### Respect and ethics

Every worker is entitled to be treated with respect and dignity, as they go about their work. No one at work should be subjected to discrimination, harassment, bullying or any other form of abusive behaviour.

"The purpose of putting ethics on our charter is about taking the opportunity to have that conversation. There are highly skilled people in the workplace who do not have the ability to deal with their colleagues in a respectful and dignified ways" Patricia explains.

"This may be regarded as 'fluffy' stuff and I have seen some senior people bristle when I talk about it, but it really does resonate with union members. I've seen it all too often. You can tell almost immediately

when you enter the workplace whether or not that environment of mutual respect exists.

“We have been asking all TDs, senators and councillors to sign up to the charter. Our intention now is to meet with the management of every local authority in the country and talk to them about incorporating the charter. We’ll also be talking to faith groups and corporate bodies and this is all part of a national conversation we’ve initiated about these values” she says.

Patricia says that ethics need to be put on the agenda. “If you look at what happened with Clerys, and what company law permitted. We need to have a change in the law which means that when the company directors go into a room to manipulate the legislation, they will do so in the knowledge that they can never be a company director again.

“The Clerys workers want their sacrifice to count for something. The directors contrived to profit from the closure, abandon the workers with nothing and have the state pick up the remaining costs. The law needs to change, we have to keep pursuing that, it’s far too important not to” she says.

## Collective bargaining

*Every worker has the right to be represented without fear of victimisation and to have a union represent them in collective bargaining negotiations with their employer.*

Patricia tells the story of a colleague who attended the International Trade Unions Congress about a year ago.

“Around 164 countries were represented, with many, including European countries, talking about the attacks on collective agreements and bargaining rights. Ireland was the



only country that could report that unions were negotiating the development of legislation for collective bargaining laws.”

Patricia says that while the new legislation is not without its flaws, “The bit that makes you hopeful is the opportunities contained within it.

“It’s much more robust than the 2004 act, it deals with a number of issues we raised. The establishment of the sectoral employment orders is a very positive piece of legislation, offering unions the opportunity to go out and organise substantially in economic sectors.

“There’s now a pathway under the headings of remuneration, pensions and sick pay, to seek improvements for workers under those headings. The order then becomes the law of

the land via the Oireachtas for the workers in that sector.

“It’s something we never had before, and offers a unique opportunity for unions to go out and organise and build structures to go out and win improvements for workers.” When I ask Patricia if she’s generally optimistic about the future, she is quick to respond that the collective bargaining legislation is ‘where the hope lies.’

“It remains to be seen whether or not the movement rises to the challenge. If utilised correctly it offers the opportunity to organise workers to improve their terms and conditions. That has to be seen as a positive.”

For more on the charter visit: [ictu.ie/congresscharter/](http://ictu.ie/congresscharter/)



# THE 1916 RISING:

Labour  
and the  
Irish  
Revolution

# The 1916 Rising: Labour and the Irish Revolution

*The 1916 Rising was a pivotal event in a period of great political and social upheaval in Ireland and the world, and it can only be fully understood when it is placed back into the context and circumstances in which it occurred.*



There was a ferment of thinking, organisation, and activism in Ireland in those years, and political, economic, social, and cultural practices and structures were challenged by both reformers and revolutionaries. Nationalism, republicanism, and separatism were central actors in this decade of struggle and change, but they were not the only ones. The labour movement, trade unions, and socialism; the women's movement and feminism; pacifism and the anti-war movement; the language movement; the literary revival;



the co-operative movement and the self-help movement; the GAA; and continuing land agitation were all significant contributors to the making of the Irish Revolution.

The Irish Parliamentary Party dominated Irish nationalism as it pressed for Home Rule legislation in the British Parliament. Unionism mobilised to oppose Home Rule, and the Ulster Volunteer Force was established in 1913. In August 1914, the First World War began, as the Great Powers fought for dominance and leadership in a world increasingly controlled by imperialism.

It was against this background that the 1916 Rising took place and was followed by renewed political struggle and then war between 1919 and 1921. At the core of the Revolution was the demand for democracy, sovereignty, and independence. This was not the pursuit of a romantic ideal or abstract political theory—it was the practical means to securing the interests of the Irish people and all the forces for change in Ireland.

What workers and trade unionists today need to learn from 1916 is that democracy, sovereignty, and independence are prerequisites for achieving their long-term

goals—and this applies to all the other activists as well, including community groups, women's groups, cultural groups, and anti-war groups. While workers can sometimes make short-term gains in the current system, such as pay increases, legal protection, or better public services, even these are constantly under threat. The economic and financial crisis was taken as an opportunity to roll back the pay and conditions of workers everywhere.

Democracy means that the people have real decision-making power over their own lives and all aspects of their society. This includes the economy, as well as the political, social, and cultural spheres. Having the right to vote every five years for one party or another to govern us is not democracy. The reason workers were made to pay for a crisis not of their making, through austerity measures and the assumption of private banking debts by the state is that they do not have any real decision-making power in society. This is also why they have found it impossible to secure basic rights to organise in and be represented by trade unions or to prevent the continuing undermining of conditions by practices such as zero and low-hour contracts.

Sovereignty is the ability of a people or state to govern and make the laws within its territory: without it, no democratic decision-making is possible. Independence is the exercise of democracy and sovereignty free of outside constraint or interference—this does not mean isolating ourselves from the wider world, but being able to act freely within it and interact with others on our own terms.

In 1916, the struggle for an independent Irish democracy was based on the realities of that time. British rule in Ireland was seen as the main obstacle to Irish democracy, but it was not the only one. As imperialism spread the reach of the capitalist system to all parts of the world, the other constraints on Irish democracy were also being challenged. James Connolly pointed out that even if political freedom was achieved, Ireland and particularly the Irish working class would remain under the control of global financial and industrial capital unless that power was also confronted.

The decade between 1913 and 1923, bookended by the Dublin Lockout and the ending of the Civil War, witnessed the most vital period of trade union and labour activity Ireland has ever experienced. Membership of the unions soared, the ITGWU having 100,000 members by 1919 and the Irish Trade Union Congress 295,000 in 1923; the Labour Party was founded by Congress in 1912 and achieved its biggest share of the vote in the 20th century in the 1922 election with 21.3%; a mass meeting in support of the Russian Revolution drew more than 10,000 people to the Mansion House in 1918; there were general strikes against conscription in 1918 and in support of republican prisoners in 1920, and a rail strike against the movement of British munitions also in 1920; and there were widespread strikes and workplace occupations, including the establishment of Soviets to run enterprises under workers' control—between 1921 and 1923 alone, there were 421 strikes involving more than 105,000 workers.

The level of labour activity is one of the central features of the revolutionary period in Ireland. James Connolly had sought to place the labour movement at the heart of the struggle for a sovereign Irish democracy, where it could exercise most influence on the demands and conduct of the Revolution and ensure that its interests and demands were recognised and fulfilled. After 1916, the leadership of the labour movement chose a different course, standing aside from leadership of the national struggle and only supporting it from the sidelines. Even within the sphere of labour, the leadership did not capitalise on the surge in membership, activism, and militancy within the movement; on the contrary, wherever they could, the leaders tried to demobilise the militants and quell occupations and Soviets. As a result, the social and economic content of the Revolution was controlled by more conservative forces and the interests of the labour movement were marginalised. This can be regarded as one of the historic failures of the Irish labour movement, and it is one from which we can draw important lessons.

In Ireland today, there is no meaningful democracy, sovereignty, or independence. The people and the workers do not control



the society they live and work in and are subjected to a range of undemocratically imposed interests, chief among them the interests of international finance capital and the global corporations and monopolies. At home, the junior partners of these powers, the mainstream political parties such as Fine Gael and Fianna Fáil and business groups such as Ibec and Isme, for example, implement the policies of global capital and grab their own share of the spoils.

Workers need real democratic power and must struggle for it in the world as it is now. Decision-making power has been increasingly transferred from the Dáil and other Irish institutions to international bodies, erecting new obstacles to democracy. The crisis and the measures taken in response to it have harshly exposed the role of the EU, the European Central Bank, and the eurozone in hollowing out democratic control and serving the interests of capital and finance.

The imposition of austerity measures and private debt on workers and the people generally showed how this system works against their interests: this is true in normal times, too, not only in times of crisis.

If the EU, the ECB, and the eurozone are obstacles to Irish democracy, US and British soft power (economic, political, and cultural) and international bodies such as the IMF and NATO exert influences that prevent the Irish people freely making decisions for themselves about their society. The ongoing negotiations for the Transatlantic Trade and Investment Partnership (TTIP) have the goal of further reducing our democratic power to resist the interests of global capitalism—amongst the consequences will be a prioritising of the “rights” of investors and corporations over the rights of citizens and states. Already, government policy is being impeded by big capital: health policy, for example, in the form of controls



system is designed to serve the interests of capital and the elites not of the people. Alongside returning decision-making power to Ireland, we need to work towards a system where workers and the people have real control over their society.

For workers and trade unionists, solving the problems they face today depends on their ability to exercise real decision-making power about the things that affect them. This will only be possible in an independent, sovereign Irish democracy. This was the solution to their problems proposed by the revolutionaries of 1916—one hundred years on, the labour movement must recommit to the struggle for democracy, sovereignty, and independence. It is essential, if the interests of workers are to be kept to the

on tobacco, is being opposed by the tobacco industry, which is invoking private property rights in the courts. The passage of TTIP will further reduce our ability to determine policy and make democratic decisions.

But, taking back decision-making power to institutions in Ireland will not be sufficient to realise our goals. On the one hand, neither the people nor workers have much real democratic power in the system of governance as it is currently established; on the other, expecting the system and its institutions to deliver substantial change flies in the face of experience and ignores the reality that the



fore and ultimately realised, that the labour movement gives leadership to this struggle: the failure to do so during the Irish Revolution meant that our interests were never prioritised or implemented then; we must ensure that this does not happen again now.



# The Irish Trade Union Federation

The Irish Trade Union Federation better known as **TUF**, a federation of SIPTU and TEEU, was founded in 2004. It functioned well in the initial years but due to the subsequent preoccupation with addressing the effects of the financial crisis on the constituent unions and their memberships and the best intentions of both parties, it only functioned sporadically.

Following the adoption of the Report on Trade Union Restructuring at the 2013 ICTU BDC in Belfast, the officers of its constituent unions agreed to revitalise TUF.

One of the main objectives of TUF is to foster friendly relations at all levels between TEEU and SIPTU, by optimising co-operation between the unions at national, sectoral and enterprise level without impinging on the fundamental independence, integrity, ethos or authority of either union.

All decisions are taken on the basis of consensus and are subject to the approval of both unions' Executives and either Union can unilaterally dissolve the Federation.

A formal decision by the National Executive Council of both unions was taken to revitalise TUF followed by a meeting of the TUF Council (50% of each unions' Executive Council) in June last year, where it was reiterated that its aims and objectives shall be to advance the interests of the members of the constituent unions by improving the levels of service and improving levels of trade union organisation.

A number of presentations were made and the Council, composed of fifteen members of the National Executive of each union, engaged in an open and constructive exchange of views. It was agreed that another meeting of the Council would be held in November 2015 at which sectoral groups would advance specific proposals to assist in enhancing cooperation.

This November meeting heard reports from four sectoral committees comprised of representatives from each of the unions who also presented and elaborated proposals for future activities. These were agreed by the TUF Council.

The sectoral Standing Committees were drawn from the public sector, construction, manufacturing and

training and education sectors. Implementation meetings of these committees are being held through the month of January, in order to facilitate a report to the TUF Officer Board, which will review progress at the end of January.

A weakness identified in the structure of TUF was the lack of an individual who would drive the process forward on a continual basis. With this in mind, the TUF Council on a proposal from the Officer Board appointed Frank Keoghan (TEEU General President) to the post of TUF Coordinator, on a part-time basis for a period of one year. This decision was subsequently endorsed by the Executives of both unions and he took up the position in December 2015.

It is appropriate in this year of commemoration, that the largest Irish craft union and Connolly's legacy; the largest Irish general union should cooperate for the benefit of their respective memberships and seek to implement to a greater degree, the vision of those who participated in the Rising, including our former General President, Michael Mervyn, who was sentenced to death for his part in the Easter Rising.



# New Appointments



## Paddy Kavanagh, General Secretary (elect)

Dear Colleagues,

On the 28th of November 2015 the TEEU held the election for the person to succeed Brother Eamon Devoy as General Secretary and I am honoured to have been selected by the membership to undertake the task and lead this great union into the next decade.

Firstly I would like to thank all those who voted for me, the branches who nominated me and the members from all over the country who wished me well, both during and after the contest. Perhaps the most pleasing aspect of my election was the fact that I received support from every single region of the TEEU. I would also like to acknowledge the other two candidates who participated in the election. They are excellent colleagues on the TEEU team and both have committed their ongoing support

to me in my upcoming role as General Secretary.

With any new promotion or elevation comes new responsibilities and the position of General Secretary is the most challenging one to which a TEEU member can aspire. However I believe the third level education I have pursued and my lifetime as a TEEU activist from shop steward to branch secretary, to NEC officer, to EMC member, to full time official, have given me the necessary skills and competencies required to confidently undertake my new role.

I would also like to thank my family and friends for their support. I am proud to continue the strong north Kilkenny tradition of trade union activism.

I appreciate that I will be leading a confident, proud, hardworking and energetic team which is fully committed to the TEEU membership, and to both the Irish and the international trade union movement. We live in an ever changing economic, social, political and working environment which demands that we all work together to ensure we have a union able to react quickly and decisively to the challenges facing its members. We must adapt and modernise our methodology, using the latest technology, be it computer software or hardware, apps, social media or information technology, if we are to serve members interests to the utmost of our ability.

To achieve all this I intend to ensure that we maximise our resources. We must

continue to improve our culture of accountability and good corporate and financial governance practices that encourage initiative and responsibility amongst all those accountable within the union so that they can deliver for members.

My vision for the TEEU over my tenure as General Secretary is to ensure that the organisation continues to be a strong, independent and modern union, maintaining its historical ethos while expanding its membership and influence beyond its current base. We must make the union one that is not afraid to form strong alliances with like-minded organisations in order to best deliver for its members, while maintaining its independence of mind and action.

As General Secretary I undertake to work ceaselessly to the utmost of my ability to ensure that the TEEU moves forward, developing its role as the leading union in all our spheres of activity for the betterment of members and for workers generally. I am excited and energised by my new role and look forward to moving back to Dublin in order to commit myself fully to the requirements demanded by the position.

In conclusion colleagues I look forward to working with you all over the next decade so that together we can deliver a union we can all be proud of and go forward with the motto ROS: Recruit, Organise, Serve.

## WAGE THEFT



Congress President Brian Campfield has called for 'wage theft' to be criminalised with employers who wrongly deduct or withhold wages facing the full sanction of the law.

Mr Campfield was speaking at the launch of a new report from the Migrant Rights Centre Ireland, titled *All Work and Low Pay*, documenting the poor and abusive treatment of migrant workers in Ireland.

He said: "It appears to me that there are double standards operating in relation to employers who illegally withhold and steal money from their staff, compared to workers who take money from their place of work. Employers who act in this way are stealing and they should be treated as such. That's why I am calling for a new crime of Wage Theft to be introduced so that employers cannot do this with impunity."

He said the MRCI report complements the *Congress Charter for Fair Conditions at Work* initiative and pointed out that the "only real way to combat inequality and unfairness is by organising and building the pressure on the Government and on employers".

He added: "To migrant workers I would say to them that the trade union movement supports you and there is a place for you within the trade union movement, on an equal basis with other trade union members. "



## Derek Kelleher

### ESB

In response to the Unions Pay claim for an increase in pay the management has proposed significant change for the future including a move from the agreed form of collective bargaining to a system of personal appraisal.

The ESB Industrial council (internal Labour Court equivalent) made a recommendation that upheld the principles of performance related pay and other repugnant reduced condition for recently recruited and future employees.

These proposals were rejected by a meeting of 100 Shop Stewards and their decision was subsequently endorsed by the TEEU Executive Council.

### Iarnrod Éireann

Like so many other companies throughout the State pension Issues in Iarnrod Éireann are coming to the fore and causing considerable anxiety amongst the membership.

The report of ruthless changes in Management styles, due to the introduction of "cost containment measures", are reputedly adding to the tensions in the workplace. This is after staff agreed to pay cuts in order to support the

company during a recent difficult trading period.

With passenger numbers increasing and a brighter looking future ahead we will work closely with our members to protect their interests.

### My Role

As I start into the challenges in my new role I share with the TEEU representatives in both companies their desire for greater communication both from a TEEU Head Office perspective and communication with the rank and file members in the workplace.

I propose to build a Team culture with our workplace representatives that will develop a sense of Pride and Trust in the TEEU both in the

ESB and Iarnrod Éireann. This I believe will strengthen the TEEU's influence and voice within these companies.

As I started this article with reference to 2016 being the centenary year of the 1916 revolution we are faced with the prospect of industrial struggle in both of these companies in the coming year. The TEEU will stand in defence if our members terms and conditions and face the challenges ahead.

In October last I was delighted to be appointed as the National Power and Rail Organiser for the TEEU.

From 1997 I served my Electrical apprenticeship with the ESB and for the past 14 years I worked in the ESB's Stations section in Sligo where I represented the workers as Shop Steward. I also served as the Branch Chairman of the Union's Northwestern Branch.

2016 is a very special Centenary year in Ireland celebrating 100 years of progress and yet in both the ESB and Iarnrod Éireann our members are facing into a period of management proposals of detrimental change in both companies.



## Alan Douglas, Designated Construction Official (Limerick)

It is apparent to me that the same issues are confronting our members on the western seaboard as those that have been successfully counteracted in the greater Dublin area in recent times.

We are faced with rogue employers and unscrupulous recruitment agencies who are determined to profiteer by undercutting decent employers, diminishing standards and setting out to destroy our national collective agreements, which have been in existence for many years with the support of the Labour Court.

It has never been more important than now that every member plays their part in outing these rogues. So, please take the first step by reporting any wrongdoing to your Branch, your Regional Office or through the TEEU Confidential telephone line (01-8719903). It really only takes a small effort on the part of a concerned member to highlight those individuals who are selfishly acting to the detriment of our industry.

Even through the many challenges confronting the TEEU in 2015 it turned out to be a very productive year for most of the contracting industry. The TEEU lodged pay claims in the mechanical and electrical

contracting industries for the first time since the economic crash, and new legislation to replace REA's was introduced by the government last summer.

We are now experiencing foreign direct investment pouring into the country again and new projects are coming online every week, we have also witnessed increased budgets for local schools and social housing units nationwide. All of these developments can benefit our members throughout 2016 and beyond, but only if we get organised and combat the growing level of exploitation that creeping into our industry.

So, let's work together to recruit and organise, to build a strong unionised industry with the appropriate terms and conditions such as the going rate of pay, travelling time payments, a Sick Pay and pension scheme as provided for in our industry agreements.

I am really look forward to working with you to advance the pay and benefits to the satisfaction of our members in the year ahead. I can be contacted through the Limerick Regional Office 061-319669 or email alan\_d@teeu.ie.

As your newly elected official, for Construction (Mechanical & Electrical) for the western seaboard with responsibility for Region 5, I am delighted to be taking up residence in the region and look forward to serving our members in the West of the country from Donegal down to Cork.

I have spent a number of years on TEEU Regional, Industrial and National Committees, and I have also been involved with organising campaigns within the Irish Congress of Trade Unions. As the Branch Organiser for the Dublin No.8 Branch I have helped to resolve a number of significant disputes in the contracting industry.

# Canoe Sport in Ireland



Unlike many other sports in Ireland Canoeing is not based on a single activity. Instead it is made of several different disciplines. Beyond the first two Slalom and Sprint which are both Olympic disciplines the remainders on the list of seven are international competitive sports.

However, canoeing in an open boat such as a Canadian Canoe using a single ended paddle or a kayak, which is a boat with a closed deck and using double ended paddles are used by people to undertake recreational canoeing. This type of activity is extremely popular and suitable for family activity, provided the proscribed safety precautions are followed. This article is focused on

- 1 Canoe Slalom** (is a competitive sport where the aim is to navigate a decked canoe or kayak through a course of hanging gates on river rapids in the fastest time possible.
- 2 Canoe sprint** is a sport in which athletes race canoes or kayaks on calm water usually over distances of 200 m, 500 m, and 1000 m. with each boat has its own designated lane.
- 3 Canoe Freestyle** or Playboating is a discipline of whitewater kayaking or canoeing where the paddler performs various technical moves in one place (a playspot).

**4 Canoe Polo** is one of the competitive disciplines of canoeing involving five players on each team; each team has five players on the pitch who compete to score in their opponents goal which is suspended two metres above the water. The ball can be thrown by hand, or flicked with the paddle to pass between players and shoot at the goal. Pitches can be set up in swimming pools or any stretch of flat water.

**5 Surf Kayaking** is an exhilarating dynamic discipline of kayaking where we surf ocean waves in a similar style to traditional surfers. We use specially designed Kayaks and Waveskis to surf waves of all sizes.

**6 Wild Water Racing** is an opportunity to experience the freedom of white-water in a fun and competitive atmosphere. It has a simple aim: complete the course as fast as you possibly can. The paddler with the fastest time down the river is declared the winner.

**7 Canoe Marathon** is a paddling competition in which athletes start in one place and finish in another. Many events are raced down sections of river, including currents or portages around obstacles. Some events attract thousands of competitors and are staged over several days.

## The International Liffey Descent - A Unique Sporting Event

The inaugural Liffey Descent took place in 1960 with a total of eight competitors racing over an extremely short section of the River Liffey from O'Connell Bridge to Butt Bridge.

Today, 56 years later, the Liffey Descent has developed into one of the world's classic long distance canoe race covering over 20 miles of the River Liffey from Straffan in County Kildare to Islandbridge, which is only a few miles from the center of Dublin. The race annually attracting just under 1,000 competitors with over 40% of the entry travelling from overseas, mostly from Britain but also from South Africa, Australia and New Zealand.

The character of the Liffey Descent makes it a uniquely Irish sporting event which could not be replicated elsewhere. This is to a very large extent as a result of the long standing support the ESB has lent to the race. On Descent Day, the ESB coordinates the flooding of the Liffey with the generation of electricity at its Blessington and Leixlip Hydro stations. There are very few sporting events that could boast of a massed start of 1,000 competitors within the grounds of a world famous golf course



*Eamon Devoy Official Starter  
of Liffey Descent 2015*



like the K-Club, then wind its way through the beautiful Kildare countryside on a swollen, fast rolling river, to an eventual finish within the grounds of a city park.

The Descent is the Canoeing Irelands premier event and considerable resources in terms of staff, volunteers and revenue are invested each year in the event to ensure its success. Over 200 rescuers, officials, scrutineers assist in the organisation and smooth running of the event.

To ensure success the Descent must deliver on many levels. At one end of the scale, the race must attract and challenge top river-racing competitors from around the world. Negotiating the river's ten weirs demands technical competence of the highest caliber. If you intend seriously racing the Descent there is very little margin for error.

The hundreds of other competitors may be less ambitious than the top racers but their sights would be as equally focused on achieving their own personal goals which in many cases might be simply finishing the race without a swim.

Over its 56 year history, the Descent has had a number of commercial sponsors, its first major sponsor was Coca Cola followed by Irish Distillers under the Jameson Whiskey brand name. Throughout its involvement in the Descent, Irish Distillers not only invested financially in the event but many of its staff became involved both as volunteers and competitors.

Whilst Distillers' departure as the title sponsor of the Descent was viewed an important turning point in the history of the Descent, it was also seen as a

positive development that opened up new opportunities for revamping the Descent's corporate look and brought fresh ideas to its promotion and development. The Irish Sports Council took over as the title sponsor and become associated with supporting a widely acclaimed "green" adventure related sporting event.

In 2013 The Liffey Descent was one of the races to be included on the International Canoe Federation's World Classic series, The Liffey Descent now forms part of a 10 race world series where Canoeists compete all around the world to be crowned world classic series champion and claim the much coveted cash price.

This Year's Liffey Descent is scheduled to take place on 24th September 2016.

There is also a junior Liffey Descent scheduled for the 21st May 2016 from Salmon Leap Canoe Club to the Canoeing Ireland Training Centre on the Strawberry Beds. This race is over distance of 11.5km, 4 Weirs and has 1 Portage. Entries come from schools, scouting organisations and canoe clubs from around the country.

Potential participants in both of these events require some prior canoeing experience. Further details from Canoeing Ireland [www.canoe.ie](http://www.canoe.ie)

**Eamon Devoy**

*General Secretary and  
Past President of Canoeing Ireland*



# Your Pension – Your Future

**50**  
YEARS  
1965-2015

**CWPS**  
Construction Workers  
Pension Scheme



- **Pension** - Build Up valuable benefits for your retirement.
- **Sick Pay Benefit** - €38.11 per day or €190.55 per week.
- **Death in Service Benefit** - €100,000 plus the value of the member's Pension Account in addition to €3,175 for each eligible child.
- **Contact us for more information**  
phone 01 4977663  
visit [www.CWPS.ie](http://www.CWPS.ie)

**The Construction Workers' Pension Scheme (CWPS) is an occupational Pension Scheme designed specifically to meet the needs of employees in the construction and related industries. CWPS offers retirement benefits and low cost protection cover to construction workers and their families.**

Retirement benefits built up for members by contributions paid by both members and their employers. Funds remain in the member's own Pension Account until retirement age which can be anytime between the ages of 60 and 70. Normal retirement age is 65.

As a member of CWPS, Sick Pay benefit of €38.11 per day is payable to members who are out sick due to illness or injury. Benefit is paid up to a maximum of 50 days in a year. This benefit is provided at a very low weekly cost to members and employers.

A Death in Service Benefit of €100,000 is payable to a member's next of kin if the member dies while an active member of CWPS. An additional €3,175 is also payable for each eligible child of the deceased member. This benefit is provided at a very low weekly cost of €1.11 each to members and employers and is included in the weekly contribution rate.

**IPE AWARDS**  
2015 WINNER  
**Best Pension Fund in Ireland**

**Irish Pensions AWARDS**  
2015  
WINNER  
Best Use of Risk Management

# Construction Workers Pension Scheme

2015 was a milestone year for the Construction Workers Pension Scheme (the Scheme) as it celebrated 50 years providing retirement lump sums and pensions to employees of the construction industry.

Founded in 1965, the Scheme has evolved and grown over the years into a fund that now exceeds €1.4 Billion, providing members with a secure saving vehicle for their retirement, cover for valuable risk benefits and paying pensions to our members who have retired from a career working in the construction industry.

## A SHORT HISTORY

The Scheme was originally set up in 1965 as part of the settlement agreement of the National Building strike and was called the “Builders Federation Pension Scheme”. The Scheme was established to provide a non-contributory pension for building industry operatives and in 1984 the Scheme became known as the “Construction Federation Operatives Pension Scheme”. In 2006, following a major review of the Scheme it evolved into the current scheme known as “Construction Workers’ Pension Scheme”.

The Scheme officially commenced on 1 March 1965 and at a meeting of the Trustees on 9 November 1965 the Board unanimously agreed to assume liability



for a Death in Service benefit to scheme members of £500 (€635).

According to the minutes of a Trustee meeting on 18 December 1969, the fund value of the Scheme stood at £728,980 (€925,614). Throughout the years the value of the Fund has continued to grow with the total asset value of the overall fund now standing at €1,349 million at the end of 2014, this has increased from €946 million at end of 2009, an increase of €403 million in 5 years.

When the Scheme was established in 1965, contributions were payable by employers only, however in March 1976 there was a change in the Scheme Rules which saw the introduction of a member contribution and the joint member/ employer contribution remains today. One of the more recent improvements to

the Scheme benefits came on 1st May 2015 with the increase in the Death in Service benefit from €63,500 to €100,000.

## PENSIONS

The Scheme is quite unique as it has an industry wide structure. With thousands of participating employers in the construction sector, the mobility of the workforce is facilitated as it allows members to move from one employer to another and retain their retirement benefits with the one provider. Currently the Scheme pays monthly pensions to just under 8,000 pensioners with some pensioners or surviving spouses in receipt of pensions for over 30 years. The Scheme offers low cost pension conversion terms and this means that at retirement members can convert their retirement savings into a pension payable for life at very favourable rates, in the region of 8% better than the open market annuity rates.

The year ended on a high note as the Scheme was awarded “Best Pension Fund in Ireland” at the IPE European Pension Fund Awards held in Barcelona at the end of November and also won “Best Use of Risk Management” at the Irish Pension awards in the same month. Commenting on the win, the Chairman of CWPS Trustee Board, Mr. Andy O’ Gorman, said: “I am delighted that this is the second consecutive year that the Scheme has won this prestigious award. To follow that, within a week, at the Irish Pension Awards, with the Best Use of Risk Management Award, was a solid external endorsement of how well the Scheme is managed. I would like to congratulate everyone involved in the running of the Scheme including the CPAS administration team, all the Scheme advisors and the Trustee Board.”



If you would like more information on the scheme benefits please visit our website at

[www.cwps.ie](http://www.cwps.ie)

# Giving developers a free ride on water infrastructure

**ROUNDWOOD RESERVOIR: Dublin is reliant on infrastructure built in the 1860s to bring its water from Wicklow. Irish Water's business plan shows that our system is totally unsatisfactory.**

The major improvement in life expectancy experienced since the early 19th century owes a great deal to the provision of clean water and sewerage systems.

The first big investment in water services in Ireland was in the 1860s when Dublin Corporation developed the Vartry system to bring water from Wicklow to the city.\*

However, from the start, the plans were dogged by a lack of co-operation between local authorities, with the rich township of Rathmines opting out, leaving the poor of the inner city to shoulder the bill.

This pattern of fragmented provision of services persisted for 150 years, with responsibility for provision of water and sewerage left to individual local authorities, rather than having an overall national plan.

The establishment of the ESB in 1927 created a national electricity network, and Bord Gáis consolidated a series of local gas companies in the 1980s, but it has taken until now for water and sewerage services to be put on a national footing.

Relying on more than 30 local authorities to do the job resulted in duplication, high costs and a failure to plan coherently. One of the first tasks for Irish Water has been to move from fragmented local systems to a single national system. In principle, this should bring economies of scale, provided staffing costs reflect what is needed to deliver a unified service, rather than multiple local services.

Too much of today's water and sewerage network dates back to the early years of its installation, with pipework and other infrastructure that has reached the end of its useful life.

The result has been that too many households have been experiencing poor pressure or boil water notices, and lack of modern sewage treatment has seriously affected the quality of our waterways. The standard of our systems has fallen behind what other developed economies enjoy.

The water supply for more than half the households in the State has been listed by the Environmental Protection Agency as needing remedial action. Irish Water has identified 180,000 households that have a potential problem with lead contamination. At the beginning of 2015, 23,000 households still had to boil their water before use.

As Irish Water's business plan\*\* shows, we have a system that is totally unsatisfactory for our current needs.

Under successive national development plans, a detailed methodology was developed to plan the road infrastructure. However, no corresponding national framework was available to guide investment in water supply and sewerage. Only 60 per cent of the sewerage pipes in the country are actually mapped. An overriding concern to achieve compliance with the EU's waste water directive and to avoid costly fines was the nearest we got to prioritising this.

For the first time, Irish Water's business plan provides a comprehensive strategy to develop a water and sewerage system for Ireland that would eventually be fit for purpose. If achieved, by 2021 it will deliver significant improvement relative to where we are today.

While Ireland is blessed with an abundance of rainfall, there are significant costs in treating water to make it drinkable and to get it into people's homes. Effective sewage disposal is also costly, and for too long we have been content to pipe it out to sea or to inland waterways after minimal treatment, polluting our coastline, lakes and rivers.



## CATASTROPHIC EFFECTS

Dublin is very reliant on the infrastructure built in the 1860s to bring its water from Wicklow. If the 2½-mile Callowhill tunnel, finished in 1866, was to collapse, Dublin could suddenly lose a substantial part of its water supply, with catastrophic effects.

The real level of investment in water services has fluctuated considerably over the last 20 years. Investing in systems that lie underground and that have been taken for granted has lacked the political visibility that attached to overground infrastructure such as roads. This factor, along with fragmented planning and delivery, has contributed to persistent under-investment.

# is not a long-term solution

## SERIOUS MONEY

Provision of water and sewerage services, and updating and extending our outdated network all need serious money. These services have to be paid for, whether directly by householders and companies, or through local or national taxation, or some combination thereof. Economic and population growth also add to demand pressures.

The undoubted mistakes made in the establishment of Irish Water should not be allowed to jeopardise the pace of future investment by continuing to underfund its vital services. As long as the lion's share of funding comes from general taxation, rather than from those who benefit from the services, either the level of spending and investment plans will be constrained or the pressure on scarce taxpayer funds will be excessive.

## DEVELOPMENT LEVIES

Access to sanitary services is a key factor in the development of land. Local authorities who zoned land took on an implied commitment to provide

services at some future date to enable the land to be built on.

Yet historically the contribution made by landowners has been minimal for the vital services that helped turn their land holdings from low-value farmland to fabulously priced development land. Indeed, at the height of the rezoning frenzy of the 1980s in Dublin, development levies were only charged as a fraction of the financial contribution made by the council towards the provision of sanitary services, with no co-funding of the central government spend.

Reduction or abolition of development levies is now being advanced as a strategy to encourage the resumption of housing development. However, in the long run, giving developers a free ride on the services that enrich the value of their land holdings does not make sense.

*John FitzGerald*

\* <https://www.engineersireland.ie/EngineersIreland/media/SiteMedia/groups/societies/heritage/Water,-Drainage,-People-and-Heritage.pdf?ext=.pdf>

\*\* <https://www.water.ie/docs/Irish-Water-Business-Plan.pdf>



*Delegates attending the 2015 Region 5 Conference*

## 10 GOOD REASONS TO JOIN THE TEEU

*As a member of the TEEU we can help you:*

- 1 Protect Your Job
- 2 Combat Bullying and Victimisation at Work
- 3 Ensure Safety, Health and Welfare at Work is not compromised
- 4 Secure your full Legal Rights at Work as a minimum
- 5 Improve your Pay and Conditions at Work
- 6 Have a voice in your workplace
- 7 Access our Education and Training opportunities at work or if you're unemployed
- 8 Access our Comprehensive Legal Aid and Advice Scheme
- 9 By providing information and support through one of 6 Regional Centres, 28 Branches Nationwide, Website and Publications
- 10 Negotiate professionally and successfully with the assistance of our team of Full Time Officials



# Recovery comes with challenges too

As we head further into 2016, there are both opportunities and challenges ahead for the economy. Looking back, 2015 was a year where recovery finally took hold, spreading outside the Greater-Dublin region and impacting nationwide. In some areas this meant growth in jobs, hours worked and consumer spending, in others it meant the emergence of a long-overdue stability and a final end to the spiral of decline since the recession took hold in 2008.

In our latest commentary on the Irish economy, the Nevin Economic Research Institute (NERI) has pointed towards a continuation of solid Gross Domestic Product (GDP) growth in 2016. We anticipate that the overall level of activity in the economy (GDP) will increase by more than 4% in 2016 and continue at a strong rate of 3.3% in 2017; growth rates that are considered to be strong in the context of past performance and relative to that being achieved by other European economies. Indeed, we leave 2015 with a likely economic growth rate of more than 6% - making Ireland the fastest growing economy in Europe.

A key aspect of how things have changed over the past 12 to 18 months is visible when you look more closely at these headline figures. Over the past year, people have started to spend a bit more money – reflecting a greater certainty and stability in the economy and a more positive outlook for future employment and income. That change is important, in particular for employment and regional economic activity, as it means there is more spending in shops, small towns and villages right across the country. Similarly, other aspects of the domestic economy such as investment have begun to recover; generating further activity nationwide.

Our expectations remain upbeat for 2016 and beyond. The welcome increases in employment should continue a pace, we expect employment to increase by 2% this year, and the unemployment rate will continue to decile, dropping towards 8% in 2017. All of this bodes well for the nations finances, which should benefit from increases in tax income from most sources and consequent improvements in the borrowing and debt levels.

However, with recovery comes some challenges. Certainly, looking at the economy in early 2016, some challenges are obvious and should not be overlooked. These include:

**Long-term unemployment** is likely to be one of the key public policy issues for the next decade. Over the past few years employment has recovered at a welcome and rapid pace. However, as the numbers who are unemployed further reduce the challenge associated with

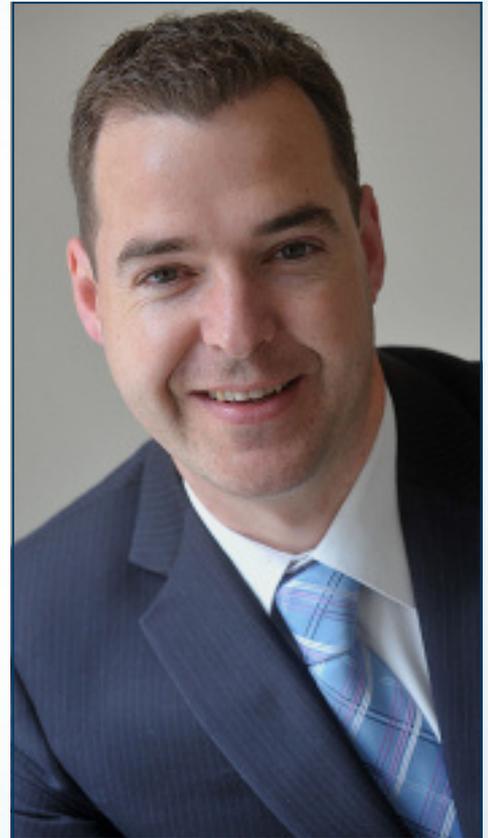
helping those who are out of work for a number of years because of the recession becomes more visible. In almost all cases, these are workers who were busy at work a few years ago; so we know they are willing to work. However, many will need help and retraining to unlock opportunities for them to return to work. To date, this has been an issue receiving a less than ideal policy response. It needs greater focus and action.

**Investment deficits and bottlenecks** have also become visible as the recovery unfolds. Whether in public transport, hospital capacity, housing, childcare facilities or broadband connectivity the missed opportunity of investing in areas of strategic national importance during the last few years is being realised. Now, as these issues persist and grow, there is a further need for strategic investment in areas of that will simultaneously enhance growth, employment and living standards across the state for the long-term. The opportunity, and need, is all the more relevant given that the cost to Government of financing these projects has never been so low. Again, a challenge that needs enhanced attention.

**Static pay and living standards** also remain a challenge for workers and their families across the country. After the initial cuts, for the most part gross incomes have been static for many years. Indeed, although there has been some reductions in income taxes, and some increases in pay in particular private sector employment areas, in general people have lived with marginal changes in their incomes in the context of ongoing increases in living costs. A recovery in pay and living standards levels needs to be part of the broader recovery story during 2016.

**Low pay** and the quality of jobs is also a challenge that requires greater focus this year. Research from the NERI has shown that more than one quarter of all employees earn less than the living wage (€11.50 per hour) and 30% of employees have an hourly income of less than €12.20. For the most part these employees are women and young people and they are concentrated in certain sectors of the economy such as retail, accommodation, food and security. Making ends meet on such low incomes remains a persistent challenge for many, and one which adds to the pressure families face. Consequently, giving greater priority to increasing low pay, and enhancing the work conditions of employees in precarious work settings, is an important area where more progress needs to be made in 2016.

**The precarious nature of some elements of our recovery** and recent growth also need to be recognised as we think about the opportunities



Dr Micheál Collins is Senior Research Officer at the Nevin Economic Research Institute (NERI). The Institute, with offices in Dublin and Belfast, is a research organisation which, at its core, has a vision of the achievement of a better, fairer society. It aims, through the provision of world-class research and analysis, to contribute towards the construction of alternative perspectives and possibilities that will lead to the creation of an economy that works for society. It is supported by unions affiliated to the ICTU including the TEEU. Latest reports and publications are available at [www.NERInstitute.net](http://www.NERInstitute.net)

and challenges that are ahead. While some aspects of Ireland's recent growth are the result of internal reforms and rebuilding, others are driven by fortunate circumstances. Low oil prices and interest rates have played a significant role in fuelling our recent growth and recovery; so too has some aspects of the management of the tax affairs of multi-national firms located here. Most of these factors lay outside the control or influence of domestic economic policy and were they to change, even slowly over a few years, they would have repercussions for growth and further recovery. That implies a need for caution – we should not assume that the current strong economic growth is a given and is the 'new normal' for Ireland.

After the expense and implications of the 2008 banking and general economic collapse, let's hope that as a society we have learned to be a bit more cautious and careful in our decision making and approach towards managing our economic growth and recovery.

# Do you need legal aid or advice?

TEEU in association with Bruce St. John Blake and Co. Solicitors

Comprehensive legal aid scheme exclusive  
to Union members & families (spouses, partners, sons & daughters)

## LEGAL AID FOR:



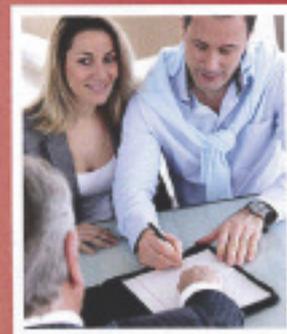
Work Accidents\*



Personal Injury\*



Traffic Accidents\*



Making a Will

\* In contentious matters, a solicitor may not calculate fees or other charges as a percentage or proportion of any award or settlement.

## LEGAL ADVICE:

- Buying or selling property
- Social welfare advice
- Administration of Estates
- Other matters

Contact your local Branch Secretary or TEEU Head Office

Tel: 01 874 7047 Email: [info@teeu.ie](mailto:info@teeu.ie) [www.teeu.ie](http://www.teeu.ie)

Blake



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Dublin 1.

### GALWAY OFFICE

Bruce St. John Blake & Co. Solicitors,  
Ross House,  
Merchants Road,  
Galway.

# WHAT IS THE DUTY OF CARE OWED TO AN EMPLOYEE

An employer has a duty of care to their employees. The employer has a duty to provide a safe place of work and a safe system of work (the safe place of work includes provision of machinery and equipment which is fit for purpose). The employer also has a duty to provide training and adequate supervision.

All employers also have statutory duties which vary depending on the nature of the employment e.g. statutory duties in relation to working with electrical equipment or mechanical equipment will be specific to that particular type of work and will obviously differ from work place to work place.

The law in the area of personal injuries can and does change on a regular basis and what may have been the position last year may not necessarily be the position today. For example:

In March 2000 it was decided by the High Court that there was a positive duty on an employer to ensure that the “necessary measures are taken so that the work equipment is suitable for the work carried out or is properly adapted for that purpose and may be used by employees without risk to their safety and health”. The Judge clearly set out his view that there was a positive obligation on the employer in respect to the safety of equipment for the use of their employees. It was stated at the time that the aim of this statutory provision was to ensure that an employee who

suffers an injury at work through no fault of their own by using defective equipment should not be left without a remedy. This arose out of a case where an employee was injured when a lever with which he was supplied by his employer snapped and broke causing him to fall backwards onto the ground. The evidence showed that there was a latent defect within the metal lever which caused it to snap and break.

However in March of this year this viewpoint was changed when a Supreme Court case brought against Dublin Bus for personal injuries as a result of injuries sustained when the pneumatic system in a bus allegedly failed and caused the employee personal injuries. The Supreme Court did not follow the decision above and altered the legal duties owed by an employer to an employee in respect to equipment provided. The Supreme Court held “it shall be the duty of every employer to insure that the necessary measurements are taken so that the work equipment is suitable for the work to be carried out... and may be used by employees without risk to their safety and health”.

Clearly this duty differs significantly from the earlier judgment and shows how the area of personal injury litigation can change significantly over the passage of time.

For this reason we would always advise a member to check the position in relation to any accident which occurs in the work place, or on the way to or from the work place, as something which may have been the situation last year may be an entirely different situation this year. Obviously this can also include further duties being imposed on employers particularly when new laws are passed by either the Irish Government or transposed from Europe into becoming Irish law and these may increase or alter statutory duties imposed on employers to employees.

## If a member (or a family member) has an accident at work or on his/her way to/from work what is needed to establish an entitlement to bring a personal injury claim?

- 1 The member must prove negligence on the part of some other party e.g. in an employment situation this would be negligence on the part of his/her employer or some contractor engaged on the same site or owner of a premises. It may be a situation that a member is unable to distinguish who is the negligent party and all of the above parties may be responsible to a different degree.
- 2 The member must prove damage or loss as a result of negligence as set out above. This would include either sustaining injuries or a medical condition as a result of the negligence of some party above. Injuries can include the obvious physical injuries, the less obvious medical conditions such as industrial asthma, conditions relating to exposure to asbestos or other harmful materials, it can also include psychological injuries such as PTSD or similar type conditions.
- 3 There must be a connection between the negligence of the employer (or third party) and the damage sustained to the member. It is not unusual to see a situation where a company may be negligent in relation to various statutory obligations for health and safety obligations and certain statutory obligations relating to providing certain equipment on site. However if nobody is injured as a result of this equipment not being provided or these rules not being adhered to by the employer, clearly an employee does not have an action for personal injury in respect to these. There would obviously be an issue for the employer in the event of these matters being reported to the relevant statutory bodies or authorities but this would have no relevance to a member bringing a personal injury action as s/he would have sustained no loss as a result of this equipment not being provided.



## BY HIS/HER EMPLOYER

4 It is essential that any claim for personal injuries are brought within 2 years of the time when an accident happens e.g. if an accident happens on the 31st of January 2016, a member has until the 30th of January 2018 to have a claim lodged with the Injuries Board, have the claim acknowledged by the Injuries Board as having been fully completed and having been allocated a reference number by the Injuries Board. Otherwise if the claim is not brought within the 2 year period, it is not possible for any person to bring a claim in respect to such an accident at a later stage and the Courts are extremely strict in interpreting this rule.

Obviously in many situations it will be very clear when an accident happened and the “clock runs” from the date of these clear cut accident dates which have resulted in clear cut and obvious injuries. However what is less certain is if a person contracts a medical condition as a result of the negligence or breach of duty or breach of statutory duty by their employers. As it is never clear cut to establish when a medical condition has been contracted such as dermatitis, industrial asthma, mesothelioma or asbestos related medical conditions, the employer will invariably argue that the medical condition was either not contracted during the course of a member’s employment with that particular company, or argue that the medical condition is not connected to their place of work. In order to establish the date when “the clock begins to run” and the 2 year period commences, the test applied is generally to establish when the member first knew or might reasonably have known that s/he was suffering from this particular medical condition and that it may have been attributable to his/her place of work. Obviously this is a much more complex test than the test to be applied when a distinct incident happens resulting in distinct injuries

both of which were identifiable immediately on the day they occur (e.g. broken arm etc.). Therefore we frequently are met with a defence that the member is out of time for bringing a claim for personal injuries and that the member could have known or should have known more than 2 years prior to commencing proceedings that s/he was suffering from this particular medical condition. Again this is a situation where each individual case is looked at on its own individual merits and medical records are invariably checked by both sets of lawyers acting on both sides of these actions.

It is frequently the case that members are told that they are responsible for their own safety and are negligent themselves when a claim is lodged for a personal injury action. However this is generally a matter of expert evidence and we would always rely on the opinion of an expert in this area (usually a consulting engineer) to confirm whether in fact the negligence was on the part of the employee or, as is more frequently the case, was the negligence on the part of the employer.

### WHAT DOES THE TEEU LEGAL AID SCHEME COVER

The TEEU scheme operates as a **total indemnity** to members or their families bringing a claim for personal injuries. This means that any member or their family bringing an action to Court does not have any worry in relation to the costs of such a claim. The TEEU provide that the cost of all medical reports and expert reports are covered by the scheme for the entire duration of the Court case. Again medical reports from consultants cost on average €500 - €650



with other specialist reports costing up to €900. Most cases require a minimum of between 4 and 6 medical reports so the TEEU scheme clearly removes this financial outlay for TEEU members and their family members.

A member’s only obligation is that in the event of such a claim being successful, they pay a 5% contribution of any damages recovered to the TEEU which is then held in a fund should there ever be a situation where the union does have a claim for costs if an action for a member were to be unsuccessful. In the event of any action being unsuccessful the Court will make an award of costs against a member, but under the TEEU scheme the union will then be responsible for these costs. This is an unusual benefit for TEEU members as the employer’s insurance company would be entitled to recover all of their legal costs if a member was unsuccessful in an action. It is in no way unusual to see costs in the region of €40,000 for a fairly typical High Court action and obviously some costs can significantly exceed this depending on how long an action is running for, the number of experts involved and the number of days it is being heard in Court. Therefore a TEEU member has the entire cost concern removed from them and do not have to deal with any claim from the employer’s insurance company at that time.

In short regardless of the outcome, a TEEU member (or family member) pays no legal fees in respect to any Court case for personal injuries regardless of the outcome.

# Health and safety is not negotiable

Speaking at the launch of the *Safety Representatives Resource Book*, ICTU general secretary, **PATRICIA KING** warned that health and safety is not negotiable.

The Safety Representatives Resource Book is a resource to aid safety representatives when they are making representations on health and safety concerns of their work colleagues.

Eamon Devoy, the general secretary of the TEEU, who was the driving force behind publication of the Safety Representatives Resource Book, which was published by the Health & Safety Authority (HSA) earlier this year, said safety representatives do invaluable work. Speaking at workshop for safety representatives, IMPACT general secretary, Shay Cody said that recognising the value of the workplace safety representative is at the heart of creating the correct working environment.

The drive by Mr Devoy, who is a former vice-chair of the HSA, to recognise the importance of and enhance the role of safety representatives is likely to bear tangible results when the HSA Strategy 2016-2018 is published early next year.

With 50 people killed in workplace accidents so far this year (mid-December) and reports of an increase in the number of claims for injuries at work, there are indications that workplaces are getting more dangerous. That of itself highlights the need for safety representatives on the ground voicing the concerns of workers.

## IMPACT OF HSA CUTS

An issue that concerns trade unions, one which can have an impact on accident rates, is the reduction in the HSA's budget grant from the Government. During the years of the recession the grant has fallen from €24m to just over €17m. The consequence is that HSA staff numbers have been reduced from 197 a little over 150, with the inevitable consequence that inspections have fallen.

A report by the Economic and Social Research Council (ESRI), *Trends and Patterns in Occupational Health and Safety in Ireland*, found that inspections are associated with lower levels of injury and ill-health.

There were over 16,000 inspections in 2008. The number carried out in 2015 is

expected to be about 12,000. When the HSA published its programme of work for 2015 there was some controversy at the Authority's plan to reduce the number of farm inspections, with politicians voicing concern. However when an Oireachtas committee met to discuss these concerns with the HSA, the message from the politicians was that inspections frighten farmers.

Despite the overall fall in the number of inspections, the Authority planned to carry out over 3,000 inspections on construction sites during 2015, an increase of over 600 on the previous year. The Authority planned to carry out 700 inspections in the manufacturing sector, 200 in healthcare and 150 in both the transport and storage and mines and quarries sectors.

Every year the HSA takes enforcement action against employers who breach health and safety regulations. Each year about 30 employers are prosecuted for very serious breaches of the regulations. Last year over 370 prohibition notices (a notice prohibiting an activity) and over 500 improvement notices (a notice requiring action to be taken to improve safety) were served on employers.

## WHO GETS KILLED OR INJURED

The figures for fatalities show an increase in construction fatalities. So far this year 11 people have died in construction accidents, compared to eight last year, four have been killed in the fishing industry (1 last year), four in transport and storage (4 last year), three each in manufacturing, public administration, and utilities, two each in mining/quarry and wholesale/retail and one in healthcare. There has been a significant fall in farm deaths, down from 30 to 16 as of mid-December.

Looking at the reported accident figures from the HSA for 2014 over half of all accidents are caused by manual handling (32%) and slips, trips and falls on the same level (19%). Other causes of a significant number of accidents were falls from height and violence and aggression.

The ESRI report, in which figures from



**Congratulations to Patricia King on her election to the position of General Secretary of the Irish Congress of Trade Unions, from the General Secretary, Executive Council and Staff of the TEEU.**

the Central Statistics Office's Quarterly National Household Survey (CSO-NQHS) were analysed found that work-related ill-health is increasing. The finding confirmed an impression held by the HSA that occupational illnesses are on the increase. The Authority, in its strategy 2016-2018 proposes to focus on work-related health risks.

There are three sets of figures which give information on who gets injured or suffers illness because of work: the HSA's reported accident figures, the Department of Social Protection's Occupational Injury Benefit (OIB) figures and the CSONQHS figures.

The HSA figures show that most accidents are reported by workers in the healthcare sector, followed by road transport workers. Top of the list of those claiming OIB are what are termed 'elementary' workers: that is workers from the farming and construction sectors and workers cleaning, storage and security industries.

While there is considerable under-reporting of accidents to the HSA, all fatal accidents are reported. The figures show that self-employed workers top the list of fatal accidents year after year. This is partly explained by the number of farmers

who are killed in accidents. The principal causes of fatal accidents are loss of control of transport/handling equipment, falls from height, explosions and the loss of control of machines and animals.

### TRADE UNION CONCERNS

At European level the trade union movement is concerned that the European Commission wants to dilute the protection afforded to workers by European health and safety directives.

A motion adopted at the recent European Trade Union Congress called on the European Commission to respect the opinions expressed by the EU's Advisory Committee on OSH. The background to the motion was the EU Commission's decision to launch a public consultation on a report – *Evaluation of the Practical Implementation of EU Occupational Safety and Health Directives in Member States* – rather than follow the usual practice of publishing the report.

According to Hugh Robertson, health and safety advisor to the British TUC, the European Commission had hoped to keep the reports under wraps until next year. Sylvester Cronin, SIPTU'S health and safety advisor, has expressed his concern that the European Commission is more interested in an economic evaluation of the OSH directives, rather than of their effectiveness in raising OSH standards.

The comments reflect the concerns often express by Eamon Devoy, who is on record as saying the Commission is "attempting to reduce health and safety protection for workers". He said that the Commission wants to commercialise health and safety standards to favour businesses in race to the bottom practices.

## Training & Presentations



TEEU Shop Stewards Training, Dublin, November, 2015



Members receiving QQI Certification at MSD Rathdrum Co. Wicklow



Members receiving QQI Certification in Kerry Ingredients.  
Pat Guilfoyle, Regional Secretary front row on right.

## Safety Representatives Resource Book

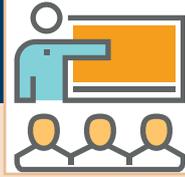
*The purpose of this book is clear from the title: it is a resource book. It is specifically a resource book for safety representatives, but the hope and indeed the expectation is that it is a resource to which employers, their occupational health and safety advisors, employees and the self-employed will refer.*



Presentation to Tom Dowling outgoing Trustee for a lifetime of service to the TEEU

# THE NEW WORKPLACE RELATIONS COMMISSION –

## THE CHALLENGE FOR TRADE UNIONS



TRAINING



SPEECH



CONSULTING

Before what in the Republic of Ireland was coyly termed “The Emergency” (known everywhere else on earth as “World War Two”) there were few avenues for the resolution of workplace disputes short of industrial action or strike, once local negotiations had broken down. Equally, apart from laws such as the Factories Acts there were few statutory employment rights that workers could rely upon. If you were a trade union member your union could negotiate or leverage such benefits as were achievable by collective bargaining. Alternatively, if you were a civil servant or public service worker, your terms and conditions of employment and the resolution of disputes were laid down by the state. In the private sector, if you were not in a trade union, then everything, for good or ill, was determined by your employment contract.

The ending of hostilities in 1945 saw the passing of the Industrial Relations Act in the following year and the establishment of a new Labour Court to provide a third party forum accessible by all workers and employers for the resolution of trade disputes. However, since the Irish system of Industrial Relations was (and theoretically remains) “voluntarist”, it was up to workers and their trade unions and the employers whether they referred disputes to the court, (albeit that many local agreements bound the parties to do so). Except in certain circumstances the decisions of the Labour Court in the field of Industrial Relations were and are given as Recommendations, leaving it up to disputant parties to accept the terms of the Recommendation or not. Despite this, in practice, such has been the authority of the court over time that most recommendations tend to be accepted, though to a lesser extent than heretofore by the employers.

To further aid dispute resolution, the Labour Court ran a Conciliation service to assist workers and employers to reach agreement between themselves as a preliminary step and to possibly obviate any reference to the court for recommendation.

Later, in 1969, a Rights Commissioner service was added to hear and recommend on individual Industrial Relations disputes, with an appeal by either party to the Labour Court for a final determination.

These matters rested until 1990 when the Industrial Relations Act of that year did a number of things. Firstly, it replaced the old law governing industrial action and strikes – the 1906 Trade Disputes Act, “inter alia” formalising balloting requirements and setting certain preconditions on the prosecution of individual trade disputes. It also established a new Labour Relations Commission (LRC) to take over the conciliation function and the by now expanded Rights Commissioner Service. Finally, having divested the Labour Court of these latter roles, the new Act sought to enhance the role of the court as a “forum of last resort”.

Running in parallel to all this, the period from the 1970’s saw the exponential growth of individual employment rights. From a virtual flat line up until the late 1960’s, the following decade saw the start

of a rapid upward trajectory in statutory protective employment law. This was particularly noticeable after the accession of the Republic to the then European Economic Community (EEC) in 1973, as the state responded to obligations placed on EEC members to transpose European Directives into domestic law.

The ensuing decades saw the enactment of a plethora of Employment Rights including, for example, those under the Unfair Dismissal Act, the Employment Equality Acts, and the Organisation of Working Time Act and so on. Of course all of these rights required a forum within which to be heard and adjudicated upon. However, unlike the relatively straightforward path taken on the Industrial Relations side of the house, with referrals firstly to Conciliation and then Labour Court and with individual referrals going to the Rights Commissioner- the route taken for Employment Rights was somewhat more convoluted.

In fact in the end there were four separate bodies hearing Employment Rights cases: The Rights Commissioner, The Labour Court, The Employment Appeals Tribunal (EAT) and The Equality Tribunal (with a legally binding Mediation option). To complicate matters further, some of these bodies had original jurisdiction only (i.e. the first hearing of the complaint), such as the Rights Commissioner or the Equality Tribunal, while others such as the Labour Court and the Employment Appeals Tribunal had both original and appellate jurisdictions (i.e. hearing of appeals from Rights Commissioner or Equality Tribunal).

While in practise the system was never quite as complicated as it looked or sounded, the “reform” of the system constituted part of the Fine Gael-Labour government’s programme of work. So, after a period of consultation, legislation was brought forward to “streamline” the process of workplace dispute resolution in the realm of both Employment Law and Industrial Relations.

The resulting Workplace Relations Act 2015, which came into operation in October last, firstly establishes a new Workplace Relations Commission (WRC) as an overarching body to deal with all workplace disputes whether Industrial Relations (sometimes called “disputes of interest”) or Employment Rights (“disputes of right”). However, while it changes the process of workplace dispute resolution, the Act does not alter any existing entitlements or rights under Employment law other than in procedural elements such as standardised time limits for the submission of claims and complaints.

It replaces and assumes all of the functions of the Labour Relations Commission, the Rights Commissioner and the Equality Tribunal, but not those of the Labour Court. With regard to the Employment Appeals Tribunal, the WRC takes over the first hearing function, but appeals formerly heard by the EAT are transferred to the Labour Court. In addition the WRC takes over the

inspection and enforcement functions of the National Employment Rights Authority (NERA).

In place of the previous system of multiple points of entry for the referral of disputes there is a single on-line WRC complaints form and a single entry point for all complaints and claims. With a focus on early and speedy resolution disputant parties are then offered Mediation by the WRC. If the parties chose to go this route, the terms of any ensuing agreement are legally binding and enforceable. If the Mediation option is not availed of, or fails, then the referral is forwarded to an Adjudication Officer of the WRC for hearing and decision. Any such decision may then be appealed to the Labour Court- now expanded in order to cater for its anticipated increased workload. Employment law decisions of the Adjudication Officer which are not appealed or of the Labour Court which are not implemented are now enforceable through the District Court. That is the end of the process (other than an appeal to the High Court on a point of law only).

Therefore the new structure can be described as: A single point of entry for all complaints and claims; a single forum for adjudication; and a single forum for an appeal against an adjudication decision.

Hearings at the level of Adjudication Officer are in private (as were hearings before Rights Commissioners), while appeals before the Labour Court may be “other than in private”. The adjudication officers themselves are drawn from the ranks of former Rights Commissioners (for the remainder of their period of appointment), former Equality & Mediation Officers of the Equality Tribunal, industrial relations practitioners (from both sides) and employment lawyers - with the declared intention to have available a mix of expertise.

On the Employment Law side of the house this new departure does represent an ostensibly simpler and more streamlined process. With the WRC apparently anxious to avoid the system becoming “overly legalistic”, worker and particularly employer representatives are expected approach their duties in a similar straightforward vein.

On the Industrial Relations side it is very much “as you were” as the WRC assumes the role of the Labour Relations Commission Conciliation Service.

Of course, it remains to be seen how effective this new dispensation is and whether or how it will impact on the administration of justice in the area of individual employment rights. One thing is certain, however, and that is that in addition to the absolutely vital work of collective organisation and bargaining, trade unions have to continue to organise themselves to provide the best possible means of vindicating the employment rights of individual members in the battle field of workplace relations.

# BLITZKRIEG AND ZOMBIES – THE INSOLVENCY EXPERIENCE

Charles Dickens gave us some of the greatest stories of all time-“Christmas Carol” and “Oliver Twist” to name but two. He was a wonderful social observer who drew his characters to illustrate life as faced by ordinary people.

One of his characters, made famous decades ago by the great American actor, WC Fields, was Mr Macawber, whose constant impecunious state was matched only by his boundless and usually misplaced optimism. Despite being ever in debt, he was always hopeful that something would turn up. Moreover he is noted for the following quote on the relationship between human happiness and insolvency:-

“...Annual income twenty pounds, annual expenditure twenty pounds ought and six - result misery!”

While this says much in a humorous way about the need for us all to balance our books, it goes nowhere near describing the impact of employer insolvency on workers, whose happiness and security can be destroyed by actions of which they have little or no knowledge and over which they have absolutely no control.

It is for that reason that the law attempts to regulate the conduct of insolvencies, such as receiverships and liquidations (winding up a company), in order to protect the interests of creditors, including employees. Accordingly, the Companies Act, 2014, establishes rules and obligations for liquidators and company directors. Separately, the Protection of Employees (Employers Insolvency) Act 1984-2015 [“Insolvency Act”] provides some safeguards for workers in situations where insolvent companies are not able to pay certain sums owed to workers, such as wages, holiday pay and so on.

However, as we have recently seen, there are flaws, even glaring gaps in the legal protection afforded to workers in some not uncommon situations.

For example, in 2014, the ‘Paris Bakery’ shutdown in Dublin highlighted, not for the first time, the difficulty that can be caused for workers made redundant through insolvency. The Protection of Employees (Employers Insolvency) Act 1987-2015 defines insolvency under four main headings: Receivership; Liquidation; Bankruptcy; Death of employer or, in certain circumstances, Insolvency in another EU member state. Where an insolvent company falls under any of those headings and cannot pay up, then its redundant employees can avail of the protections afforded by the Act and apply to the Insolvency Payments Scheme for monies owing. The state then ‘stands in the shoes’ of the employees and pursues the insolvent company for reimbursement.

However, where the company does not fall under any of these headings, because the employer has simply shut up shop and not gone through any formal insolvency procedure, as was the case to begin with in the “Paris Bakery” situation, then the employees are left high and dry, with no recourse to the Insolvency Payments Scheme. The entity can be said to be an ‘unliquidated insolvent company’, which is a bit of a mouthful. More colloquially it would be described as a “zombie”

company or a “walkaway”. The only thing that can rescue the employees from the grasp of the living dead is if some party steps in to liquidate the company. Happily, that is what happened in the ‘Paris Bakery’ case where the Revenue Commissioners stepped in to formally wind up the company with the workers then able to avail of their entitlements.

This led to calls from trade unions for an extension of the law to cover such circumstances: one proposal being that the concept of “deemed insolvency should be included in the definitions in the Insolvency Act so that, for example, if wages had not been paid for a specified period of time, it could be declared a “deemed insolvency” by a competent authority. This would allow employees to access the Insolvency Payments Scheme.

The other side of the insolvency coin is regrettably fresher in the mind. The blitzkrieg liquidation of the iconic Clery’s department store in the summer of 2015 shocked most people. Within a matter of hours the company was taken over in the dead of night, appeared in the High Court in the afternoon and then was wound up and closed before teatime - all on the same day.

What had taken 123 years to build was destroyed in less than a 24 hours. To say that the several hundred direct and “concession” employees were stunned would be a massive understatement. To regard them disgracefully treated by the manner of the liquidation was the consensus of most observers.

In the case of Clery’s, it wasn’t that the new

owners hadn’t gone through a formal insolvency procedure. They had, albeit at breakneck speed. The employees were in fact able to secure their bare statutory payments.

Rather it was the perceived ineffectiveness of two other pieces of legislation which came into focus. One was the apparent ease with which the new owners and directors were able to fulfil the basic winding up requirements of the Companies Act 2014 in respect of court liquidation. The second was the fact that the protections afforded to workers in collective redundancies does not apply to liquidations such as Clery’s. While the Protection of Employment Act 1977 requires a 30 day consultation period with workers before the first notice of termination is issued in a collective redundancy, this does not apply in liquidation or other insolvencies. Thus there was no apparent legal obligation on Clery’s as an employer to engage in consultation with the workforce so as to allow for negotiations on an alternative to closure, to preserve some or all of the jobs or to agree on the terms of severance.

All this has prompted the Irish Congress of Trade Unions, SIPTU and the workers themselves to call for the strengthening of Company Law as well as the amendment of the Protection of Employment Act so as to avoid another Clery’s type situation.

Unless protection for employees in both type scenarios is beefed up, then workers in close downs are less likely to meet the rather more genial Mr Macawber and much more likely to be confronted by the cold and flinty features of Mr Gradgrind of Dickens’ “Hard Times”.

## PROMOTING DECENT WORK – THE DUTCH PRESIDENCY OF THE EU

In January the Netherlands has taken over the presidency of the EU for a term of six months. Such rotation is part of the structure of the Union designed to promote cohesion among the 27 member states. Like all states whose turn at the presidency comes around, the Dutch government has outlined its priorities for 2016.

Included in its programme of work is a government sponsored EU conference in February with the theme of “**Promoting Decent Work in the EU**”. Organised by the Netherland Inspectorate of Social Affairs and Employment it will amongst other labour issues deal with posting of workers and cross border aspects of undeclared work.

With the Europe wide growth of precarious work, partly fed by the displacement of jobs with decent terms and conditions of employment, such a government-led initiative, limited though it undoubtedly may be, cannot have come a moment too soon.

Following on an EU commissioned report London Metropolitan University on Precarious Employment in 2012, and on the heels of the establishment by the European Trade Union Confederation of a project on “Letterbox Companies” which facilitate labour exploitation, it’s high time that European Union policy turned in the direction of decent sustainable employment. It is an equally timely initiative coming as it does soon after the publication of the government commissioned University of Limerick report on zero or “no hours” hours contracts and as trade unions in the Republic, such as Mandate ,have turned the spotlight on issues such as the treatment of the Dunnes Stores workers.

While the EU and its citizens face many immediate challenges, it would be a small but vitally important step in the right direction if the result of the Dutch presidency was to focus EU employment policy on the platform of “Decent Work” as the only way forward for the future.

# EDUCATION, TRAINING & ORGANISATIONAL SERVICES

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TEEU WORKPLACE  
REPRESENTATIVES EDUCATION

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ORGANISATIONAL DEVELOPMENT,  
SAFETY & TECHNICAL TRAINING

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RESEARCH

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MEMBERSHIP SERVICES

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SAFE PASS TRAINING

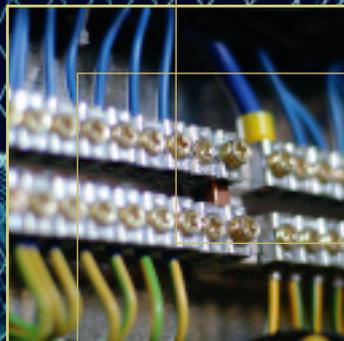
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# Technical Engineering and Electrical Union Workplace Representative Training 2016



## DUBLIN

**Course Title:** **TEEU Stage I Trade Union Representative Skills**  
**Venue:** TEEU Head Office, Gardiner Row Dublin 1  
**Duration:** 5 Days  
**Dates:** 3/10/17/24 February 2 March 2016 (5 Wednesdays)

**Who should attend?**  
 TEEU Shop Stewards who wish to improve their communication, negotiation skills and understanding of, Industrial Relations, Employment Law and the TEEU.

**Course Title:** **TEEU Stage II Workplace Negotiation Skills**  
**Venue:** TEEU Head Office, Gardiner Row Dublin 1  
**Duration:** 4 Days  
**Dates:** 5/6/7/8 April 2016

**Who should attend?**  
 TEEU Shop Stewards who wish to gain an understanding of negotiation theory and practice improve their negotiation skills.

## CORK

**Course Title:** **TEEU Stage I Trade Union Representative Skills**  
**Venue:** TEEU Regional Office Cork  
**Duration:** 5 Days  
**Dates:** 9/10/11 February 8/9 March 2016

**Who should attend?**  
 TEEU Shop Stewards Industrial Relations who wish to improve their communication, negotiation skills and understanding of, Industrial Relations, Employment Law and the TEEU.

**Course Title:** **TEEU Stage II Workplace Negotiation Skills**  
**Venue:** TEEU Regional Office Cork  
**Duration:** 4 Days  
**Dates:** 6/7/8/9 September 2016

**Who should attend?**  
 TEEU Shop Stewards who wish to gain an understanding of negotiation theory and practice improve their negotiation skills.

## WATERFORD

**Course Title:** **TEEU Stage I Trade Union Representative Skills**  
**Venue:** TEEU Regional Office Waterford  
**Duration:** 5 Days  
**Dates:** 31 March 6/13/20/27 April 2016 (5 Wednesdays)

**Who should attend?**  
 TEEU Shop Stewards Industrial Relations who wish to improve their communication, negotiation skills and understanding of, Industrial Relations, Employment Law and the TEEU.

**Course Title:** **TEEU Stage II Workplace Negotiation Skills**  
**Venue:** TEEU Regional Office Waterford  
**Duration:** 4 Days  
**Dates:** 11/12/13/14/ October 2016

**Who should attend?**  
 TEEU Shop Stewards who wish to gain an understanding of negotiation theory and practice improve their negotiation skills.

## GALWAY / LIMERICK

**Course Title:** **TEEU Stage I Trade Union Representative Skills**  
**Venue:** TEEU Regional Office Galway  
**Duration:** 5 Days  
**Dates:** 4/11/18/25/ May 1 June 2016 (5 Wednesdays)

**Who should attend?**  
 TEEU Shop Stewards Industrial Relations who wish to improve their communication, negotiation skills and understanding of, Industrial Relations, Employment Law and the TEEU.

**Course Title:** **TEEU Stage II Workplace Negotiation Skills**  
**Venue:** TEEU Regional Office Galway  
**Duration:** 4 Days  
**Dates:** 8/9/10/11 November 2016

**Who should attend?**  
 TEEU Shop Stewards who wish to gain an understanding of negotiation theory and practice improve their negotiation skills.

## ELECTRICAL / MECHANICAL CONTRACTING AND CONSTRUCTION:

**Course Title:** **TEEU Stage I Trade Union Representative Skills**  
**Venue:** TEEU Head Office, 6 Gardiner Row, Dublin  
**Duration:** 5 Days  
**Dates:** 4/11/18/25/ February 7 March 2016

**Who should attend?**  
 TEEU Shop Stewards Industrial Relations who wish to improve their communication, negotiation skills and understanding of, Industrial Relations, Employment Law and the TEEU.

**Course Title:** **TEEU Stage II Workplace Negotiation Skills**  
**Venue:** TEEU Head Office 6 Gardiner Row Dublin  
**Duration:** 4 Days  
**Dates:** 22/23/24/25 November 2016

**Who should attend?**  
 TEEU Shop Stewards who wish to gain an understanding of negotiation theory and practice improve their negotiation skills.

### APPLYING FOR A COURSE PLACE:

Shop Stewards, Safety Representatives/Committee members and other workplace representatives must forward their name, contact details and the course they wish to attend and the contact details of the person in their employment to whom the union should write to seek their paid release to **Sean Heading** at [training@teeu.ie](mailto:training@teeu.ie). Courses will only go ahead if a minimum number of Representatives (8) have confirmed and secure the appropriate release from their employer. TEEU Education and Training will provide all course materials, lunch and refreshments.

### EXPENSES:

The TEEU will arrange and provide overnight accommodation for Workplace Representatives who are selected and invited to attend courses outside of their Region. Standard rail and bus fares will be reimbursed to those Representatives who attend a course in a city in which they don't work or live on production of tickets. Representatives who travel by car may claim the value of the relevant rail or bus ticket.

### Further information:

For further details of these courses and other education and training for TEEU Workplace Representatives please go to [www.teeu.ie](http://www.teeu.ie) or contact your Regional Office or Branch.



# Apprenticeship Programme

The SOLAS Apprenticeship programme is developed and delivered in partnership with Industrial Partners, Education and Training Providers and the Department of Education and Skills.

- An excellent career choice for all concerned with progression options
- Internationally recognised qualifications

**For details on how the Apprenticeship Programme can help you, contact any ETB Training Centre or visit [www.solas.ie](http://www.solas.ie)**