



STRONGER TOGETHER

CONGRESS

Irish Congress of Trade Unions

Ms Catherine Day,
Secretary-General,
Commission of the European Communities
Rue de la Loi 200,
B-1049 Brussels
BELGIUM

17 July 2009

Dear Ms Day,

Congress would like to associate ourselves with the Equality and Rights Alliance, Ireland (ERA) complaint against the Irish Government (Minister for Justice Equality and Law Reform) in response to the effects of recent budget cutbacks (and recommendations from the Special Group on Public Service Numbers and Expenditures for a further cut of €0.8m in the non pay budget of the Authority) on the equality infrastructure in Ireland. We support the content of the complaint and would like to add a specific trade union perspective.

We note that Article 136 of the EC Treaty commits the Community and the Member States, having in mind fundamental social rights such as those set out in the 1989 Community Charter of the Fundamental Social Rights of Workers, ...to promote “dialogue between management and labour”.

We also note that on the basis of Article 13 EC, the important initial package of measures banning discrimination across a range of grounds, contain the following important provisions:

- The Race Directive and the Framework Employment Directive, and the 2002 Gender Equal Treatment Directive all prohibit discrimination and all include trade unions within their scope.
- The promotion of social dialogue between the social partners to address different forms of discrimination in the workplace and to fostering equal treatment, including through the monitoring of

32 Parnell Square
Dublin 1
T +353 1 8897777
F +353 1 8872012
congress@ictu.ie
www.ictu.ie

workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices.

- Encouragement of the 2 sides of industry without prejudice to their autonomy to conclude... agreements laying down anti-discrimination rules..”
- Article 13 of the Gender Equal Treatment Directive also contains a commitment to: encourage employers to promote equal treatment for men and women in the workplace in a planned and systematic way.” And, “To this end, employers should be encouraged to provide...employees and/or their reps with appropriate information on equal treatment for men and women in the undertaking. Such information may include statistics on proportions of men and women at different levels within the organisation and possible measures to improve the situation in cooperation with employees’ representatives.”

Congress is of the view that much of the good practice that had developed in Ireland in these areas had been facilitated by the Equality Authority and that their ability to continue this work has been severely hampered by the actions of the Department.

We also note that Article 17 of the Race Directive and Article 19 of the Framework Employment Directive require Member States to communicate with the Commission all the necessary information necessary to draw up a report to the European Parliament and the Council on the application of the Directive. This report has to take account of the views of the social partners. We understand that the next review is due in 2010.

Section 44 of the Employment Equality Act states that two members of the Board of the Equality Authority have to be: “persons appointed on the nomination by such organisations representative of employees as the minister considers appropriate”. Clearly, Congress is the only such organisation in Ireland. Since the resignation of our reps on the board in January this year, the only correspondence we have received from the Minister is one

requesting us to renominate two more reps. We have sought dialogue with the Minister on these issues but at the time of writing have not yet been afforded the courtesy of any reply.

It is our view that what has occurred in Ireland is in direct conflict with the interests of working people in Ireland who have a fundamental right to work in workplaces free from discrimination. For this reason we would like to associate ourselves with the ERA complaint.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'David Begg', with a stylized flourish at the end.

David Begg

General Secretary

Irish Congress of Trade Unions