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**AN BILLE CAIDRIMH THIONSCAIL, 1966**  
**INDUSTRIAL RELATIONS BILL, 1966**

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*Mar a tugadh isteach*  
*As introduced*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definitions.
2. Membership of the Court.
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**SCHEDULE**

**ENACTMENTS REPEALED**



AN BILLE CAIDRIMH THIONSCAIL, 1966  
INDUSTRIAL RELATIONS BILL, 1966

**BILL**

*entitled*

AN ACT TO AMEND AND EXTEND THE INDUSTRIAL 5  
RELATIONS ACTS, 1946 AND 1955.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Court” means the Labour Court;

“the Minister” means the Minister for Labour; 10

1946, No. 26.

“the Principal Act” means the Industrial Relations Act, 1946.

Membership of  
the Court.

2.—The Court shall consist of a chairman, (in this Act referred to as the chairman) and, either, as the Minister may from time to time in his discretion determine, four or six ordinary members (in this Act referred to as the ordinary members) of whom (if there are four ordinary members) two shall be workers' members and two shall be employers' members and (if there are six ordinary members) three shall be workers' members and three shall be employers' members. 15

Divisions of the  
Court.

3.—Whenever the chairman is of opinion that for the speedy dispatch of the business of the Court it is expedient that the Court 20 should act by divisions, he may direct accordingly, and, until he revokes his direction—

(a) the Court shall be grouped into—

(i) a first division, consisting of the chairman (who shall be chairman of the division) and a workers' member 25 and an employers' member selected by him,

(ii) a second division, consisting of the deputy chairman appointed under *section 4 (1)* of this Act (who shall be chairman of the division), a workers' member and an employers' member, and 30

(iii) if the direction so provides, a third division consisting of the deputy chairman appointed under *section 4 (4)* of this Act (who shall be chairman of the division) and a workers' member and an employers' member;

(b) the chairman shall assign to each division the business to be 35 transacted by it;

(c) for the purpose of the business so assigned to it, each division shall have all the powers of the Court and the chairman of the division shall have all the powers of the chairman and references in this Act to the Court and the chairman shall be construed as including references to a division and the chairman of a division respectively.

5 4.—(1) The Minister shall appoint a deputy chairman who shall hold office on such terms as shall be fixed by the Minister when appointing him.

Deputy chairman  
of the Court.

10 (2) The deputy chairman appointed under subsection (1) of this section shall, in the absence of the chairman, act in his place and references in the Principal Act and this Act to the chairman shall be construed as including references to the deputy chairman aforesaid so acting.

15 (3) The deputy chairman appointed under subsection (1) of this section shall be paid such remuneration (by way of either fees or salary) and allowances as the Minister, with the consent of the Minister for Finance, determines.

20 (4) The Minister may appoint a second deputy chairman who shall hold office on such terms as shall be fixed by the Minister when appointing him.

(5) The deputy chairman (if any) appointed under subsection (4) of this section may be paid such fees as the Minister, with the consent of the Minister for Finance, determines.

25 (6) No person shall be appointed to be a deputy chairman unless he is ordinarily resident in the State.

(7) Neither the Civil Service Commissioners Act, 1956, nor the Civil Service Regulation Acts, 1956 and 1958, shall apply to the office of deputy chairman of the Court.

1956, No. 45.

1956, No. 46.

1958, No. 34.

30 5.—(1) The Minister may, with the consent of the Minister for Finance, prepare a scheme or schemes for the granting of pensions, gratuities and other allowances on retirement to or in respect of the chairman, a deputy chairman appointed under section 4 (1) of this Act who is required by the Minister to devote the whole of his working time to the duties of the office of deputy chairman and the ordinary members of the Court.

Superannuation  
for chairman and  
ordinary members  
of the Court.

35 (2) The Minister may, with the consent of the Minister for Finance, at any time amend a scheme made by him under this section.

40 (3) A scheme made by the Minister under this section shall be carried out by the Minister in accordance with its terms.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

45 (5) Every scheme made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Industrial relations officers.

6.—(1) The Court may appoint officers of the Court to act as industrial relations officers (and officers so appointed shall be known as industrial relations officers) and any reference in the Principal Act to a conciliation officer shall be construed as a reference to an industrial relations officer.

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(2) Industrial relations officers shall perform any duties assigned to them by the Court or the chairman and, in particular, they shall assist in the prevention and settlement of trade disputes and in the establishment and maintenance of means for conducting voluntary negotiations between employers and workers either generally or in particular industries or particular areas or between particular employers and their workers.

Interpretation of employment agreements.

7.—The Court may, at any time, on the application of the parties to an agreement between an employer or a trade union of employers and a worker or a trade union of workers relating to the pay or conditions of employment of any person to whom the agreement relates give its decision as to the interpretation of the agreement or its application to a particular person.

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Investigation of trade dispute to be in private.

8.—(1) An investigation of a trade dispute by the Court shall be conducted in private, but the Court may, at its discretion, if requested to do so by a party to the dispute, conduct the investigation in public.

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(2) Where an investigation of a trade dispute is being carried out by the Court in public, the Court may, if it is satisfied that any part of the investigation concerns a matter that should, in the interests of any party to the dispute, be treated as confidential, conduct that part of the investigation in private.

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Inclusion of members of the Court on public service arbitration boards.

9.—(1) The membership of any board established either before or after the commencement of this section to report on claims in relation to the pay and conditions of service and matters relating thereto of any person who—

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(a) holds a position in the Civil Service of the Government or the Civil Service of the State,

(b) is a member of the staff of the Houses of the Oireachtas,

(c) is a member of the Garda Síochána,

(d) is a sub-postmaster,

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(e) is employed by a county committee of agriculture, a vocational education committee or a local authority for the purposes of the Local Government Act, 1941,

(f) is employed as a teacher in a national, secondary, vocational or comprehensive school or in any similar school, or

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(g) is employed by any such body established by or under statute and financed wholly or partly by means of grants or loans made by a Minister of State or the issue of shares taken up by a Minister of State as may be designated from time to time by the Minister for Finance,

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shall include one workers' member of the Court and one employers' member of the Court who shall be selected by the chairman.

(2) Subsection (1) of this section shall come into operation on such day as the Minister may appoint by order.

1941, No. 23.

Breaches of registered employment agreements.

10.—(1) If an employer or a trade union representative of employers affected by a registered employment agreement complains to the Court that an employer affected by the agreement has failed or neglected to comply with the agreement, the following provisions shall have effect—

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(a) the Court shall consider the complaint, and shall hear all persons appearing to the Court to be interested and desiring to be heard,

5 (b) if, after such consideration, the Court is satisfied that the complaint is well founded, the Court may by order direct the said employer to do such things as will in the opinion of the Court result in the said agreement being complied with by the said employer.

(2) If, where an order is made by the Court under subsection (1) of this section, the direction contained in the order is not carried out, the person to whom the direction is given shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, in the case of a continuing offence, a further fine not exceeding ten pounds for every 15 day during which the offence is continued.

(3) If a person affected by a registered employment agreement fails or neglects to comply with the agreement, the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds and, in the case of a continuing 20 offence, shall be liable on conviction on indictment to a fine of one hundred pounds and a further fine not exceeding ten pounds for every day during which the offence is continued.

11.—(1) The Court may, after consultation with organisations which, in the opinion of the Court, are representative of the workers and employers in a particular industry— Fair employment rules.

30 (a) make rules which apply to, and which, in the opinion of the Court, provide for fair employment conditions for the workers and employers in that industry and are approved of by organisations representing a substantial number of the workers aforesaid and organisations representing a substantial number of the employers aforesaid,

35 (b) make rules which amend any such rules and which, in the opinion of the Court, provide for fair employment conditions for the workers and employers in that industry and are approved of by organisations representing a substantial number of the workers aforesaid and a substantial number of the employers aforesaid, and

(c) make rules which revoke any such rules.

(2) Rules under subsection (1) of this section are referred to in this 40 Act as fair employment rules.

45 (3) (a) Before making fair employment rules the Court shall cause to be published in such manner as it thinks fit notice of its intention to do so together with a draft of the proposed rules and shall give to any person desiring to make representations in relation to the making of the proposed rules an opportunity to do so, and the notice shall specify the time and manner in which representations shall be made.

50 (b) The Court shall have regard to any representations duly made under this subsection.

(4) A person who contravenes a fair employment rule shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, in the case of a continuing offence, a further fine not exceeding ten pounds for every day 55 during which the offence is continued.

12.—(1) An inspector for the purposes of Part IV of the Principal Act (in this section referred to as an inspector) may, for the purpose of enforcing the provisions of sections 10 and 11 of this Act do all or any of the following things, that is to say—

- (a) enter at all reasonable times any premises where he has 5 reasonable grounds for believing that any person affected by a registered employment agreement or fair employment rules works,
- (b) require the production of wages sheets or other records of remuneration kept by an employer and inspect and 10 examine those sheets or records and copy any material part thereof,
- (c) examine with respect to any matters under section 10 or 11 of this Act or this section any person whom he has reasonable grounds for believing to be or have been a 15 person affected by a registered employment agreement or fair employment rules and require such person to answer such questions (other than questions tending to incriminate such person) as the inspector may put relating to those matters and to sign a declaration of the truth of the 20 answers to the questions.

(2) If a person—

- (a) obstructs or impedes an inspector in the exercise of any of the powers conferred on the inspector by this section,
- (b) refuses to produce any record which an inspector lawfully 25 requires him to produce,
- (c) prevents, or attempts to prevent, a person from appearing before or being questioned by an inspector, or
- (d) wilfully fails or refuses to comply with any lawful require- 30 ment of an inspector under subsection (1) (b) of this section,

the person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) An inspector may institute proceedings for an offence under section 10 or 11 of this Act or this section. 35

13.—(1) The Minister may from time to time appoint a person who shall be known as and is in this Act referred to as a rights commissioner to carry out the functions assigned to him by this section.

(2) Subject to the provisions of this section, where a trade dispute 40 (other than a dispute connected with rates of pay of, hours or times of work of, or annual holidays of, a body of workers) exists or is apprehended and involves workers within the meaning of Part VI of the Principal Act, a party to the dispute may refer it to a rights 45 commissioner.

- (3) (a) Subject to the provisions of this section, a rights commissioner shall investigate any trade dispute referred to him under subsection (2) of this section and shall, unless before doing so the dispute is settled—
  - (i) make a recommendation to the parties to the dispute 50 setting forth his opinion on the merits of the dispute, and
  - (ii) notify the Court of the recommendation. 55

- (b) A rights commissioner shall not investigate a trade dispute—
- (i) if the Court has made a recommendation in relation to the dispute, or
  - (ii) if a party to the dispute notifies the commissioner in writing that he objects to the dispute being investigated by a rights commissioner.
- (4) A rights commissioner shall hold office for such period as the Minister may determine and shall be paid such fees and expenses as the Minister, with the consent of the Minister for Finance, may determine from time to time and shall hold office upon and subject to such other terms and conditions as the Minister may determine from time to time.
- (5) (a) A rights commissioner may be removed from office by the Minister for stated reasons.
- (b) Neither the Civil Service Commissioners Act, 1956, nor the Civil Service Regulation Acts, 1956 and 1958, shall apply to the office of rights commissioner.
- (6) A rights commissioner may provide for the regulation of proceedings before him in relation to an investigation under this section and may provide for the cases in which persons may appear before him by counsel or solicitor and, except as so provided, no person shall be entitled to appear by counsel or solicitor before him.
- (7) The Minister, if he so thinks fit, may appoint more than one rights commissioner at the same time or appoint a rights commissioner at a time when one or more than one rights commissioner stands or stand appointed.
- (8) An investigation by a rights commissioner shall be conducted in private.
- (9) (a) A party to a dispute in relation to which a rights commissioner has made a recommendation may appeal to the Court against the recommendation and the parties to the dispute shall be bound by the decision of the Court on the appeal.
- (b) The Court shall hear and decide any appeal to it under this subsection and it shall convey its decision thereon to the parties.
- (c) A hearing under this subsection shall be held in private.
- (10) The Court shall not investigate (except by way of appeal to it under subsection (9) of this section) a trade dispute in relation to which a rights commissioner has made a recommendation.
- 14.—A rights commissioner shall not include in any recommendation any information obtained by him in the course of any investigation under this Act as to any trade union or as to the business carried on by any person which is not available otherwise than through evidence given at the investigation without the consent of the trade union or persons concerned, nor shall any person concerned in proceedings before a rights commissioner under this Act, without such consent, disclose any such information.
- 15.—Section 23 of the Principal Act is hereby amended by the substitution of “the Minister” for “the Government”.

1956, No. 45.  
1956, No. 46.  
1958, No. 34.

Prohibition on disclosure of information.

Amendment of section 23 of Principal Act.

Amendment of section 43 of Principal Act.

16.—Section 43 (1) (b) (iii) of the Principal Act is hereby amended by the substitution of “twenty-one days” for “thirty days”.

Extension of Part VI of Principal Act.

17.—(1) In Part VI of the Principal Act “worker” shall include any person who is—

- (a) a servant of a local authority, 5
- (b) an officer of a class specified in the schedule to the Industrial Relations Act, 1946 (Part VI, Extension) Order, 1956 (S.I. No. 92 of 1956),
- (c) a servant of a vocational education committee,
- (d) a servant of a committee of agriculture, 10
- (e) a health inspector,
- (f) a nurse employed by a mental hospital authority within the meaning of the Mental Treatment Acts, 1945 to 1966, or
- (g) an officer of a public assistance authority whose duties relate mainly to home assistance within the meaning of the 15 Public Assistance Act, 1939, and such other persons as stand designated for the time being by the Minister for Finance.

1939, No. 27.

(2) The Minister for Finance may from time to time—

(a) designate for the purposes of *subsection (1)* of this section 20 any persons (other than established civil servants within the meaning of the Civil Service Regulation Act, 1956) employed by virtue of section 30 (1) (g) of the Defence Act, 1954, or employed by or under the State, and

1956, No. 46.

1954, No. 18.

(b) at the request of the persons concerned, cancel the designa- 25 tion of any persons under this subsection.

(3) The Government may by order amend the definition of “worker” in Part VI of the Principal Act and may by order revoke or amend any order under this section.

Amendment of section 67 of Principal Act.

18.—(1) Section 67 of the Principal Act is hereby amended by 30 the insertion after subsection (1) of the following subsections:

“(1A) Subject to *subsection (1B)* of this section, the Court shall not investigate a trade dispute unless—

- (a) it receives a report made by an industrial relations officer who has acted as mediator in the dispute stating that the 35 parties to the dispute have failed to arrive at a settlement of the dispute through conciliation, and
- (b) the parties to the dispute have requested it to investigate the dispute.

(1B) Where the Court is of opinion, in relation to a trade 40 dispute which, but for this subsection, it would be precluded, by virtue of *subsection (1A)* of this section, from investigating, that there are exceptional circumstances which warrant its so doing, it may investigate the dispute.”

(2) The amendment effected by *subsection (1)* of this section shall 45 not apply in relation to an investigation of a trade dispute by the Court instituted by it before the passing of this Act or an appeal to the Court in relation to a recommendation of a rights commissioner.

19.—The following subsection is hereby substituted for section 68 (1) of the Principal Act:

Amendment of section 68 of Principal Act.

5 “(1) The Court, having investigated a trade dispute, may make a recommendation setting forth its opinion on the merits of the dispute and the terms on which it should be settled.”

20.—(1) Where the workers concerned in a trade dispute or their trade union or trade unions request the Court to investigate the dispute and undertake or undertakes before the investigation to accept the recommendation of the Court under section 68 of the Principal Act in relation thereto then, notwithstanding anything contained in the Principal Act or in this Act, the Court shall investigate the dispute and shall make a recommendation under the said section 68 in relation thereto.

Investigation of dispute by Court at request of parties.

15 (2) Where the parties concerned in a trade dispute request the Court to investigate a specified issue or issues involved in the dispute and undertake, before the investigation, to accept the recommendation of the Court under the said section 68 in relation to such issue or issues then, notwithstanding anything in the Principal Act or in this Act, the Court shall investigate such issue or issues and shall

20 make a recommendation under the said section 68 in relation thereto and, for the purposes of this subsection, subsection (1) of the said section 68 shall have effect as if the references therein to a trade dispute included references to an issue or issues involved in a trade dispute.

25 (3) An investigation under this section shall be conducted in private and shall be given such priority over the other business of the Court as the Court considers reasonable.

30 21.—(1) The tribunal established under section 9 of the Electricity Supply Board (Superannuation) Act, 1942, and the tribunal established under section 3 of the Electricity (Supply) (Amendment) Act, 1949, are hereby dissolved.

Dissolution of Electricity Supply Board manual workers and general employees tribunals.

(2) *Subsection (1)* of this section and *section 23* of this Act (in so far as it repeals sections 9 to 11 of the said Electricity Supply Board (Superannuation) Act, 1942, and sections 3 to 6 of the said Electricity (Supply) (Amendment) Act, 1949) shall, in respect of any matter referred to either tribunal aforesaid before the passing of this Act, be deemed never to have been enacted.

1942, No. 17.  
1949, No. 12.

40 22.—An order under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Laying of Orders before Houses of Oireachtas.

45 23.—The Acts mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of the Schedule.

Repeals.

24.—(1) This Act may be cited as the Industrial Relations Act, 1969, and shall be construed as one with the Principal Act.

Short title, construction and collective citation.

(2) The Principal Act and this Act may be cited together as the Industrial Relations Acts, 1946 and 1969.

ENACTMENTS REPEALED

Year and Number	Short Title	Extent of Repeal
No. 17 of 1942.	Electricity Supply Board (Superannuation) Act, 1942.	Sections 9, 10 and 11.
No. 26 of 1946.	Industrial Relations Act, 1946.	Sections 10 (2), 11, 12, 16 and 67 (3).
No. 12 of 1949.	Electricity (Supply) (Amendment) Act, 1949.	Sections 3, 4, 5 and 6.
No. 19 of 1955.	Industrial Relations (Amendment) Act, 1955.	The whole Act.

BILL

BILLE

(as introduced)

(as introduced)

enacted

enacted

An Act to amend and extend the Industrial Relations Act, 1946 and 1952.

Act de amend et de prolonger la Loi sur les Relations Industrielles, 1946 et 1952.

Introduced by the Minister for Industry and Commerce

Presented by the Minister of Industry and Commerce

Ordered by the House of Commons to be printed, 28th June, 1966

Ordered by the House of Commons to be printed, 28th June, 1966

PUBLISHED BY THE STATIONERY OFFICE, DUBLIN

AREA PRODUCE AS OTIO AN SOLAITHAIR, BAILLE ATHA CLATH

To be purchased through the bookseller or directly from the Government Publications Sales Unit, G.P.O. Arcade, Dublin

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**BILLE**

*(mar a tugadh isteach)*

*dá ngairtear*

Acht do leasú agus do leathnú na nAcht Caidrimh Thionscail, 1946 agus 1955.

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**BILL**

*(as introduced)*

*entitled*

An Act to amend and extend the Industrial Relations Acts, 1946 and 1955.

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*An tAire Tionscail agus Tráchtála a thug isteach*

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*Introduced by the Minister for Industry and Commerce*

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*Ordaíodh ag Dáil Éireann a chlóbhualadh,  
28 Meitheamh, 1966*

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*Ordered by Dáil Éireann to be printed,  
28th June, 1966*

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**BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais, An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath, nó trí son díoltóir leabhar.

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[*Luach: Scilling Glan*]

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