



An Bille Caidrimh Thionscail (An Ceart chun Rochtana) (Leasú), 2016
Industrial Relations (Right to Access) (Amendment) Bill 2016

Mar a tionscnaíodh

As initiated



**AN BILLE CAIDRIMH THIONSCAIL (AN CEART CHUN ROCHTANA) (LEASÚ),
2016
INDUSTRIAL RELATIONS (RIGHT TO ACCESS) (AMENDMENT) BILL 2016**

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ACT REFERRED TO

Industrial Relations (Amendment) Act 2015 (No. 27)



**AN BILLE CAIDRIMH THIONSCAIL (AN CEART CHUN ROCHTANA) (LEASÚ),
2016
INDUSTRIAL RELATIONS (RIGHT TO ACCESS) (AMENDMENT) BILL 2016**

Bill

entitled

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An Act to amend the Industrial Relations (Amendment) Act 2015 so as to allow Trade Unions access to their members in the workplace for purposes related to the employment of its members or for purposes related to the union's business or both.

Be it enacted by the Oireachtas as follows:

Interpretation

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1. In this Act—

“Act of 2015” means the Industrial Relations (Amendment) Act 2015.

Amendment of Industrial Relations (Amendment) Act 2015

2. The Act of 2015 is amended by inserting the following sections after section 8:

“Access to workplaces

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8A. (1) A representative of a union is entitled, in accordance with this section and sections 8B and 8C, to enter a workplace—

- (a) for purposes related to the employment of its members,
- (b) for purposes related to the union's business, or
- (c) both.

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(2) The purposes related to the employment of a union's members include—

- (a) to participate in bargaining for a collective agreement,
- (b) to deal with matters concerning the health and safety of union members,
- (c) to monitor compliance with the operation of a collective agreement,
- (d) to monitor compliance with this Act and other Acts dealing with employment-related rights in relation to union members,

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- (e) with the authority of an employee, to deal with matters relating to an individual employment agreement or a proposed individual

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employment agreement or an individual employee's terms and conditions of employment or an individual employee's proposed terms and conditions of employment,	
(f) to seek compliance with relevant requirements in any case where non-compliance is detected.	5
(3) The purposes related to a union's business include—	
(a) to discuss union business with union members,	
(b) to seek to recruit employees as union members,	
(c) to provide information on the union and union membership to any employee on the premises.	10
(4) A discussion in a workplace between an employee and a representative of a union, who is entitled under this section and sections 8A and 8B to enter the workplace for the purpose of the discussion—	
(a) must not exceed a reasonable duration, and	
(b) is not to be treated as a union meeting for the purposes of section 8D.	15
(5) An employer must not deduct from an employee's wages any amount in respect of the time the employee is engaged in a discussion referred to in subsection (4).	
Representative of union must obtain consent to enter workplace	20
8B. (1) Before entering a workplace under section 8C, a representative of a union must request and obtain the consent of the employer or a representative of the employer.	
(2) If a representative of a union makes a request under subsection (1)—	
(a) the employer or representative of the employer must not unreasonably withhold consent, and	25
(b) the employer or representative of the employer must advise the representative of the union of the employer's or representative of the employer's decision as soon as is reasonably practicable but no later than the working day after the date on which the request was received, and	30
(c) the consent of the employer or representative of the employer (as the case may be) must be treated as having been obtained if the employer or representative of the employer does not respond to the request within 2 working days after the date on which the request was received.	35
(3) If an employer or a representative of an employer withholds consent under subsection (2), the employer or representative of the employer must, as soon as is reasonably practicable but no later than the working day after the date of the decision, give reasons in writing for that decision to the representative of the union who made the request.	40

- (4) This section is subject to section 8E (which specifies when access to workplaces may be denied).

Conditions relating to access to workplaces

- 8C.** (1) A representative of a union may enter a workplace—
- (a) for a purpose specified in section 8A(2) if the representative believes, on reasonable grounds, that a member of the union, to whom the purpose of the entry relates, is working or normally works in the workplace, 5
 - (b) for a purpose specified in section 8A(3) if the representative believes, on reasonable grounds, that the union’s membership rule covers an employee who is working or normally works in the workplace. 10
- (2) A representative of a union exercising the right to enter a workplace—
- (a) may do so only at reasonable times during any period when any employee is employed to work in the workplace, 15
 - (b) must do so in a reasonable way, having regard to normal business operations in the workplace, and
 - (c) must comply with any existing reasonable procedures and requirements applying in respect of the workplace that relate to—
 - (i) safety or health; or 20
 - (ii) security.
- (3) A representative of a union exercising the right to enter a workplace must, at the time of the initial entry and, if requested by the employer or a representative of the employer or by a person in control of the workplace, at any time after entering the workplace— 25
- (a) give the purpose of the entry, and
 - (b) produce—
 - (i) evidence of his or her identity, and
 - (ii) evidence of his or her authority to represent the union concerned. 30
- (4) If a representative of a union exercises the right to enter a workplace and is unable, despite reasonable efforts, to find the employer or a representative of the employer or the person in control of the workplace, the representative must leave in a prominent place in the workplace a written statement of— 35
- (a) the identity of the person who entered the premises,
 - (b) the union the person is a representative of,
 - (c) the date and time of entry, and
 - (d) the purpose or purposes of the entry.

Union meetings

- 8D.** (1) An employer must allow every union member employed by the employer to attend—
- (a) at least 1 union meeting (of a maximum of 2 hours' duration) in the calendar year 2016, and 5
 - (b) at least 2 union meetings (each of a maximum of 2 hours' duration) in each calendar year after the calendar year 2016.
- (2) The union must give the employer at least 14 days' notice of the date and time of any union meeting to which subsection (1) applies.
- (3) The union must make such arrangements with the employer as may be necessary to ensure that the employer's business is maintained during any union meeting to which subsection (1) applies, including, where appropriate, an arrangement for sufficient union members to remain available during the meeting to enable the employer's operations to continue. 10 15
- (4) Work must resume as soon as practicable after the meeting, but the employer is not obliged to pay any union member for a period longer than 2 hours in respect of any meeting.
- (5) An employer must allow a union member employed by the employer to attend a union meeting under subsection (1) on ordinary pay to the extent that the employee would otherwise be working for the employer during the meeting. 20
- (6) For the purposes of subsection (5), the union must—
- (a) supply to the employer a list of members who attended the union meeting, and 25
 - (b) advise the employer of the duration of the meeting.
- (7) Every employer who fails to allow a union member to attend a union meeting in accordance with this section is liable to a penalty imposed by the Authority.

When access to workplaces may be denied 30

- 8E.** (1) A representative of a union may be denied access to a workplace if entry to the premises or any part of the premises might prejudice—
- (a) the security or defence of the Irish State, or
 - (b) the investigation or detection of offences.
- (2) A certificate given in accordance with subsection (3) is conclusive evidence that grounds exist under subsection (1) for denying entry to the premises or part of the premises. 35
- (3) A certificate is given in accordance with this subsection if—
- (a) it is given by the Attorney-General, and
 - (b) it certifies, in respect of the premises or part of the premises 40

concerned, that permitting entry under section 8A might prejudice—

- (i) the security or defence of the Irish State, or
- (ii) the investigation or detection of offences.”.

Short title and citation

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3. This Act may be cited as the Industrial Relations (Right to Access) (Amendment) Act 2016.

An Bille Caidrimh Thionscail (An Ceart
chun Rochtana) (Leasú), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta Caidrimh Thionscail (Leasú), 2015 chun a cheadú do Cheardchumann rochtain a bheith acu ar a gcomhaltaí san áit oibre chun críocha a bhaineann le fostaíocht a chomhaltaí nó chun críocha a bhaineann le gnó an Cheardchumainn nó a bhaineann leo araon.

*An Teachta David Cullinane a thug isteach,
21 Meitheamh, 2016*

Industrial Relations (Right to Access)
(Amendment) Bill 2016

BILL

(as initiated)

entitled

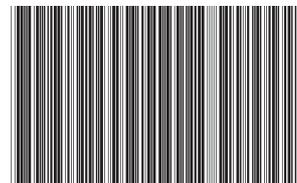
An Act to amend the Industrial Relations (Amendment) Act 2015 so as to allow Trade Unions access to their members in the workplace for purposes related to the employment of its members or for purposes related to the Union's business or both.

*Introduced by Deputy David Cullinane,
21st June, 2016*

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