

THE LABOUR COURT
LANSDOWNE HOUSE
LANSDOWNE ROAD
BALLSBRIDGE
DUBLIN 4
D04 A3A8



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CD/19/24

RECOMMENDATION NO. LCR21944

INDUSTRIAL RELATIONS ACTS 1946 TO 2015
SECTION 20(1), INDUSTRIAL RELATIONS ACT, 1969

PARTIES :

TESCO IRELAND

- AND -

MANDATE TRADE UNION
SIPTU

DIVISION :

Chairman : Mr Foley
Employer Member : Ms Connolly
Worker Member : Mr McCarthy

SUBJECT:

1. 'Claim for Cumulative Cost of Living Increases.

BACKGROUND:

2. This case has been referred under Section 20(1) of the Industrial Relations Act, 1969 by a Trade Union on behalf of 170 members employed on pre-1996 contracts in a number of the Employers' stores nationwide.

The claim is for a cumulative 8% pay increase with appropriate retrospection to 1st April 2015.

A Labour Court hearing took place on the 11th February 2019.

UNION'S ARGUMENTS:

1. It is the Unions' contention that a cumulative 8% pay increase with retrospection to 1st April 2015 be paid to its pre-1996 members.
2. The claim is made up of four separate 2% annual cost of living awards made to all other staff between the years 2015 to 2018 inclusive.

EMPLOYER'S ARGUMENTS:

1. The Employer states that this issue has already been before the Court resulting in the recommendation LCR21340 which the Employer accepted, and the Workers balloted on and rejected.
2. The Employer states they are committed to LCR21340 and if the Union members want to find a resolution they should re-ballot on LCR21340.

RECOMMENDATION :

The Court has given very careful consideration to the written and oral submissions of the parties.

The Court is of the view that it is inappropriate, where a collective agreement exists which includes provisions as regards dispute resolution, for a collective pay dispute of this significance to come before the Court under Section 20(1) of the industrial Relations Act, 1969. Nevertheless, the within dispute has come before the Court under Section 20(1).

The Court, in LCR21340, LCR21655 and LCR21139, made recommendations which encompass some or all of the matters now in dispute before the Court on three occasions and none of those earlier Recommendations have been jointly accepted or implemented.

In all of the circumstances and noting its own earlier Recommendations the Court makes the following Recommendation on basic pay for this group of workers covering the years 1st April 2015 to 30th March 2016, 1st April 2016 to 30th March 2017, 1st April 2017 to 30th March 2018 and 1st April 2018 to 30th March 2019:

- As recommended by the Court in LCR21139 a basic pay increase of 2% should apply from 1st April 2015
- No basic pay increase should apply in any year thereafter unless the basic pay rates of 'post 1996' workers achieved equality with the basic pay rates of the workers

concerned herein in that year. At no time since 1st April 2016 should the rate of basic pay of these workers have fallen below the rates of 'post 1996' workers. Whenever equality of basic pay rates has been achieved since 1st April 2016 the workers concerned should receive basic pay increases in the normal way with effect from that date onwards such that equality is maintained.

- In any year in which basic pay increases have occurred in the case of 'post 1996' workers since 30th March 2016 and the terms of this Recommendation would result in no increase in that year in the rate of basic pay for the workers concerned herein a once off payment equivalent to 50% of the annual value of that basic pay increase should be made as a cash payment to the workers concerned herein in the year in which such increase first applied to 'post 1996' workers.

The Court so recommends.

Signed on behalf of the Labour Court

TH
5 April 2019

Kevin Foley

Chairman

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Therese Hickey, Court Secretary.