

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



AN CHÚIRT OIBREACHAIS  
ÁRAS LANSDÚN  
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CD/19/257

RECOMMENDATION NO. LCR22120

CC164064-19

INDUSTRIAL RELATIONS ACTS 1946 TO 2015  
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

PRIMARK  
(REPRESENTED BY IRISH BUSINESS AND EMPLOYERS' CONFEDERATION)

- AND -

5,000 RETAIL STAFF  
(REPRESENTED BY MANDATE)

DIVISION :

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

SUBJECT:

1. Pay Claim & Additional Annual Leave.

BACKGROUND:

2. This dispute relates to a pay claim and for additional annual leave for 5000 staff.

The Union said that the last pay agreement expired on 1 January 2019. The Union is seeking a no concession 3.4% pay increase across all hourly rates effective from 1 January 2019 to 31 December 2019 and an increase of one day in all service-related annual leave.

The Employer said that it has better wage rates than others in the sector and that it also provides a comprehensive package of benefits for employees. The Company is seeking an adjustment of the timing of the unsocial-hours premium to enable the business to service deliveries earlier.

This dispute could not be resolved at local level and was the subject of a Conciliation Conference under the auspices of the Workplace Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on the 29 July 2019 in accordance with Section 26(1) of the Industrial Relations Act, 1990.

A Labour Court hearing took place on 14 October 2019.

### **UNIONS ARGUMENTS:**

3. 1. The 3.4% pay claim is broken down into two areas i.e. 2% for cost of living and 1.4% in lieu of productivity gains.
2. Given the reality of the churn rate between the first and fifth year, a number of staff never get the opportunity of availing of the additional service related holidays. The accrued savings made by the company should be redistributed amongst long serving staff.

### **EMPLOYER'S ARGUMENTS:**

1. The Company currently has a 5-point market leading pay scale in place.
2. The adjustment of timing of the unsocial hours premium from 7:00am to 5:00am would allow the company earlier deliveries meaning stock would be available earlier on the floor.

### **RECOMMENDATION :**

The Court has given very careful consideration to the written and oral submissions of the parties. The matter before the Court primarily involves the parties' differing positions in relation to the issue of the Trade Union claim for a pay increase to take effect from 1<sup>st</sup> January 2019. The Trade Union has also tabled a claim for additional leave and the employer has tabled a claim for a change to the application arrangements for payment of an unsocial hours premium.

The Court has considered the detail placed before it as regards the claim for additional leave and the claim for a change to arrangements for payment of an unsocial hours premium. In all the circumstances of the matters before it and having regard to the nature of these two claims the Court recommends that no concession of either claim should be made at this time.

The Court has given careful consideration to the considerable documentation and argument advanced by the parties in support of their respective positions in relation to

pay. Both parties are agreed that a pay increase should apply and that it should take effect from 1<sup>st</sup> January 2019.

In all of the circumstances the Court recommends that a pay increase of 2.25% should apply with effect from 1<sup>st</sup> January 2019 and that the agreement should expire on 31<sup>st</sup> December 2019.

The Court so recommends.

Signed on behalf of the Labour Court

Kevin Foley

CR  
29 October, 2019

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Chairman

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Ciaran Roche, Court Secretary.