

***SIPTU***

***DOCUMENT SCANNED ON 19/12/2014 10:52:40***

***DOCUMENT VERIFIED BY Laura Woods***

***ON 19/12/2014 11:35:41***



THE LABOUR COURT  
TOM JOHNSON HOUSE  
HADDINGTON ROAD  
DUBLIN 4

TEL: (01) 613 6666  
FAX: (01) 613 6667



AN CHÚIRT OIBREACHAIS  
TEACH THOMÁS MAC SEÁIN  
BÓTHAR HADDINGTON  
BAILE ÁTHA CLIATH 4

E-MAIL: INFO@LABOURCOURT.IE  
WEBSITE: WWW.LABOURCOURT.IE

CD/14/342  
(CCC-140312-13)

RECOMMENDATION NO. LCR20896

INDUSTRIAL RELATIONS ACTS, 1946 TO 2012  
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

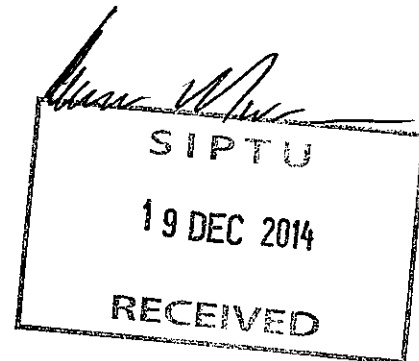
SCREEN PRODUCERS IRELAND

- AND -

SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL UNION

DIVISION :

Chairman : Mr Hayes  
Employer Member : Mr Murphy  
Worker Member : Mr Shanahan



SUBJECT:

1. Revision of terms and conditions of employment.

BACKGROUND:

2. The Union is seeking substantial changes to the current television Agreement that applies in the industry. The Employers are seeking better particulars of the changes the Union is seeking before it will commit to renegotiating the Agreement. The dispute could not be resolved at local level and was the subject of a Conciliation Conference under the auspices of the Labour Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on the 22 September, 2014, in accordance with Section 26(1) of the Industrial Relations Act, 1990. A Labour Court hearing took place on the 21 November, 2014.

**UNION'S ARGUMENTS:**

1. The Union is seeking to time limit the licensing of its members work so as to ensure that additional payments are made to actors when films are sold into new markets, made available on new platforms or distributed through developing digital channels. It argues that in doing so it is merely seeking to have best international practice applied in this area. It states that it has provided the Employers with a draft agreement that sets out its requirements.
2. It argues that the changes it seeks are in line with the prevailing practice in other English-speaking countries.
3. The Union contends that the Employers are not committing to the process with any degree of meaningful intention as manifested by its the failure to engage in actual negotiation to date.

**EMPLOYERS' ARGUMENTS:**

1. The Employers argue that the changes sought are very significant and have the potential to undermine the financial and commercial capacity of the industry to operate effectively in Ireland. Accordingly it requires detailed proposals from the Union to enable it to properly assess their cost and likely impact on the industry. It argues that to date the Union has failed to provide the required detail in this regard.
2. The outline proposals submitted by the Union take no account of the scale and resources of Ireland's production industry compared to the other English-speaking countries. It argues that this difference in scale makes it impossible for Ireland to adopt that model. Instead it argues that in order to remain competitive Ireland must follow the practice of other comparably-sized competitor European countries that apply the model currently in operation here. It argues that the model has proved very successful in the past.
3. If Ireland were to follow the UK model the change would require the co-operation of Ireland's public service broadcasters and the approval of the Minister for Communications, Energy & Natural Resources to alter RTE's Code of Fair Trading Practice. To date there is no indication that such sanction would be forthcoming.

**RECOMMENDATION :**

**The Court has carefully considered the submissions of both parties to this dispute. The Court recommends that the Union set out in detail the nature of the payments it is**

**seeking to have included in the Agreement. This should be completed within four weeks of the date of this Recommendation. Thereafter the Company should set out in detail within a further four weeks a detailed request for further particulars or for clarification as necessary. Thereafter the Parties should engage in intensive discussions with a view to completing an agreement within four months from the date of this Recommendation. Issues outstanding between the parties at that time, if any, should be referred back to the Court for a definitive Recommendation.**

**The Court so recommends.**

Signed on behalf of the Labour Court

Brendan Hayes

\_\_\_\_\_  
Deputy Chairman

CC

16th December, 2014

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Ceola Cronin, Court Secretary.

