



17 Kildare St.,  
Dublin 2.  
22<sup>nd</sup> September 2021

Roderic O'Gorman TD,  
Minister for Children, Equality, Disability, Integration and Youth  
Department of Children, Equality, Disability, Integration and Youth,  
Block 1,  
Miesian Plaza, 50 – 58 Lower Baggot Street,  
Dublin 2.

Dear Mr O'Gorman,

As you know, we wrote to you and the Tánaiste on 26<sup>th</sup> July with a considered and reasonable proposal on ensuring that the establishment of Joint Labour Committee for the Early Learning and Care (ELC) and School-Age Childcare (SAC) sector would be concluded in a manner consistent with Section 42A. (6) Industrial Relations Act 1946 (the "Act").

Since then, I regret to note, the Chairperson of the Federation of Early Childhood Providers (FECP) has been contacted by the head of IBEC, who suggested to her words to the effect that representation of the Federation on the JLC was not possible, since the Federation was affiliated to ISME, and ISME is "is not a member of LEEF."

The stated objective of LEEF is to provide "*a space to discuss areas of shared concern affecting the economy, employment and the labour market on a thematic basis, such as competitiveness, sustainable job creation, labour market standards and equality and gender issues in the workplace.*" It is a non-statutory body, and enjoys no status under the Act.

While we understand (even if we do not agree with) the Tánaiste's remarks on 30th June before the Select Committee on Enterprise, Trade and Employment regarding ISME inclusion on LEEF, his views are of no consequence once LEEF, or its members, do not stray into areas where they might make a claim of representation under the Act which is not "well-founded."

However, to suggest that an ISME affiliate should be excluded from a sectoral JLC simply because ISME is arbitrarily excluded from a non-statutory forum, would not only run contrary to the Act, it would also mean that any output from that JLC would be subject to immediate legal challenge, and would be fatally undermined from the start.

We are aware that Child Services Ireland (CSI) enjoys the support of a minority of providers, which happen to be larger in size. However, the FECP's membership covers the majority of providers, employing the majority of employees, and its policies are also more closely aligned to that of the many smaller independent providers who are not members of any trade association.



We have also received a response from the Labour Court to our request that the FECP represents providers on the proposed JLC. For the sake of clarity, the Labour Court appears to have misconstrued our request, and erroneously believes ISME has sought representation, despite the fact that we explicitly sought representation for the FECP. I quote *“Therefore, we consider it highly appropriate that the Federation is requested to provide employer representatives to the Court in respect of this JLC.”*

It would be ironic from an employee and trade union point of view if the FECP, which is lobbying for the professionalisation of child-care services and the overall improvement in terms and conditions were to be excluded from the JLC. It would also be intolerable for both the FECP, and for the substantial majority of early years providers, if a minority of operators, confined to the major conurbations, were allowed to claim they represent the concerns of providers nationwide, which clearly they do not and, as we have stated, could not be representative of the industry. Should the FECP be excluded from a JLC established in the early years sector, it would be reasonable to expect a reaction from the majority of the industry as a result of being denied a voice as to how their industry should operate, including but perhaps not limited to the exercising of legal challenges to any JLC established.

Yours sincerely,

Margaret O'Rourke Doherty  
Chair,  
ISME

CC Tánaiste Leo Varadkar TD, DE TE  
Minister of State Damien English TD, DE TE  
Dr Fergal Lynch, Secretary General, DCEDIY  
Dr Orlaigh Quinn, Secretary General, DE TE  
Clare Dunne, Assistant Secretary General, DE TE  
Mr Declan Hughes, Assistant Secretary General, DE TE  
Liam Kelly, Director General, Workplace Relations Commission  
Elaine Dunne, Chairperson, Federation of Early Childhood Providers