

THE CITIZENS INFORMATION SERVICES IN IRELAND: PROTECTING THE NONUNIONIZED EMPLOYEE?

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ABSTRACT

With declining unionization levels in many countries, there has been an increasing focus on alternative forms of representation. Commentators have noted the growth in civil society organizations, such as the Citizens Advice Bureaux in the UK, which can provide information, advice, and support to nonunionized employees. In this context, we examine the role of the Irish Citizens Information Services (CISs) in the area of employment. The CISs are state-funded services that provide information and advice to members of the public on their legal and social entitlements. We find that the CISs are an important mechanism by which nonunionized employees can self-empower. The advocacy role of CISs could go some way to protecting unionized employees but is in its infancy, and an expansion of the advocacy service would increase protection for nonunionized employees.

INTRODUCTION

Declines in union density and collective bargaining coverage have been features of labor relations in many countries in recent decades, though unionization remains higher in most European countries than in the United States (Bureau of Labor Statistics, 2011; European Foundation for the Improvement of Living and Working Conditions, 2009). A significant body of research has developed

examining the implications of falling unionization for employee voice, particularly at the workplace level. Various studies have identified a myriad of employee voice structures including union, nonunion, and hybrid mechanisms (Benson, 2000; Lavelle, Gunnigle, & McDonnell, 2010; Wilkinson et al., 2004). Declining union coverage has left a representation gap in the workplace (D'Art & Turner, 2008; Freeman & Rogers, 1993; Towers, 1997) and this has led to a growing interest in the role of alternative forms of employee representation, including civil society organizations in the United States (Fine, 2007; Osterman, 2006) and the UK (Abbott, 1998; Pollert, 2006, 2008; Williams, Abbott, & Heery, 2011). As Heery, Healy, and Taylor (2004: 3) note, "union decline has created a need and furnished an opportunity for other organizations and movements to fill the representation gap and provide a fresh channel for representing workers' interests." There is a vacuum in terms of research on alternative representation in Ireland, and this article aims to contribute to the literature by examining the role of the Citizens Information Services (CISs), a free service that provides information and advice to the public on civil and social services, for example, on social welfare rights, housing, health, tax, education, and employment. The research objectives of this article are to examine the services offered by the CISs in relation to employment and to analyze the extent to which the CISs protect nonunion employees. The findings are primarily based on semistructured interviews with CIS staff. We begin with a discussion on the functions of the traditional employee representative—trade unions—and on the emergence of alternative actors; this is followed by an overview of the institutional environment in Ireland. The research methodology is explained, with the remainder of the article focusing on the role of the CISs.

Employee Representation

Trade unions have historically been the most prominent means of representing worker interests to employers, government, and other parties (Wallace, Gunnigle, & McMahon, 2004). A union's objective is to protect the interests of workers as well as to ensure that a measure of fairness is in place (D'Art & Turner, 2008). Unions do this by acting as a countervailing force to the employer and as a pressure group within society through a collective voice (Freeman & Medoff, 1984; Salamon, 2000). At the level of the enterprise, unions maintain a presence in organizations and try to influence pay and conditions and decision-making processes and to represent individual members who feel they are being treated unfairly (Salamon, 2000). This last-mentioned role, of servicing individual members, has become a significant part of union work, particularly in regard to securing individual rights laid down in legislation (Heery, 2006). Unions translate the law into workplace change by acting as a source of information, ensuring compliance with the law, and negotiating with employers (Colling, 2006; Dickens,

2002; Heery, 2006). If disputes cannot be resolved at the workplace level, unions can represent individual employees at external third parties such as employment tribunals. There is some research to show that the type of representative individuals have when their cases go to employment tribunals can be important to the outcome of cases (Darcy & Garavan, 2006; Latreille, Latreille, & Knight, 2005). As unions are associated with increased knowledge and enforcement of employment rights, the fall in unionization could leave employees more vulnerable in the workplace (Brown et al., 2000; Harcourt, Wood, & Harcourt, 2004; Kramer, 2008; Meager et al., 2002; Weil, 1991). Thus, the decline in unionization has left many employees without a representative to inform them of their rights and a formal voice channel through which they can exercise their rights. In the United States, Fine's (2007) research on worker centers documents their role in improving working conditions for low paid immigrants. The research undertaken on a civil society organization in the UK, the Citizens Advice Bureaux (CAB), indicates that these bureaux are an important external source of advice and information for workers, and it has been argued that they lessen the imbalance in the employment relationship (Abbott, 2006; Meager et al., 2002; Pollert, 2008). Civil society organizations can represent employees in the workplace and engage in social policy lobbying (Fine, 2007). Prior to examining the extent to which the CISs can fill the void in terms of representation for nonunionized employees in Ireland, the next section discusses the legal and institutional context.

The Legal and Institutional Context

The falling trend in unionization has been clearly evident in Ireland despite the fact that unions were one of the key stakeholders in a series of national social partnership agreements with the government and employer organizations between 1987 and 2008. It was argued that this inclusion of unions set Ireland apart from the more hostile institutional environment in the UK (Geary, 2007). Yet union density in Ireland has fallen from approximately 61% in 1980 to 34% in 2009 (CSO, 2010; Gunnigle, O'Sullivan, & Kinsella, 2002; Sheehan, 2008). As D'Art and Turner (2005, 2011) note, for Irish trade unions the outcomes traditionally associated with strong corporatist regimes, such as increased union availability and improved workplace access, have not materialized. The union-employer relationship was traditionally based on "voluntarism," meaning minimum intervention by the law or by third parties including the state. In this system, trade unions were the main representatives of employees, and pay and conditions were primarily determined by collective bargaining. While collective bargaining is still strong in the highly unionized public sector, approximately 80% of private sector employees are nonunionized and are reliant on individual employment law for protection (Teague, 2009). Geary (2007) argues that because of management antipathy toward trade unions, workers are either fearful of the

consequences of joining a union or feel there is no point in being a member without employer support.

A second key development in the labor relations system has been the substantial increase in individual employment law. In the 1970s, a few key pieces of legislation were introduced on unfair dismissals, equality, minimum notice on termination of employment, and minimum redundancy payments. In the 1990s and the first decade of the 21st century, a raft of employment law was introduced with rights concerning maximum working hours, vacation time, equality, part-time work, temporary work, maternity leave, parental leave, carer's leave, adoptive leave, and employee consultation. All of this legislation was introduced because of the Irish Government's obligation to transpose European Union (EU) directives into Irish law. Ireland also has a national minimum wage, which was introduced in 2000 after being promised by the incoming government before it was elected to power in 1997. Thus, much of the employment relationship is now legally regulated and, where present, unions have attempted to improve on the legislative minima. The legislation, however, does not extend to collective bargaining rights; this has been attributed to a fear among policymakers that such rights would have a negative impact on Ireland's ability to attract foreign direct investment (Gunnigle et al., 2002).

The state also provides employment rights enforcement and dispute resolution mechanisms. A state body, the National Employment Rights Authority (NERA), is responsible for securing compliance with individual employment legislation through the inspection of workplaces, and it has the power to prosecute employers who are in breach of some laws. In practice, NERA's work focuses on enforcing compliance with legal minimum wages in sectors where employees are considered to be "at risk," that is, where pay and unionization are low, as in hotels and restaurants. Only small numbers of employers are actually prosecuted, so much of the burden of enforcement of rights is left to unions or individual employees who make claims against employers to one of a number of state third parties. Five third parties are available, which are independent nonjudicial forums offering conciliation, mediation, and arbitration services. In general, the relevant piece of employment law dictates which one of the third parties is used in a particular dispute. There has been significant pressure on the third party system in recent years, due to the number of cases being referred to the third parties because of the numbers of legislative rights that exist and because of recession-related cases concerning redundancies and restructuring. There has been a steep, rapid increase in redundancies, with the unemployment rate rising from 4.8% in 2008 to 13.4% in 2011 (CSO, 2011). In 2009, one third party, the Labour Relations Commission, had the highest number of case referrals since its inception in 1991 (Burke-Kennedy, 2010). The extensive array of employment legislation and the third party system require employees, first, to be aware of their rights, second, to know how to exercise them through the third parties, and third, to possess the capability to exercise them. In the absence of trade unions, the CISs can go some way to enabling employees to secure their rights.

The Citizens Information Services

The CISs comprise one of a number of services provided under the auspices of the Citizens Information Board (CIB). Unlike the situation in the UK, where the Citizens Advice Bureaux are registered charities, the Irish CIB is a statutory body, under the authority of the government's Department of Social and Family Affairs. According to the relevant legislation, the functions of the CIB include the following: to provide individuals with information relating to social services; to support and develop the provision of information on the effectiveness of current social policy; to support the provision of advocacy services for people with a disability; and to support the provision of advice on personal debt (CIB, 2010a). The delivery to individuals of information and advocacy with regard to social services is provided through three channels: the Citizens Information Web site, the Citizens Information Phone Service, and the CISs.

The CISs are the CIB's "face-to face" communication channel. There are 42 CISs organized on a geographic basis; each CIS is set up as a limited company and has a voluntary board of management. The CISs perform their work through drop-in centers, some of which were originally established by volunteers in the 1970s and 1980s and received grants from the then National Social Service Board. The CISs also work in outreach locations such as hospitals and prisons, and they engage in building partnerships with community groups, voluntary organizations, and government bodies; this allows them to "target vulnerable or hard to reach groups and reaches a significant number of people who may not use Citizens Information Services directly," such as women's groups, youth groups, and immigrants (CIB, 2010a: 33).

The CISs are funded by the CIB, whose funding comes almost entirely from state grants (CIB, 2008). In 2009, the CIB received almost €28m (\$38m) from the state, a 5% decrease on its 2008 grant, and over €12.5m (\$17m) of this funded the CISs (CIB, 2010a). CIS personnel include paid staff and volunteers. In 2009, there was a total of 172.5 whole-time equivalent paid posts (CIB, 2010a). A new post, that of advocacy resource officer, was introduced on a pilot basis in 2005. These officers are charged with mentoring CIS staff and providing training in case management and advocacy (CIB, 2009a). There were nine advocacy resource officers working in 2009. There were 1,175 volunteers in 2009, the majority of whom (85%) were engaged in information provision while others were involved in administration and interpreting (CIB, 2010a). Volunteers undergo a training program and job shadow an experienced volunteer before acting in an information-giving capacity.

There are some similarities between the CISs and ACAS (the Advisory, Conciliation and Arbitration Service) in the UK, in that both are government funded and both provide information to employers and employees. However, their objectives differ: ACAS aims to improve working lives through better employment relations, while the CISs aim to deliver information to the

public on social services. In addition, ACAS provides a wider range of services (conciliation and arbitration) for the purposes of resolving employment disputes. Thus, ACAS is much closer in its functions and objectives to one of Ireland's dispute resolution third parties, the Labour Relations Commission (which provides advisory, conciliation, and mediation services), than to the CISs.

RESEARCH METHODOLOGY

The findings reported in this article are based on face-to-face interviews and an analysis of data from internal CIS documents. The internal CIS documents analyzed included annual reports, biannual CIS activity reports, and annual CIS survey reports. Semistructured interviews were conducted with 11 paid CIS staff and three volunteers from nine CIS centers between March and July 2009. The centers were chosen because of their geographical locations. Seven of the centers are located in the three largest cities (in the East, South and Mid-West regions of the country), while the two remaining centers are located in the Midlands area (one in a small town and one in a large town). The average length of service of the paid interviewee staff was 9.6 years. The volunteers interviewed volunteered for an average of four hours per week, and they had worked in CISs for 3–14 years. Contact was first made with a CIS center in one city and an interview was arranged. The first interviewee and all subsequent interviewees were asked if they could encourage another CIS member to be interviewed, utilizing a variant of snowball sampling (Vogt, 1999). All 14 interviews were recorded using a digital dictaphone and subsequently transcribed. Thematic analysis was used in analyzing the data gathered. In accordance with this form of analysis, this involved searching the data for related categories with a similar meaning (Holloway, 1997). These categories were then grouped together and themes were inferred and generated from the data. Key themes that emerged from the interviewees' views were CIS services, conflicting views on the social policy role, tensions over the advocacy role, resources, and the ability of the CISs to protect vulnerable employees. These themes are discussed in more detail below.

RESULTS

Information, Advice, and Advocacy

Information and advice. CIS reports note that there has been a significant increase in recent years in the number of employment-related information requests received by CISs. In 2009, employment-related queries accounted for 18% of all queries, compared with 13% in 2003 (CIB, 2010a; Comhairle, 2006). All of the interviewees spoke of the increase in queries due to the recession and centers have started opening for longer hours and are trying to recruit more volunteers. An interviewee commented that "my queries have gone

from 130 a year ago to 460 in one month. That is not just to do with the recession but word of mouth also. Definitely in the last year it is huge.” A similar trend is noted in the UK, where the Citizens Advice Bureaux have experienced an increase in employment-related queries (Abbott, 2004; Kochan, 2003). An interviewee noted that employment queries are taking an increasing amount of time to deal with, so that “in a week you might have 500 queries on employment; they are not queries that are easily answered.” As the CISs’ role is to provide information on social and public services, much of their work in relation to employment queries relates to advising employees on their legislative rights. Almost three-quarters of all employment queries to the CISs relate to vacation entitlements, contracts, payment of wages, redundancy, and unfair dismissals (CIS, 2009).

According to the CISs, 93% of their clients report that the CIS is their first point of contact with regard to a query (CIB, 2009a). As a first step, a paid staff member or volunteer provides information to the individual on his/her legislative rights and entitlements. Clients are not asked for their names unless further assistance is required. Most CIS queries involve giving information well as providing advice on how individuals can address their employment problems and advising whether they should seek further advice from a lawyer. The information provided may be in the form of verbal information or in the form of preprinted information. Interviewees commented on the sensitivity needed to help people and the need to be aware of their circumstances. One commented:

We find that the numeracy, literacy, and the digital divide applies to those between 17 and 25 or those over the age of 55. Now the middle people tend to be able to cope and have the skills to cope with whatever life throws at them, especially writing letters, doing their own calculations for wages, filling out forms for social welfare. A lot of our work is filling out forms.

For clients who require more specialized employment advice, the CISs liaise with other governmental and voluntary organizations such as the Free Legal Advice Center and the Equality Authority, which give clinics in CIS centers. The Free Legal Advice Center is a human rights organization whose objective is to ensure equal access to justice, and the Equality Authority is a state body that promotes equality in employment and services. All of the interviewees considered the provision of information as a vital service to employees:

Every week we get employees coming in and the employer has made up his/her own employment law. . . . So just empowering that very basic thing of informing people of their entitlements is important.

Should a client require more assistance from a CIS, advocacy may be available.

Advocacy. According to the CISs, “advocacy is a means of empowering people by supporting them to assert their views and claim their entitlements and where necessary representing and negotiating on their behalf” (CIB, 2009b). As noted in interviews, advocacy is “where you move past [the] information stage and you start to advocate on behalf of someone in an active way.” Approximately 12% of clients require advocacy actions (CIB, 2009b). Advocacy is generally not provided by volunteers but by paid staff members and by an advocacy resource officer where available. The advocacy resource officer’s role is to train staff members to research cases and support them in this, and to guide clients through the process of dealing with an employment problem. A key aim of the advocacy service is that the clients themselves do most of the work, though the CIS takes on more of the workload if a client has language or intellectual problems. While the CISs actively promote self-advocacy among clients, it is not always possible for the CISs to remain passive:

Our core point is information is power but sometimes information is given to a member of the public but it doesn’t empower them because for some reason or another they don’t use it or can’t use it. So then the information officers’ role becomes very active, rather than passive, and involved in the case.

Before a CIS uses its advocacy service on behalf of a client, the client must sign a service contract and an authority to act contract, which gives consent to the CIS to work on the client’s behalf. CISs offer two levels of advocacy. In the first, a CIS officer can contact a client’s employer in an attempt to resolve the employment problem. Interviewees claimed that the vast majority of advocacy ends here, after contact with an employer, and a staff member claimed that “[the] service has become very good at negotiation and mediation skills with employers.” Indeed, as the sample case below illustrates, CIS officers have successfully represented clients by using in the negotiations the threat that the employee will take legal action against an employer. An interviewee estimated that CIS centers in three geographical regions had recovered approximately €140,000 (\$207,480) in 17 months from employers for breaches of legally minimum redundancy payments, unpaid vacation entitlements, termination notice entitlements, and unpaid wages. The second level of advocacy involves assisting the client to take legal action to a state third party if the CIS staff member believes there has been a breach of employment law and the issue has not been resolved with the employer. The staff member may assist the client with the third party complaint form, the written submission required for the third party hearing, and also assist in presenting the client’s case at the hearing. While the aim of the CIS staff is to empower clients to represent themselves at hearings, this may not work in practice. An interviewee explains:

You get [to the third party] and the client will just sing dumb and the [third party representative] is standing there looking at you, and what choice do you have but to say we're here with this person and this is the case before you today? Yes, you'll inadvertently get drawn into it. We wouldn't like to represent people as such but our power would be self-advocacy and empowerment, but that doesn't always work so if we're there we may as well keep going.

In a small number of cases, where an employee has won a case at a third party hearing and the employer ignores the decision, the CIS has assisted the employee to secure the enforcement of decisions through civil court orders.

Sample Case: John

John presented his case to a CIS Center in January 2009. He had been employed from October 2002 to May 2008. John had been made redundant, but he did not receive his legal entitlement to redundancy pay or minimum termination notice, and there was also a possible breach of his vacation entitlement. The CIS provided John with information on his legal entitlements and encouraged him to “self-advocate” by discussing the issues with his employer. However, John returned to the CIS a month later as his employer had ignored all his attempts to resolve the situation. The CIS then requested that John sign the appropriate service and authority to act forms so that the CIS could advocate on his behalf. The CIS wrote to John's employer outlining John's rights and entitlements. This was followed up with a phone call to the employer, but both the letter and the phone call were ignored. The CIS then submitted claims for breaches of relevant employment law on John's behalf to a state third party, the Employment Appeals Tribunal. When the employer was informed of the pending legal case, he visited the CIS center. He paid John his legal minimum redundancy and minimum termination notice pay and provided the required statutory redundancy documentation. The case was then closed by the CIS.

Source: South Midlands Advocacy Service, 2009.

However, not all CIS centers offer advocacy. Some CIS centers do not have enough paid staff members to devote time to researching and building advocacy cases; and given the constraints on resources and the rise in the demand for CIS services in 2008/2009, the CISs are in a difficult position with regard to providing advocacy. Consequently the CISs must be selective in the cases they pursue through advocacy. An interviewee notes:

It was always difficult to determine who you were going to help and who you were not. Very often it was a judgment call, whether you thought the person would be able to do anything themselves or whether they would flounder.

There is no uniform policy across CISs as to how clients' cases are chosen for representation. Interviewees indicated that the criteria used in selecting cases include the merits of the case, the level of cooperation of the client with the CIS officer, and the likelihood of success for the client. One interviewee commented that "language issues were also relevant and a lot of the cases we took were for migrant workers." A volunteer interviewee, who is also a lawyer, commented that a case might be pursued if it involved an issue that

could be relevant to a broader spectrum of persons, and it may be in the interest of the CIS to assist this one individual in an attempt to either establish precedent or to at the very least test-case that particular matter which may constantly arise.

The role of CIS staff in providing advocacy and representing clients at third party hearings was of concern to some interviewees. Officers engaged in advocacy do not need specific qualifications, and the legal training they get from CISs "only touches the surface." One interviewee was particularly concerned that staff may represent a client in a third party hearing without appropriate experience and face employer representatives such as lawyers or employer organizations. He commented:

Unless you have people specialized in the area it is very difficult. . . . If you are only going into the Employment Appeals Tribunal once a year you will never become properly competent at it. . . .

Advocacy resource officers are seen as key figures in the development of advocacy, but these are as yet only at the pilot stage, so most CIS centers do not have the capacity to offer advocacy. A number of interviewees differentiated the level of advocacy offered by the CISs with that given by the Citizens Advice Bureaux in the UK, citing the latter as being more sophisticated. For example, the Citizens Advice Bureaux have a representation unit staffed by trainee barristers (who specialize in courtroom representation), which represents clients at employment tribunals (Abbott, 1998). In addition, Bureaux clients can avail themselves of state-sponsored legal aid, though the state funding of this has been reduced (Pollert, 2008). The CISs' role of providing advocacy, however, is almost unique in Ireland as only one other body, the Equality Authority, provides a similar representative service. The Equality Authority can represent employees in equality law claims against employers, but like the CISs, it too has funding issues and is selective in the cases it chooses for representation (O'Sullivan & MacMahon, 2010). In addition to providing individual-level support, the CISs have a social policy function.

Social Policy Role

The CISs claim to have a social policy function whereby they draw the attention of government policymakers to the effectiveness or otherwise of social policies

(CIB, 2009a). The CISs believe that because their staff members advise the public, they receive a firsthand account of areas of social policy that need to be addressed and improved:

We would be the first to experience if [government] policy was not working, because people would be coming into the center, and we identify this and bring it to the CIB.

The CISs produce quarterly reports for the CIB, which uses the feedback to produce reports and submissions for government departments and research committees. The key areas of concern noted in the 2009 CIS reports were illegal cuts in employees' pay, employees' nonreceipt of legal minimum redundancy pay, and migrant work permit queries (CIB, 2010b). The reports also criticize the mechanisms available to employees to make claims against employers for breaches of employment law, which "sometimes appear to favor employers" because of the length of time it takes for employees to secure entitlements (CIS, 2009b: 6). Indeed, due to the significant numbers of individual cases that are referred to third parties, it can take up to three years before some cases are finalized (O'Sullivan & MacMahon, 2010). The reports to the Government "can serve as early warning signals for policy makers on issues arising in relation to current social policies and services" (CIB, 2008: 65). While some interviewees believed that this social policy function of the CIS was influential, others were more skeptical:

What the CIS call social policy isn't really social policy; it deals with anomalies within the system. If we were to really develop social policy and challenge the government on these issues, you have got to remember we are funded by the government. An organization that is funded directly by the government can never really challenge on the hard issues. We are limited in this sense.

Another interviewee added to this skepticism, stating that "quite often, social policy is formulated for the best of reasons but we never know if it is going to be taken by the relevant [government] departments." While the CISs try to act proactively in alerting the government to problem areas in the implementation of policy, it is not clear what effect these reports have. There is no follow-up process, so the CISs are unaware of what, if anything, the government does with the information it receives.

CIS Clients

While CIS services are available to employers, interviewees noted that their services are seldom used by them and that "by and large employees themselves take on the responsibility of informing their employers if things are not going right." Data collated by the CISs give some indication of the characteristics of their clients. In 2009, 60% of clients were female and 40% were male (CIB,

2010a). The majority of CIS clients are in the 26–45 age group, followed by those aged 46–65. With regard to nationality, over three-quarters of the clients are Irish, with 15% from other EU countries and 8% from non-EU countries (CIB, 2010a). A 2008 CIS report notes that (non-Irish) EU nationals had a higher than average proportion of queries relating to employment rights (CIB, 2009b). Polish people accounted for the greatest proportion of CIS queries, which is unsurprising given the very large numbers of Poles who migrated to Ireland during the economic boom years in the late 1990s/early years of the 21st century (Grabowska, 2005). The CISs do not collect data on the type of company/industry where clients work, but some anecdotal evidence is available from interviewees. They indicated that employee clients tend to come from small companies and from the construction sector and the services sector, for example, retail, hotels, restaurants, and hair-dressing. This is unsurprising given the large-scale redundancies in the construction sector during the current recession and the fact that the service industries mentioned have been labeled as having “low-road” jobs with vulnerable employees, characterized by low pay, low unionization, and high numbers of migrant workers (Dølvik, 2001; O’Sullivan & Wallace, 2011). There are similarities between the profile of CIS clients and research undertaken in the UK, which indicates that women are more likely than men to seek advice on employment problems and workers in the 46–55 age group are more likely to seek employment advice than workers in other age groups (Faichnie, 2000; Meager et al., 2002; Pollert, 2008).

CISs: Protecting Nonunionized Employees

There was no consistent view among interviewees on the treatment of unionized clients by CISs. Some interviewees indicated that the CISs do not assist union members, while other interviewees stated that they offer services to both unionized and nonunionized employees. According to a number of interviewees, unionized employees used the CISs because they were not happy with their union advice or because they wanted information before approaching their union. There was a consensus, though, that the majority of CIS employee clients are nonunionized. While one interviewee believed that the CISs could substitute for unions because “it is gone out of fashion to join a trade union and people think they can take care of themselves,” the majority view among interviewees is that unions can offer better representation than the CISs. The following comments are representative of the views expressed:

A union is a lot more than a place where you go to ask for information. We would never be able to represent people at the levels trade unions give. . . . We could not be going into employers and negotiating wage agreements. I still think a person is much better off in a trade union when you are being let go, made redundant, because the trade union is going to negotiate the package. Any places around here where there have been redundancies have

gotten much better than statutory redundancy. For me, a union is what its workers make of it. If you are in a union and everyone in the building is in it, there [are] usually good conditions.

Well, I suppose [the CIS] could [substitute for unions], but in the last couple of years the issues of trade unions were not that relevant because of the economy, whereas now [they are] very, very relevant. However, no, it would not be a substitute because trade unions go out and fight your case really.

Smith and Morton (2006) argue that only workers' collective power can counter the power of employers. Collective action is a remote possibility for the 80% of the private sector workforce in Ireland who are not in a union, and the CISs can offer some support on an individual level. Like unions, the CISs help to mediate the law by providing information on entitlements and attempting to correct breaches of the law, as evidenced by the recovery of unpaid entitlements for employees. Where unions are not available to individuals, an interviewee argues that

[the CISs] have improved the amount of knowledge that is going into a case. Anybody I deal with, whether they are going to the [third party], they know what they have to get across and are therefore more knowledgeable. I try to get people to try to resolve the problem first rather than go down these routes.

There are a number of features of the CISs that make them accessible to employees, such as the fact that they are confidential and free, and interviewees considered these to be important:

Our most vulnerable people are being represented really and it's because our service is free. . . . A week's wages to somebody is very important to them.

The last six months to one year as people's disposable income is decreasing, their ability to retain the services of professionals privately to advise them as to their legal rights and accountancy rights has decreased.

As the CISs are state funded and provide services to both employees and employers, an interviewee pointed to their acceptability: "When we become the voice, people sometimes tend to listen to us because we are coming from an objective point of view and are there to listen to both sides." Heery (2010) points to the issue of acceptability with regard to voluntary organizations, noting that their legitimacy allows them to exert significant pressure on employers, and to articulate the interests of unorganized, vulnerable groups.

CONCLUSION

Unions have a significant part to play in employment rights creation and enforcement at the enterprise and the national level, but their influence at both these levels has been reduced. Their power at enterprise-level has diminished

with the decline in the union density rate. Their public policy influence at the national-level was exercised primarily through their role in social partnership agreements. Partnership provided a mechanism through which unions could negotiate for improvements in employment rights and compliance, such as increases in the minimum wage and increases in the number of labor inspectors. However, the social partnership system has collapsed, so any further development of employment rights laws/compliance mechanisms is dependent on EU directives or an employee-friendly government.

The third party system is also a critical part of employment rights enforcement. The system, established in a piecemeal fashion, was intended to consist of forums that would be cheap and speedy mechanisms of resolving employment disputes and enforcing employment rights. However, the system is a complex one for the uninformed employee, and the delay in the processing of cases is diluting its effectiveness. The combination of a pressurized third party system, the fall in union influence and the reduced income of workers in the economic recession heightens the vulnerability of the nonunionized employee.

Clearly, the key differentiator between unions and the CISs is the existence of a collective voice and a solidarity of interests that allows unions to act as a strong countervailing force against employers in the workplace (Freeman & Medoff, 1984; Salamon, 2000). In addition, it is not the role of the CISs to help employees improve their pay and conditions beyond the statutory minima, as unions do. While the CISs aim to have a social policy function of alerting the government to anomalies in social services, there appears to be little by way of teeth behind this, and lobby groups representing specific employers' and employees' interests tend to have a greater influence on social policy and employment law.

However, all the interviewees believed that CISs are an important resource for employees. The provision of information and advice assists employees to empower themselves, and the advocacy service provides some of them with an avenue for representation: a voice that can be accepted by employers as non-partisan. The advocacy role is in its infancy, and there are only limited numbers of advocacy resource officers, whose role is to support the provision of advocacy. Where advocacy is available, there is a significant demand for it, but with limited resources, CISs have had to be selective in the cases chosen for further support. The possibility that the CISs can represent individuals at third party hearings is particularly important, as the CISs are currently the only free body available to nonunionized employees to represent on any employment law. While the provision of information is important for nonunionized employees, further development of the advocacy service would enhance their ability to secure their rights. In the medium term, this will be a challenge, given the CISs' dependence on government funds. The CISs may be the only option for employees who have no experience of unions, do not have a union available to them in their workplace, and cannot afford legal representation. While the CISs do not have a constant presence in workplaces, they have been successful in an area in which

unions generally have not been—in increasing their visibility among vulnerable groups through outreach centers and linkages with community and voluntary organizations. Unions could develop links with CISs to achieve outcomes of benefit to both—unions could learn from the CISs’ ability to reach out to non-unionized marginal groups in an attempt to increase membership, while CISs could enhance their negotiation and representation capacity by learning from union experience. However, the CISs may be concerned that such linkages with unions would jeopardize their independence from interest groups. An alternative strategy would be for public policymakers to achieve a more cohesive and integrated system of employee relations information and advice provision through the coordination of services between the CISs, the National Employment Rights Authority, the Equality Authority, and the third parties. At present, there is no “one stop shop” for employees but a system developed incrementally with different government-funded bodies providing employment rights information, inspection of workplaces, and dispute resolution services independently of each other. In a more coordinated system, a more enhanced advocacy role for the CISs could assist nonunionized employees to resolve more issues at the workplace level and help to reduce the number of cases being referred to third parties. Such a capacity will become increasingly important as the recession progresses and more employees become redundant and nonunionized. It remains to be seen whether the government will move to ease the process of dispute resolution and streamline the employment rights system, particularly given the government’s long list of other priorities during the recession.

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