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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

25 June 2013

Case document No. 5

European Confederation of Police (EUROCOP) v. Ireland
Complaint No. 83/2012

**REPLIES FROM EUROCOP
TO THE LIST OF QUERIES**

Registered at the Secretariat on 21 June 2013



*Ms Anna Nellberg
President
EuroCOP
617, rue du Neudorf
L - 2220 Luxembourg*

20 June 2013

*Re - The questions referred to AGSI from The Secretariat General from the Council of
Europe – EuroCOP Complaint no 83/ 2012*

Dear President,

Please find the questions as submitted to AGSI from the Secretariat General of the Council of Europe along with the appropriate answers from AGSI for your information and transmission to the Secretariat General.

1) Please describe the concrete steps, which need to be taken by an association representing the members of the Gardaí, wishing to bargain for a pay rise on behalf of its members.

Association of Garda Sergeants and Inspectors' Answer (hereafter referred to as 'AGSI' or the 'Association')

- AGSI has no bargaining rights when it comes to general pay increases.
- In accordance with the rules of Conciliation however, the Association is obliged to propose a 'claim' to the employers' representatives through Conciliation Board if seeking a general pay increase. However, in the case of An Garda Síochána, since 1987 traditionally, national bargaining takes place on a semi regular basis every 4/5 years. These national bargaining discussions involve the Irish Congress of Trades Unions (ICTU) on the staff side and Government departments on the employer side. Of course, AGSI is not a member of ICTU and has been prevented from affiliating to the ICTU by government decision.

- Were the Association to table a claim for an increase in pay through Conciliation, the answer from that body would be that the national pay talks deals with general round pay increase. This clause is set out in pay agreements since 1987 – although AGSI have not been permitted to negotiate our pay in all those years.
- ICTU determines, on behalf of public servants including AGSI, the pay increases which will apply to its members. These increases are then applied to AGSI members. AGSI does not have any input into these negotiations and is merely informed of the increases that will be applied to their members.
- The last two national bargaining sessions have involved proposed remuneration cuts , AGSI members were subjected to drastic cuts in 2008/9 and these cuts continue. Further cuts were proposed to take effect from 1 July 2013 and but for the bargaining stance taken by AGSI , the members of the AGSI would have been subject to cuts. As it transpired, AGSI sought and was given – for the first time in its 35 year history – access to the Labour Relations Commission and an independent chairman to negotiate the changes to our remuneration. An agreement was reached and is currently under ballot of the 2,000 members of the Association (AGSI).

2) *Please describe the relationship between the bargaining process and the dispute resolution process under “the Scheme”, on the one hand, and the G.I.B., on the other hand.*

Association of Garda Sergeants and Inspectors’ Answer (AGSI)

- Where a national pay agreement has been reached between ICTU and the Government representatives an ‘agenda of change’ is attached to the agreement. This sets out what is required by the staff side in order to qualify for the pay increases as agreed nationally.
- In the case of An Garda Síochána, Garda management and the Department of Justice and the Department of Finance (now called the Department of Public Expenditure and Reform or DEPRS) produce an ‘agenda of change’ specifically for An Garda Síochána which adheres to the principles for change as set out in the nationally agreed document.
- The Sectoral Garda Agenda is scrutinised by a GIB (Garda Implementation Body) on behalf of Government and that Body certifies that An Garda Síochána is reaching the targets set out and therefore qualifies for the agreed pay increases
- The GIB deals solely with the Agenda under the national pay agreement. If a dispute arises within the GIB , the machinery set out under the Arbitration Scheme within the Conciliation and Arbitration Scheme deals with that dispute.
- Where the employer side might try to introduce change which is not set out in the Agenda and which comes under the rules of the Conciliation Scheme, the staff side can object to the GIB and ask that the matter being proposed be rejected and dealt with under Conciliation.
- The GIB is chaired by the chairman of the National Implementation Body and he reports to the National Board regarding the sectoral progress of An Garda Síochána on a regular basis.

3) *Please indicate whether matters relating to the pay of the Gardaí members have been referred to the Labour Relations Commission and / or Court during the past years. If so, please indicate also how frequent this has been.*

Association of Garda Sergeants and Inspectors' Answer (AGSI)

- For the first time in the history of the Association, AGSI were permitted to negotiate the latest reductions in remuneration proposed by Government earlier this year.
- The national negotiations as usual were convened with the Association being excluded from these talks.
- As a result of the exclusion of the staff representatives from national negotiations, AGSI publicly withdrew from the process stating that the Association members would not be bound by an 'agreement' to which AGSI had no input.
- Following the rejection by public servants generally of the national proposals, further talks were convened.
- AGSI refused to get involved unless the Association were permitted to negotiate directly on behalf of its members.
- The Labour Relations Commission were appointed to deal with AGSI and the employer side in the negotiations and a proposal for An Garda Síochána was reached through those direct talks
- That proposals in being baled upon by members of AGSI at present.

4) Please provide examples of situations under “the Scheme” where a solution to a labour dispute concerning members of the Gardai has:

5) *been found;*

- **AGSI** – Traditionally, claims for allowances in the nature of pay are tabled at Conciliation. In some cases these are agreed, and in some they are not. An example would be the claim for a specialised allowance for police officers who are technically qualified such as those who work in fingerprint examination. These members, because of their specialisation, are restricted in opportunities for earning unsocial hours payments such as night duty . Their pensions are affected by these restrictions. In order to compensate them for this, and to recognise their specialist function, an allowance in the nature of pay was agreed through conciliation.

• *not been found;*

- **AGSI** – The Association lodged a claim at Conciliation in 1982 that a Transfers Policy be drawn up so that members of An Garda Síochána would be dealt with in a fair and equitable manner when being transferred or seeking transfers. (this is where someone would move station to carry out policing in another area of the country) . This Claim remains unresolved to date, and no policy exists to regulate transfers.

• *been fully implemented, and if so, in which time; and*

- **AGSI** –several claims for allowances for specialised staff members have been agreed through the years, although the time frame for agreement varies greatly. The minimum time would be c. 12 months, with the maximum being up to 60 months.

• *not been fully implemented.*

AGSI –The association reached an agreement in 2008 through Conciliation with the employer side regarding reporting structures involving civilian members of An Garda Síochána and professional police officers. To date, that agreement has not been implemented.

6) *The Government maintains that the length of the existing dispute resolution processes has remained reasonable, as a solution may even be found within three months. Please provide information on the average duration of dispute resolution processes concerning the police. Also provide information on such processes that have not been resolved within the average time.*

Association of Garda Sergeants and Inspectors' Answer (AGSI)

The minimum time for resolution of disputes through conciliation can be estimated to be at least 12 months. However, in some cases claims run for years and remain unresolved. Conciliation meetings to deal with the normal agenda items are held no more than twice per year. When the staff side wish to place a claim at the table, they must do so orally at one such meeting . The employer side then 'take away' the claim for consideration and only officially reply at the next conciliation meeting – which is normally some 6 months later. At these meetings they may seek further information or clarity and 'take away' the claim again for further consideration. Thereby moving the response back by another 6 months. This can continue for years before a decision is reached by the employer side.

Most claims are not resolved in any reasonable timeframe, and take realistically an average of years rather than months.

Many thanks for your continued assistance and your co-operation in the transmission of the complaint through EuroCOP to the Council of Europe.

I look forward to an early decision by Council.

Every good wish,

John Redmond
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