

UPDATED DRAFT COLLECTIVE COMPLAINT

Submitted by the European Confederation of Police (EuroCOP), the Association of Garda Sergeants and Inspectors (AGSI), and the Garda Representative Association (GRA)

Date: 11 May 2026

To:

The European Committee of Social Rights
Council of Europe
Social.Charter@coe.int
Strasbourg, France

Subject:

Collective Complaint against Ireland for persistent and aggravated non-compliance with Resolution Res/CM/ChS(2014) and continuing violations of Articles 5, 6§2 and 6§4 of the European Social Charter

I. Introduction

This collective complaint is submitted by EuroCOP, AGSI and GRA pursuant to the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

The complainants respectfully submit that Ireland remains in persistent and aggravated non-compliance with the findings of the European Committee of Social Rights and with Resolution Res/CM/ChS(2014) adopted by the Committee of Ministers following Complaint No. 83/2012, European Confederation of Police (EuroCOP) v. Ireland.

More than ten years after the Council of Europe found violations of Articles 5, 6§2 and 6§4 of the European Social Charter, Ireland has failed to implement meaningful corrective measures. The deficiencies identified in 2014 continue to exist in both law and practice, while additional legislative and disciplinary measures adopted since 2024 have further weakened the employment and collective rights of members of An Garda Síochána.

II. Procedural Background

In Complaint No. 83/2012, EuroCOP challenged Ireland's restrictions on the collective rights of police officers.

The European Committee of Social Rights concluded that Ireland violated:

- Article 5 of the Charter concerning freedom of association,
- Article 6§2 concerning the right to bargain collectively,
- Article 6§4 concerning the right to collective action.

The Committee of Ministers subsequently adopted Resolution Res/CM/ChS(2014), taking note of Ireland's commitment to review the situation in law and in practice.

However, despite the lapse of more than a decade, the core violations remain unresolved.

III. Continuing Violations

Ireland continues to deny Garda representative associations full trade union status and continues to **exclude them from affiliation with the Irish Congress of Trade Unions (ICTU)**.

Members of An Garda Síochána remain **excluded from meaningful participation in national public-sector bargaining processes**. Although Garda representative bodies are formally consulted, they do not possess genuine negotiating power and cannot conclude binding agreements directly with the State.

The Irish authorities have repeatedly asserted that Garda associations enjoy effective access to collective bargaining and **dispute-resolution** procedures. The complainants strongly dispute these assertions.

In particular, the Irish Government's 21st National Report on the implementation of the European Social Charter dated 29 December 2025 contains several statements that do not reflect the practical reality experienced by Garda members and their representative organisations.

The report claims, inter alia, that:

- Garda member associations can represent members fully in collective bargaining processes;
- Existing dispute-resolution procedures operate effectively;
- Garda representatives enjoy full access to national pay negotiations alongside trade unions.

The complainants submit that these statements are inaccurate and misleading.

In practice:

- Garda representatives remain structurally excluded from the Irish system of national social dialogue;
- No meaningful collective bargaining exists;
- No effective compensatory mechanisms offset the prohibition on strike action;
- Since the Industrial Relations (Amendment) Act 2019, no significant collective issue has been successfully resolved through the purported dispute-resolution mechanisms.

IV. Aggravating Factors Since 2014

The complainants further submit that the situation has deteriorated significantly since the 2014 Resolution.

The Conduct, Performance and Standards of Professional Behaviour Regulations 2025 and the Policing, Security and Community Safety Act 2024 introduced new disciplinary structures that significantly reduce procedural protections available to Garda members.

Of particular concern:

- Members may be **summarily dismissed** under Section 51 of the 2024 Act;
- **No effective right of appeal exists** against such dismissal decisions;
- Previous **independent panel-based appeal structures have been removed**;
- Garda members remain **excluded from the protections ordinarily available under Irish employment law**.

The concentration of disciplinary and investigative powers creates **structural inequality and undermines fair employment standards**.

V. Legal Basis of the Complaint

The complainants submit that Ireland remains in violation of:

- Article 5 of the European Social Charter;
- Article 6§2 of the European Social Charter;
- Article 6§4 of the European Social Charter.

The complainants further rely on:

- Article 28 of the Charter of Fundamental Rights of the European Union;
- Principle 8 of the European Pillar of Social Rights;
- Directive (EU) 2022/2041 on adequate minimum wages, particularly Article 4 concerning the promotion of collective bargaining.

The complainants submit that Ireland's framework renders collective rights illusory in practice for members of An Garda Síochána.

VI. Comparative European Context

Ireland now constitutes a significant outlier within Europe.

While many European states impose restrictions on strike action by police officers, the overwhelming majority nevertheless provide meaningful compensatory collective bargaining structures, direct negotiation channels and participation in broader social dialogue mechanisms.

Countries such as Belgium, France, Germany, Spain, Portugal and the Netherlands demonstrate that public-security considerations can coexist with effective labour-rights protections for police personnel.

Ireland's continued refusal to provide equivalent protections places Irish police officers substantially below prevailing European standards.

VII. Request to the European Committee of Social Rights

The complainants respectfully request that the European Committee of Social Rights:

1. Declare this complaint admissible. See the admissibility table attached as an Annex;
2. Find that Ireland remains in violation of Articles 5, 6§2 and 6§4 of the European Social Charter;
3. Recognise that Ireland is in persistent and aggravated non-compliance with Resolution Res/CM/ChS(2014);
4. Find that the measures adopted since 2014 have failed to provide effective compensatory mechanisms for the restrictions imposed on Garda members;
5. Recommend that Ireland adopt concrete legislative and institutional reforms within a defined timeframe;
6. Request enhanced supervision by the Committee of Ministers due to the prolonged nature of the non-compliance.

VIII. Conclusion

The complainants respectfully submit that this matter concerns not only the rights of members of An Garda Síochána but also the credibility and effectiveness of the European Social Charter system itself.

The continued failure to implement the 2014 findings and Resolution risks undermining confidence in the collective complaints mechanism and in the supervisory authority of the Council of Europe.

The complainants therefore respectfully urge the European Committee of Social Rights and the Committee of Ministers to take renewed and robust action concerning Ireland's continuing violations.

IX. Supporting Documentation

The complainants attach and rely upon the following materials:

1. European Committee of Social Rights decision in Complaint No. 83/2012;
2. Resolution Res/CM/ChS(2014) of the Committee of Ministers;
3. AGSI-GRA Petition to the European Parliament PETI Committee;
4. Extracts from Ireland's 21st National Report on the implementation of the European Social Charter dated 29 December 2025;
5. Relevant extracts from the Conduct, Performance and Standards of Professional Behaviour Regulations 2025;
6. A tabled on the fulfilled admissibility criteria;
7. Additional supporting evidence and comparative material.

Respectfully submitted,

- ✓ European Confederation of Police (EuroCOP)
- ✓ Association of Garda Sergeants and Inspectors (AGSI)
- ✓ Garda Representative Association (GRA)

Annex : Admissibility Table

Admissibility conditions	Comments AGSI-GRA
Be lodged in writing and clearly indicate the name and contact details of the complainant organisation	EuroCOP Contact person and Email address : Mr Nigel Dennis, Head of Office - contact@eurocop-police.org AGSI – Association of Garda Sergeants and Inspectors 6th Floor, Phibsborough Tower, Phibsborough Rd, Phibsborough, Dublin D07 XH2D, Ireland Contact person and Email : Kevin Bolger, kevinbolger@agsi.ie GRA - Garda Representative Association Floor 5, Phibsboro Tower, Phibsboro, Dublin 7, D07 XH2D, Ireland Contact person and Email: Ronan Slevin, gs@gra.ie
Be signed by a person entitled to represent the complainant organisation and provide evidence that the person submitting and signing the complaint is entitled to represent the organisation	Nigel Dennis. Head of Office, EuroCOP – the umbrella organisation for police unions and staff organisations in Europe. Based in Luxembourg, we represent the interests of police officers across the whole of the European landscape. 

If the complainant is a national trade union or a national employers' organisation, provide evidence that these bodies are representative within the meaning of the collective complaints procedure	Attached – SI No 64/1962 Garda Síochána (Representative Bodies) Regulations, 1962. SI No 135/1978 Garda Síochána (Associations) Regulations, 1975.
If the complainant is an international or national NGO, provide evidence that the complainant organisation has particular competence in the field relating to the provision (or provisions) of the Charter covered by the complaint;	EuroCOP
be lodged against a State in which the Charter is in force and which has accepted the system of collective complaints (as of 1 May 2023, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Slovenia, Spain and Sweden);	✓ The complaint is lodged against Ireland
concern one or more provisions of the Charter which have been accepted by the State concerned; in principle, the Charter provisions in respect of which complaints may be lodged are: a. Articles 1-19 of Part II of the 1961 European Social Charter, Articles 1-4 of Part II of the 1988 Additional Protocol to the 1961 European Social Charter; b. Articles 1 to 31 of Part II, and Article E of Part V of the Revised European Social Charter in conjunction with one or more of the aforementioned articles;	✓ The complaint concerns primarily Articles 5, 6§2 and 6§4 of the European Social Charter ✓ It is also related to ○ Article 28 of the Charter of Fundamental Rights of the European Union; ○ Principle 8 of the European Pillar of Social Rights; ○ Directive (EU) 2022/2041 on adequate minimum wages, particularly Article 4 concerning the promotion of collective bargaining.
indicate the extent to which the State has failed to implement the Charter; in particular, the complaint must indicate the point(s) in respect of which the State in question has allegedly failed to comply with the Charter or implemented it inadequately, along with evidence and the relevant arguments, with supporting documents.	✓ See the complaint itself
When lodged by INGO, complaints must be drafted in one of the Council of Europe's official languages (English or French). Complaints lodged by national trade unions may be drafted in the – or an – official language of the State concerned.	✓ This complaint is lodged in English