



GRA Statement on the Industrial Relations (Amendment) Bill 2018

The Industrial Relations (Amendment) Bill 2018 proposes giving gardaí access to the Workplace Relations Commission (WRC) and Labour Court. While welcoming this initiative, the Garda Representative Association (GRA) has concerns around the scope of the Bill and its capacity to fully resolve longstanding grievances in An Garda Síochána.

Starting in the late 1980s, national pay negotiations effectively replaced the statutory arbitration scheme for pay determination in An Garda Síochána. The garda representative associations were excluded from direct representation at national pay negotiations and did not have access to either the Labour Relations Commission or the Labour Court. Over time, these factors fostered a sense of injustice among rank-and-file gardaí, which culminated in the industrial unrest of autumn 2016. During that dispute, the Government found it necessary to allow the GRA (and other garda associations) *ad hoc* access to the WRC and Labour Court. It is, therefore, not surprising that the Government has now accepted that formal access to these bodies is necessary.

While welcoming this access, the GRA is concerned that the Bill will only partly address existing deficiencies in industrial relations legislation governing An Garda Síochána. The Bill makes no provision for an entitlement to engage in industrial action. In the “Eurocop” case, the Council of Europe determined that gardaí should have “a right to strike”; since this is not delivered in the Bill, it is difficult to see how the Irish state is not in dereliction of its international obligations as a member of that body. Certainly, no information indicating how it would not breach these obligations has been provided to the GRA.

The practical effect of the Bill is that gardaí will not be in the same position as other workers in processing disputes at the WRC and Labour Court. The absence of an entitlement to engage in industrial action will place gardaí and their representative associations at a disadvantage.

A counterbalancing measure to compensate for this disadvantage could have been included in the Bill but was not. The GRA recognises that any industrial action in a police force is a serious public policy matter. Accordingly, in its submission to the Department of Justice and Equality Working Group, which reviewed industrial relations in An Garda Síochána, the GRA made a proposal for a voluntarily agreement to restrict any industrial action. Regrettably, there was no real engagement with that proposal and any attempt to seek a consensus solution was rejected.

The second area of concern is the Bill’s failure to allow the option of trade union status to the garda representative associations. Given that other modern democracies allow police trade unions without any difficulty, this omission is difficult to understand. The prohibition can only be regarded as regressive and is emblematic of a past era.

Minister Humphreys has announced that the Bill will not come into effect until robust internal garda dispute settlement procedures are in place. The GRA agrees that there is a need for revised internal industrial relations procedures. Indeed, the Association drew attention to such a need in its submission on legislation to the Working Group in October 2017. We also pointed out that revised Industrial relations structures would be necessary. It is essential that the required revised structures and dispute procedures be agreed with the garda representative associations and put in place without delay.

While the GRA recognises the Government's right to legislate, it believes that a considered approach would see the Bill amended to remedy its inherent defects. Without balance and fairness, the Bill will fail to fully remedy the deficiencies in industrial relations in An Garda Síochána. If it proceeds unamended, the Bill risks leaving in place a continuing sense of injustice with the attendant possibility of future industrial unrest.

There are clear advantages to addressing the defects in the Bill in a considered fashion. The alternative is to again risk having to confront deficiencies in an ad hoc way in the heat of some future industrial dispute. This is not in any party's interest.