

Summary of Regulatory Impact Analysis (RIA)			
Department of Business, Enterprise and Innovation		Title of Legislation: Industrial Relations (Amendment) Bill 2018	
Stage: General Scheme of Bill		Date: 22 June 2018	
Related Publications: First Report of the Working Group on Industrial Relations Structures for An Garda Síochána - http://www.justice.ie/en/JELR/Pages/PR17000303			
Available to view or download at: http://www.dbei.gov.ie			
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Policy options considered:-			
1. Do nothing;			
2. Legislate to provide access to the Workplace Relations Commission (WRC) and the Labour Court to the Garda Representative Associations.			
Preferred Option: 2			
	COSTS	BENEFITS	IMPACTS
1	Additional resource implications will arise for the WRC and possibly for An Garda Síochána (AGS) in terms of additional personnel requirements. The numbers will depend on the outcome of the work of phase II of the Working Group in terms of the volume of cases expected to be referred to the WRC.	An Garda Síochána (AGS) will have access to the effective industrial relations machinery of the State thereby facilitating the resolution of industrial disputes within AGS. This mitigates the risk of IR issues escalating within AGS thus securing this essential service of safety and security for the State.	Effective mechanism in place to resolve disputes that have failed to be resolved at local level.

Industrial Relations (Amendment) Bill 2018

Regulatory Impact Analysis

Section 2 – Description of policy context and objectives

2.1 Policy Context

In November 2016, agreement was reached at the Labour Court which resolved a potentially very serious dispute in An Garda Síochána. As part of this resolution, the Government committed to provide Garda members with access to the Workplace Relations Commission (WRC) and the Labour Court. A cross-Departmental working group on Industrial Relations Structures for An Garda Síochána was established with an independent Chair in 2017 to advise the Government on the legislative and other changes required.

The group comprised representatives from the Departments of an Taoiseach, Justice and Equality, Public Expenditure and Reform, Defence, Business, Enterprise and Innovation and included representatives from Garda management and the Workplace Relations Commission. The group was chaired by Mr John Murphy (former Secretary General at the Department of Jobs, Enterprise and Innovation).

The First Report of the Working Group was submitted to the Minister for Justice and Equality in July 2017 and accepted by Government in September 2017. At that time also, Government approved the drafting of legislative amendments to the Industrial Relations Act 1990 aimed at giving access to the services of the WRC and the Labour Court by the Garda Associations.

2.2 General Objective

The Industrial Relations (Amendment) Bill 2018 will amend existing industrial relations legislation to facilitate access by members of the Garda force to the services of the WRC and the Labour Court to assist in the resolution of industrial relations disputes, where required. Assistance with resolution by the WRC and the Labour Court is intended to apply after the internal dispute mechanisms within the Garda force have been exhausted.

A small number of legislative amendments to the Industrial Relations Act 1990 are required to provide this access to members of the Garda force. This would allow members of An Garda Síochána to avail of the various services of the WRC e.g. mediation, conciliation, arbitration as well as hearings before the Labour Court on industrial relations disputes involving members.

The amendments to legislation affect primarily sections 3 and 23 of the Industrial Relations Act 1990. Section 3 of the Act contains a number of definitions and this Bill will add definitions of “Garda Commissioner”, “Garda Síochána”, as well a definition of a “member” of the Garda Síochána” which will include only members of the force and not civilian or reserve members. Section 23 of the 1990 Act defines the term “worker” which in normal course constitutes a person over the age of 15 who has entered into or works under a contract with an employer. Given the untypical nature of the employment relationship for members of An Garda Síochána, the Bill provides that a worker includes a member of the Garda Síochána, that a reference to employer means the Garda Commissioner and, a reference to a contract with an employer is covered by the particular terms and conditions to which members of An Garda Síochána are subject.

A schedule to the Bill also seeks to actively disapply certain provisions of industrial relations legislation, particularly those relating to provisions around legitimately engaging in strike action, provisions on trade union legislation, and provisions on the right to collectively bargain under sectoral employment instruments such as under Employment Regulation Orders, Sectoral Employment Orders etc.

2.3 Immediate Objective

To facilitate a legislative basis to allow for members of the Garda force with access to the State's industrial relations dispute resolution mechanisms at the WRC and the Labour Court.

Section 3 – Identification and description of policy options

3.1 Option 1. Do Nothing

The “*do nothing*” would fail to address the Government commitment to provide Garda members with access to the WRC and the Labour Court.

3.2 Option 2. Legislate to provide access to the Workplace Relations Commission (WRC) and the Labour Court to the Garda Representative Associations

Bringing forward legislative amendments to the Industrial Relations Act 1990 will facilitate the legislative basis necessary to implement the Government commitment to provide Garda members with access to the WRC and the Labour Court.

3.3. Conclusion

As the option of doing nothing runs counter to the will and decision of Government, Option 1 it is not tenable and will not achieve the necessary policy objective. Option 2 is the only appropriate course to provide the necessary legislative solution.

Section 4 – Analysis of costs and benefits

4.1 Benefits

The Government commitment to the garda associations is honoured.

Effective resolution of industrial relations disputes in An Garda Síochána will be facilitated which secures the safety and security of the State in terms of the essential service that An Garda Síochána provides.

4.2 Costs

Resource implications will arise for the WRC and the Labour Court and possibly within An Garda Síochána and these implications are being examined by the inter-departmental Group set up to consider the various issues arising and will not be quantifiable until this work is completed.

Conservatively, it is estimated that c. 10% or 1,500 additional claims could arise for the WRC/Labour Court to deal with when members of An Garda Síochána are admitted to their services. The question of additional resources relating to access by an Garda Síochána to the services of the WRC/Labour Court will be the subject of a separate application to the Department of Public Expenditure and Reform in the context of the overall estimates process 2019.

5. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation.

5.1 Other Impacts

None envisaged.

6. Consultation

All of the Garda Associations have been full members of phase II of the work of the inter-departmental Group under the chairmanship of John Murphy and have been actively engaged in deliberations on the current proposals for amendment to the Industrial Relations Act 1990.

7. Publication

This RIA will be published on the Department of Business, Enterprise and Innovation's website (www.dbei.gov.ie).

Department of Business, Enterprise and Innovation

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