



**AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS
COINNIOLLACHA FOSTAIOCHTA) (FORALACHA
SEALADACHA), 1975**

**REGULATION OF BANKS (REMUNERATION AND
CONDITIONS OF EMPLOYMENT) (TEMPORARY
PROVISIONS) BILL, 1975**

EXPLANATORY MEMORANDUM

Section 1

This section provides that the Act will come into operation and expire on such day as the Minister may appoint by order.

Section 2

Definitions.

Section 3

This section provides that the Minister may refer to the Labour Court any agreement negotiated by any banks to improve the remuneration and/or the conditions of employment of their employees. The Labour Court will examine the agreement to determine whether its terms are in accordance with the provisions or purposes of the National Agreements; the Court will then furnish a report in the matter to the Minister.

This section also provides that where negotiations in relation to a claim are in progress or where any banks whether before, on or after the commencement of the Act pay or agree to pay increases in remuneration or improve or agree to improve the conditions of employment of any of their employees, the Minister may, by order, prohibit the banks from taking any such action. In effect the Minister can, by order, impose a stay on the salaries and other conditions of employment in the banks at any time during or following negotiations.

An order made under this section if not revoked will expire—

- (i) on the commencement of an order under section 4, or
- (ii) on the date of publication in the *Iris Oifigiúil* of a notice of a decision of the Minister that, having received the Labour Court's report in the matter, he does not propose to make an order under section 4, or
- (iii) on the date of the publication in the *Iris Oifigiúil* of a notice of a decision of the Minister not to refer the matter to the Labour Court, or
- (iv) six months after its commencement,

whichever is the earliest.

A bank that contravenes or fails to comply with an order under this section will be guilty of an offence.

Section 4

This section provides that where (a) any banks whether before, on or after the commencement of the Act pay or agree to pay increases in remuneration or improve or agree to improve any other conditions

of employment of their employees and (b) the Labour Court determines in a report furnished to the Minister that the increases or improvements are at variance with the provisions or purposes of the National Agreements or this Act, the Minister may by order determine the remuneration etc. in respect of the period to which the order relates. The Minister may also prohibit the payment of increases in remuneration, etc. in excess of those determined.

Section 5

This section sets out the penalties to be imposed on those found guilty of offences under the Act. If a person convicted under the Act fails to pay the fine imposed on him he will not be liable to imprisonment; rather is it proposed that the Court which convicted him may direct that payment of the fine be secured by the sale of the property of the person concerned.

Section 6

This section provides that a bank may be prosecuted for an offence under the Act.

Section 7

If an offence under the Act is committed by a bank with the consent or through the neglect of that body's officials etc., those officials will also be deemed to have committed an offence under the Act.

Section 8

This section provides for the appointment of authorised officers by the Minister.

Section 9

This section sets out the powers of authorised officers. These include :—

- (i) power to enter the premises of a bank,
- (ii) power to require bank employees, etc. to produce records, documents, etc.,
- (iii) power to inspect and take extracts from any such records, etc.

It will be an offence for any person not to comply with the legitimate requests of authorised officers.

Section 10

This section provides for the exclusion of the civil liability of the banks in respect of any failure to increase employees' remuneration, etc. provided the failure is a result of the banks' compliance with the provisions of the Act.

Section 11

This section provides for the laying of orders before the Houses of the Oireachtas.

Section 12

Expenses.

Section 13

Short title.

*An Roinn Saothair,
Nollaig, 1975*

Wt. 111810/F/12. 1,000. 12/75. C.&Co. (7596). G.16.