



An Bille Ceardchumann (An Garda Síochána agus na Fórsaí Cosanta), 2017
Trade Union (Garda Síochána and the Defence Forces) Bill 2017

Mar a tionscnaíodh

As initiated



**AN BILLE CEARDCHUMANN (AN GARDA SÍOCHÁNA AGUS NA FÓRSAÍ
COSANTA), 2017**
TRADE UNION (GARDA SÍOCHÁNA AND THE DEFENCE FORCES) BILL 2017

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ACTS REFERRED TO

Defence (Amendment) Act 1990 (No. 6)

Garda Síochána Act 1977 (No. 24)

Garda Síochána Act 2005 (No. 20)

Industrial Relations Act 1990 (No. 19)

Ombudsman (Defence Forces) Act 2004 (No. 36)

Trade Union Act 1941 (No. 22)



**AN BILLE CEARDCHUMANN (AN GARDA SÍOCHÁNA AGUS NA FÓRSAÍ
COSANTA), 2017**
TRADE UNION (GARDA SÍOCHÁNA AND THE DEFENCE FORCES) BILL 2017

Bill

entitled

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An Act to remove the bar on a Garda Síochána or Defence Forces association from associating with, or affiliating to, any trade union or any other association; to remove the bar on a Defence Force member from becoming a member of a Defence Force association that may wish to reconstitute itself as a trade union; and to prohibit the use of strike action by an Garda Síochána or Defence Forces associations and trade unions for reasons of public safety.

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Be it enacted by the Oireachtas as follows:

Amendment of section 12 of Trade Union Act 1941

1. Section 12 of the Trade Union Act 1941 is amended, in subsection (1), by the insertion of the following paragraphs after paragraph (d):

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“(e) any association or trade union established under section 13 of the Garda Síochána Act 1977 or under section 2 of the Defence (Amendment) Act 1990 shall include in its rules a ban on undertaking any strike action where such action would run contrary to the maintenance of public order,

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(f) any association or trade union under paragraph (e) which undertakes strike action that is or will be contrary to the maintenance of public order shall have its negotiation licence revoked.”.

Amendment of section 13 of Trade Union Act 1941

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2. Section 13 of the Trade Union Act 1941 is amended, in subsection (1), by the insertion of the following paragraphs after paragraph (g):

“(h) any association or trade union established under section 13 of the Garda Síochána Act 1977 or under section 2 of the Defence (Amendment) Act 1990 shall include in its rules a ban on undertaking any strike action where such action would run contrary to the maintenance of public order,

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(i) any association under paragraph (h) which undertakes strike action

that is or will be contrary to the maintenance of public order shall have its negotiation licence revoked.”.

Amendment of section 8 of Industrial Relations Act 1990

3. Section 8 of the Industrial Relations Act 1990 is amended in the definition of “worker” by the deletion of the words “, but does not include a member of the Defence Forces or of the Garda Síochána”.

Amendment of section 9 of Industrial Relations Act 1990

4. Section 9 of the Industrial Relations Act 1990 is amended by the insertion of the following subsection:

“(5) Any association or trade union established under section 13 of the Garda Síochána Act 1977 or under section 2 of the Defence (Amendment) Act 1990 is prohibited from undertaking any strike action where such action would run contrary to the maintenance of public order.”.

Amendment of section 2 of Defence (Amendment) Act 1990

5. Section 2 of the Defence (Amendment) Act 1990 is amended by the substitution of the following subsections for subsections (1), (2), (3), (4), (5), (6) and (7):

- “(1) Subject to section 3 of this act, the Minister may provide by regulations for the establishment of an association or associations or a trade union or trade unions (in this Act referred to as an “association”) for the purpose of representing members of such rank or ranks of the Defence Forces as may be specified in the regulations in relation to matters affecting their remuneration, welfare and efficiency (including pay, pensions and conditions of service), but excluding matters relating to any operation and the raising, maintenance, command, constitution and organisation of the Defence Forces under the Principal Act and offices in relation to the Defence Forces and military property under that Act.
- (2) An association shall represent under subsection (1) of this section only members of the association.
- (3) The Minister may provide by regulations for the establishment of a system of conciliation and arbitration in respect of such matters, in relation to which an association represents members, as the Minister may specify in the regulations.”.

Amendment of section 6 of Defence (Amendment) Act 1990

6. Section 6 of the Defence (Amendment) Act 1990 is deleted.

Amendment of section 5 of Ombudsman (Defence Forces) Act 2004

7. Section 5(d)(i) of the Ombudsman (Defence Forces) Act 2004 is amended by the

substitution of “section 2(3)” for “section 2(6)”.

Amendment of section 18 of Garda Síochána Act 2005

8. Section 18 of the Garda Síochána Act 2005 is amended by the deletion of subsections (2), (3), (4) and (5).

Short title

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9. This Act may be cited as the Trade Union (Garda Síochána and the Defence Forces) Act 2017.

An Bille Ceardchumann (An Garda Síochána agus na Fórsaí Cosanta), 2017

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun deireadh a chur leis an gcosc ar chomhlachas de chuid an Gharda Síochána nó na bhFórsaí Cosanta comhlachas a dhéanamh, nó cleamhnú, le haon cheardchumann ná le haon chomhlachas eile; chun deireadh a chur leis an gcosc ar chomhalta de na Fórsaí Cosanta teacht chun bheith ina chomhalta nó ina comhalta de chomhlachas de chuid na bhFórsaí Cosanta, ar comhlachas é a bhféadfadh sé gur mhian leis é féin a athbhunú mar cheardchumann; agus chun a thoirmeasc ar chomhlachais de chuid an Gharda Síochána nó na bhFórsaí Cosanta, ar chúiseanna sábháilteachta poiblí, gníomh stailce a úsáid.

Na Teachtaí Aengus Ó Snodaigh agus Dáithí Ó Cuileannáin a thug isteach,

13 Aibreán, 2017

Trade Union (Garda Síochána and the Defence Forces) Bill 2017

BILL

(as initiated)

entitled

An Act to remove the bar on a Garda Síochána or Defence Forces association from associating with, or affiliating to, any trade union or any other association; to remove the bar on a Defence Force member from becoming a member of a Defence Force association that may wish to reconstitute itself as a trade union; and to prohibit the use of strike action by an Garda Síochána or Defence Forces associations and trade unions for reasons of public safety.

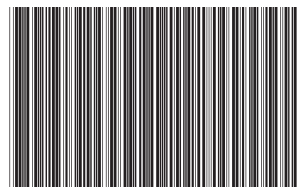
Introduced by Deputies Aengus Ó Snodaigh and David Cullinane,

13th April, 2017

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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