

Opening statement on behalf of Fórsa to the Dail Joint Committee on Justice

Attendees:

Derek Mullen, National Secretary, Civil Service Division, Fórsa
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Chairperson, members of the committee,

Firstly, Fórsa would like to thank you for the opportunity to meet with this committee and to participate in today's meeting. In this opening statement, we will summarise our key concerns with the Policing, Security and Community Safety Bill, as outlined in more detail in our written submission.

Fórsa represents some two thousand civil servants across the Garda Síochána organisation including clerical, administrative, technical and services grades.

These union members are extremely annoyed, frustrated and perplexed at the prospect of having their terms and conditions unilaterally changed through this proposed legislation.

In our recent Garda civilian staff engagement, we had over 90% of all respondents state that they wish to remain a part of the overall Civil Service and to benefit from all the terms and conditions they currently enjoy as a civil servant, including the determination of pay and conditions centrally, access to interdepartmental competitions and civil service mobility to name but a few.

What is absolutely clear, is that the vast majority of our members in An Garda Síochána are angered at the lack consultation on a matter which will directly and negatively impact on their terms and conditions as civil servants.

The publication of the general scheme bill came at a time where absolutely no consultation whatsoever had taken place with Fórsa, the trade union representing the majority of civilian staff in the Organisation and most impacted by this proposed legislation.

While we have outlined this in detail in our written submission, it is important that our frustration and disappointment with that process is placed on the record here today.

It is unacceptable that unions are expected to fully adhere with the consultative process set out in successive National Agreements, including Building Momentum, but employers at the same time can act in such a cavalier fashion, this is not how good industrial relations is practised.

The proposal that the Garda Commissioner take sole responsibility for Garda staff will effectively change the status of our members in An Garda Síochána from civil servants to public servants.

This is a step that is too far and it is neither appropriate nor warranted. Nobody has made the case that Garda civilian staff are hampered in their duties or that their status as Civil Servants impedes the effective running of the Organisation.

Notwithstanding the fact that the heads of bill are published, our position is that this process should not progress further and that a proper engagement structure be put in place to enable much needed dialogue between the Department of Justice, Representative Unions and An Garda Síochána prior to any legislation being contemplated.

It must also be noted that the Garda Commissioner himself is also of that view.

The legislation, if enacted, will also allow for Civilian staff to come under the investigative remit of a new policing complaints ombudsman that will replace GSOC. This will place unsworn civilian staff under the same rigors of investigation as a uniform member with sworn powers.

These investigative powers which will be afforded to the proposed new policing ombudsman are excessive, disproportionate and disregard the existing recognised internal processes and guidelines that are afforded to civil servants in the course of their duties. Such investigative powers also raise the question of individual legal challenge and blurs the lines between criminal conduct and internal employment issues.

It is our clearly stated view that this measure should not progress within the draft heads of Bill. The proposed inclusion of Garda Civilian staff in this process has also been negatively commented on by the Garda Commissioner.

Forsa are also concerned that should the legislation, as drafted, become operational, all new entrants would be captured under that legislation from day one. No such provision has been made in the draft legislation for the terms and conditions enjoyed by existing staff to continue to apply to new entrants, only that these conditions under Head 45(1) & 45(3) including terms and conditions relating to remuneration and allowances can be determined by the Commissioner with the approval of the Minister for Public expenditure.

The absence of clarity on this matter is concerning to Forsa and the legislation being contemplated as it applies to new staff is in its present form ambiguous in its interpretation.

In conclusion it is the view of Forsa that the draft Policing Security & Community Safety Bill should not be used as a legislative vehicle to bring about a change to the status and conditions of civil servants, and while progressive in the areas of policing, it will ultimately negatively impact on the terms and conditions of our members in An

Garda Siochana, and will only serve to further undermine the industrial relations process that has served us well to date.

Attempting to progress a one organisation agenda through legislation is akin to the circumstances that existed during the economic crisis to use legislation such as FEMPI to cut pay and worsen conditions.

We would therefore ask that your committee take on board the legitimate concerns we have put forward through this engagement process and recommend that the proposed elements of the legislation, as it is contemplated for Garda civilian staff, be removed, in order for a structured and coherent industrial relations process to be put in place, where proper engagement and consultation between all parties can be facilitated.

Once again, thank you for affording Fórsa this opportunity today to make our case, and we are happy to answer questions from the Committee.



Derek Mullen
National Secretary, Civil Service Division, Fórsa



Thomas Cowman
Assistant General Secretary, Fórsa