



Coimisiún Thithe  
an Oireachtais  
Houses of the  
Oireachtas Commission

*Minutes of Commission Meeting  
Monday 4 April 2022*

The second meeting of the Commission of 2022 took place at 11.00 a.m. via MS Teams.

**1. MEMBERS PRESENT**

Deputy Seán Ó Feargháil, Ceann Comhairle (Chairperson), Senator Mark Daly, Cathaoirleach of the Seanad (Deputy Chairperson), Deputy Joe Carey; Deputy Francis Noel Duffy; Senator Seán Kyne; Deputy Jennifer Murnane O'Connor; Deputy Louise O'Reilly; Senator Ned O'Sullivan; Senator Lynn Ruane; Deputy Sean Sherlock and Mr. Peter Finnegan.

**2. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 28 February 2022, as amended, were agreed by the Commission.

**3. UPDATE FROM FACILITIES MANAGEMENT**

**Update from the Office of Public Works on the Programme of Work for the Leinster House Precinct**

Ms Rosemary Collier (Head of Heritage Services and Capital Works Delivery) and Mr. Ciarán O'Connor (State Architect) from the Office of Public Works (OPW), briefed the Commission on progress of work planned for the Leinster House campus.

It was agreed that a meeting of the Ceann Comhairle, Cathaoirleach, relevant officials from the Oireachtas Service and the OPW would be arranged to discuss the programme of work for the Leinster House campus and to establish a structured framework for the delivery of the projects.

#### **4. HOUSES OF THE OIREACHTAS COVID-19 ORAL HISTORY PROJECT**

The Commission was briefed on a proposal to undertake a *Houses of the Oireachtas Covid-19 Oral History Project*.

#### **5. DIGITAL TRANSFORMATION PROGRAMME**

##### **Business Case: Áis-Linn Parliamentary Business Calendar**

The Commission approved a business case and budget for the development of Áis-Linn - Parliamentary Business Calendar. The project will create a *digital one stop shop* to provide a single point of access for Dáil, Seanad and Oireachtas committee business.

#### **6. PRIVATE MEMBERS' BILLS SERVICE FOR MEMBERS**

##### **Report of the Review of the Private Members' Bills Service**

The Commission noted the report of the review of the Private Members' Bills Service and the plans to implement the recommendations arising from the review.

#### **7. OIREACHTAS WOMEN'S PARLIAMENTARY CAUCUS**

##### **Annual Work Programme for 2022**

The Commission noted the Women's Parliamentary Caucus Annual Work Programme for 2022.

#### **8. DIVERSITY AND INCLUSION PROGRAMME**

##### **Report and Recommendations of the Steering Group on Diversity and Inclusion**

The Commission noted the Report of the Steering Group on Diversity and Inclusion. It also noted an update on the development of the Equality, Diversity and Inclusion Strategy for the Houses of the Oireachtas Service.

It requested that a scheme for student work experience placements, offered by individual members, be prepared for consideration at the next meeting.

The Commission approved the Steering Group's proposals in principle subject to consideration of the further information requested.

#### **9. DIGNITY AND RESPECT POLICY**

##### **(i) Proposed amendments to the Dignity and Respect Policy**

The Commission approved amendments to the Dignity and Respect Policy, as set out at Appendix A, to bring the Policy in line with the new *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* which came into operation on 23 December 2021.

**(ii) Proposed amendments to the terms of reference for the Dignity and Respect Steering Group**

The Commission approved amendments to the terms of reference for the *Dignity and Respect Steering Group*, concerning membership and frequency of meetings, as set out at Appendix B.

**10. LEGAL MATTERS**

The Commission, pursuant to the Commission Acts 2003 to 2021:

- (i) agreed to table a motion in the Dáil to seek authorisation to conduct the defence of workplace relations proceedings ADJ-00035213;
- (ii) granted continued sanction for the ongoing defence of proceedings, currently before the Court of Appeal and Supreme Court, and for the Office of Parliamentary Legal Advisers to act and engage Counsel to represent Dáil Éireann and Seanad Éireann in respect of the continued defence of the proceedings entitled: *Dowdall v. the DPP, the Minister for Justice and Equality, Dáil Éireann, Ireland and the Attorney General*; and *Gerard Hutch v. The Director of Public Prosecutions, the Minister for Justice, Dáil Éireann, Seanad Éireann, Ireland and the Attorney General*.

**11. SCHEME FOR SECRETARIAL ASSISTANCE FOR MEMBERS**

**Update on SIPTU pay claim submitted for staff employed under the Scheme**

The Commission received an update on the SIPTU pay claim submitted for staff employed under the Scheme for Secretarial Assistance for Members.

The Commission agreed to provide an update on the pay claim to all members of the Houses.

**12. ANY OTHER BUSINESS**

**(i) Information items**

The Commission noted information notes on the following:

- (a) the installation of hybrid meeting room technology
- (b) members' envelope allocation
- (c) price increases for paper used for copying and printing
- (d) bystander intervention training
- (e) re-introduction of Leinster House tours following the lifting of Covid-19 restrictions
- (f) briefings provided to members on personal safety and security

(ii) *Briefings on social media communications*

The Head of Communications briefed the Commission on the two briefing sessions held for members on the safe use of social media. The briefing sessions were delivered by Facebook and Twitter in partnership with the Communications Unit.

**13. DATE OF NEXT MEETING:** 9 May 2022.

A handwritten signature in blue ink, reading 'Seán Ó Fearghaíl'.

SEÁN Ó FEARGHAÍL T.D.

Ceann Comhairle and Chairperson of the Commission

Dated: 24 May 2022

A large, stylized handwritten flourish in blue ink, starting from the end of the 'Dated' line and curving upwards and to the right.

## **APPENDIX A: AMENDMENT TO THE DIGNITY AND RESPECT POLICY <sup>1</sup>**

### **NEW TEXT TO BE INSERTED IN SUBSTITUTION FOR TEXT IN PAGES 19-20 OF THE POLICY**

#### **"Appeals**

Following the investigation of a complaint under the formal complaint procedures, either party (i.e. the Complainant and/or Respondent) may appeal the investigation. The appeal will focus on the conduct of the investigation, including that:

- the provisions of the Dignity and Respect Policy were followed.
- fair procedures were applied throughout the investigation process.

It should be noted that an appeal is not a re-hearing of the original issues and that the outcome of the appeal shall be final.

Any appeal of the investigation shall be made in writing to the Complaint Recipient, citing the specific grounds of appeal, and shall be made no later than 10 days from the date of receipt of the Investigation Report.

Where the respondent is an employee, the Complaint Recipient will refer the matter to an independent third party, who has been appointed by the Houses of the Oireachtas Service and has had no involvement in the original investigation, to consider the appeal.

Where the respondent is a Member of the Houses of the Oireachtas, the Complaint Recipient will refer the matter to the External Adjudication Panel (EAP) which will consider the appeal.

The Complaint Recipient will inform the other party of the appeal and the grounds for the appeal as soon as the appeal has been received.

The independent third party or the EAP, as the case may be, will prepare a report detailing their findings in relation to the investigation and indicating whether the appeal should be upheld or dismissed.

**Outcome of appeal** – Where an appeal is upheld, the Complaint Recipient will refer the matter to an independent investigator, who has been appointed by the Houses of the Oireachtas Service and has had no prior involvement in the original investigation, to conduct a new investigation pursuant to the Formal Complaint Procedure.

Where the appeal is dismissed, the matter will proceed to Resolution stage as detailed below.

**No appeal** - If no appeal is lodged by the end of the 10 day period, the investigation report will be forwarded to either the employer, in the case of an employee or the External Adjudication Panel, in the case of a Member, and the matter will proceed to Resolution stage, as outlined below.

#### **Resolution Where the Respondent is an Employee**

##### ***Action Where Complaint is Upheld***

If a complaint is upheld against an employee (including after any appeal), the Complaint Recipient will refer the matter to the relevant employer. The Complaint Recipient will forward a copy of the Final Report of the Investigator and any other relevant documentation to the employer.

The matter will be treated as a disciplinary issue and the employer will follow the appropriate disciplinary procedures in line with fair procedures and natural justice, consistent with the standards of the WRC Code of Practice for Grievance and Disciplinary Procedures (Code of Practice 5, August 2006), which appends S.I. 146 of 2000 – Industrial

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<sup>1</sup> Amendment approved by the Houses of the Oireachtas Commission on 4 April 2022.

The employer may also take other appropriate action to support and protect the Complainant and/or to ensure that similar situations do not arise in the future.

**Action Where Complaint is Not Upheld**

Where the complaint is not upheld (including after any appeal) but the Complainant is found to have acted in good faith, the employer may take measures to support both the Complainant and the Respondent. This will include the making of appropriate efforts to ensure that those with knowledge of the complaint are made aware that it was not upheld. Where a complaint is not upheld (including after any appeal) and is found not to have been made in good faith, the Complainant may be the subject of disciplinary action. The employer may follow the appropriate disciplinary procedures in line with fair procedures and natural justice and consistent with the standards of the WRC Code of Practice for Grievance and Disciplinary Procedures (Code of Practice 5, August 2006).

**Resolution Where the Respondent is a Member of the Houses of the Oireachtas  
Action Where Complaint is Upheld (External Adjudication Panel)**

If a complaint is upheld against a Member (including after any appeal), the Complaint Recipient will refer the matter to the External Adjudication Panel. The Complaint Recipient will forward a copy of the Final Report of the Investigator and any other relevant documentation to the External Adjudication Panel. The role of the External Adjudication Panel will be to:

1. If it has not considered these issues as part of an appeal, review the investigation procedure and determine whether:
  - the provisions of the Dignity and Respect Policy were followed,
  - that fair procedures were applied throughout the investigation process.
2. Review the investigation report and determine if there are any mitigating factors that should be considered.
3. Review all documentation received, meet the relevant parties, report on their conclusions and recommend next steps including whether any further investigation is required and what sanctions, if any, should be applied to the Member. The External Adjudication Panel might recommend, for example, that the Member issue a formal apology, that the Member attend compulsory training, or that a finding against the Member be made public (with the consent of the Complainant)

The final report of the External Adjudication Panel will then be provided to the Complaint Recipient to arrange the next steps.

Where the final report recommends further investigation, the Complaint Recipient will refer the matter to an independent investigator, who has been appointed by the Houses of the Oireachtas Service and has had no prior involvement in the investigation, to conduct a new investigation pursuant to the Formal Complaint Procedure.

Otherwise, the Complaint Recipient will refer the final report to the following parties:

- In the case of a member of a political party, the Complaint Recipient will provide this report to the Member, the Complainant and to the Party Whip to progress implementation of any recommended sanctions and to the Chair of the Commission who will also be notified when the decision has been implemented.
- In the case of an Independent Member, the Complaint Recipient will provide this report to the Member and the Complainant for implementation of any recommended sanctions and to the Chair of the Commission who will also be notified when the decision has been implemented

**Action Where Complaint is not Upheld**

Where a complaint is not upheld (including after any appeal) but the Complainant is found to have acted in good faith, support is available to both the Complainant and Respondent through the Workplace Support Programme. Appropriate efforts should be made to ensure that those with knowledge of the complaint are made aware of the finding that it was not upheld.

Where a complaint is not upheld (including after any appeal) and is found not to have been made in good faith, the Complainant may be the subject of disciplinary action. The employer may follow the appropriate disciplinary procedures in line with fair procedures and natural justice and consistent with the standards of the WRC Code of Practice for Grievance and Disciplinary Procedures (Code of Practice 5, August 2006).

**G. Recourse for redress through external bodies:**

The Dignity and Respect Policy does not curtail an employee's statutory rights to redress through the Workplace Relations Commission or the High Court.

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## **APPENDIX B: AMENDMENTS TO THE TERMS OF REFERENCE OF THE (PILOT) DIGNITY AND RESPECT POLICY STEERING GROUP<sup>2</sup>**

1. The Dignity and Respect Statement of Principles and Policy was introduced following extensive consultation with Members, staff and unions. The Statement of Principles sets out the standards of respect, dignity, safety and equality that apply to everyone in the Parliamentary Community, including Members, political staff, Service staff and others in the parliamentary workplace. The Dignity and Respect Policy provides a standard policy and resolution procedures for Members and Political parties to deal with issues arising under the Statement of Principles and comply with relevant legal and standard codes of practice.
2. A review of the policy was undertaken in the first quarter of 2021. The review was confined to the Dignity and Respect Policy as it sets out procedures for resolution of complaints by or against Members and Political Staff. Among the parameters agreed by the Commission for the policy review and consultation with stakeholder was that consideration be given to the establishment and the role of a representative Dignity and Respect Steering Group to oversee ongoing operation of the policy. During the consultation process it was agreed that there would be value in a Steering Group, provided that it does not add an additional layer of bureaucracy and that it is representative of all stakeholders.
3. The Steering Group is to be established on a pilot basis for one year, after which the Oireachtas Commission will make a determination on the continuance of the Group.
4. Members HR Unit, which has responsibility for the implementation of the Dignity and Respect Policy, will report to the Steering Group on the operation of the policy and the implementation of the Dignity and Respect Action Plan agreed by the Oireachtas Commission.
5. The Steering Group will act as a champion for dignity and respect in the parliamentary workplace. All members of the Group and their contributions shall be valued equally, and decisions shall be reached by consensus, with a shared responsibility for outcomes.
6. The Steering Group shall consider and review the policy, in line with the legal and standard codes of practice and make recommendations to the Commission on any updates proposed.
7. The Steering Group may advise and make recommendations on:
  - i. the provision of services required to support the operation of the policy;
  - ii. raising awareness of the policy and the related services;
  - iii. the feasibility of introducing 'exit' type surveying of political staff;
  - iv. how to increase participation in Dignity and Respect training by Members and political staff;
  - v. how to encourage ownership of the policy among employers and political staff;
  - vi. how to develop a culture of dignity and respect in the parliamentary workplace;
  - vii. the operation of the Former Members' Protocol as approved by the Commission on 31st May 2021.
8. The Steering Group shall comprise of the following persons:
  - Two Members - one Deputy and one Senator - to be nominated by the Dáil Business Committee and Seanad CPPO. One Member must attend each meeting for a quorum to be achieved.

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<sup>2</sup> Amendments approved by the Houses of the Oireachtas Commission on 4 April 2022.



- ~~A representative from the Party Administrator Group will be required on a rotational basis to attend each meeting for a quorum to be achieved.~~ Two representatives from the Party Administrator Group – one to represent the larger parties and another to represent the smaller parties and groups. One representative must attend each meeting for a quorum to be achieved.
  - Two representatives to be nominated by SIPTU. One representative will be required to attend each meeting for a quorum to be achieved.
  - A quorum shall be 3 members of the group.
9. A Chairperson will be nominated by the group and agreed by consensus at its first meeting.
10. The Principal Officer from HR – Members and Pensions will attend Steering Group meetings and provide a secretariat to the Group.
11. The Steering Group will meet **at least** two times a year and report to the Commission on matters relating to its remit.