

# DÁIL ÉIREANN

---

## AN COMHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS COSAINT

## JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

---

*Dé Máirt, 25 Bealtaine 2021*

*Tuesday, 25 May 2021*

---

Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

---

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Cathal Berry,	Gerard P. Craughwell,
John Brady,	Joe O'Reilly,
Sorca Clarke,	Diarmuid Wilson.
Gary Gannon.	

Teachta/Deputy Charles Flanagan sa Chathaoir/in the Chair.

## **Defence Forces: Discussion with Permanent Defence Force Other Ranks Representative Association**

**Chairman:** I have received apologies from Deputy Stanton. I understand Senator Ó Donnghaile is attending the Seanad and will join us in due course. I welcome Mr. Mark Keane, president, Mr. Gerard Guinan, general secretary, Mr. Martin Bright, deputy general secretary, and Mr. Damien Quigley, national support officer, Permanent Defence Force Other Ranks Representative Association, PDFORRA, to discuss the issues in regard to the Defence Forces. Members will recall the committee met recently with the chairperson of the Commission on the Defence Forces, Mr. Aidan O'Driscoll.

In terms of format for the meeting, the committee will hear an opening statement from a representative of PDFORRA and I will then open the floor to a questions and answers session with members. I remind witnesses and members that we are time limited due to the Covid restrictions. I ask the witnesses to be conscious of time constraints when addressing the meeting by way of opening statement as that would allow more time for engagement with members in response to questions or issues raised and I ask members to be concise in their questions to allow the witnesses an opportunity to respond.

I remind witnesses of the long-standing parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person or entity by name or in such a way as to make them identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of that person or entity. Therefore, if statements are potentially defamatory in relation to an identifiable person or entity, the witness will be directed to discontinue his or her remarks and it is imperative that such a direction is complied with.

Witnesses attending remotely, outside the Leinster House campus, should note there are some limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as a witness physically present currently does. I do not anticipate that will arise in the context of this meeting. I remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses of the Oireachtas or an official either by name or in such a way as to make him or her identifiable. I also remind members that they are only allowed to participate in this meeting if they are physically located in the Leinster House complex or in the Convention Centre Dublin, where the Dáil and Seanad are meeting today.

For anybody watching this meeting online, some Oireachtas Members and witnesses are accessing this meeting remotely. Due to the unprecedented circumstances and the large number of people attending the meeting remotely, I ask everybody to bear with us in the event of any technical issues arising. I acknowledge the work of the logistics team in making this and other meetings possible.

I now invite Mr. Guinan to make his opening statement.

**Mr. Gerard Guinan:** I would like first to acknowledge that Mr. Martin Bright is not with us today. PDFORRA wishes to extend its deepest sympathies to him on the passing of his brother this morning. Mr. Bright was scheduled to attend with us today, but he has asked us to extend his apologies.

**Chairman:** I join Mr. Guinan in extending sympathies to Mr. Bright.

**Mr. Gerard Guinan:** I am accompanied by Mr. Mark Keane and Mr. Damien Quigley who is a member of the national executive. I thank the committee for the invitation to attend this meeting. This is the second time during my tenure as general secretary of PDFORRA I have had the honour of addressing the committee.

PDFORRA represents in excess of 6,500 members of the Defence Forces. This number represents one of the highest levels of representation as a percentage of workforce of any public service union in the State. The association was founded in 1990 following a significant period of turmoil surrounding pay and allowances, which forced many personnel to leave at that time. In recent times, the Defence Forces have encountered further difficulties with regard to pay and allowances resulting in another exodus of fine, young men and women who could not sustain a life within the Defence Forces based on the rates of pay and allowances on offer. In an effort to stem the exodus, PDFORRA has engaged in every process and with every body it believed could make a difference and improve the lot of its members. Regrettably, there has been a lack of engagement by various parties which has resulted in members of the association, in ever increasing numbers, turning to the courts system for relief. Actions have been taken on foot of the breaches of the working time directive, freedom of association and freedom of assembly. Additionally, legal actions have taken place regarding outstanding adjudications for members of the Army Ranger Wing, chefs and account holders, with papers recently being submitted on behalf of members to secure placement on the current senior non-commissioned officer's, SNCO's, course. Further, this year, our association has highlighted some of these issues to external bodies, such as the International Labour Organization, ILO, and the European Committee of Social Rights, ECSR.

Over the course of the last year, PDFORRA has made submissions to the Commission on the Future of the Defence Forces and the Pensions Commission, and a submission to the Department of Enterprise, Trade and Employment on the issue of remote working. Further, PDFORRA has continued its work and engagement on behalf of its members at conciliation council and at Defence Forces headquarters forum.

However, despite all of the foregoing work, returns to members have not been what we believed are necessary to sustain retention across the Defence Forces. This can be exemplified by turnover figures across the defence organisation. For example, the Naval Service now has as strength figure of just over 850 personnel. Given numbers in training, the numbers of non-seagoing appointments across both commissioned and enlisted ranks, and the numbers of personnel who have completed sea-shore rotation, the number of personnel actually available to go to sea is extremely limited.

PDFORRA has for years advised our Department, military management and public representatives that there was no elasticity in the system should a crisis arise. The net result is the inability of State ships to go to sea. In some instances, vessels worth tens of millions of euro are idle for lack of appropriately trained staff.

Specialist technicians within the Air Corps are also in short supply, with significant shortfalls in personnel across a wide spectrum of specialties. This is feeding growing incidents of burnout and departure from this branch of the service.

The potential improvement in the economic situation, together with the lack of security of tenure and the lack of movement in technician pay will no doubt hasten the departure of more men and women in the short to medium term.

The Army also has significant difficulties with the retention of personnel. Indicative of the trend in personnel leaving is the fact that in 2016 there were 44 sergeant vacancies within the Army. This has now risen to 155 in 2021, with 267 vacancies across the whole organisation.

As PDFORRA highlighted previously, many of these vacancies are technicians, which take years to backfill as technicians have to qualify within both their trade and to the appropriate military rank. However, there are multiple vacancies in the line streams also, with some units having significant shortfalls of sergeants and corporals. All told, there would be in excess of 650 vacancies at corporal level, if all the sergeant vacancies were filled. This, in an organisation as small as our Defence Forces, is an enormous shortfall.

The foregoing leads me to the following point. The fact the Defence Forces has performed to the excellent level it has over the course of the pandemic is testament to the calibre of the men and women who populate its ranks. As an association, PDFORRA is extremely proud of the contribution to the national effort made by all members during the past year. They have shown themselves to be selfless, adaptable, resilient and capable of feats that surpass even the loftiest of expectations. Great credit is also due to the families of members who have supported our personnel in their endeavours over the last year.

PDFORRA would also take this opportunity to place on record its recognition and appreciation of the dedicated voluntary work undertaken by many veterans across the country over the last year. This pandemic will shortly be beaten. The State and our Defence Forces will return to a normal operational tempo. Our economy will improve. Jobs will be created. As a nation, we will again flourish. What then will happen to the Defence Forces? Will we as a nation forget the contribution made by these men and women or will we learn the valuable lesson that storms, pandemics and cyberattacks occur at the most inopportune moments? Without appropriate investment into the resource that is the Defence Forces, we are liable to pay a heavy price for being unprepared.

While the work of Commission on the Future of the Defence Forces could not be more timely in terms of having a national emergency to test current structures and the responses of the Defence Forces, it must be remembered that recommendations from this body relating to pay allowances and systems must be discussed with PDFORRA in advance of the subsequent implementation.

The status of morale within the organisation is always difficult to judge but, currently, it fluctuates across the three services. In many units, it is at a low ebb, due to the negative impact that the loss of personnel has had. In other units, the desire to contribute to the national effort has a crystallising effect.

Regardless, PDFORRA and our personnel will always act in a professional manner in times of national crisis. However, personnel are aware that the structural difficulties with pay, allowances, working time and contracts remain live issues. Additionally, the contentious issue of the potential permanent pay review body, which has never been discussed with PDFORRA, is also on the horizon.

Inasmuch as possible within the timeframe permitted, I will address these issues in turn. PDFORRA has seen it remarked that the starting pay of a member of Defence Forces is very good. While it cannot be denied that the basic pay, including military service allowance, MSA, for a three star private at €29,000 before tax is a significant sum of money for any young man or woman, it must be measured against the hours worked, exposure to danger, insecurity of

tenure and the impact that military life has on family life and on budgets, notwithstanding the other vagaries of service. Current pay structures within the Defence Forces have a narrow pay spine that reflects the hierarchical nature of our rank structure. This pay spine is added to, with allowances that reflect specialties, such as trade and qualifications. Additionally, due to the historic revulsion of establishing a system of overtime, which the general staff described as “an anathema to military service” to the Gleeson commission in 1990, other allowances have been added to reflect unique dangers and circumstances, such as explosive ordnance disposal, EOD, duty allowance for ordnance personnel and seagoing or patrol duty allowance to induce personnel to go to sea. The foregoing factors have resulted in a complex pay structure, which was described as such by the Gleeson commission.

PDFORRA has made numerous recommendations to the Commission on the Future of the Defence Forces in this area of pay structures. The association has not made recommendations on pay rates, as this falls outside of the scope of the terms of reference. There can be no doubt that current pay structures need to be revised. However, it must be remembered that the complexity of the role and function of the Defence Forces has not altered considerably since the Gleeson commission reported and changes should not be made only in the hope that they will turn things around. Sometimes even small changes, which are believed might have a positive effect, can have adverse consequences for years afterwards.

Previously, members of the Defence Forces, like other public servants, enjoyed certain benefits associated with public service: guaranteed pay and pensions, security of tenure until pension age and protection against dismissal. These benefits were contrasted against private sector employment by prospective employees, which while generally better paying, had less stability. These factors, when compared and taking due cognisance of the economic circumstances prevailing, made public service a credible prospect. However, since 1990, the benefits previously associated with public service generally have become relatively mainstream with the advent of, among other things, the Payment of Wages Act, the National Minimum Wage Act, and the Unfair Dismissals Act. These legislative provisions, in essence, have diminished the attractiveness of life in the Defence Forces, which necessitates a particular calibre of person in any event.

Rates of pay generally are a product of pay provided divided by time spent at work. What has not helped the Defence Forces over the past few years is the lack of any formal working time agreement, with members working extensive hours for rates of pay that are more appropriate for flat hours which is not the norm in the Defence Forces. PDFORRA recognised the causal link between the levels of disenfranchisement with pay and working time many years ago. However, the opportunity to address this was clouded in the absence of precedent on the issue of working time from the Court of Justice of the European Union, CJEU.

In 2013, PDFORRA submitted a claim for holiday pay through the conciliation and arbitration scheme, on the foot of the CJEU ruling in the case of *Williams and Others v. British Airways*. Following the submission of the claim, it was found that members of the Defence Forces had an entitlement to holiday pay, which was paid in arrears to 2009. Subsequently, following the exchange of extensive correspondence with the Department, PDFORRA initiated a claim on behalf of Ms Susan O'Donnell for the amendment of Defence Forces regulation A.11, dealing with leave. This claim sought to provide for carryover leave in appropriate circumstances arising from the *Schultz-Hoff* judgment. This claim was settled on the steps of the court, as one might say, with the amendment of regulation A.11. Thereafter, following an extensive exchange of correspondence, PDFORRA again initiated legal action in multiple cases for breach of the working time directive. These claims were subsequently settled in 2019 following a



mediated settlement.

The common thread running through the majority of these issues is the marked reluctance to engage through the conciliation and arbitration process and final settlement at court. This, as I told the committee in 2019, has a demoralising effect, as PDFORRA must go through the conciliation and arbitration process in order to be successful in a court action. Meanwhile, members are frustrated at the apparent lack of progress while claims are processed. At present, PDFORRA is in the process of preparing multiple court actions due to the failure to secure agreement on basic rights-based issues.

A similar situation arises in the context of contracts. In 2019, PDFORRA informed the committee that the issue of contract terms for post-1994 personnel needed attention. To date, regrettably, enlisted personnel do not have the clarity needed on their upper service limits. This will cause irreparable harm the longer it remains unresolved, with members rightly feeling a lack of reciprocated loyalty. It makes no sense to discharge compulsorily personnel who are experienced, capable and medically fit to perform the duties required of them. PDFORRA raised this important issue with the Minister yesterday, who informed us that an interim report should be available in mid-June or July.

I want to address the issue of ICTU affiliation. In 2014, PDFORRA submitted a complaint to the European Committee of Social Rights alleging breaches of Articles 5 and 6 of the European Social Charter. These complaints were upheld unanimously by the committee in early 2018. In late 2018, PDFORRA was asked to engage with Mr. Gerard Barry, who was asked to carry out a review of the conciliation and arbitration scheme with the inclusion of ICTU affiliation in his terms of reference. This was undertaken in good faith by PDFORRA. Mr. Barry recommended that discussions take place between officials of the Department, ICTU and PDFORRA. PDFORRA engaged with all sides, as recommended. Following this, certain assurances were sought by management from PDFORRA. These were subsequently provided.

On 1 February 2020, prior to the general election, Deputy Leo Varadkar, then Taoiseach, was reported in the *Irish Examiner* as having said that PDFORRA should be permitted to affiliate to ICTU. Our association and membership were extremely pleased by his remarks and believed our hard fought case for affiliation would finally be recognised. However, subsequent to discussions between the coalition partners, PDFORRA discovered that establishment of a permanent pay review body was proposed. This body was never requested by PDFORRA. Moreover, our association, having viewed the results from the armed forces pay review body in Britain, believes that the establishment of such a body would be counterproductive and give rise to even greater problems in time.

Additionally, it must be considered that the programme for Government commits such a body to act in compliance with the public sector pay policy. This would result in a situation where the representative bodies would be subject to a policy that they have no prospect of influencing. Further, PDFORRA believes such a policy would be inconsistent with our obligations under the European Social Charter and in direct contravention of the recent recommendations of the Organization for Security and Co-operation in Europe, which has stated that bodies such as ours should be allowed to associate with umbrella groups. PDFORRA has repeatedly asked the Minister to explain how such a body can meet the aforementioned obligations under international treaties and conventions while still conforming to public sector pay policy. We have yet to receive clarity on these points. Repeated pronouncements about the unique nature of the Defence Forces being recognised do little to provide any illumination on the subject. Our members deserve clarity and should be able to expect that findings from bodies such as the social

rights committee would be honoured.

People who assert that in the event of a strike, members of the Defence Forces may refuse to cross picket lines would do well to reacquaint themselves with section 131 of the Defence Act 1954 and the obligations on members to obey all lawful orders. Additionally, persons who say that in the event that our members cross picket lines we would be punished by ICTU at subsequent pay talks should consider that members have received little, if anything, beyond basic deals in the past ten years in any event. Furthermore, it must be remembered that all public sector unions have provisions for minimum cover during strikes. It must be considered that PDFORRA has provided numerous saving caveats to the Minister through the Department in response to the foregoing perceived fears. In the foregoing respect, PDFORRA members view ourselves as the thin end of the wedge who could be used as a model to reduce workers' rights and sow discord across the public service.

As pointed out earlier, failure to keep pace with movements in pay, legislation and societal norms will result in the Defence Forces falling further and further behind in terms of recruiting and retaining personnel. It is long past time to stop the rot. It is time to look to the future and embrace the prospect of modern work practices and a modern Defence Forces that provide our State and its citizens with the protections they need and deserve. While PDFORRA may not necessarily agree with his cause, it is easy to concur with the sentiments of General "Stonewall" Jackson when he said, "The patriot volunteer, fighting for country and his rights, makes the most reliable soldier on earth". On behalf of PDFORRA members I thank the committee for its work.

**Chairman:** I thank Mr. Guinan. I think that is the first time General "Stonewall" Jackson has been quoted at the committee. We have heard a comprehensive submission from Mr. Guinan. I am not sure of the extent to which Mr. Keane or Mr. Quigley would like to contribute at this stage. I will give them the floor before opening up to members of the committee.

**Mr. Damien Quigley:** I am the national support officer with PDFORRA. I am also a director of the PDFORRA medical assistance scheme, which was established by our organisation in 2018 to assist injured members in the Defence Forces to seek access to medical treatment and remain in service. The rationale behind setting up such a scheme was that a number of people were being discharged from the Defence Forces while waiting for treatment in the public health service.

The scheme has been extremely successful, with 3,000 members enrolled in it of whom 274 have received access to treatment, the vast majority in a hospital in Belfast under the terms of the Northern Ireland planned healthcare scheme. The medical assistance scheme was established under the terms of the EU cross-border healthcare directive, which has ended in Northern Ireland since Brexit and the Government has put in place the Northern Ireland planned healthcare scheme until December 2021.

The medical support scheme has been a fantastic benefit to our members who receive treatment speedily. Many of our members have told us they went on to get promoted, remain in service, avoid medical discharge and continue in their careers. In many cases, they have served overseas. We want to take the scheme to the next level and we hope to roll it out to family members. This would be just and deserved as the families of Defence Forces members contribute an awful lot while we are engaged in military service. This is our plan. To do so we need the Northern Ireland planned healthcare scheme to continue beyond December 2021 and we need support from the Department to continue to professionalise and take on staff.

**Chairman:** I thank Mr. Quigley. I take it that he will remain on the line in the event that committee members have questions on the medical support scheme. I will now take a brief comment from Mr. Keane, the president of PDFORRA, and he can come back in to answer questions.

**Mr. Mark Keane:** I welcome the opportunity to address the committee. My colleagues spoke on a number of issues. I would like to address issues affecting the Naval Service. The three main issues we are facing at the moment are the patrol duty allowance, the retention payment scheme and accommodation.

We welcome the development in Haulbowline of Block 8, which has started at long last. Unfortunately, this will not be enough in itself. We believe more accommodation will be needed within the naval base at Haulbowline if we are to future-proof the Naval Service and build for the future. As the general secretary outlined at the start, there is currently a shortage of 300 personnel. If recruitment of personnel takes place accommodation will be needed for those people. We also feel the non-provision of a rent allowance to our members in the Defence Forces prohibits them from competing in the private rental sector and seeking mortgages to provide their own property.

While we welcomed the announcement of the sea service retention scheme by the Minister, unfortunately, this scheme has proven to be flawed. It will not address our concerns or those of our members. It has created a two-tier Naval Service in which personnel with less than three years serving afloat endure the same hardship as other members with more than three years' service. In addition, the failure to address the issue surrounding patrol duty allowance for our members is very much to the forefront of their concerns.

**Chairman:** I will now go to members of the committee for questions and observations. I see some expertise among the membership of this committee which, with the greatest of respect, was probably not there in previous committees. I know members are anxious to come in, but I will start with Deputy Brady and proceed in accordance with the raised hands I see.

**Deputy John Brady:** Before I start, I offer my condolences to the witnesses' colleague, Mr. Martin Bright, and his family on their sad bereavement. I thank the witnesses for attending our meeting this afternoon. It is hugely important. I thank them for all their work on very important and serious issues affecting our Defence Forces. I commend them on all the work they have engaged on over the last number of years.

I will hone in on a couple of points. Mr. Guinan referred to affiliation with ICTU, which my party and I fully support. It is something that should happen. Examples have been given of other defence forces and armies across Europe and beyond, which have rights to affiliate with unions. It should also happen in Ireland. I have raised this a number of times with the Minister. He has not said "No" but has refrained from making more detailed commentary as he is aware of legal issues going on in the background. Can our witnesses give an update on how things are progressing in terms of engagement with the Minister on that issue?

Mr. Guinan also mentioned the pay review body and the fact there was absolutely zero consultation with PDFORRA regarding its establishment. Do Mr. Guinan or the other witnesses think PDFORRA has the ability to work? Is it a mechanism or body that should be made redundant and ICTU affiliation made the primary focus instead? I ask for a view on that.

I will also touch on the 1994 contract because, certainly during my engagement with mem-



bers of the Defence Forces, it is an issue that keeps cropping up and has serious consequences. We see members of the Defence Forces joining in their late teens and then forced out, possibly in their late 30s, because of these contracts. The contracts are acting as a massive impediment and adding to the major retention issue within the Defence Forces. We see the impact of the 1994 contracts in terms of the inability of young families to take out mortgages. I raised this previously with the Minister. I hope I correctly heard what Mr. Guinan said about an interim report. He might go into a little more detail about it because I have previously asked the Minister about the possibility of changing those contracts. Can we get a little more detail on that?

On issues relating to the contracts, it is my understanding limited assistance is offered to personnel intending to leave the Defence Forces or preparing for civilian life. The State has a duty of service to assist personnel who have given extended service to their country's defence in the transition from military to civilian life. What impact would securing the appointment of dedicated personnel, who could operate in the guise of vocational advisers, to prepare members of the Defence Forces with the necessary skills required to find employment in civilian life, recognise the skills they may have developed within the Defence Forces and learn to transfer them to the labour market? Can PDFORRA see the value in such a role?

I will ask about the technical pay review. The issue of cybersecurity has dominated the airwaves over the past week or so, as has the ability of foreign-based criminals to launch an attack on the HSE computer system. We are still seeing the fall-out and repercussions from that. While I do not want to ask about the issue specifically as it is beyond our remit today, it is an inescapable fact that the failure of the Government to adequately deal with the technical pay review is impacting on recruitment and retention of Defence Forces personnel in key skill units, such as those charged with dealing with cybersecurity. This is linked to the wider recruitment and retention issue within the Defence Forces as a whole.

According to figures furnished by the Minister, despite a focus on recruitment the standing strength of the Defence Forces has continued to fall and further decreased from 2019 to 2020. That issue is particularly felt within the Naval Service, which has seen a 40% reduction in naval patrols since 2018. That is primarily due to the fact that the Naval Service lacks the personnel to crew vessels. Within the same time period, we saw a 12% drop in the number of personnel being inducted into the service. I ask the witnesses to comment on this wider issue of difficulty in recruitment and retention, particularly in those highly-skilled units.

I will touch on the medical assistance scheme. I ask our witnesses to give a bit more detail on the PDFORRA medical assistance scheme. It appears that PDFORRA had to step in to provide a service to members of the Defence Forces that really should be the responsibility of the Government. Can the witnesses give some detail or background to that? I will leave it at that. I again thank our witnesses for their presentation to the committee and their ongoing work in representing members of the Defence Forces.

**Deputy Sorca Clarke:** I thank our guests this morning. As always, it is a pleasure to hear from PDFORRA. I also want to extend my sympathy to Mr. Bright and his family for their loss. I offer my genuine condolences. I was very sorry to hear that.

In relation to both serving members of the Defence Forces and veterans, is PDFORRA experiencing what my constituency team and I are experiencing in terms of the impact of the housing crisis on members? It is not an exaggeration to say that in recent months, we have been inundated with queries and requests for help and guidance from serving members and veterans who are living in a nightmarish situation. The end of the moratorium on evictions seems to have

coincided with increase-in-rent notices coming in the door. What we see to a greater extent is that serving members are taking on extra employment to a higher degree than would have been the case beforehand. This is not to supplement luxuries but to simply make the rent payments.

Whether it is to do with red tape or anomalies, I also have noticed an issue with serving members and their wives, husbands and partners. If the latter's employer has been in receipt of the wage subsidy scheme payment, it is now having an impact on their ability to draw down a mortgage. There were four such cases last week alone. This is something which if witnesses are not aware of, I would like to speak to them about outside of this setting. It is an issue which is there. There is also the issue of additional notices to quit, which have been coming in over recent months, the contraction of the rental market and its impact on serving members and veterans.

I agree with the statement made earlier that €29,000 before tax is not a bad starting-off wage. The question which is key and must be asked is whether it is reflective of that nature of the role. That is the key question which must be asked when one is looking at entry-level wages of the Defence Forces. We have seen and heard the various advertisements that have been placed, in print, broadcast and online forms, to encourage the recruitment drive. In the witnesses' professional experience and as representatives of PDFORRA, what more must happen to attract recruits into a career in the Defence Forces? What more must we do to make this an attractive career for more people?

I want to touch briefly on the issues of contract and the 21-year service date, and the catastrophic effect that has in some areas on morale. I understand that cliff edge is approaching. If July 2021 is the date the Minister has set out, do witnesses think the timeframe is sufficient to calm current members' fears? I will give an example of why it is an issue. Yesterday, I spoke to a retired member of the Defence Forces. He was 43 years of age. That is hardly an age one would consider to be retired at, but he was retired and he was 43 years of age.

Last week, the Minister stated at this committee that some areas of the defence budget, which will not be spent, will be ring-fenced for the wider defence family. From PDFORRA's perspective, what do witnesses think would be the best use of those funds? What would deliver most for their 6,500 members?

I thank Mr. Quigley for bringing up the medical assistance programme. I could not help but notice the display he has behind his head. I had a quick look at his website to see what kind of injuries this scheme is used for. What I saw were predominantly knee and hip injuries. Does Mr. Quigley have figures as to the extent to which the job has an impact on those injuries? Were they caused by playing five-a-side football or were they as a result of the role members perform? Last week, members heard the provision in the Estimate for the Defence Forces for litigation is going to increase. It will remain the same for medical and there will be no material increase in compensation. Does PDFORRA agree with a statement that was made to me that the Department now seems determined to defend any and all claims to the fullest extent?

**Senator Gerard P. Craughwell:** Like my colleagues, I extend my sympathies to the Bright family. The time, 6 a.m., must be very tough on Mr. Martin Bright. My heart goes out to him and the family. I ask that Mr. Guinan pass on my message to Mr. Bright.

**Mr. Gerard Guinan:** I will indeed.

**Senator Gerard P. Craughwell:** I want to start with the Naval Service. The president, Mr.

Keane, spoke about the two-tier service. At the weekend, the *Irish Examiner* carried a story about Tadhg McCarthy who had left the Naval Service after 24 years. He was an engine room artificer. In some ways, the story was very sad. Here we have a guy who loved the job he was in but left because as the numbers fall, the work commitment for individual members within the service grows. I am interested in what Mr. Keane will say about that.

My second question, which is for Mr. Guinan, is about the vacancies of non-commissioned officers, NCOs. There are 650 NCOs throughout the forces. That is unbelievable. I am interested to hear Mr. Guinan's comments on that.

On the issue of abatement, I know it is something which happens after people leave the service. Many of PDFORRA's members leave because of the contract. They leave and are subsequently re-employed in other parts of the public service, including into the military, and their pensions are abated. I am interested in PDFORRA's view on this. I appreciate it does not come under its terms of reference. However, people who have gone to jail and had their pensions taken off them, have had their pension restored because the courts have upheld that a pension is a property right. As a property right under the Constitution, it cannot be touched. I find it repugnant that people who have given service to the State have had their pensions taken off them by way of abatement, if they go back into the public service.

Mr. Quigley is a member of the national executive. I must congratulate him on the medical assistance scheme. I hope his colleagues do not mind but I think this scheme is his. He drove it the whole way and he made it the great success that it is for members of the Defence Forces. As Mr. Quigley moves forward, families will be included and the system will be grown even more to provide a much better service. It is somewhat heartbreaking that members must go to Belfast and other parts of the United Kingdom for treatment, but who cares, Mr. Quigley is getting them there and getting them back into fit service immediately. He is doing this on a part-time basis as far as I am aware. Perhaps it is unfair to ask him but should this be a fully seconded position subvented by the Department of Defence in order to deliver the type of service which I know he delivers in his spare time? Do we need someone to do this full time?

There are many other things I could ask the witnesses about. A key issue which has come to my attention is rare enough in the Defence Forces, but I am interested in Mr. Guinan's answer. It relates to the issuing of passports to members of the Defence Forces. As we are a multinational country, people who moved into the country during the last 20 years and who joined the Defence Forces are not entitled to a passport. This is unlike any other military organisation that I am aware of. If they want one, they must qualify as citizens first and then pay €1,000 to go through the process. To me, that seems extremely cruel to the people who are prepared to give their time to the State. I could go on but I am sure my colleague, Deputy Berry, will have plenty to say. I will ease off at this stage. I should say to Mr. Keane, the president, Mr. Guinan, the general secretary, and Mr. Quigley, who is speaking on behalf of his executive colleagues, that this country owes them a great deal for what they have done throughout the Covid-19 pandemic. The pandemic brought into sharp focus the massive commitment their members deliver not just today but every day. If there was a requirement in the morning for them to go the extra mile and do something else while working on Covid-19, like they moved very quickly from creating test centres to erecting vaccination centres as well as delivering personal protection equipment, PPE, throughout the country, they would still do the normal duties that are required of them every day of the week. This country owes them a massive debt of gratitude. I am afraid that flattery is all they get, but flattery does not put dinner on tables. I personally thank them. Having been a former colleague, I understand what their members are going through. I also

thank the witnesses for their presentation today.

**Chairman:** Senator Craughwell referred to Deputy Berry. I am not sure if he wishes to contribute at this stage but I will point out to the witnesses that since his election, Deputy Berry has certainly been a champion of the Defence Forces not only at this committee but in the wider arena of the Dáil. Do you wish to speak now, Deputy Berry?

**Deputy Cathal Berry:** I am in your hands, Chairman, so whatever suits you best.

**Chairman:** I will take a brief contribution from Deputy Berry. I am conscious of the fact that there are many questions for the witnesses.

**Deputy Cathal Berry:** I welcome Mr. Guinan and his team. I also wish to convey my sincere sympathies to the Bright family. I ask the witnesses to convey to their members the huge amount of appreciation and gratitude we have for all their hard work, particularly over the last 15 months on the pandemic and in the last few weeks in respect of the cyberattack. The country would be lost without them. I also thank the witnesses for their detailed opening statement. It makes quite rough reading, to be honest.

I will focus on one key point mentioned, which is very honest, blunt and frank. It is about the Naval Service. The witness said that the net result is the inability of State ships to go to sea, and in some instances vessels worth tens of millions of euro are idle due to the lack of appropriately trained staff. That is a sad indictment of the position of the Naval Service. There is a ministerial and departmental responsibility for this, but there is also a responsibility on this committee. We are the parliamentary oversight committee and this is occurring on our watch. Our job is to forensically analyse the performance of the defence apparatus in this country. I do not take my responsibilities lightly in this regard and it is something on which we should focus. Our job as a cross-governmental, inter-party committee is to put forward solutions. My question to Mr. Keane or Mr. Guinan is: how do we solve the Naval Service issue? Mr. Keane articulated the dual-tier pay system in the Naval Service. One must have three years service in the Naval Service before one is eligible to apply for the sea-going service commitment scheme. What if that caveat were removed? If every member of the Naval Service were entitled to at least apply for the sea-going commitment scheme, would that make a difference from a retention point of view? That is the first question.

My second question is probably for Mr. Guinan and relates to his comment about lack of movement on technician pay. I was following Twitter last night and I noticed the Minister issued a statement. I believe there might have been considerable movement in the last 24 hours. The timing before this meeting today is, I presume, totally coincidental, but we will take whatever is going. Perhaps Mr. Guinan would outline to the committee what the current position is with that issue. Does he have confidence? We have had announcements in this regard in the past, so is he confident that the announcement will be delivered on this time, unlike two years ago when it was announced initially?

I will leave it at that in the interests of brevity for the first round. I will be happy to hear from PDFORRA.

**Chairman:** I will refer the large number of questions to our guests. I ask Mr. Guinan to respond to some of the questions from Deputies Brady, Clarke and Berry and Senator Craughwell. There are a number of specific questions for Mr. Quigley from Deputy Clarke and for Mr. Keane from Deputy Berry.

**Mr. Gerard Guinan:** PDFORRA recognises that Deputy Brady has raised the issue of ICTU affiliation on a number of occasions in the Dáil. We initiated legal action last year arising from the pronouncement that we were going to have a pay review body. If we did not do that, the pay review body could be there and then one could be initiating legal action. We were never asked about a pay review body. PDFORRA had mooted the prospect of a pay review body - an independent once-off commission similar to the Gleeson commission to try to re-establish the relativities between Defence Forces pay and wider public sector pay. That is what we want. We believe there is a need to re-establish that link in relativities between public sector pay and Defence Forces pay. It has been broken over the years.

We believe that membership of ICTU provides us with the greatest opportunity to provide the public services committee of ICTU with the information that it needs to be able to grant or accede to the pay demands that are necessary. Pay negotiations in this country are conducted centrally by means of collective bargaining. In circumstances where the primary partners at the centre of those discussions, the public services committee of ICTU and the Department of Public Expenditure and Reform, do not know the concerns or issues involved in one's pay they do not make allowances for it. Then one is an afterthought, and one is trying to unwind pay agreements that are set in place. It is not good enough.

That leads on to the proposition that a pay review body will resolve all our problems. If one looks at the terms of reference of the armed forces pay review body in England, one sees it is subject to public sector pay policy. The Commission on the Defence Forces and the Public Service Pay Commission last year were subject to public sector pay policy. That does not provide the ability to explore the details that must be addressed in order to mitigate the problems that exist within the organisation. We believe the shade of the big tree is the best option for us. If the umbrella of ICTU is afforded to us, we can go there and make the claim for the allowances or movements that are needed. That is our stance.

There is no evidence to suggest that a pay review body will work out any better. In fact, it potentially will work out worse, because there will be an annualised pay so members may not know what their pay is going to be two or three years hence. If there is an annual report and one is dependent on that report, one has a pay determinant for that year. In addition, it will disenfranchise members. If one is giving members pay awards as a *fait accompli* without consultation with them or consideration of their fears, one will disenfranchise them. We have always voted on every national pay agreement in order to provide members with the opportunity to voice their concerns about pay. Part of the problem is that it will just be a return to the situation that existed before 1990 and before representation - there is the pay, so take it or leave it. What will happen is that members will leave. This is shown in the British armed forces where, in some instances, front-line units were down to 40% strength. Yes, we have difficulties in Ireland at present with it, but we believe they can be rectified through affiliation to ICTU.

With regard to the 1994 contracts, in 2014 we came to the cliff edge of the 21 years for post-1994 personnel. I was working in the association as a regional liaison officer at that time. The lack of clarity and security that existed for members demoralised the organisation. I cannot emphasise this enough. We need clarity on contracts for post-1994 personnel as soon as possible.

We have made the case that privates and corporals should be allowed to remain in service up until age 50, providing they meet the medical and fitness standards required, and that sergeants should be allowed to remain in service until at least 55, providing they meet those standards. We impressed upon the Minister yesterday that this has to be done as soon as possible. If it is left on the long finger, people believe they are being disrespected and start to look for opportu-



nities outside of the Defence Forces well in advance of that cliff edge. I thank the Deputy for raising it. The matter needs to be raised frequently until it is resolved this year. Our members and their families deserve clarity on it. It impacts on people taking out loans and on the long-term plans they have. If a member does not have security of tenure and does not know where he or she will be, it is impossible to plan a career in the Defence Forces.

On the question on limited help to members before they leave, we believe those who are going to be veterans deserve support before they go out. The Committee of Ministers' publication, Human Rights of Members of the Armed Forces, from 2010 states there is an obligation on the State to provide services and vocational training for members of the armed forces prior to their return to civilian life. It is negligent and reprehensible that people would not be provided with vocational training and supports prior to departure. At the moment, a pre-retirement course is run for all personnel. Once they have 21 years done, they are entitled to apply for this course. It is a good course, run by the barrack personnel support service, which does excellent work. However, it is not comprehensive enough to ensure people are possessed of the skills necessary to transition to civilian life.

We believe training is needed and there should be a short service gratuity for people who do not reach retirement age, especially post-2004 personnel who go before 21 years of service. Pre-2004 personnel have a pension but post-2004 personnel may have a pension deferred until they are 60. It depends on their age. If they are sergeants, they get a pension at 50. There should be a short service gratuity for post-2004 personnel who depart the organisation earlier than the mandatory retirement age to assist them to transition to civilian life. We have a claim at conciliation council for that.

We have alluded to the introduction of a vocational advisor in our submission to the commission on the future of the Defence Forces. We state that a vocational adviser or trainer should be there. I was recently talking to the Deutscher Bundeswehr Verband, the representative organisation for the German armed forces. It has a cradle-to-grave vocational officer who assists personnel along their careers. If they do not reach certain benchmarks in the German armed forces, they are brought in by the vocational officer. He tells the person it does not look like he or she will make corporal by 50 and so needs training to transition back to civilian life and to be given the necessary skill set. We believe that would be appropriate in Ireland to help members of the Defence Forces transition to civilian life.

The tech review on cybersecurity is an operational issue. The Minister told us yesterday the review was signed off on by the Department of Public Expenditure and Reform. We do not know exactly what has been signed off on. We welcome that it has been signed off on but we do not know that it will sort out the problems. There are problems at the higher end in the navy, where the rate is not appropriate: aircraft mechanics and inspectors; air traffic controllers; cybersecurity personnel. There is a need to increase the allowances above tech 6.

On the review by the Department, I commend the work of Robert Mooney, Major General Clancy and officials in the Department for getting it over the line. I thank Kevin Callanan from ICTU for technical support provided to us to get that and Congress to have it signed off on. There is a need and will still be a need by virtue of the constrained terms of reference that committee had to deal with regarding the tech 2 to tech 6 issue. It was not allowed to increase the rates or the number of bands that existed. That was a failing of it. We have to welcome the work of the Minister and everybody in getting this over the line. It will help some cohorts of personnel but to what extent remains to be seen. I hope Deputies Berry, Brady and Clarke follow up on this in the Dáil to make sure it is pushed through.

I will leave the medical assistance scheme with Mr. Quigley, who will speak after I am finished, if that is okay.

Deputy Clarke asked if PDFORRA was experiencing the impact of the housing crisis; we absolutely are. Something happened last week and we had to write to the Department. Allowances have been taken off the certificate of earnings for personnel. Some of the allowances members of the Defence Forces utilise for the purposes of certificate of earnings were removed, which decreases the ability to borrow the maximum amount. A number of members contacted us on that. We are actively engaging with the Department to see if permanent pensionable allowances can be included in the calculation of the certificate of earnings.

PDFORRA has sought the introduction of a rent allowance to ensure members have the earning capacity to be able to borrow. They are priced out of the market at the moment. The issue of the rent caps being lifted is a problem. I did not know about the wage subsidy scheme. I am sure as more members discover it, it will raise its head here. I thank the Deputy for highlighting that. I will be able to ensure we are well versed and try to nip that in the bud.

As to whether €29,500 is reflective of the role, it is not. The hours worked by members are not comparable to the rest of the public sector. The entry rate of guards, prison officers and so on could be the exact same but the hours are completely different. Prison officers would have a shift but I am sure Mr. Keane will explain that it is a different thing being locked up on a ship for four weeks compared to working a shift in a prison. The comparison is not appropriate in all circumstances. One has to consider the exposure to danger. The unpredictability of membership of Defence Forces and the hours impact on the ability of partners of members to get employment with the level of security needed for childcare arrangements. Another employer is not going to help the Army carry out its role. If a member of the Defence Forces is away on an exercise for three or four days, the children still need to be picked up. That is the problem. The onerous nature and unpredictability of service in the Defence Forces means that a salary of €29,000 is not appropriate. That was what I meant when I mentioned the vagaries of service in my introduction.

What do we need to address that? We need proper pay and allowances, the application of the working time directive and pensions that match up with retirement ages. I said that before this committee in 2019. We are, thankfully, working through some of the issues. Progress on things such as the working time directive is extremely slow but it is being worked on and we are getting there. We are not in the place we want to be as regards pay but the likes of the review of technical pay grades should help. The excellent deal that was done by the public service committee of Irish Congress of Trade Unions, ICTU, the Building Momentum agreement, should, provided it is accepted, see the gross pay of members increase by somewhere between €1,200 and €1,500 over the course of the next year. That will happen without the implementation of the review of technical pay arrangements for grades 2 to 6. More needs to be done. Fundamental problems such as the application of the working time directive need to be resolved. We need to provide a rent allowance to ensure that members are able to afford rent because most of our units are in urban areas where rents are through the roof, as the committee knows well and has pointed out previously. That is what needs to be done.

Is July 2021 time enough? As I have said, members will start to go fairly soon if clarity is not brought on the issue of post-1994 contracts. The lack of clarity has a demoralising impact on the organisation that cannot be underestimated. I saw morale hit the floor in 2014. We had already been sucker-punched by the reorganisation of the Defence Forces in 2012, which discommoded many families, but the lack of clarity on post-1994 contracts was a blow to the solar

plexus and hurt us as an organisation.

I will turn to the shortfall in Estimates and how that excess should be used. It should be used to pay our members more money and pay them appropriately.

**Chairman:** What Mr. Guinan would do if he had control of the purse strings could nearly be the subject matter of a full meeting. I will take a brief comment from him on that matter before I bring in Mr. Keane and Mr. Quigley on the issue of medical assistance.

**Mr. Gerard Guinan:** Does the Chairman want to move to discuss medical assistance?

**Chairman:** I do. I will ask Mr. Quigley to deal with the issue raised by Deputy Clarke.

**Mr. Gerard Guinan:** There are some issues about which Senator Craughwell asked that I have not yet answered.

**Chairman:** I will come back to Mr. Guinan before we close the meeting.

**Mr. Gerard Guinan:** Thank you very much.

**Mr. Damien Quigley:** There were a couple of questions about the medical assistance scheme. I will give some of the background to how we set up and established the scheme. It was fairly obvious to us, as an organisation, that our job was to help our members in distress. We discovered a large number of our members were facing discharge and unable to continue in service, sometimes because of fairly small medical problems but because they would be on a waiting list for two or three years, they could not satisfy the strict medical criteria involved, which left their careers at an end. Even before we set up the medical assistance scheme, PDFORRA established an MRI scan scheme that is supplementary to the medical assistance scheme. We identified that enlisted members of the Defence Forces had to pay for MRI scans. We encountered a large number of people who needed money to get scans to satisfy the requirement that they were fit for medical service. The MRI scheme was the first thing we set up.

We did a lot of research into how we could provide a value-for-money scheme that members could afford. We looked closely at the EU cross-border healthcare directive, as it was at the time, and made contact with the HSE national contract point, Ms Catherine Donohoe. I must commend Ms Donohoe because she was excellent in the help, guidance and support she offered during the establishment of our scheme. We then met with representatives of the Army, Naval Service, Air Corps, ANSAC, credit union. They were our finance partners, if you like. We established the scheme with hopes and aspirations for what we would be able to do. To date, members have attended more than 1,200 appointments. In total, 274 have received treatment, 150 of whom progressed to surgical intervention. The scheme has far exceeded our projections of what we could or should do. I still have 60 people on my list who are waiting for treatment. There is huge demand for the scheme.

Deputy Clarke is correct about the type of injuries concerned. A large percentage are knee injuries caused by elements of military service, including working on boats, aircraft and carrying a pack over heavy ground. Members of the Defence Forces get injured and that is just a fact of life. A large number of those injuries would be around the knee but ankles and hips are also affected. There have been a large number of general surgeries, for example, to treat hernias. There have been wrist, elbow and shoulder injuries. Ears, noses, throats and eyes have been injured. There have been injuries to anything and everything. We have assisted a number of members to beat cancer through access to treatment, which was very fulfilling.

In developing and moving on, we hope to roll out the scheme to include the families of members. To do that, we would need extra support. In the first instance, we would need the Department of Health to legislate for the Northern Ireland planned healthcare scheme. After Brexit, the EU cross-border directive ceased to apply to the UK so patients can no longer get treatment in the UK under that directive except through the transitional arrangements that are currently in place for anybody who attended before 31 December 2020. Anybody who attends cannot get treatment in Britain but can get treatment in the North, in Belfast or Derry. A large number of-----

**Chairman:** A technical issue has arisen with Mr. Quigley's contribution but I think his remarks were coming to a conclusion anyway. Is Mr. Keane on the line? I am calling Mr. Keane.

**Mr. Gerard Guinan:** May I come back in there?

**Chairman:** You may.

**Mr. Gerard Guinan:** May I come back in a while?

**Chairman:** You may. Is Mr. Keane back?

**Mr. Mark Keane:** Can you hear me now?

**Chairman:** Yes. I know some members of the committee raised the issue of numbers in the Naval Service. One of our members, Deputy Stanton from Cork East, previously raised an issue around the fact that private companies are headhunting personnel from the Naval Service. He even reports that former members of the Naval Service are being offered something of a bounty in order to entice current members to leave the Naval Service and join the private sector. That would appear to be a particularly challenging issue. Will Mr. Keane comment on the extent to which he believes that is happening and suggest any possible solution or means by which it might be addressed? Deputy Brady and others have also raised specific issues regarding the Naval Service so I give the floor to Mr. Keane.

**Mr. Mark Keane:** There is a crisis of sorts, one we have been predicting for the last number of years. As mentioned by the Chairman, large numbers of highly skilled, motivated and educated people are being headhunted. They have a skill set which enables them to transit into civilian street, in particular the pharma companies in the lower Cork Harbour area where the naval base is located. There are a number of multinational companies situated along the quays.

I will try to address the issues raised. The Naval Service will never be family-friendly but we can put measures in place to deal with that. We can review the patrol patterns, the hours worked and so on. As mentioned earlier by the general secretary, the time spent at sea for an operational unit is in excess of 60 hours per week. Deputy Berry raised the issue of State assets not being able to sail. Our members never prevented any ship from sailing. That was caused by circumstances out of our control. Our members have put their shoulder to the wheel and they have maintained operational tempo during very difficult times in the context of Covid-19 and otherwise. Our people have increased their work output in the sense that they have maintained the frequency of duties and sea days allotted to them by the Department. That needs to be acknowledged. They have also taken on additional roles in regard to Covid-19, to which members of the committee alluded earlier. On the sea service commitment scheme, I agree there is room to manoeuvre. We lose new entrants very quickly in the Naval Service. Within the first 18 months to two years, these people are gone. We have invested time, money and effort in them but we get very little return for it. That is an issue on which we need to focus.

To address the issues, again, it comes down to the three Rs, that is, recruitment, retention and remuneration. We need to pay our people a proper rate of pay for the job they do. It is a haphazard job. Personnel spend long days and weeks away from their families and they endure a lot of hardship at sea, in particular around the Irish coast when they are required to patrol for up to four weeks at a time with very little downtime. The frequency of duties when they return to the naval base also needs to be looked at. As I mentioned in my earlier contribution, accommodation is also an issue. We need to build homes for these people. We to get them off ships and into homes. It is important for their mental well-being that in their downtime and for the purposes of rest and recuperation, R&R, that they have proper, suitable accommodation. We need to make the Naval Service an attractive career for young, motivated and highly skilled people. Unfortunately, currently it is a revolving door in terms of the number of people with this skill set coming in but leaving again quickly.

**Chairman:** I thank Mr. Keane. I am not sure if Mr. Quigley had completed his contribution, but perhaps if his technical issues have been resolved he would like to come in again?

**Mr. Damien Quigley:** I thank the Chairman. I was wrapping up on the medical assistance scheme. We engaged with the Department in regard to supporting us with the development of the scheme. I am hopeful it will support and assist us in its development. We would like to be in a position to roll out the scheme to family members. It would be a small token of appreciation for them. We believe the medical assistance scheme, in providing access to medical care, will help with the issue of retention. In effect, it is a retention measure to have this scheme in place. Access for families would be very beneficial in regard to retention.

**Chairman:** I thank Mr. Quigley. I return to Mr. Guinan to deal with the outstanding issues as raised by Senator Craughwell and to make some closing remarks.

**Mr. Gerard Guinan:** On the vacancies and abatement as raised by Senator Craughwell, when PDFORRA engaged with the Department last year on the re-enlistment scheme it advocated that returning veterans should be allowed to retain their pension as opposed to it being abated. Ordnance-based workshops in the Curragh are largely populated by civilian employees. Many veterans are specialists such as armourers and artificers. They leave the Defence Forces with a pension. We need their experience and skill set in ordnance-based workshops. If we could re-employ these people and not abate their pensions, it would definitely help the organisation in terms of front-line maintenance for weapons.

On passports, Senator Craughwell is right that we ask these young men and women who are not citizens in this country to travel overseas, wearing the Tricolour on their shoulders. They do not go to nice places; the places are always rough, such as Mali, Syria and Lebanon. These people put themselves in danger for this State. They should be fast-tracked for citizenship and they should not be asked to pay for it. The Senator has raised this issue previously, including with me about a year ago. In fairness to him, he has been fully behind us on the issue. It needs to be done.

On the pandemic and the issue of the Medical Corps, it has done Trojan work over the past year. Medical Corps personnel have swabbed and vaccinated people and they have worked on the front line with the Dublin ambulance service and ambulance crews across the country. To provide a front-line service, the Medical Corps needs more training and additional resources. Deputy Berry is resolved to improve the lot of our medics. He knows the work they do. It is extremely difficult and they have performed to the highest standards that could be expected of them. We would like to see a resumption of normal training with personnel being able to attend



courses and being given a little downtime. An enormous burden was placed on the shoulders of a number of people within the Medical Corps. I pay tribute to the director of the Medical Corps and the doctors that our Defence Forces have been able to make that contribution. Deputy Berry will, I know, row in behind in that regard. It is important that these people be looked after into the future and that they be provided with adequate training. They are the people on whom others will depend when out on the field and they suffer a traumatic injury. In that situation, treatment will be provided not by a doctor, but an embedded medic or paramedic and we need to ensure that such people are skilled. I welcome Deputy Berry's views in that regard.

I think I have covered all of the issues raised.

**Chairman:** I thank Mr. Guinan.

**Mr. Gerard Guinan:** I thank the Chairman. His door has been always open to PDFORRA in terms of representations on the Defence Forces. He listens attentively and he has always responded to us. I would like to put on record my appreciation in that regard.

This is the last opportunity PDFORRA may have to speak publicly about the Chief of Staff as he is due to retire later this year. I want to acknowledge the work he has done over the past year. When personnel were overseas at the start of the pandemic, he was instrumental in getting them home. He was also instrumental in the provision of vaccines to front-line workers. He has taken many calls from me over the last year and he has worked hard to try to have the matters I raised resolved. PDFORRA would like to take this opportunity to wish him well in his retirement as it falls due.

**Chairman:** On behalf of the joint committee-----

**Senator Gerard P. Craughwell:** The issue of a seconded position in regard to the medical assistance scheme was mentioned. Does Mr. Guinan foresee a need in that regard as the medical assistance scheme grows?

**Mr. Gerard Guinan:** Yes. As an organisation, PDFORRA has invested €150,000 in the scheme. The executive took a really brave decision to invest member funds in this scheme to effectively help ourselves. Mr. Quigley has done Trojan work on it over the past year. Throughout the pandemic we have continued to send people up North to have operations. Mr. Quigley has steered this scheme through. It is beneficial to the Exchequer and it provides extreme value for money. We take the shortfall on it, but we get the operations subsidised in the North. We return people to duty faster than they otherwise would return through the public system. The skill sets that those people have are retained in the service. Mr. Quigley really has changed the lives of people, for example, who are suffering from cancer or back injuries. I can recall people contacting the association to express their thanks. Some of them reported that they had been suffering with back pain for a number of years, had undergone surgery and were subsequently pain free. The value of that to the individual cannot be quantified. As an organisation, we want to expand that service for our own members to put them through the system faster and to extend it to family members and possibly veterans in the future.

There is an enormous amount of work that goes along with that. We can only provide value to the Exchequer in circumstances where we have a degree of support. That is badly needed.

**Chairman:** I see that Senator Joe O'Reilly has just joined us from the Seanad, where he was voting and chairing. I will give him the floor. I also note that Deputy Berry has indicated that he wishes to ask a final question and make an observation.

**Senator Joe O'Reilly:** I thank the Chairman for the opportunity to contribute. I apologise that through my role in the Seanad I could not be here earlier. I wish to welcome our guests. I come from a county where we have a huge appreciation and regard for our Defence Forces in that many of the personnel live in Cavan town and Cootehill in County Cavan. The personnel are very highly regarded in our community. For that reason, I appreciate the opportunity to contribute briefly.

I salute the work that was done by the Defence Forces during the pandemic and all the peacekeeping work that they have done. The forces recently helped to respond to the cyber attacks. We very much admire and need the Defence Forces and the work they do. It should be respected. It is regrettable that they have to win so many of their awards through the courts and through appeals made to other bodies. That is very sad, given how central the forces are to our lives.

I note that it has been said that there was no consultation on the proposed establishment of a pay review body. That should be addressed. How do the witnesses propose that we might address that?

I am also interested in the point made that members of the forces do not pass pickets. Personally, I can see no reason why members would not be linked to ICTU. On the question of passing pickets, witnesses said that all lawful orders would trump that. I presume that a lawful order would be to pass a picket in a certain instance. The question of members being punished by IPTU is an interesting one. Perhaps the witnesses might explain why they would not be afraid of that. I would have thought that that is a more persuasive argument than the first one. I would like a response on that.

The fact that there are 600 vacancies at corporal level is a very serious issue. That needs to be addressed. I hope that the commission on the future of the Defence Forces will address that.

Fundamentally, I thank the Chair for the opportunity. I am conscious that I have come in late and much of the ground has been covered. However, as a person who lives and works among the members and personnel of the Defence Forces in County Cavan, I wish to express my support for the very reasonable case that is being made.

**Deputy Cathal Berry:** My first question is for Mr. Guinan. I thank him for updating the committee on the announcement made in the last 24 hours on the technical pay situation. I presume that the committee will probably write to the Minister following this meeting. Would it be a fair to assert that we would appreciate early clarity and swift implementation of what was announced yesterday? Would that be a reasonable request?

I thank Mr. Keane for updating us on the Naval Service. We are a very solutions-focused committee. If the sea-going service commitment scheme was opened up to all members of the Naval Service, which I think it should be, that would assist with retention. My follow-up question for Mr. Keane concerns the sea-going naval personnel tax credit to the value of €1,500 per year, which is very small in comparison with the seafarer's tax credit, which is four times larger. We are a solutions-focused group. If that tax credit was to be increased in the budget in October from €1,500 in an incremental way towards the €6,000 odd value of the seafarer's tax credit, would that assist with retention?

Third, I wish to echo Mr. Guinan's comments on the excellent work of the Army Medical Corps, particularly over the last 15 months. I am aware that many of the paramedics, advanced

paramedics and even the emergency medical technicians in the Defence Forces have left as a result of complete exhaustion, burnout and a lack of remuneration. Does Mr. Guinan have any thoughts on how to stem that haemorrhage of medical staff from the Defence Forces? I would appreciate his comments.

Finally, in respect of adjudications, I direct my remarks to Mr. Guinan. There have been a number of adjudications recently in respect of the Army Ranger Wing, ARW, for chefs and account holders. I find it unusual that the PDFORRA goes through the process of conciliation and arbitration, gets to the final step, an adjudicator issues a very reasonable finding, it is not implemented and the association has to resort to taking court action. That results in massive legal costs, both for the association and the Department of Defence.

Those are my four questions. First, do the witnesses think that in writing to the Minister, a request for early clarity and swift implementation of yesterday's technical pay announcement would make a difference? I direct my question on tax credits for Naval Service members to Mr. Keane. I also wish to echo the comments made by Mr. Guinan on the Medical Corps and seek to establish if there is anything that we can do to stop the haemorrhage of highly-qualified medical staff. Finally, I ask him for his views on the adjudication system.

In case there is not time for me to make an additional contribution, I thank the witnesses for their excellent presentation.

**Chairman:** I invite Mr. Keane to respond to Deputy Berry's question on the Naval Service, then I will revert to Mr. Guinan to answer the questions posed by Deputy Berry and Senator O'Reilly and make some concluding remarks.

**Mr. Mark Keane:** I was very welcoming of the tax credit when it was announced by the then Minister of State, Deputy Kehoe, and PDFORRA. If I can use the analogy, it is available at the point of purchase. The people are out there doing their sea time and taking the hardship of being at sea. An increase in the tax credit would be most welcome. It could be introduced very easily through revenue and it would be available at the point of access for the person using the system. It would be welcome.

**Mr. Gerard Guinan:** On Deputy Berry's question on the committee writing to the Minister and the technical pay review, we would welcome that. Obviously, a bit of teasing out will be needed between the Defence Forces and the Department, but it needs to be implemented as soon as possible.

In response to Senator O'Reilly on the issue of the pay review body, to clarify, we have written to the commission on the future of the Defence Forces. The proposed pay review body has not been established. PDFORRA does not believe that a pay review body is appropriate. We do not want a pay review body. We are committed to ICTU and the collective bargaining process in respect of our members' pay. I cannot make that point strongly enough. We believe that a pay review body will do long-term damage to the organisation.

In respect of orders, all orders are lawful unless they are unlawful orders. I know that is a circular statement. For example, it is not lawful to order a person to kill somebody if they are not posing a threat. We work on the premise that all orders are lawful unless they are deemed to be unlawful.

On the question of why we believe that ICTU will not punish us, it is because of the solidarity within ICTU. As an association, if we were punished, we would come out and say that was

the case. However, as things currently stand, we are getting bare deals anyway. We cannot do any worse. I am not going to compare the situation to a Monty Python sketch but I am sure that the members will know to which sketch I am alluding. We cannot be treated any worse than we are currently being treated. That is the situation. We believe that we will be better served by affiliation to ICTU.

On the issue of ARW adjudications, Deputy Berry is right. As a former member of the unit, he knows how hard these guys work. They work extremely long hours in dangerous conditions. It is regrettable that we had to take their claim to the International Labour Organization earlier in the year. We have two cases, for the chefs and the account holders allowance, with the courts. We mentioned this to the Minister yesterday. He said he is committed to increasing the size of the Army Ranger Wing and I believe him. He says he wants to work with it. To increase the size, the Government needs to make that commitment and uphold promises to these people. A peer review was mooted a number of years ago and it needs to be honoured. These people need to be paid appropriately and given the proper allowances. I believe the Minister wants to increase the size and favours them.

I think that is it. I have tried to be as concise as possible in the answers and I hope I have not left anybody out. I thank the committee for the work it does and the oversight it provides in holding Government to task on defence issues.

PDFORRA is extremely proud of the contribution its members have made over that past year. They have done Trojan work, including contract tracing, swabbing, vaccination, putting up tents with the engineers and working different plans. The Naval Service has deployed ships to act as swabbing centres. The Air Corps has worked on the emergency air ambulance service. All our members have put the shoulder to the wheel with reduced numbers. We need as a nation to be serious about defence. These people are the last line and have proven their worth time and again and definitely this year.

I ask the committee to make every representation it can for these people. They deserve it. I thank the committee for its hard work.

**Chairman:** I thank Mr. Guinan. That is a good note on which to end when he asked us to continue to use our influence in Parliament and across Government. I will bear that in mind.

On behalf of the joint committee, I express our appreciation for the tremendous work our Defence Forces have engaged in over the last 15 months in the matter of Covid-19. They have contributed hugely to the national effort by tracing, vaccination and overall logistics. Their expertise and professionalism was very much appreciated. We wish them continued success and endeavour in that regard.

I thank Mr. Keane and Mr. Guinan. I thank Mr. Quigley for the great work he is doing on the medical defence side. We send condolences and sympathy to Mr. Martin Bright on his bereavement. We acknowledge the comprehensive statement we received from Mr. Guinan on behalf of PDFORRA. That will form the basis of our further consideration of the many issues raised. I thank the witnesses for dealing in the manner they did with members' questions.

I ask members to remain briefly. I thank our guests. No doubt we will have a further opportunity for engagement as the parliamentary year progresses.

### **Situation in Belarus: Motion**

**Chairman:** It is not intended that we have a meeting later this week so, prior to this meeting, the clerk circulated the wording of a motion and some briefing received from the Department of Foreign Affairs on the situation in Belarus.

I move that the Joint Committee on Foreign Affairs and Defence:

— condemns unequivocally the unlawful act by the Belarusian authorities of the interception of a Ryanair flight between Greece and Lithuania on Sunday 23rd

May, 2021;

— acknowledges the set of sanctions proposed by the Council of the European Union (EU) in response to this unlawful act;

— urges the European Council and European Commission to continue to monitor the situation in Belarus;

— calls for the unconditional release of Raman Pratasevich and Sofia Sapega and for guarantees for their freedom of movement to be provided; and

— calls on the Minister for Foreign Affairs to ensure that the matter is raised at the earliest opportunity at the United Nations Security Council and at the EU Foreign Affairs Council.

I ask for agreement on the motion. I regret we did not have more time but I see an element of urgency here. I would like the motion to go from here to the Dáil Order Paper and for the committee to make this statement.

Are there any comments on the motion? I do not see anybody offering. I take it that has received the approval of the committee. I thank members for accepting the text, as drafted, because of the urgency.

Question put and agreed to.

The joint committee went into private session at 2.17 p.m. and adjourned at 2.23 p.m. until 12.30 p.m. on Tuesday, 1 June 2021.