

**Comments of the AHCPS on
the Proposed Reform of the State's Employment Rights and
Industrial Relations Structures and Procedures**

- The Association of Higher Civil and Public Servants represents members in the Labour Court, Labour Relations Commission, NERA, Equality Tribunal and Department of Jobs, Enterprise and Innovation. The AHCPS welcomes the proposed reform and see it as an opportunity to provide a more effective and efficient service to its users.
- The Association wishes to be fully involved in the negotiations concerning transfer/appointment of staff to the new structures in accordance with the arrangements for engagement set out in the Public Service Agreement 2010 – 2014. Regard, in the context of any new structure, should be had for the fact that a number of the staff working in some of the Employment Rights Bodies are currently working in decentralised locations.
- The Association favours the concept of an employment Rights vindication infrastructure based on the concept of a single point of 'first instance' referral and a single point of appeal for all Employment Rights cases. The Association believes that its members currently carrying out this work in various bodies are ideally equipped to discharge those proposed functions.
- The Association submits that there should be no requirement that adjudicators in any new structure are members of the legal profession. In terms of adjudication at first instance in the employment rights arena the Equality Tribunal, for example, has served the employment rights' dispute machinery well over the past thirty years without a requirement for legal qualification on the part of 'adjudicators'. The model is well established and has stood the test of scrutiny in the Superior Courts in the case of Equality Officers for example. Their Decisions are robust, well founded in law and have the lowest rate of appeal – and when appealed are set aside or amended very infrequently.
- The Association notes that the Equality Tribunal, which is currently under the aegis of the Department of Justice and Equality, is the only employment body referred to by the Minister which is outside the Department of Jobs, Enterprise and Innovation. The Association therefore sees benefit to an early transfer of the Tribunal, with its functions and staff, to the Department of Jobs, Enterprise and Innovation.
- The Association notes the Minister's comments that one of the key objectives of the reform proposals is early intervention to resolve disputes through alternative means – thus minimising the number of cases that present for resolution at formal hearings. The Association supports the view that Conciliation / Mediation has a key contribution to make to the resolution of Employment Rights Disputes. The Association represents the management and senior staff of the Labour Relations Commission's Conciliation, Advisory and Workplace Mediation Services as well as the Equality Tribunal and takes the view that these members, who manage and deliver Conciliation and Mediation Services in employment disputes, should be seen as the key repository of expertise in the development of any structure which relies on Conciliation / Mediation as a means of resolving such disputes.
- In summary, the Association welcomes the proposed thrust of the reform process and feels that its members in the bodies concerned have the necessary skills and experience which would be invaluable to any new body conceived as part of the proposed reform and would be an immediate and real asset to that body in the discharge of any of its functions.

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