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Subject: FW: Consultation submission " reform of the states employment rights and industrial relations Structures and procedures "

Submission by Patrick Byrne

This consultation document is, I believe, flawed from the outset and it does not advocate or engage the service users / the individuals/ customers who have had the experiences of going through the processes of disputes / grievances at a local level / labour commissioners / labour courts

Citing official governmental reports as far back as 2006 therefore does not given a true or clear picture of the current circumstances.

The New Ireland of recession has brought about new experiences, and new set of problems, with outsourcing and the use of casual labour a cause of concern to those people who are lucky enough to still have a job.

It is therefore my opinion that an employee public awareness campaign be launched to seek the comments observation, views and suggested solutions of those who have had cause to use any of the mechanisms currently under review.

The targeting of customers of the services offered by the state apparatus of labour commissioners, labour courts, the trade unions , and other professional needs to be fully investigated in understanding the complex manner of the

sequences of events in regards to grievances/ dispute procedures. This could be easily achieved by utilising smart research methods

The results would reveal the main source of problems with all the processes, the type of formats involved, the nature of the format, the timelines, the customer satisfaction ratings et al, with all the major players including the representations from Trade unions and professional assistance been assest and scrutinise to the level of service offered.

This type of research would be invaluable in pinpointing the main areas of disputes/ grievances. It would also highlight the organisations that are unable to resolve issues at a local level and are continually been referred to the labour commissioners / labour court

This is extremely important; it would highlight which State organisations/employers, and more importantly individual components are continually unable to resolve local disputes or grievances.

I would advocate the intervention of the labour inspectorate in cases where employers are seen to be unable to provide the necessary skills set to resolve disputes and grievances,

The continual disputes that arise after the ruling of labour commissioners and labour court is also of great concern; it can take considerable time to have the decision of these bodies implemented and more often than not , both parties can end up back in the labour court.

This is an unacceptable situation to the customer; surely a ruling on issues has to have an element of legal authority and has to be binding.

The ad hoc interpretation of State employers in regards to the current moratorium is of the greatest concern, with conflicting interpretations coming from different state bodies in regards to recruitment .

Problems also exist within local negotiations with the current ideological position of trade unions and management/ human resources, continually adapting a trade off position with regard to individual grievances /disputes.

The multiplicity of issues such as the type of backroom dealing at a local level referred to in the previous paragraph, brings the whole process into disarray and places the customer outside the processes to the level of a mere pawn

The evidence of such can be verifiable from the involvement of a witness and a recording secretary from the outset

This stance also has left the customer outside the same processes that is supposed to protect them. The multiplicity of other issues, therefore leads serious time delays in the resolution process.

It can have a knock on effect of causing social well being and ill health to the same customer

I would therefore submit that any issue of grievances should always be placed as a single issue in any local negotiations, and the labour commission and labour court should an issue be referred to either.

An infringement of this stance ought to warrant a penalty to those parties involved by the engagement of labour inspectors, at an early point in the process and with the enforcement of new mandatory code of practice for all parties

There is also an anomaly, with unwillingness of State bodies to engage onsite with other professional assistance, i.e. solicitors, at a local level, whereas the same State body may utilise their own legal teams, thus leading to the discrimination of customers.

