



An Bille Caidrimh Thionscail (Leasú), 2018
Industrial Relations (Amendment) Bill 2018

Mar a tionscnaíodh

As initiated



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INDUSTRIAL RELATIONS (AMENDMENT) BILL 2018**

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ACTS REFERRED TO

Garda Síochána Act 2005 (No. 20)
Industrial Relations (Amendment) Act 2001 (No. 11)
Industrial Relations (Amendment) Act 2012 (No. 32)
Industrial Relations (Amendment) Act 2015 (No. 27)
Industrial Relations (Miscellaneous Provisions) Act 2004 (No. 4)
Industrial Relations Act 1946 (No. 26)
Industrial Relations Act 1976 (No. 15)
Industrial Relations Act 1990 (No. 19)
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**AN BILLE CAIDRIMH THIONSCAIL (LEASÚ), 2018
INDUSTRIAL RELATIONS (AMENDMENT) BILL 2018**

Bill

entitled

An Act to amend the Industrial Relations Act 1990 in order to provide for the application of certain provisions of the Industrial Relations Acts 1946 to 2015 to certain members of the Garda Síochána; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Act of 1990” means the Industrial Relations Act 1990. 10

Amendment of section 3 of Act of 1990

2. Section 3 of the Act of 1990 is amended, in subsection (1), by the insertion of the following definitions:

“ ‘Act of 2005’ means the Garda Síochána Act 2005;

‘Garda Commissioner’ has the same meaning as it has in the Act of 2005; 15

‘Garda Síochána’ means the police service referred to in section 6 of the Act of 2005;

‘member’, in relation to the Garda Síochána, has the same meaning as it has in the Act of 2005, but does not include—

(a) the Garda Commissioner, or

(b) a reserve member within the meaning of the Act of 2005;” 20

Amendment of section 23 of Act of 1990

3. Section 23 of the Act of 1990 is amended—

(a) in subsection (1), by the insertion of “a member of the Garda Síochána referred to in subsection (1A) and” after “means”, and

(b) by the insertion of the following subsections after subsection (1): 25

“(1A) For the purposes of subsection (1) and subject to subsections (1B), (1C) and (1D), the Industrial Relations Acts 1946 to 2018 and this Part shall apply to a member of the Garda Síochána.

- (1B) Subject to subsections (1C) and (1D), for the purposes of subsections (1) and (1A), references to all or any of the following, in relation to a member of the Garda Síochána, shall be construed as follows:
- (a) a reference to an employer shall be read as a reference to the Garda Commissioner; 5
 - (b) a reference to a—
 - (i) contract of employment,
 - (ii) contract with an employer,
 - (iii) employment contract, or
 - (iv) any similar term, 10
 shall be read as a reference to any enactment, Garda code, instrument, decision, circular, instruction, any other document or any combination thereof that provides for or specifies the terms and conditions on which that member of the Garda Síochána serves;
 - (c) a reference to a trade union shall be read as a reference to an association established under and in accordance with section 18 of the Act of 2005; 15
 - (d) a reference to an employer organisation, a trade union of employers or an employer association shall be read as a reference to the Garda Commissioner; 20
 - (e) without prejudice to section 3 of the Industrial Relations Act 1946, a reference to a trade dispute shall be read as a reference to any dispute or difference between members of the Garda Síochána and the Garda Commissioner that is connected with the appointment or non-appointment of any such member, or with the terms and conditions on which such members serve, and includes any such dispute or difference between retired members and the Garda Commissioner. 25
- (1C) (a) Nothing in subsections (1), (1A) or (1B) shall affect the operation of section 18(3) of the Act of 2005. 30
- (b) Nothing in subsections (1), (1A) or (1B) shall operate to apply the Trade Union Acts 1871 to 1990 to the Garda Síochána and those subsections shall not apply to the interpretation of any terms used in those Acts.
- (1D) The enactments specified in column (3) of the Sixth Schedule shall not apply to a worker who is a member of the Garda Síochána to the extent specified in column (4) of that Schedule.”. 35

Enactments to which section 23(1A) and 23(1B) of Act of 1990 shall not apply to members of the Garda Síochána

4. (1) The Act of 1990 is amended by the insertion of the following Schedule after the Fifth Schedule: 40

“SIXTH SCHEDULE

SECTION 23(1D)

ENACTMENTS TO WHICH SECTIONS 23(1A) AND 23(1B) SHALL NOT APPLY TO MEMBERS OF THE
GARDA SÍOCHÁNA

Reference (1)	Number and Year (2)	Short Title (3)	Extent of Disapplication (4)	
1.	No. 26 of 1946	Industrial Relations Act 1946	Section 33A, Part IV and Part V	5
2.	No. 15 of 1976	Industrial Relations Act 1976	The whole Act	10
3.	No. 19 of 1990	Industrial Relations Act 1990	Sections 44, 45, 46, 47, 49, the Third Schedule and the Fifth Schedule	15
4.	No. 11 of 2001	Industrial Relations (Amendment) Act 2001	The whole Act	20
5.	No. 4 of 2004	Industrial Relations (Miscellaneous Provisions) Act 2004	The whole Act	
6.	No. 32 of 2012	Industrial Relations (Amendment) Act 2012	The whole Act	25
7.	No. 27 of 2015	Industrial Relations (Amendment) Act 2015	The whole Act	

Short title, collective citation and commencement

5. (1) This Act may be cited as the Industrial Relations (Amendment) Act 2018. 30
- (2) The Industrial Relations Acts 1946 to 2015 and this Act may be cited together as the Industrial Relations Acts 1946 to 2018.
- (3) This Act shall come into operation on such day or days as the Minister for Business, Enterprise and Innovation may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so 35
appointed for different purposes or different provisions.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta Caidrimh Thionscail, 1990 d'fhonn socrú a dhéanamh go mbeidh feidhm ag forálacha áirithe de na hAchtanna Caidrimh Thionscail, 1946 go 2015 maidir le comhaltaí áirithe den Gharda Síochána; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Gnó, Fiontar agus Nuálaíochta a thíolaic,

18 Iúil, 2018

BILL

(as initiated)

entitled

An Act to amend the Industrial Relations Act 1990 in order to provide for the application of certain provisions of the Industrial Relations Acts 1946 to 2015 to certain members of the Garda Síochána; and to provide for related matters.

Presented by the Minister for Business, Enterprise and Innovation,

18th July, 2018

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