

Submission to the business Regulation Forum

I wish to put forward the following for your consideration:

1. The degree of vagueness in communications to citizens from Government Departments is increasing considerably. For example, last March I posed a very specific question in writing to the Dept of Communications on its public consultation re postal regulations but I have had to repeat the question twice in writing because of the vagueness of the answers I received and which simply did not provide the straight-forward information requested. Towards the end of May I am still awaiting the specific information I sought. This practice is in sharp contrast to the promises and commitments given in the *Principles of Customer Service* published by the Government in the State Directory, and in *Regulating Better*.
2. This practice of vagueness! withholding of information is continued in responses to requests under the Freedom of Information Act where there is a growing tendency to refuse the release of information on the basis of the interpretation of the huge range of exclusions now permitted under the Acts. This together with the burden of the fee of €70 for appeals has reduced the original intended effectiveness of the Act from the perspective of businesses and citizens. For example, under Section 20 of the Act, refusal on the basis of the “deliberative process” in the case of parliamentary issues is a joke in the context of openness and transparency in a modern society that proclaims democratic principles.

From a regulatory perspective there is a need to ensure democratic control to the greatest extent possible over the increasing regulation by public bodies of the affairs of businesses and ordinary citizens. There is also the need for the accountability of administrators and the scrutiny of decision making processes, plus the need for the public to be better informed and more competent to comment on public affairs in order to make a valuable contribution to the public debate or consultation on an issue.

3. Protection of Employees (Part-Time Work) Act 2001: there is a category of workers who are quite happy to work for irregular periods throughout the year, e.g. seasonal, or during peak periods in some types of employment. These people make themselves available to an employer when he needs extra resources, e.g. for a number of weeks at a time with the number depending on the amount of work available.

It is unclear if they are covered by the above Act because “temporary” employees are not specifically mentioned in the Act. If they are covered, it would be extremely difficult to manage sick pay or pension contributions for them because of the irregular nature of their actual employment, and the possibility that they could work for a second or third employer when not employed by the first

employer. From the first employer's perspective, when would sick leave pay entitlement begin and when would it end?

There is a lack of clarity in the Act, and the Dept of ETE is unable to give any clarification on above other than to quote the Act which is not self-explanatory. Suggesting that a definitive answer can only be found by referring a case to a Rights Commissioner is a crazy method to impose legislation that is not self-explanatory or transparent in itself

I submit that the Forum may need to develop its public consultation process further in the light of the responses to its initial invitation and the vastness of the issues involved. In any event, the achievement of the objectives of the Forum will be limited if Government does not ensure the resources for the timely implementation of the recommendations that will emerge.

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