

# Civil Service Conciliation and Arbitration Scheme

## General Council Report 1433

(Meeting/s of 29 October 2003)

### Code of Practice on industrial disputes.

1 Sections 19.12 and 19.13 of Sustaining Progress require that the Official Side and the Staff Side agree a voluntary code of practice on dispute procedures for the civil service. Following discussions between the parties, agreement was reached on the code of practice attached as an appendix to this report.

2 The Staff Side said that if codes subsequently agreed in other areas of the public service were materially different to the civil service code, they would wish to re-open discussions on relevant aspects of the civil service code

3 Paragraph 29 of the Code of Practice prepared by the Labour Relations Commission under Section 42 of the Industrial Relations Act, 1990 (S.I 1/1992) requires that discussions should take place between the parties concerned with a view to developing procedures which would be in accordance with the principles included in the Code to the extent that such procedures do not already exist. It is recognised that some issues of an individual and collective nature which might be capable of giving rise to industrial disputes are not covered by either the Conciliation and Arbitration Scheme or the Grievance and Disciplinary Code.

4 In this connection Section 22.7 of Sustaining Progress provides that the scope of the existing Grievance Procedure including the issues that can be referred to a third party will be reviewed by the parties to the Agreement

5 In the context of this provision of Sustaining Progress and the adoption of the code of practice, the parties are agreed that they will enter discussions with a view to developing procedures which are acceptable to both sides. If agreement cannot be reached between the parties, there will be further discussions with the aim of identifying an appropriate manner of resolving the area(s) of disagreement.

6 At a meeting on 29 October 2003, the Council agreed to recommend the code of practice for the civil service for acceptance.

7 This report accordingly records such agreement.

8 The report was adopted at the meeting on 29 October 2003.

## Appendix

### Code of Practice on Dispute Procedures for the Civil Service

1. Both sides are committed to

(i) the effective functioning of the dispute resolution procedures which currently apply in the Civil Service i.e. the Conciliation and Arbitration Scheme and the Grievance Procedure and Disciplinary Code (copies attached), and

(ii) promoting industrial harmony and to using these procedures, and this Code of Practice, to resolve issues in a co-operative and peaceful manner.

2. It shall be open to either side to seek a review of the existing dispute resolution procedures with the object of improving the practical working of the procedures but the existing procedures will continue to apply until agreement is reached on revised procedures.

3. During the period in which the procedures are being followed no strikes, lock-outs or other action designed to bring pressure to bear on either side should take place. As provided for in paragraph 89(1) of the Conciliation and Arbitration Scheme a "union or staff association, recognised for the purposes of the Scheme, shall not threaten, sponsor, support or resort to strike, industrial action, including work to rule or other restrictive practices, or public agitation as a means of furthering claims which are appropriate to be dealt with through the Scheme where all provisions of the Scheme have not been exhausted".

4. A ballot for industrial action should not be conducted in advance of all stages of the procedures of the Scheme, Grievance Procedure or Disciplinary Code having been exhausted where these procedures are being operated in good faith.

5. Where notice of a strike or any other form of industrial action is being served on an employer, a minimum of 7 days notice should apply.

6. Contingency plans and other arrangements to deal with any emergency

which may arise during an industrial dispute will be agreed at Departmental level between the parties in advance of a dispute.

The agreed contingencies and arrangements will, in particular, provide for a minimum level of service designed to ensure:

- (a) the maintenance of essential public services the disruption of which could endanger life or health, or cause serious damage to the national economy or widespread hardship to the community or large sections of the community;
- (b) the provision of urgent medical services and supplies;
- (c) the provision of emergency services required on humanitarian grounds; and
- (d) all matters concerning health, safety and security.

7. These plans and contingency arrangements when agreed will be subject to review thereafter at the request of either side. In the event of the parties encountering problems in agreeing the necessary arrangement the matter should be referred to the Facilitator/Arbitration Board or such other machinery as may be agreed between the parties as appropriate in good time to allow the arrangements to be put in place by the required date.

8. Paragraphs 6 and 7 refer to "emergency" and "essential public services". Paragraph 89(2) of the Conciliation and Arbitration Scheme provides that where "the taking of industrial action or other similar measures would have serious and adverse consequences for the community or for sections of the community, the staff side and the official side shall, prior to the commencement of any such action, make arrangements to ensure minimum cover or service"

Agreed report, recording agreement.

This report was adopted on 29 October 2003