

THE LABOUR COURT
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CD/17/334

RECOMMENDATION NO. LCR21605

INDUSTRIAL RELATIONS ACTS 1946 TO 2015
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

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- AND -

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SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL UNION
TECHNICAL, ENGINEERING AND ELECTRICAL UNION
UNITE THE UNION
TRANSPORT SALARIED STAFFS' ASSOCIATION

DIVISION :

Chairman : Mr Foley
Employer Member : Ms Doyle
Worker Member : Ms Tanham

SUBJECT:

1. Pay Claim

BACKGROUND:

2. This dispute could not be resolved at local level and was the subject of a conciliation conference under the auspices of the Workplace Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on 8 November 2017 in

accordance with Section 26(1) of the Industrial Relations Act 1990. A Labour Court hearing took place on 9 November 2017.

RECOMMENDATION :

The Court has given very careful consideration to the written and oral submissions of the parties.

The matter before the Court has been the subject of intensive engagement between the parties, most latterly with the assistance of the Workplace Relations Commission. The matter has been the subject of industrial action, more of which is planned. In all of those circumstances the Court has heard the detailed positions of the parties and has framed the Recommendation below with a view to affording the parties a reasonable means of achieving resolution of their dispute.

The Court notes the history of pay movement in the company over the last ten years and notes also the challenges faced by the company at this time.

The Court is convinced that an agreement which addresses the current dispute must deal fairly with the claim of the Trade Unions but in a manner which takes reasonable account of the situation of the company and the need to achieve change which supports the company's ability to accommodate the increased wage costs arising while remaining operationally sustainable.

Taking all matters into account therefore the Court makes the following recommendation:

Pay

- **That the parties enter a three-year agreement commencing on 1st December 2017. That agreement should provide for increases as follows:**

2.5% with effect from 1st December 2017

2.5% with effect from 1st December 2018

2.5% with effect from 1st December 2019.

Agreement to expire on 30th November 2020.

- **That, recognising the efforts of staff over the last ten years, the company should make a 'once off' goodwill gesture in the form of a voucher to the value of €500 to be paid in December 2017.**
- **That no future cost increasing claims will be made by the Trade Unions during the lifetime of this agreement and that the Company will not, outside of the engagements set out in this recommendation, propose any measures that will change employees' terms and conditions of employment except through the medium of productivity discussions.**

Industrial peace

That no industrial action will be initiated for the lifetime of this agreement on any matter arising from this agreement, referred to in this agreement or related to this agreement.

Initiatives / Principles

That the parties agree in principle, subject to engagement to finalise detail of implementation and operation over a three-month period concluding on 28th February 2018, to

- **A performance management scheme**
- **A strengthened absenteeism policy to support individuals to achieve maximum attendance**
- **Introduction of a vehicle management system on the road fleet.**
- **Acceptance of new technology e.g. GSMR, Mobility project etc.**
- **Full compliance with the Railway Safety Act, 2005 with regard to medical assessments in the context of implementation of LRC21213.**

Future engagement as part of this agreement

That the parties will engage meaningfully in relation to the following range of issues, with the assistance of the Workplace Relations Commission if necessary. That engagement to be finalised by 30th April 2018. Any outstanding matters at that stage to be referred back to the Labour Court:

- **Payroll reform**
- **Re-deployment of surplus staff**
- **Rostering (Grade by Grade)**
- **Organisational structure to apply to new entrants.**
- **Appropriate arrangements for booking on / off staff carrying work out work outside of their depots**
- **Reform of the allowance structure on the Permanent Way**
- **Re-structuring of clerical staff arising from payroll outsourcing.**
- **Review of station staff level**
- **Arrangements for relocation of staff to the National Control Centre**
- **New time and attendance arrangements (Grade by Grade)**
- **Creation of combined maintenance teams (SET and Per Way)**

The Court notes that the Company has raised the following issues. The Court makes no recommendation in respect of these matters but notes that the parties have long established procedures for engagement and dispute resolution should they choose to utilise them.

- **Contract hours for new entrants**
- **Core work practices in engineering**
- **Rostering flexibility across the work period**
- **Practice in relation to location of work**

Forum

The Court notes the range of issues deriving from the evolving nature of public transport and which have become factors relevant to the challenge facing this company. Against that background the Court can, as it has previously, endorse the proposition submitted to it at its hearing, that a forum made up of all relevant public transport stakeholders has the potential to bring a clarity to issues affecting this company and public transport generally. Such clarity can support effective planning which takes account of all factors which have the potential to impinge on a stable industrial relations climate in this company and the sector generally.

Signed on behalf of the Labour Court

Kevin Foley

Chairman

10 November, 2017

CC

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Ceola Cronin, Court Secretary.