

Under the Public Service Agreement 2010 – 2014, the Parties have agreed to seek to resolve disagreements where they arise promptly. Where the Parties involved cannot reach agreement in discussions on any matter under the terms of the Agreement within 6 weeks, the matter will be referred to the relevant industrial relations machinery.

The 6 week period for discussion commences when management first formally discusses its proposals with staff representatives. In this regard, in terms of the behaviour of the parties during the 6-week period, the Body also noted a recent recommendation by the Labour Court (LCR19988) in a dispute handled under the terms of the Public Service Agreement, in which it was stated that both parties must conduct the consultative process in good faith. The Court also noted that “On the one hand the obligation to consult does not provide the parties to be consulted with a right of veto nor with a means of delaying the implementation of change. Neither can the party undertaking the consultation render it nugatory by turning it into an empty process of formal compliance with procedure.”