

Some FEMPI provisions “still valid and needed” – Minister

MARTIN FRAWLEY

The Minister for Public Expenditure & Reform, Michael McGrath, has said that while some provisions in the FEMPI Acts will now become defunct, “other provisions are still valid and needed”.

Addressing the Oireachtas Committee on Finance, Public Expenditure and Reform and Taoiseach on the Public Service Pay Bill, 2020, the Minister said these provisions relate “to a legal basis for the benefits of the public service agreement up to 2020, a legal basis for pay restoration to continue to July 1, 2022 and several definitions in the FEMPI Acts relating to public servants, public bodies and so on”.

“The Act lays out what needs to be done in 2021 and 2022. They are issues on which I have been engaging with the Attorney General in regard to legal advice and so on”, said Minister McGrath.

Overall, the Minister said the Bill is a “key enabler” for the public service pay agreement – Building Momentum – and allows for the introduction of a range of reforms.

The Minister also said that the Bill allows for the implementation of aspects of the Sláintecare reforms in the health service, particularly by allowing for increased pay for medical consultants who opt for the Sláintecare or public-only contracts.

Mr McGrath explained that the FEMPI (No. 2) Act of 2009 provides that no change can be made in the pay of a public servant without legislative amendment, a court order or a determination that there is a legal entitlement to a pay increase.

“While it is possible to set a pay rate for a new grade or post, it is not possible to change the pay of an existing public servant in post. This Bill, therefore, provides for amendment of those restrictions on increases to public service pay introduced by the Financial Emergency Measures in the Public Interest (No. 2) Act 2009”, he said.