

# Air traffic control issues for disputes body, Minister issues assurances

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**A set of disputed industrial relations and employment issues, involving air traffic controllers at the newly created semi-state, AirNav, may be on a track toward resolution, following a letter by the Minister for Transport to the trade unions concerned.**

The letter from Minister Eamon Ryan to two trade unions, Fórsa and the higher civil servants' union, AHCPs, suggests that forthcoming meetings on a number of key items – such as resourcing and call-in arrangements for air traffic controllers, pension arrangements and pay restoration – could be resolved with the help of the company's internal disputes resolution board (the IDRb).

The air traffic controllers are members of Fórsa's ATC branch, employed at the newly-created semi-state company, AirNav, which, since May 1, incorporates the air navigation and air traffic management services functions of the Irish Aviation Authority (IAA).

*The Minister understands that the IDRb is “actively engaged” on key issues*

The unions had sought a delay in the May 1 vesting day, but the Minister didn't oblige them in that regard.

More broadly, a resolution of the various issues, some of which are long-standing and complex, would be important not just in terms of maintaining levels of service – and industrial peace – around air transport, but would also be a success for the type of industrial disputes resolution process that the IDRb represents.

## **“FULLY PROTECTED”**

In his April 27 letter (addressed to Derek Kelleher, Fórsa and Billy Thompson, AHCPs – representing the IAA Staff Panel Unions), Minister Eamon Ryan advises the two unions that in the context of the institutional changes provided for under the 2022 Act (which covers the separation of the IAA's regulatory functions), “the terms and conditions of employment of staff, including pension benefits, for current staff in the IAA are fully protected”.

Addressing concerns expressed by the unions last week around consultation, the Minister said he has been advised by the Irish Aviation Authority that it has “engaged extensively with

staff and their representatives in relation to separation through the normal internal joint consultation process as well as providing specific briefings on pension matters for staff”.

The Minister said that regarding specific industrial relations issues, he understands that the IDRB is now “actively engaged” on several important issues.

However, he stresses it wouldn’t be appropriate for himself, or his officials, to become involved in “or to seek to influence the outcome of internal industrial relations matters”.

## **THE IR ISSUES**

But Mr Ryan said he has been advised of the current status on the various IR issues. Below is a summary of the issues addressed in the letter:

**Resourcing/staffing:** The Minister says the IDRB has met with both management and the Fórsa ATC Branch representatives (April 13) to discuss issues resourcing etc. He said the IDRB remains engaged with both sides and that a request by the Board for the union to drop certain ‘red line’ issues has been agreed. Meanwhile, the next engagement with the IDRB is due on May 10.

(The trade union had highlighted “staff retention, an appropriate call-in scheme and necessary recruitment to ensure safe staffing levels and the ‘futureproofing’ of sustainable staffing”.)

**Pensions:** Minister Ryan said the company submitted a ‘Business Case’ to his department on March 10, seeking approval to implement the binding arbitration findings in “Kieran Mulvey’s Report of 15 February”. The approvals process, Mr Ryan explains, is “a necessary requirement for State bodies where changes to pension benefits or schemes are proposed”. This requires engagement between Transport and other Government Departments “which can take time”.

The Minister wanted to “assure [the unions] that that it is my intention that the arbitration findings will be implemented in full and my officials will continue to work towards a timely finalisation of the approvals process”. Furthermore, he says management in both AirNav Ireland and IAA “are keen to commence implementation of the Mulvey findings and will do so as soon as possible on receipt of approval”.

(This assurance on the binding arbitration issue, with regard to the Mulvey report, meets a key demand of the trade unions, IRN understands)

**Pay cut:** Regarding a 2021 (i.e. Covid-related) pay cut, the Minister says this issue “remains within an agreed process and will be the subject of a further engagement with the IDRB on 17 May.” (This is seen by the IDRB as a stand-alone issue).

**IR Agreement:** The Minister has also told the unions that there is a draft IR Agreement that includes a provision for outstanding IR issues to be identified and carried over after vesting day.

**Pension Trustees:** The Minister said the appointment of Pension Trustees – another demand by the unions - is a standard procedure which “will be prioritised” by management in AirNav and IAA “in consultation with the Chairman of the Pension Trustees”.

## **CALL-IN ISSUE**

The IDRB will now consider current staffing and training programs to assess whether there are enough ATCs in employment to ensure the operation isn't over-dependent on the existing call-in scheme. The nature of the scheme has been a crunch issue between the controllers and management for some time.

Efforts to harmonise call-in arrangements – different for pre-and post-2015 intake – have failed thus far. These efforts included direct talks between the company and the ATCs (without the trade union being present at the time).

Post 2015 ATCs are obliged to sign up – annually – for a specific number of call-ins, whereas the pre-2015 controllers can opt out of call-ins. This has put pressure on the rostered call-in ATCs.

Importantly, the IDRB wants the normal current agreements to proceed in the meantime, to ensure unhindered operations.

IRN understands that the IDRB will likely avail of a third party on this issue, while dealing itself with the matter of the pay cut – keeping both matters separate.

On pensions, IRN understands that there was a concern some government departments might be reluctant to accept that the Mulvey findings on the pension arrangements are binding. But the Minister's assurance on that front would seem to have resolved this issue.

The Minister's backing for the IR process devised by the parties themselves, will also have enhanced the authority of the IDRB in dealing with the industrial relations issues in this case.

## **HISTORY OF DISPUTES BODY**

The IDRB itself was established in 2016 as part of a five-year collective agreement between the IAA and the IMPACT (now Fórsa) trade union.

How that agreement and the establishment of the IDRB were negotiated, was explained in a detailed joint management-union presentation at the IRN 2016 conference, with presentations by IAA HR director, Brendan Mulligan, and the (since retired) IMPACT assistant general secretary, Johnny Fox. (See [IRN 14/2016](#))

IRN commented at the time that the new agreement “promises the medium-term prospect of peaceful industrial relations at this essential service”. Both parties were, in a sense, “forced together” by the recent crisis “as the company sought to cut staff costs and increase efficiency”.

In late 2021, a set of mediation findings on very similar issues to those that are currently being examined by the IDRb, raised the fundamental importance of adherence to binding decisions issued by the IDRb.

These 2021 mediation findings were issued by Kieran Mulvey, who commented that the non-implementation of a binding finding of the IDRb, “would strike at the heart of the industrial relations engagement and resolution system in the IAA and potentially undermine its capacity and authority”. Mr Mulvey had been asked in to mediate by the chair of the IDRb, Peter McLoone. *(For more, see [IRN 41/2021](#))*