

Two years until Garda civilians become direct employees of force

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A two-year window before existing Garda civilian staff move from being civil servants to employees of the Garda organisation has been written into the legislation dealing with their status.

The Policing and Community Safety Bill, which passed both Houses of the Oireachtas last week, implements a variety of reforms to An Garda Síochána, including making all Garda staff employees of the Garda organization.

This had given rise to concerns by Fórsa and the AHCPs, which represent most of the 3,300 civilian staff. Up to now they have been civil servants, which gives them transfer rights across the broad civil service. They feared that this may change after the new legislation is passed.

Section 54(5) of the Bill allows the Minister for Justice to change the status of existing Garda civilian staff from being civil servants to Garda staff by Ministerial order.

In response to related concerns expressed by the Garda Commissioner Drew Harris, about recruitment and retention challenges arising out of the proposed changes, the secretary general of the Department of Justice, Oonagh McPhillips, wrote to the Commissioner last August. She said that the Minister does not intend to use her powers to redesignate Garda staff until at least January 1, 2025. (see [IRN 32/2023, 'Garda civilians to remain civil servants for extra year'](#))

Since then, during the passage of the Bill through the Seanad, a new Section 56(7) says the Minister shall not make an order redesignating existing civilian staff until at least two years after the coming into operation of the Act.

CONSULTATION

Section 54 also always stipulated that any Ministerial order under Section 54(5) would have to be preceded by notifying unions and staff associations and considering their representations on the matter – a point stressed also by Ms McPhillips in her letter to Commissioner Harris last year.

Sources in Fórsa, the largest union involved, say they are looking to get a schedule of meetings and terms of reference agreed as early as possible, to make full use of the two-year period to secure the terms and conditions of current and future Garda civilian staff.

While the union feels it still has not got the assurances that its members need, the new two-year window has guaranteed a timeframe they can work with.

Schedule 3 of the Bill also sets out terms and conditions for civilian staff who become Garda staff. It states that they shall not receive lower pay or “less beneficial terms and conditions of service” than they had been entitled to.

The only exception to this is if the variations in pay or conditions are in accordance with a collective agreement with a trade union or staff association.