

“Relaxed” approach to repeal of ‘FEMPI’ legislation described as “offensive”

**Brian Sheehan**

**The Government’s failure to repeal FEMPI emergency pay legislation has rendered “completely empty” its plans to secure a new public service deal, the General Secretary of Fórsa has warned.**

In correspondence seen by IRN, Kevin Callinan says that stability, industrial peace and reform could all be put at risk as a result of what he claims is a “fundamental” breach of the current agreement by the government side.

In his capacity as General Secretary of Fórsa, Mr Callinan wrote twice to the relevant Minister for Public Expenditure, NDP Delivery, and Reform. Firstly, on November 5, 2024, to Paschal Donohoe, who was DPER Minister in the previous Government, and then on February 25, to the current Minister, Jack Chambers.

The message to both Ministers was essentially the same, concerning a government commitment to repeal the Financial Emergency Measures in the Public Interest (No 2) Act.

“As you know,” Mr Callinan said, this “forms part of the basis for the Public Service Agreement 2024-26”. But, he observes, the published government legislation programme for Spring 2025 “provides no indication that this is a priority”.

During the negotiation process on the agreement, he told Minister Donohoe, “you repeatedly made public statements emphasising that you had made this concession. Implicit was an understanding on your part of the importance of the issue to the trade unions and our members”.

## **SEVERAL MEETINGS**

At their first meeting with the Minister’s officials following the ratification of the agreement, June 15, 2024, Mr Callinan said he sought an indication of the position in relation to the repeal of FEMPI. “We were advised that the matter was being considered by the Office of the Attorney General”.

There was no progress reported, however, when the parties met again on July 26, 2024 and on September 23, 2024.

“As there had been no change from the position indicated to us in July, except for a reference to the complexity of the matter, when we enquired again at our meeting on 21 October 2024, we stressed the seriousness of the situation, taking account of an immediate general election.”

## **PAY CUTS – NO DELAY**

Mr Callinan told Minister Donohoe that public servants “will be forgiven for making a comparison between the haste with which the legislation was enacted to, inter alia, reduce their pay, and the apparent relaxed approach to its repeal. This is all the more the case as, whatever else, financial emergency conditions are no longer present.”

More importantly, he said “the failure to deliver on the commitment places the Public Service Agreement 2024–26 in jeopardy”.

“I think that this is a matter of broader concern now that it appears to be extremely unlikely that it will be honoured during the lifetime of the current government”, the union leader added.

In his follow up February 25 letter to the current Minister, Jack Chambers, the Fórsa leader recalled his communication with Paschal Donohoe, observing that it was “remarkable”, that although they have raised the matter repeatedly, no indication of “when and how this will be done has been given to the trade union side”.

Noting that the published government legislation programme for Spring 2025 doesn’t indicate this is a priority, he adds: “Of course, we still would have to be satisfied that any measure would achieve a genuine reversal of the legislation.”

“In truth”, he said, to call the government’s “relaxed approach” to repealing FEMPI would be “wide of the mark”. He described it as “offensive” and leaves the government “fundamentally in breach of the Public Service Agreement 2024-26.”

Mr Callinan concluded:

“I think that this should be a cause for the upmost concern on your part. It is certainly calling into question the government’s commitment to negotiated settlements in the public service and renders completely empty the statement in the Programme for Government in relation to a new public sector pay deal. Unless this and other commitments in the current agreement, including the local bargaining clause, are progressed satisfactory, a pay deal involving cost-certainty, industrial peace, and reform will be unachievable.”

## **BRIEFING DOCUMENT**

IRN reported recently ([IRN 10/2025](#)) that the official briefing document prepared for the DPER Minister (Jack Chambers) states, under the heading ‘Repeal of Section 4(2) of FEMPI 2009 No.2 Act’, the following:

“Following informal discussions with ICTU and on receipt of legal advice from the Attorney General’s Office (AGO) a commitment was given to repeal section 4(2) of the FEMPI 2009 No. 2 Act in the event of a multi annual agreement being reached”.

“Once the PSA 2024 to 2026 was ratified, work commenced and further advice was sought from the AGO. Engagement is ongoing with AGO’s with the intention of repealing during the lifetime of the agreement.”