

THE LABOUR COURT
LANSDOWNE HOUSE
LANSDOWNE ROAD
BALLSBRIDGE
DUBLIN 4
D04 A3A8



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CD/19/254

RECOMMENDATION NO. LCR22065

INDUSTRIAL RELATIONS ACTS 1946 TO 2015
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

HEALTH SERVICE EXECUTIVE (HSE),

A

DEPARTMENT OF HEALTH

- AND -

CHEF GRADES

(REPRESENTED BY SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL
UNION

SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL UNION)

DIVISION :

Chairman : Ms O'Donnell
Employer Member : Mr Marie
Worker Member : Ms Tanham

SUBJECT:

1. Referral under Section 26(1) of the Industrial Relations Act, 1969.

BACKGROUND:

2. This dispute relates to the:

1. Implementation of the Job Evaluation Scheme.
2. Implementation of phase three and four of the Job Evaluation Scheme findings.
3. Improvements in the remuneration of Head Chefs and Chefs in the HSE.

This dispute could not be resolved at local level and was the subject of a Conciliation Conference under the auspices of the Workplace Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on 28 June 2019 in accordance with Section 26(1) of the Industrial Relations Act, 1990.

A Labour Court hearing took place on 28 June, 3, 4, 5, 10, 11, 22 and 23 July 2019.

RECOMMENDATION :

This matter came before the Court on foot of a joint referral from the WRC in accordance with section 26 (1) of the Industrial Relations Act 1990. The matters referred by the parties to this dispute are as follows;

- 1) Improvements in the remuneration of Head Chef and Chefs in the HSE.
- 2) Implementation of the outcomes of phases one and two of the Job Evaluation Scheme scheme.
- 3) Implementation of the outcomes of phases three and four of the Job Evaluation Scheme when completed.

Issues 2 and 3 are dealt with in a separate recommendation.

A Labour Court hearing took place on the 28th June ,and 3, 4, 5, 10, 11, 12, 22 and 23rd July 2019

Background

It is the Unions claim that the pay rates for Chefs working within the HSE are outside of industry norms and that this has led to recruitment and retention issues. While the Chefs as a category of staff are not party to the job evaluation scheme the Union are requesting an examination of their pay.

Position of the parties

It is the Unions position that the pay rates for Chefs were last examined in 2000 and are overdue a review. It was SIPTU's submission to the Court that they had with the agreement of the HSE commissioned and paid for a report in respect of realigning of the Chefs and Head Chefs Pay Structure with an appropriate comparative grade. The Union understood that the HSE saw merit in some of the findings and were happy to advance same . However, the Union were informed that the Employer was unable to secure sanction to engage in respect of the report as there could be cost implications arising from same.

The HSE accepted that it had allowed access to its staff and premises for the carrying out of the report . However, it was the HSE's position that they had not been in a position to engage

with the Union in relation to the report as it was not feasible at this point in time for any movement on the issue of Chefs and Head Chefs pay structure.

Recommendation

The Court having read the parties submissions and listened carefully to the oral submissions recommends as follows; that a process under the auspices of the Workplace Relations Commission would commence not later than 3 months after the acceptance of the provisions of this Recommendation. This process would seek to build on the work already undertaken to date in order to assess and evaluate the issues particular to the Chef and Head Chef grades within the Health Sector. The Court recommends that the parties engage in a proactive manner and if at the end of the process there are outstanding issues that cannot be resolved those outstanding issues should be referred back to the Court.

The Court so recommends

Signed on behalf of the Labour Court

Louise O'Donnell

Deputy Chairman

CR

6 August 2019

NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Ciaran Roche, Court Secretary.