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*Number 21 of 2019*

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**Industrial Relations (Amendment) Act 2019**

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## **INDUSTRIAL RELATIONS (AMENDMENT) ACT 2019**

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Industrial Relations (Amendment) Act 2001 (No. 11)  
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*Number 21 of 2019*

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## **INDUSTRIAL RELATIONS (AMENDMENT) ACT 2019**

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An Act to amend the Industrial Relations Act 1990 in order to provide for the application of certain provisions of the Industrial Relations Acts 1946 to 2015 to certain members of the Garda Síochána; and to provide for related matters. [7th July, 2019]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

1. In this Act, “Act of 1990” means the Industrial Relations Act 1990.

### **Amendment of section 3 of Act of 1990**

2. Section 3 of the Act of 1990 is amended, in subsection (1), by the insertion of the following definitions:

“ ‘Act of 2005’ means the Garda Síochána Act 2005;

‘Garda Commissioner’ has the same meaning as it has in the Act of 2005;

‘Garda Síochána’ means the police service referred to in section 6 of the Act of 2005;

‘member’, in relation to the Garda Síochána, has the same meaning as it has in the Act of 2005, but does not include—

- (a) the Garda Commissioner, or
- (b) a reserve member within the meaning of the Act of 2005;”.

### **Amendment of section 23 of Act of 1990**

3. Section 23 of the Act of 1990 is amended—

(a) in subsection (1), by the insertion of “a member of the Garda Síochána referred to in subsection (1A) and” after “means”, and

(b) by the insertion of the following subsections after subsection (1):

“(1A) For the purposes of subsection (1) and subject to subsections (1B), (1C) and (1D), the Industrial Relations Acts 1946 to 2019 and this Part shall apply to a member of the Garda Síochána.

(1B) Subject to subsections (1C) and (1D), for the purposes of subsections (1) and (1A), references to all or any of the following, in relation to a member of the Garda Síochána, shall be construed as follows:

- (a) a reference to an employer shall be read as a reference to the Garda Commissioner;
- (b) a reference to a—
  - (i) contract of employment,
  - (ii) contract with an employer,
  - (iii) employment contract, or
  - (iv) any similar term,shall be read as a reference to any enactment, Garda code, instrument, decision, circular, instruction, any other document or any combination thereof that provides for or specifies the terms and conditions on which that member of the Garda Síochána serves;
- (c) a reference to a trade union shall be read as a reference to an association established under and in accordance with section 18 of the Act of 2005;
- (d) a reference to an employer organisation, a trade union of employers or an employer association shall be read as a reference to the Garda Commissioner;
- (e) without prejudice to section 3 of the Industrial Relations Act 1946, a reference to a trade dispute shall be read as a reference to any dispute or difference between members of the Garda Síochána and the Garda Commissioner that is connected with the appointment or non-appointment of any such member, or with the terms and conditions on which such members serve, and includes any such dispute or difference between retired members and the Garda Commissioner.

(1C) (a) Nothing in subsections (1), (1A) or (1B) shall affect the operation of section 18(3) of the Act of 2005.

(b) Nothing in subsections (1), (1A) or (1B) shall operate to apply the Trade Union Acts 1871 to 1990 to the Garda Síochána and those subsections shall not apply to the interpretation of any terms used in those Acts.

(1D) The enactments specified in column (3) of the Sixth Schedule shall not apply to a worker who is a member of the Garda Síochána to the extent specified in column (4) of that Schedule.”.

**Enactments to which section 23(1A) and 23(1B) of Act of 1990 shall not apply to members of the Garda Síochána**

4. (1) The Act of 1990 is amended by the insertion of the following Schedule after the Fifth Schedule:

“SIXTH SCHEDULE

*SECTION 23(1D)*

*ENACTMENTS TO WHICH SECTIONS 23(1A) AND 23(1B) SHALL NOT APPLY TO MEMBERS OF THE  
GARDA SÍOCHÁNA*

Reference (1)	Number and Year (2)	Short Title (3)	Extent of Disapplication (4)
1.	No. 26 of 1946	Industrial Relations Act 1946	Section 33A, Part IV and Part V
2.	No. 15 of 1976	Industrial Relations Act 1976	The whole Act
3.	No. 19 of 1990	Industrial Relations Act 1990	Sections 44, 45, 46, 47, 49, the Third Schedule and the Fifth Schedule
4.	No. 11 of 2001	Industrial Relations (Amendment) Act 2001	The whole Act
5.	No. 4 of 2004	Industrial Relations (Miscellaneous Provisions) Act 2004	The whole Act
6.	No. 32 of 2012	Industrial Relations (Amendment) Act 2012	The whole Act
7.	No. 27 of 2015	Industrial Relations (Amendment) Act 2015	The whole Act

”

**Short title, collective citation and commencement**

5. (1) This Act may be cited as the Industrial Relations (Amendment) Act 2019.

(2) The Industrial Relations Acts 1946 to 2015 and this Act may be cited together as the Industrial Relations Acts 1946 to 2019.

(3) This Act shall come into operation on such day or days as the Minister for Business, Enterprise and Innovation may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.