

CD/14/372 RECOMMENDATION NO. LCR20915
(CCC-147832-14)

INDUSTRIAL RELATIONS ACTS, 1946 TO 2012
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

HSE

- AND -

IRISH MUNICIPAL, PUBLIC AND CIVIL TRADE UNION

DIVISION :

Chairman : Mr Duffy
Employer Member : Ms Cryan
Worker Member : Mr McCarthy

SUBJECT:

1. (1) 10% cut to entry rate for Workers who commenced clinical training from 2008 to 2010 inclusive
- (2) Entry point on completion of training for Workers who commenced clinical training in 2007 and thereafter.

BACKGROUND:

2. This dispute was the subject of previous Labour Court Recommendation LCR19709. This dispute could not be resolved at local level and was the subject of a Conciliation Conference under the auspices of the Labour Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on the 14th October, 2014, in accordance with Section 26(1) of the Industrial Relations Act, 1990. A Labour Court hearing took place on the 9th December, 2014.

UNION'S ARGUMENTS:

- 3 1 The Workers are not new entrants and should not be treated as such.
- 2 The Workers should be reinstated on the pre-reduction salary scales with full retrospection.
- 3 Based on custom and practice the Workers had a reasonable expectation that they would be assimilated at the fourth point of the Staff Grade salary scale.

EMPLOYER'S ARGUMENTS:

- 4 1 The Government made a decision to reduce salary scales for new entrants to traditional recruitment grades in the Public Service.
- 2 The application of these reductions to Clinical Psychologists is in accordance with this Government

decision.

3. The HSE decision on starting pay being the first point of the salary scale is in line with government decisions on the matter.

RECOMMENDATION :

The Court has taken full account of the submissions made by the parties in the course of the hearing and of the additional information furnished at the Court's request after the hearing.

Designation of Clinical Psychologists as New Entrants on Qualification

There are a number of features of the grade in issue that combine to make it unique within the public service. Firstly, the usual means of entry to the profession of Clinical Psychologist is through the trainee grade. Secondly, those who qualify and are employed following training must commit to remaining in the service for three years post qualification. Thirdly, those in the trainee grade are treated as employees of the HSE for all purposes. Finally, service in the trainee grade is reckonable for pension purposes on the same terms as all other periods of service in the Public Service.

Having regard to these considerations the Court does not believe that there is any reasonable basis upon which those continuing in employment post qualification can be regarded as new entrants to the Public Service.

Accordingly, the Court recommends that the Clinical Psychologists should not be designated as new Entrants on qualification

Incremental Credit

The Court does not recommend concession of this aspect of the Union's claim

Signed on behalf of the Labour Court

Kevin Duffy
19th January, 2015
JMcC Chairman