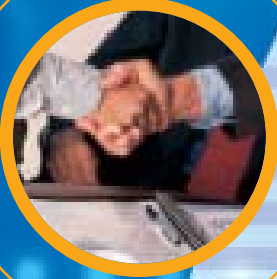


NJC Constitution



Health Service National Joint Council

June 2006 2nd Edition

HSE-EA
HSE-Employers Agency

SCS
CONGRESS
WORKING FOR PROGRESS
IRISH CONGRESS OF
TRADE UNIONS

Contents

1	Definitions	1
2	Purpose	1
3	Process	1
4	Matters Appropriate for Discussion	2
5	Council Composition	2
6	Appointment of Chairperson and Deputy	2
7	Appointment of Secretaries	2
8	Appointment of Sub-Committees	2
9	Quorum for Proceeding of Council	3
10	Frequency of Meetings	3
11	Calling of Meetings	3
12	Agenda	3
13	Records of Meetings	3
14	Minutes	4
15	Arrangements	4
16	Eligible Trade Unions	4
17	Scale of Staff Side Representation	4
18	Leave for Staff Representatives	5
19	Staff Panel Officers	5
20	Staff Panel Procedures	5
21	Management Side Procedures	5
22	Expenses	5

1 Definitions

- The '*NJC*' or '*Council*' is the National Joint Council for the health service.
- The '*trade union*' side is as defined in paragraph 16.
- The '*management side*' represents all health service employers, Department of Health & Children and recognised employer representative bodies.
- The '*staff panel*' is deemed to mean the same as the 'trade union' side.
- The term '*agencies*' will be understood as HSE, public voluntary hospitals, intellectual disability sector and other specialist agencies in membership of the HSE-Employers Agency.

2 Purpose

The National Joint Council will in future be the primary forum for the management of industrial relations in the health service. Its purpose is to oversee the conduct of good industrial relations in the employments covered and to decide an efficient method to deal with any matter arising, with the objective of ensuring the best possible co-operation between employers and eligible trade unions for the better delivery of a modern health service. It will have a central role in promoting the most effective conduct of relations between staff, their trade unions and employers. This will entail ongoing evaluation of the operation of industrial relations procedures and structures with a view to ensuring best practice.

3 Process

Both trade unions and employers are entitled to submit matters to the National Joint Council for its consideration. The Council will decide how the matters will be dealt with i.e. through plenary session, negotiation teams, through sub committee, or as otherwise agreed by the parties. The outcomes of the relevant deliberations will be formally recorded and circulated.

Agreed minutes of the Council and its subcommittees will be circulated.

A formal register of claims with national implications will be maintained by the Council.

4 Matters Appropriate for Discussion

Matters appropriate to the deliberations of the Council will include:

- Claims on behalf of employers or trade unions which affect the generality of health service staff.
- Implementation of the provisions of the social partnership/national pay agreement.
- Templates/codes etc., designed to improve employee relations and industrial relations practice both at national and local level in the health service.
- Any other matter pertaining to the conduct of good industrial relations.

5 Council Composition

The Council shall consist of a Chairperson and equal number of Management Side and Staff Side representatives. The Staff Side representatives shall number not less than six and not more than twelve nominated from amongst its members by the Staff Panel. The Management side representatives shall be nominated by the HSE-Employers Agency. Either side can bring expert support/witnesses to attend when required.

6 Appointment of Chairperson and Deputy

The Chairperson of the Council shall be appointed by the representatives of the Management Side and the Staff Side on the Council. S/He shall hold office for a period of three years or such lesser period as may be agreed by the parties concerned and shall be eligible for re-appointment. A Deputy Chairperson shall be appointed by the representatives of the Management Side and the Staff Side on the Council and shall hold office for such period as shall be agreed upon. In the absence of the Chairperson, the Deputy Chairperson shall perform all the functions of the Chairperson.

7 Appointment of Secretaries

The Council shall have two secretaries, in addition to normal administrative support provided by the HSE-Employers Agency, one of whom shall be appointed by the Management Side and one by the Staff Side.

8 Appointment of Sub Committee

The Council may appoint sub-committees for any of its purposes. A sub committee will have specific terms of reference and shall be

comprised of an equal number of Management Side and Staff Side representatives. The selection of members will be a matter for the respective sides.

9 Quorum for Proceedings of Council

The proceedings of the Council shall not be invalidated by temporary vacancies in its membership or by unequal representation of Management and Staff Sides at all or any of its meetings, provided, however, that at least three representatives from each side attend such meetings. Decisions of the Council shall be made by assent of both sides present at the meeting.

10 Frequency of Meetings

Meetings of the Council shall be held once in every two months unless in any two month period there is no subject for discussion when by agreement between the Chairperson and the two secretaries it shall be recorded that no meeting is required. Not more than one meeting of the Council will be held in any two months except by agreement between the Chairperson of the Council and the two secretaries.

11 Calling of Meetings

Subject to the provisions of paragraph 10 above, all meetings of the Council shall be called on the direction of the Chairperson, jointly by the secretaries at the request of either the Management Side or the Staff Side.

12 Agenda

The agenda for each meeting shall be agreed with the Chairperson through consultation with the joint secretaries of the Council and may include items requested for inclusion by either the Management Side or the Staff Panel.

13 Records of Meetings

Records will be kept of all meetings of the Council and all meetings of sub-committees established by the Council. An agreed report will be prepared and signed by the joint secretaries of decisions of the Council in respect of claims or other issues.

14 Minutes

The minutes of a meeting of the Council shall be agreed by the Joint Secretaries and shall be circulated by them to the Management Side and to each recognised trade union as soon as possible after the meeting of the Council at which they have been adopted.

15 Arrangements

- (a) The Council shall continue in force unless and until it is terminated by six months notice given by the Management Side or by the Staff Panel.
- (b) Each trade union shall be free to withdraw from the Council on the giving of three months notice to the Management side and to the Staff Panel.
- (c) Amendments to the Council may be proposed at any time by either the Management Side or the Staff Panel.
- (d) If and when agreement is reached between the Management Side and the Staff Panel on a amendment to the Council such amendment shall be formally incorporated in the Council by means of an addendum, the original of which shall bear the signatures of the Chairperson of the Management Side and the Chairperson of the Staff Panel.

16 Eligible Trade Unions

Membership of or admission to the National Joint Council is confined to trade unions affiliated to the Irish Congress of Trade Unions. Consultation with and the approval of the Staff Panel shall be necessary before admission is granted to any association not listed in this paragraph.

The following trade unions will be deemed to be eligible:

- Irish, Municipal, Public and Civil Trade Union
- Service, Industrial, Professional and Technical Union
- Irish Nurses Organisation
- Irish Medical Organisation
- Amalgamated Transport and General Workers Union
- Unions affiliated to the ICTU Craft Group

17 Scale of Staff Side Representation

Each recognised staff association having twenty five members or over in the agencies shall be represented on the Staff Panel.

The Staff Panel shall formulate agreed arrangements between the recognised staff associations to ensure that for the purpose of the scale of representation on the Staff Panel no individual shall be reckoned as a member of more than one association.

The scale of representation on the Staff Panel shall be on the basis of the memberships coming within the ambit of the Scheme of the participating staff associations as follows:

Less than 1,000 members	1 representative
1,000 members and less than 5,000	2 representatives
5,000 members and less than 10,000	4 representatives
Having more than 10,000 members	6 representatives

A recognised staff association with less than 50 members shall be represented on the Staff Panel by one non-voting member.

18 Leave for Staff Representatives

Staff side representatives may be allowed leave with pay to attend, as members or officers, meetings of the Council or any committee set up by the Council.

19 Staff Panel Officers

The Staff Panel shall appoint a Chairperson, Vice-Chairperson and Secretary.

20 Staff Panel Procedures

- (a) The Staff Panel shall determine its own procedures.
- (b) The Staff Panel shall regulate its procedures by means of standing orders, such standing orders or any subsequent amendments thereto shall be circulated from time to time to each staff association.
- (c) Amendments to the Standing Orders shall be made by the Staff Panel after consultation with each staff association.

21 Management Side Procedures

The Management Side shall determine its own procedures for the purpose of the Scheme.

22 Expenses

Unless otherwise agreed the Management Side and the Staff Side shall each be responsible for their own expenses.

