

An Roinn Coimirce Sóisialaí  
Áras Mhic Dhiarmada  
Sráid Stórais  
Baile Átha Cliath 1.



☎: (01) 7043000

Department of Social Protection  
Áras Mhic Dhiarmada  
Store Street  
Dublin 1.

Mr Michael MacNamara  
Honorary Secretary  
National Executive  
ESB Retired Staff Association  
Ebilou  
Loughlinstown  
Celbridge  
Co. Kildare

*Recd 12<sup>th</sup> Aug 2015*

*10<sup>th</sup>* August 2015

**RE: ESB Retired Staff Association**

Dear Mr. MacNamara,

I am directed by the Tánaiste and Minister for Social Protection, Ms Joan Burton, T.D., to write to you regarding your correspondence dated 3<sup>rd</sup> March last in relation to the issue of collective representation for pensioner and deferred scheme members of Defined Benefit pension schemes.

The Tánaiste regrets that, due to overall diary commitments, she is unable to meet with your Association at this time, however, the Tánaiste is aware that representatives of the ESB RSA have met with Departmental officials on a number of occasions where concerns regarding representation rights for your association have been advanced.

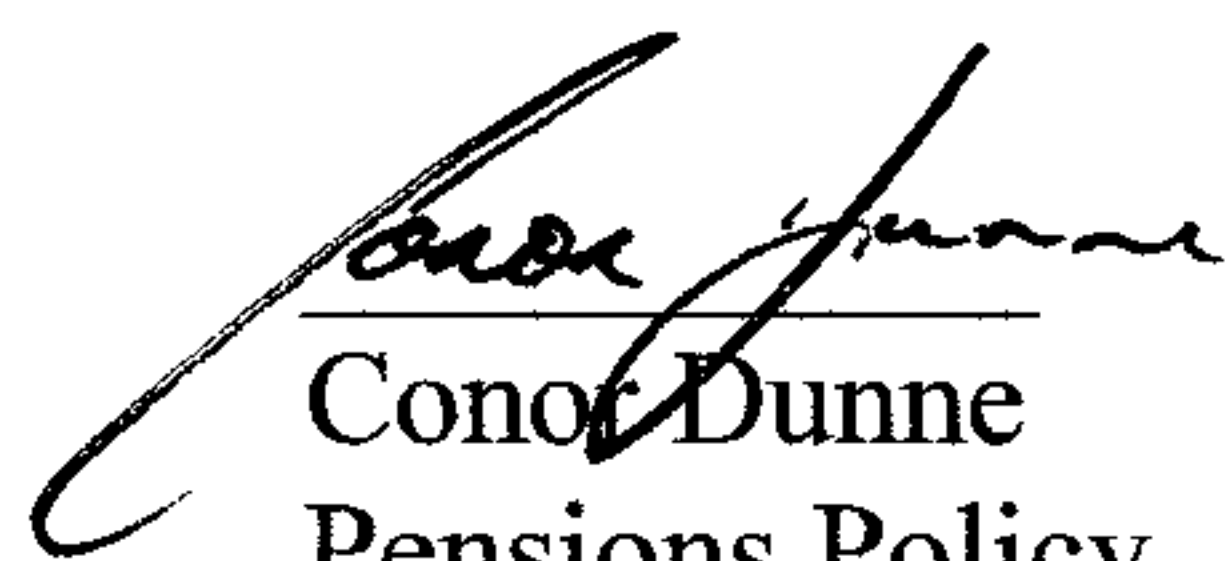
In relation to the Pensions Act regarding collective representation, earlier this year the Tánaiste introduced regulations and approved amendments to guidance issued by the Pensions Authority to provide for the recognition by the trustees of a pensions scheme of groups representing the interests of pensioners and deferred members. These changes mean that all groups representing the interests of the various categories of pension scheme membership are treated the same in the context of the provisions in the Pensions Act.

In consideration of these changes, the Tánaiste raised the issue of access to the industrial machinery of the State with her colleague, the Minister for Jobs, Enterprise and Innovation. The industrial relations system in Ireland is voluntary in nature for the parties involved both as regards access to the Labour Relations Commission and the Labour Court. As such, any group that is recognised for the purposes of collective representation (be it a trade union or other group) and the enterprise involved may seek to engage though no party is compelled to do so.

Notwithstanding the introduction of the above detailed new measures, you will be aware of an underlying position regarding trust based pension schemes in that the trustees of pension schemes in Ireland are required to make decisions and act in the best interest of all scheme beneficiaries.

In relation to any concerns regarding a breach in law or maladministration of a scheme, you may be aware that the Pensions Act requires that all pension schemes have an internal disputes resolution (IDR) procedure. This procedure provides for a formal structure through which beneficiaries or potential beneficiaries can raise complaints or disputes. A complaint arises where a person alleges that he has sustained financial loss occasioned by an act of maladministration done by, or on behalf of, a person responsible for the management of that scheme. A dispute of fact or law may arise in relation to an act done by or on behalf of a person responsible for the management of the scheme. If an individual is dissatisfied with the outcome they may advance a complaint to the Pensions Ombudsman, who may then decide to investigate the matter.

Yours sincerely

  
Conor Dunne  
Pensions Policy