Summary of T.D. Replies

Industrial Relations Bill

**Fine Gael:**

**Mary Mitchel O Connor:**

I wish to acknowledge receipt of your email to the Office of Mary Mitchell O'Connor TD who represents the Dún Laoghaire constituency.

I will bring your correspondence to the attention of the Deputy at the earliest opportunity.

I look forward to being in contact with you.

Yours sincerely,
Jacqui
Secretarial Assistant

Mary Mitchell O'Connor TD
Dáil Éireann
Leinster House
Kildare St.
Dublin 2

Dear Carl,

Thank you for writing to me regarding the Industrial Relations Bill.

It is important to make sure that there is a strong level of communication between

employers and their employees, and I believe that this bill takes great strides too

improving this. The Bill has since passed the Dail and has moved onto the Seanad

for further review and amendments.

I look forward to seeing what will happen to the Bill during it second series of

amendments and votes in the Seanad.

If you have further queries or concerns, please do not hesitate to contact my

Blackrock Office at 210 9161 or email me at mary.mitchelloconnor@oireachtas.ie

Yours sincerely,

Mary Mitchell O Connor

**James Reilly:**

I acknowledge receipt of your email.  Your correspondence will be brought to the attention of Dr James Reilly T.D., Minister for Children & Youth Affairs and to the relevant officials in the Department of Children & Youth Affairs.  If the content of your correspondence relates to the functions of another Minister's department, it will be brought to their attention for direct reply.
Yours sincerely,
Constituency Office of Dr James Reilly T.D., Minister for Children & Youth Affairs
Unit 3, 1st Floor, Chamber Building
North Street,
Swords,
Co. Dublin

**Ciarán Cannon TD**

**Our Ref: D2639**

Thanks for your email. I have been liaising on this matter with a constituent who is an ESB retired staff member and have made representations to Minister Howlin previously on his behalf.

Further to your Association's proposed amendments to the Industrial Relations Bill, I will make enquiries on this and revert to you with feedback.

**Thanking you,**
**Ciarán**

**Ciarán Cannon TD**

Constituency Office **091-880790**

**Replies to:**

Email: cannonloughrea@gmail.com

Post: Unit 1, Bride Street, Loughrea, Co. Galway.

**Our Ref: D2639**

Further to your Association's proposed amendments to the Industrial Relations Bill, I made representations to Minister Bruton and received the attached response.

I hope it outlines the current position.

**Ciarán**

**Ciarán Cannon TD**

Constituency Office **091-880790**

**Replies to:**

Email: cannonloughrea@gmail.com

Post: Unit 1, Bride Street, Loughrea, Co. Galway.

---------- Forwarded message ----------
From: <minister@djei.ie>
Date: 1 July 2015 at 15:21
Subject: Re: Industrial Relations Bill - Ciaran Cannon TD
To: Ciaran Cannon <cannonloughrea@gmail.com>

Our Ref: 151000/MIN

Dear Ciarán,

I refer to your recent correspondence on behalf of Mr. Tony Collins, Chairman, ESB Retired Staff Association, in relation to collective representation access rights for retired persons on pension matters in the context of the Industrial Relations (Amendment) Bill 2015.  As you are aware, my colleague, Mr. Ged Nash T.D., Minister for Business and Employment, is currently progressing the Bill through the Oireachtas.

I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where such restructuring may impact on existing or potential pension benefits.

It is important to bear in mind that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

As it stands, where changes to pension schemes are negotiated at company level whether as a result of a crisis in the scheme or otherwise, the outcome of that engagement cannot, of itself, change the pension scheme. Rather, any proposed changes to the scheme are effected through the trust deeds and rules of the scheme and are at the discretion of the parties so designated in the rules/deeds of the scheme.

In terms of changes to pension schemes generally, the Trustees of a particular pension scheme are required by law to act in the best interests of all the members, be they active deferred or pensioner members. Until recently, this has been done on an individual basis.
The matter has been under careful consideration and, as you will be aware, the Tánaiste and Minister for Social Protection has recently 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 of pension schemes. 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

The changes to the Regulations will require the trustees of a pension scheme to notify the groups representing the interests of retired and deferred scheme members where the trustees of a scheme propose to apply to the Pensions Authority to restructure scheme benefits under section 50 of the Pensions Act. This notification affords the representative group an opportunity to make a submission to the trustees of the scheme in relation to such proposals.

In addition, the Pensions Authority is now required to notify groups representing the interest of scheme members where the Pensions Authority proposes to either issue a unilateral direction under section 50 of the Pensions Act to the trustees of a scheme to restructure scheme benefits or to wind up a pension scheme under section 50B of the Pensions Act. This notification affords the representative group an opportunity to make representations to the Pensions Authority in relation to such proposals.

The Regulations also give the representative group the right to appeal such a direction by the Pensions Authority to the High Court on a point of law.

In my view it is within this framework, rather than through the State’s industrial relations machinery, that a collective approach should be effected.

Yours sincerely,
Richard Bruton TD
Minister for Jobs, Enterprise and Innovation
Office of Minister Richard Bruton T.D.
Department of Jobs, Enterprise& Innovation | 23 Kildare Street, Dublin 2
Tel: +353 1 631 2172 | minister@djei.ie | <http://www.enterprise.gov.ie/en/>

**Jimmy Deenihan:**

Acknowledging receipt of your email to Minister Jimmy Deenihan.

Best regards,

Bernadette

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*
*Bernadette Lee*
*Personal Secretary*
*Jimmy Deenihan, TD*
*Minister for Diaspora Affairs,*
*Tel: 01-6194483*

Dear Carl,

Thank you for your email in regard to the recent legislation affecting defined benefit schemes and the pension levy.

The legislation to which you refer is reforming the way in which defined benefit pension schemes are wound up. As you know, funding in defined benefit schemes has been affected by the financial downturn and the exposure of pension schemes to equity markets and the increasing longevity of pensioners. There are approximately 820 defined benefit pension schemes in Ireland subject to the Funding Standard. About 40% of DB pension schemes are funded, 30% have some funding difficulties and 20% are poorly funded.

A recent OECD report on our pensions system concluded that “The Irish legislation regarding the protection of Defined Benefit (DB) plan members is weak” and “the priority currently given to pensioners before other members if a scheme winds up creates large inequalities across members. This outcome is particularly harsh for those close to retirement.”

As things stood, when a defined benefit scheme hit trouble, a 66-year-old just retired could continue to receive their full pension while a 64-year-old due for retirement saw their pension decimated. Clearly something had to be done to address this inequity. The State also recognised that it had obligations under EU law, following, for example, the Waterford Crystal case. This new legislation seeks to improve the situation and ensure better equity in the event of a wind-up.

In general, any decision to restructure pension scheme benefits under section 50 of the Pensions Act must comply with the provisions in the Pensions Act and with guidance issued by the Pensions Board. This guidance makes provision for the notification of all pensioners in advance of any application to the Pensions Board to restructure scheme benefits. In such circumstances a pensioner will have at least one month to make a submission to the trustees of the scheme in relation to such a proposal. The Pensions Board must be satisfied that all the provisions in the guidance are complied with before the Board will consider issuing a notice to restructure scheme benefits.

I understand your concerns about the pension levy. This was in the Fine Gael manifesto going into the last elections and was introduced to fund, among other things, the special 9% VAT rate which helped revive the tourism industry and wider economy. However, Minister Noonan has confirmed that the pension levy, which was only ever a temporary measure in a time of unprecedented crisis, will be abolished by 2016.

I do appreciate your concerns and the importance of pensions to both current and retired ESB staff. I will pass on your concerns to the Minister for Social Protection.

Kind regards,

Jimmy

Jimmy Deenihan TD
Minister for Diaspora Affairs

Carl,

Please find enclosed correspondence which Minister Deenihan  received from Richard Bruton TD, Minister for Jobs, Enterprise and Innovation following his representations on your behalf.

If I can be of further assistance to you, please do not hesitate to contact me.

**Richard Bruton:**

Our Ref: 150680/MIN

I acknowledge receipt of your email to Minister for Jobs, Enterprise and Innovation, Mr. Richard Bruton T.D., regarding the Industrial Relations Bill.

I will bring your correspondence to the Minister’s attention at the earliest opportunity.

Yours sincerely

Thérèse Walsh
Private Secretary

Office of Minister Richard Bruton T.D.
Department of Jobs, Enterprise & Innovation | 23 Kildare Street, Dublin 2
Tel: +353 1 631 2172 | minister@djei.ie | <http://www.enterprise.gov.ie/en/>

Our Ref: 150680/MIN

Dear Mr O’Sullivan

Richard Bruton TD, Minister for Jobs Enterprise and Innovation has asked me to respond to your recent correspondence regarding collective representation access rights for the ESB Retired Staff Association to the industrial relations machinery of the State.

This is an issue to which the Minister has given careful consideration. In this regard, he would wish to state that the industrial relations system in Ireland is voluntary in nature. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

As it stands, where changes to pension schemes are negotiated at company level whether as a result of a crisis in the scheme or otherwise, the outcome of that engagement cannot, of itself, change the pension scheme. Rather, any proposed changes to the scheme are effected through the trust deeds and rules of the scheme and are at the discretion of the parties so designated in the rules/deeds of the scheme. In the Minister’s view, it is within this framework, rather than through the State’s industrial relations machinery, that a collective approach would be most effective.

In this context the Minister welcomes the recent decision of the Tánaiste and Minister for Social Protection to provide for the recognition by trustees and the Pensions Authority of groups representing the interests of retired and deferred scheme members of a particular pension scheme and affording the representative group an opportunity to make a submission to the trustees of the scheme in relation to proposals to restructure such schemes.

Officials from this Department have met with the members of the executive council of the ESBRSA on a number of occasions in recent months. Subsequent to the last meeting in April a detailed submission setting out the Association’s issues in detail was sent to this Department for consideration with a view to the Association meeting with Minister Bruton.

It is hoped that such meeting can be arranged in the coming weeks.

Yours sincerely

Thérèse Walsh

Private Secretary

**Dinny McGinley:**

I acknowledge receipt of your e-mail re above.

This is being brought to the attention of Deputy McGinley.

Yours sincerely,

Bridie Sheahan
Personal Assistant

**James Bannan:**

Many thanks for your email and the points you have raised.

It is greatly appreciated.

Regards,

James Bannon TD

**Michael Ring:**

Thank you for your email.

It will be brought to the attention of the Minister.

With kind regards,
Yours sincerely,

**Gemma Gibbons**
**Secretary to
MICHAEL RING T.D.
Minister of State for Tourism & Sport**

**Alan Farrell:**

Thank you for your email in relation to the above and I have noted the contents.

Kind regards.

Yours sincerely,

Alan Farrell TD

Fine Gael
Chairperson, Internal Committee on Justice, Defence & Equality
Member, Select Committee on Justice, Defence & Equality
Member, Select Committee on Finance, Public Expenditure & Reform

Head of Irish Delegation to the OSCE Parliamentary Assembly

Dublin North/Dublin Fingal Constituency

Correspondence; Dáil Éireann, Kildare Street, Dublin 2
Constituency Office; 6 Townyard Lane, Malahide, Co. Dublin

01 - 6184008

[www.alanfarrell.ie](http://www.alanfarrell.ie)

**Simon Harris:**

The Minister of State, Mr Simon Harris TD, has asked me to acknowledge receipt of your email to him on June 9th. Your email has been forwarded to the Minister’s Office in the Department of Jobs, Enterprise and Innovation as the Industrial Relations Bill is an issue which falls under their remit.

Kind regards,

Neasa Sherry

**Noel Coonan;**

Carl,

Thanks for your email and for getting in touch. This issue was raised at second stage of the Bill last week and Minister Richard Bruton said the below in response.

I have passed your concerns to Minister Bruton's office.

**Dáil debates**
**Thursday, 11 June 2015**
**Industrial Relations (Amendment) Bill: Second Stage (Resumed)**

**Minister Richard Bruton:**

The collective representation of retired people was raised by a number of Deputies. I certainly recognise the concerns they expressed, because pension funds are being restructured in a way that is obviously a challenge for people. It is important to bear in mind that the industrial relations machinery we are talking about here is voluntary in nature. People enter into it on a voluntary basis. It does not hand down mandatory arbitration. That has not been the approach. Reference was made to the whole issue of how decisions are made. They are made under the trust deeds and the rules of pension funds. We have to find within that legislative area new ways of making sure people get their concerns heard. The Minister for Social Protection has made revised provisions to give people a chance to learn of proposals in advance and make submissions under the revised section 50 guidelines. There is a real consciousness of this issue. If the pension authority is issuing a unilateral direction under section 50 to the trustees, provision has been made for those who represent pensioners to have an opportunity to make representations to the authority in respect of those proposals.

I should say in passing that we will introduce a provision on Report Stage in the House to ensure that a person who had an industrial relations issue before he or she retired, but who ceased to be a "worker" within the definition of the Industrial Relations Acts after he or she retired, will still be able to pursue the legitimate industrial relations concern that arose before he or she retired. We are making provision for that.

ENDS

Kind regards,

Noel Coonan T.D.
Tipperary Fine Gael

Constituency Office:
Bank Street
Templemore
Tel: 0504 32544
Mobile: 086 2427733
Fax: 0504 56796

**Simon Coveney:**

Office of the Minister for Agriculture, Food and the Marine, Dublin 2.

Oifig an Aire Talmhaiochta, Bia agus Mara, Baile Atha Cliath 2.

12th\_ June, 2015

PLEASE QUOTE REF NUMBER ON ALL CORRESPONDENCE.

Our Ref: 2015/03238 /SF

Mr Carl O'Sullivan

Secretary

ESB Retired Staff Association

clonty@eircom.net

Dear Carl,

Thank you for contacting me in relation to Industrial Relations Bill.

I have noted the contents of your correspondence. I have also forwarded a copy to

my cabinet colleague Mr. Richard Burton, TD, Minister for his attention and

consideration and I shall contact you again as soon as I have any further

information.

Kind regards

Yours sincerely

Simon Coveney T .D.

Minister for Agriculture, Food and the Marine

Dear Mr. O’Sullivan,

Please see attached response relating to your recent correspondence to Minister Simon Coveney TD.

Kind Regards,

Peter Fallon

**Peter Fallon**

**Department of Agriculture, Food and the Marine**

**Minister Simon Coveney's Office,**

**5 Centre Agriculture House,**

**Kildare Street,**

**Dublin 2.**

**Tel: (+3531) 6072360**

**Email:** **peter.fallon@agriculture.gov.ie**

**Web:** [**www.agriculture.gov.ie**](http://www.agriculture.gov.ie/)



**Liam Twomey:**

Good afternoon Mr O'Sullivan,

Apologies in the delayed reponse.

I have brought your emails to the attention of Deputy Twomey who has passed your concerns to Minister Burton.

Kind regards,

Mags

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
on behalf of
Dr. Liam Twomey TD
Dáil Éireann
Leinster House
Kildare St
Dublin 2
Tel: 01 6184299
Fax: 01 6184536

**Francis Fitzgerald:**

 I am directed by the Minister for Justice and Equality, Ms Frances
Fitzgerald, T.D. to thank you for your email dated 18 June 2015, the
contents of which have been noted.

However, as this matter is more appropriate to the Department of Jobs,
Enterprise and Innovation, I have referred your correspondence to that
Department for appropriate attention.

Yours sincerely

Chris Quattrociocchi
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Private Secretary to the
Minister for Justice and Equality

**Bernard Durken:**

Dear Carl,

I enclose herewith correspondence received in response to representations made on your behalf.

If and when further information is to hand I shall be in touch with you again.  But failing further response within a reasonable period, you might remind me so that a satisfactory conclusion can be reached.

Yours sincerely,

Bernard J. Durkan T.D.

Encl. Letter from Brendan Howlin telling Bernard that he received his own similar letter!

**Damien English:**

30 June 2015

Mr. Carl O'Sullivan

ESB Retired Staff Association

24 Clontymon Lawn

Boreenmanna Road

Cork.

Dear Carl.

I refer to your recent correspondence in relation to collective representation access rights for retired persons on pension matters in the context of the Industrial Relations (Amendment) Bill 2015. As you are aware, my colleague, Ged Nash, Minister for Business and Employment, is currently progressing the Bill through the Oireachtas.

I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where such restructuring may impact on existing or potential pension benefits.

It is important to bear in mind that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations. As it stands, where changes to pension schemes are negotiated at company level whether as a result of a crisis in the scheme or otherwise, the outcome of that engagement cannot, of itself; change the pension scheme. Rather, any proposed changes to the scheme are effected through the trust deeds and rules of the scheme and are at the discretion of the parties so designated in the rules/deeds of the scheme.

In terms of changes to pension schemes generally, the Trustees of a particular pension scheme are required by law to act in the best interests of all the members, be they active deferred or pensioner members. Until recently, this has been done on an individual basis.

The matter has been careful consideration and, as you will be aware, the Tanaiste and Minister for Social Protection has recently 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 of pension schemes. 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

The changes to the Regulations will require the trustees of a pension scheme to notify the groups representing the interests of retired and deferred scheme members where the trustees of a scheme propose to apply to the Pensions Authority to restructure scheme benefits under section 50 of the Pensions Act. This notification affords the representative group an opportunity to make a submission to the trustees of the scheme in relation to such proposals.

In addition, the Pensions Authority is now required to notify groups representing the interest of scheme members where the Pensions Authority proposes to either issue a unilateral direction under section 50 of the Pensions Act to the trustees of a scheme to restructure scheme benefits or to wind up a pension scheme under section 50B of the Pensions Act. This notification affords the representative group an opportunity to make representations to the Pensions Authority in relation to such proposals.

The Regulations also give the representative group the right to appeal such a direction by the Pensions Authority to the High Court on a point of law.

In my view it is within this framework, rather than through the State's industrial relations machinery, that a collective approach should be effected.

Yours sincerely

Damien English T.D.

Minister for Skills, Research and Innovation

**Labour:**

**Joan Burton:**

Case Number: REPS-2015-4214

 9th June 2015

Ms Joan Burton TD, Tánaiste and Minister for Social Protection has asked me to acknowledge receipt of your correspondence regarding the Industrial Relations Bill in relation to the Pensions Act.

Enquiries are being made and a further letter will issue to you as soon as possible.

Yours sincerely

Jacinta Crawford

Private Secretary

Letter by post from Joan Burton

Mr. Carl O Sullivan,

ESB Retired Staff Association,

24, Clontymon Lawn,

Boreenmanna Rd,

Cork

12th June 2015

Ref: 2015 4214

Dear Mr. O Sullivan,

I have been asked by the Minister for Social Protection to respond to your correspondence regarding the Industrial Relations Bill.

The issue of engagement with the industrial relations machinery of the State falls within the remit of the Minister for Jobs, Enterprise and Innovation. It is acknowledged that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

Earlier this year, the Minister approved measures to facilitate engagement between the trustees of a pension scheme and groups representing the interests of pensioner and deferred scheme members. The Minister signed the Occupational Pensions Schemes (Section 50 and 50B) (Amendments) Regulations, 2015 and approved Pensions Authority guidance to facilitate this change.

The change to regulations will require the Pensions Authority to notify groups representing the interests of pensioner and deferred scheme members in situations where the Pensions Authority is proposing to issue a unilateral direction under section 50 of the Pensions Act to restructure scheme benefits or to wind up a pension scheme under section 5OB. This requirement will afford the representative group an opportunity to make a submission to the Pensions Authority in relation to such proposals. The Regulations also give the representative group the right to appeal such a direction by the Pensions Authority to the High Court on a point of law.

The Minister also approved an amendment to guidance issued by the Pensions Authority on this matter. This change to guidance will require the trustees of a pension scheme to notify groups representing the interest of scheme members of proposals by the trustees of a defined benefit pension scheme to issue a direction under section 50 of the Pensions Act to restructure scheme benefits. This requirement will afford the representative group an opportunity to make a submission to the trustees of a pension scheme in relation to proposals to restructure scheme benefits.

These changes will facilitate engagement between groups representing the interests of pensioner and deferred scheme members and the Pension Authority and the trustees of a pension scheme.

It would be expected that any group that is recognised for the purposes of collective representation with the trustees of a pension scheme could seek to engage voluntarily with the enterprise involved in talks or trade dispute with employees.

Yours sincerely,

Marion Gunn

Pension Planning

**Brendan Howlin:**

Ref 15/0089/PER

9 June 2015

Mr Carl O Sullivan

Email: clonty@eircom.net

Dear Mr. O Sullivan

The Minister for Public Expenditure and Reform Mr. Brendan Howlin TD has asked me to acknowledge your emails dated 17th April and 9th June.

The matter is being looked into by officials within the Department.

Yours sincerely

Michelle O’Connor

Private Secretary to the Minister for

Public Expenditure and Reform

**Ciaran Lynch:**

Thank you for your email in follow up to our earlier correspondence.

Thank you also for your notification in regards to the Industrial Relations Bill which I note from my diary is due to commence 2nd Stage on Wednesday of this week.

As mentioned in my earlier email I am available to meet to discuss these and other matters and should you wish to do so please give my office a call at the below number to arrange a suitable time.

Best wishes,

Ciarán

Ciarán Lynch TD
Constituency Office
29 St. Patrick's Mills
Douglas
Cork
Tel:   021 4366200
Fax:  021 4366202
ciaran.lynch@oir.ie
www.ciaranlynch.ie

**Kevin Humpheries:**

Thank you for your correspondence. I will bring your comments to the attention of the Tánaiste for her consideration and direct reply to you.

Kind regards,

Kevin Humphreys TD,

Minister of State at the Department of Social Protection

**Joanna Tuffy:**

Thanks for your email and your previous email. We get such a volume of emails I don't always get around to replying to them all.

I note the contents of your email.

I will be acting and voting my the Labour Party In the Dail on this matter and I will keep your issue in mind when it is discussed by the Labour Parliamentary Party.

Regards,

Joanna
Sent from my iPhone

**Dominic Hannigan:**

Apologises for not responding to your email earlier.

I will get in contact with the Minister with your issue and when I get a response I will be back in touch.

Best wishes,

Dominic

**Kathleen Lynch:**

Dear Carl,

I wish to acknowledge receipt of your email below.  I have referred this issue to the Minister for Social Protection, Ms. Joan Burton and will be in touch again as soon as I receive a response.

Yours sincerely,

Kathleen Lynch
Constituency Office of Kathleen Lynch T.D.
Minister of State for Primary Care, Social Care (Disabilities & Older People) and Mental Health
1st Floor,
Heron House,
Blackpool Retail Park,
Blackpool,
Cork

I refer to previous correspondence.  Please find enclosed response I received from Joan Burton, Tánaiste and Minister for Social Protection .  You will note that enquiries are being made into this matter.  I will be in touch again as soon as further response is received.

Yours sincerely,

Kathleen Lynch

Case Number: REPS-2015-4264

11/06/2015

Dear Kathleen

Thank you for your correspondence on behalf of Mr Carol O'Sullivan, ESB Retired Staff Association, 24 Clontymon Lawn, Boreenmanna Road, Cork. regarding the Industrial Relations Bill in relation to the Pensions Act.

I am making enquiries into the matter and I will be in touch with you as soon as possible.

Yours sincerely

Joan Burton TD
Tánaiste and Minister for Social Protection

**Ruari Quinn:**

Carl O Sullivan
clonty@eircom.net

16/06/2015

Please see attached correspondence I received today from Joan Burton TD, Tánaiste and Minister for Social Protection. ( See reply from Joan Burton above )

Regards,

Ruairí

Ruairí Quinn TD
Leinster House
Tel 01 618 3912
Email: ruairi.quinn@oireachtas.ie

*(See attached file: Industrial Relations Bill.pdf)*

**Michael McCarthy:**

Apologies for the delay in my reply.

I did, in fact, raise your concerns in the Dáil with the Minister for Communications, Energy and Natural Resources, Alex White T.D. and I attach below copy of the reply I received.  I also attach below copy of the earlier replies mentioned in the Minister's reply.

Regards,

Michael McCarthy TD
Chair of the Oireachtas Committee on the Environment, Culture and the Gaeltacht
Labour TD for Cork South-West

Dail office: 01 618 3844
Constituency office: 023 8855705
Website: www.michaelmccarthy.ie

[Ref No.: 19671/15]

\*  To ask the Minister for Communications, Energy and Natural Resources the position regarding ESB pensions (details supplied); and if he will make a statement on the matter. - Michael McCarthy.

\*    For WRITTEN answer on Tuesday, 19th May, 2015.

(937  Received on 13th May, 2015.)

**REPLY**

**Minister for Communications, Energy and Natural Resources (Deputy Alex White)**
I refer to the replies to Questions Nos 469 of 27 April, 2015, 208 of 7 May, 2015 and 201 and 202 of 12 May, 2015. The position is unchanged.

[Ref No.: 18805/15]

\*  To ask the Minister for Communications, Energy and Natural Resources the reason ESB have not incorporated the legislative provisions of the Energy (Miscellaneous Provision) Act 1995 into their Pension Scheme Rules; and if he will make a statement on the matter.

\*    For WRITTEN answer on Wednesday, 13th May, 2015.

(593  Received on 7th May, 2015.)

Ref No: 18808/15

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| To ask the Minister for Communications, Energy and Natural Resources if the 1995 legislation was concealed from ESB Management and Pension Fund Trustees until they became aware of it during a very public dispute in December 2013; and if he will make a statement on the matter.  \* For WRITTEN answer on Wednesday, 13th May, 2015. 　 　 Ref No: 18808/15  |  |

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**REPLY**

**Minister for Communications, Energy and Natural Resources (Deputy Alex White)**
I propose to take Questions Nos. 201 and 202 together.

The ESB General Employees' Superannuation Defined Benefit Scheme is a contributory pension scheme through which pensions for the majority of employees in the electricity business are funded. The fund is vested in trustees nominated by ESB and its members for the sole benefit of employees, former employees and their dependents. The Scheme is a defined benefit scheme and is registered as such with the Pensions Authority (formerly the Pensions Board). The operation of the Scheme is a matter for the Trustees of the fund and not one in which I have a role or function.

My department has been advised by ESB that the company is satisfied that it is fully compliant with the provisions of the Energy (Miscellaneous Provisions) Act 1995 (No. 35 of 1995).

[Ref No.: 18025/15]

\*  To ask the Minister for Communications, Energy and Natural Resources if he will reverse the harmful cuts introduced by the Government in respect of the Electricity Supply Board's retired staff pension entitlements which have severely disadvantaged pensioners; if he supports the rights of these pensioners to engage in meaningful negotiations with their former employer and the trustees of the pension schemes; and if he will make a statement on the matter.

\*    For WRITTEN answer on Thursday, 7th May, 2015.

(625  Received on 1st May, 2015.)

Transferred from Public Expenditure and Reform

**REPLY**

**Minister for Communications, Energy and Natural Resources (Deputy Alex White)**

The ESB General Employees’ Superannuation Scheme is the scheme through which pensions for the majority of employees in the electricity business are funded. The fund is vested in trustees nominated by ESB and its members for the sole benefit of employees and their dependents. The Scheme is a defined benefit scheme and is registered as such with the Pensions Authority (formerly the Pensions Board). The issue of management of and attendance at meetings convened in respect of operation of the pension scheme is a matter for the Trustees of the Pension Fund and not one in which I have a role or function.

 [Ref No.: 16839/15]

\*  To ask the Minister for Communications, Energy and Natural Resources in the context of the Energy (Miscellaneous) Provisions Act 1995 (No. 35 of 1995), if his attention has been drawn to the fact that the ESB have failed to comply with its statutory obligations outlined under the said Act, which in essence makes the ESB Defined Benefit Pension a typical balance of cost scheme and requires the ESB to be solely responsible for any deficit that may arise from time to time in the said fund; if his attention has been further drawn to the fact that the said legislation that was put in place in order to underpin the guarantee in relation to the pension, was part of a tripartite agreement concluded in 1996 between the then Government, the ESB Management and the ESB Group of Unions; if he will take steps to ensure that same is honoured in full, particularly in the context of ESB pensioners and deferred pensioners who appear to be bearing the brunt of all losses visited upon them in respect of their pensions, by way of legislative interventions or otherwise; and if he will make a statement on the matter.

\*    For WRITTEN answer on Tuesday, 28th April, 2015.

(1023  Received on 23rd April, 2015.)

**REPLY**

**Minister for Communications, Energy and Natural Resources (Deputy Alex White)**
The ESB defined benefit scheme is a contributory pension scheme through which pensions for the majority of employees in the electricity business are funded.  The fund is vested in trustees nominated by ESB and its members for the sole benefit of employees and their dependents.  The scheme is a defined benefit scheme and is registered as such with the Pensions Authority (formerly the Pensions Board).

My Department has been advised by the ESB that it rejects claims that it has failed to comply with any obligations in respect of the scheme under the Energy (Miscellaneous) Provisions Act 1995 (No. 35 of 1995) or otherwise.  The Department has been further advised by ESB that it has honoured, and continues to honour, the terms of the 1996 Cost and Competitiveness Review tripartite agreement referred to by the Deputy.  The administration of the scheme is a matter for the scheme trustees.

---09/06/2015 11:41:37---Dear Michael, We are disappointed that you did not respond to my email of the 17/04/2015. I hope you

**Emmet Stagg:**

Please find the reply I have received in response to representations I made on your behalf.

I will continue to press your case and I will contact you as soon as I have further news.

Be assured of my assistance at all times.

Yours sincerely,

Emmet M. Stagg T.D.

**Fianna Fail:**

**Sean Fleming**

Dear Carl,

Please find attached for your information Fianna Fáil's position as requested

*(See attached file: ESB pensions reply April 2015\_.docx)*

As a party, Fianna Fáil has always believed that fairness is the core public policy principle guiding our vison for society. My party has always maintained that dignity in retirement is a cornerstone in our social fabric. Throughout our time in office, Fianna Fáil maintained the current level for the OAP.

It is important to recognise that private pensions are not a luxury. They are the savings that hard-working individuals have carefully put away over the years so they can look after themselves in their old age rather than rely on the State.

The last four years have seen vicious attacks on private pensions. The Government compounded the inequality of the levy on private pension funds by breaking their word to end the levy after four years by increasing it by a further 0.15% for 2014 and extended it to 2015.

Pensioners in defined benefit schemes are having their pensions cut as a direct result of the imposition of this levy. Defined benefit pension schemes will once again have to recalculated and reduce entitlements for their members after the extension of the pension levy until 2015.

Pensioner organisations/associations should be able to represent their members and to influence negotiations and the decision making process that would directly affect their future financial well-being.

The Social Welfare and Pensions (No 2) Bill 2013 introduced by this Government allowed for profitable employers to walk away from pension problems, by winding up schemes that are in deficit. We proposed a number of amendments when it was going through the Dáil and Seanad to ensure:

· A going concern should not be permitted to wind up its defined benefit company pension scheme unless it has reached a minimum of 90% funded.

· An appeal mechanism should be introduced where trustees have decided upon reduced benefits for members so that pensioners can be assured that have not been unfairly treated in a restructuring arrangement.

The Government rejected these and provided a mechanism for the trustees of a pension scheme to impose significant reductions in benefits on current and future pensioners.

Pensioner associations should be able to access the industrial relations machinery of the state. We also agree that the legislative framework should be examined with regard to making employers responsible for their pension schemes and that it is the employer who should fund future pension protection schemes as is the case in other EC countries.

As a party we will be bringing forward measures in our manifesto to assist current and future pensioners across a range of issues, including representation for deferred members, fair treatment for all scheme members and excessive charges being imposed on pension funds. We are happy to engage with representative groups as we finalise our election proposals.

**Michael McGrath:**

Thank you very much for your email.

I will discuss this with our Spokesperson dealing with the Bill, Deputy Dara Calleary.

Kind regards,

Michael McGrath T.D.
Constituency Office
Main Street
Carrigaline
Co Cork

Tel no:   021 4376699
Fax no:  021 4834252

Fianna Fáil Spokesperson on Finance

**Dara Calleary:**

My apologies for not responding-I thought I had.

I fully support your case and well speak accordingly in the Dail this week.

Regards

Dara
Dara Calleary TD
Fianna Fáil Spokesperson on Enterprise, Jobs & Innovation

19 Pearse Street, Ballina, Co Mayo (096) 77613

Dáil Eireann, Dublin 2, (01) 6183331
dara.calleary@oireachtas.ie
www.daracalleary.ie
@daracalleary

**Brendan Smith:**

Apologies for not responding due to an oversight on my own part.

As you know our Party Spokesperson on Enterprise, Jobs and Innovation, is Dara Calleary TD and I forwarded him your correspondence.  I have asked Dara to reply directly to you regarding the issues raised.

Kind regards.

Brendan

**Sean O Feargail:**

I am advised that Dara Calleary has been in touch with you and be assured of my support and that of my Party.

I believe Dara is raising this matter in the Dáil tomorrow.

Best wishes,

Seán

**Charlie McConalogue:**

 I have forwarded your amendment request to our spokesperson Dara Calleary and wish to assure you of my own support for the case of deferred pensioners.

Best regards,

Charlie McConalogue TD

Tel 0749373131 (office) or 086 8161078

**Michael Moynihan:**

Firstly my sincere apologies for not replying to your email of 17th April, I believed that this had been answered and I am sorry for the mistake.

In relation to that matter, Fianna Fáil proposed a number of amendments to the Social Welfare and Pensions (No 2) Bill 2013 when it was going through the Dáil and Seanad which would have ensured that a going concern should not be permitted to wind up its defined benefit company pension scheme unless it has reached a minimum of 90% funded. We also proposed the introduction of an appeal mechanism where trustees have decided upon reduced benefits for members so that pensioners can be assured that have not been unfairly treated in a restructuring arrangement.

The Government rejected these and provided a mechanism for the trustees of a pension scheme to impose significant reductions in benefits on current and future pensioners. Pensioner associations should be able to access the industrial relations machinery of the state. We also agree that the legislative framework should be examined with regard to making employers responsible for their pension schemes and that it is the employer who should fund future pension protection schemes as is the case in other EC countries.

As a party we will be bringing forward measures in our manifesto to assist current and future pensioners across a range of issues, including representation for deferred members, fair treatment for all scheme members and excessive charges being imposed on pension funds.

In respect of the Industrial Relations Bill, I wish to acknowledge your concerns about this matter and I appreciate the points you have raised. I have conveyed your thoughts on this issue to our Party Spokesperson on Jobs, Enterprise and Innovation, Dara Calleary TD, and I have asked him to revert to you directly regarding this matter.

Kind regards,

Michael Moynihan TD

*Fianna Fáil spokesperson on Communications, Energy & Natural Resources*

**Niall Collins:**

Thanks for your email below. I will be fully supporting this Bill. I would be obliged if you would let your members know.
Kind regards.

Niall Collins TD

**Timmy Dooley:**

**Sent on behalf of Timmy Dooley TD**

Dear Carl,

Further to my ongoing representations on your behalf, please see below latest update from Richard Bruton TD, Minister for Jobs, Enterprise and Innovation.

I will be in contact with you again when I receive further information.

In the meantime, please feel free to call my office on this or any matter

Yours sincerely,

**Timmy Dooley**
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Timmy Dooley TD
Spokesperson for Transport, Tourism and Sport & Clare Fianna Fáil TD
Dáil Éireann, Leinster House, Kildare Street, Dublin 2
Constituency Office: 8 Mill Road, Ennis, Co. Clare
Tel: 065 6891115
Fax: 065 6891116
e mail: timmy.dooley@oireachtas.ie
web: www.timmydooley.ie

From: minister@djei.ie
To: Emer Dooley <Emer.Dooley@Oireachtas.ie>,
Date: 07/07/2015 10:05
Subject: Re: Pension Levy
Sent by: Cliona.Hickey@djei.ie

Our Ref: 151123/MIN

Dear Timmy,
I refer to your correspondence on behalf of Mr. Carl O’Sullivan, ESB Retired Staff Association, in relation to collective representation access rights for retired persons on pension matters in the context of the Industrial Relations (Amendment) Bill 2015.  As you are aware, my colleague, Mr. Ged Nash T.D, Minister for Business and Employment, is currently progressing the Bill through the Oireachtas.

I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where such restructuring may impact on existing or potential pension benefits.

It is important to bear in mind that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

As it stands, where changes to pension schemes are negotiated at company level whether as a result of a crisis in the scheme or otherwise, the outcome of that engagement cannot, of itself, change the pension scheme. Rather, any proposed changes to the scheme are effected through the trust deeds and rules of the scheme and are at the discretion of the parties so designated in the rules/deeds of the scheme.

In terms of changes to pension schemes generally, the Trustees of a particular pension scheme are required by law to act in the best interests of all the members, be they active deferred or pensioner members. Until recently, this has been done on an individual basis.
The matter has been under careful consideration and, as you will be aware, the Tánaiste and Minister for Social Protection has recently 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 of pension schemes. 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

The changes to the Regulations will require the trustees of a pension scheme to notify the groups representing the interests of retired and deferred scheme members where the trustees of a scheme propose to apply to the Pensions Authority to restructure scheme benefits under section 50 of the Pensions Act. This notification affords the representative group an opportunity to make a submission to the trustees of the scheme in relation to such proposals.

In addition, the Pensions Authority is now required to notify groups representing the interest of scheme members where the Pensions Authority proposes to either issue a unilateral direction under section 50 of the Pensions Act to the trustees of a scheme to restructure scheme benefits or to wind up a pension scheme under section 50B of the Pensions Act. This notification affords the representative group an opportunity to make representations to the Pensions Authority in relation to such proposals.

The Regulations also give the representative group the right to appeal such a direction by the Pensions Authority to the High Court on a point of law.

In my view it is within this framework, rather than through the State’s industrial relations machinery, that a collective approach should be effected.

Yours sincerely,
Richard Bruton T.D.
Minister for Jobs, Enterprise and Innovation
Office of Minister Richard Bruton T.D.
Department of Jobs, Enterprise & Innovation | 23 Kildare Street, Dublin 2
Tel: +353 1 631 2172 | minister@djei.ie | <http://www.enterprise.gov.ie/en/>

**Sent on behalf of Timmy Dooley TD**

Dear Carl,

Further to ongoing representations on your behalf, please see attached reply from Joan Burton TD, Minister for Social Protection in relation to the Industrial Relations Bill.

I will be in contact with you again when I receive further information.

In the meantime, please feel free to call my office on this or any matter.

Yours sincerely,
**Timmy Dooley** *(See attached file: Image-2-1.JPG)(See attached file: Image-1-1.JPG)*

**John Browne:**

**This response from John came by post:**

Case Number: REPS-2015-4545

Mr John Browne TD

Dail Eireann

Dublin 2.

9m July 2015

Dear John,

Thank you for your correspondence on behalf of Mr. Carl O'Sullivan, ESB Retired Staff Association, 24 Clontymon Lawn, Boreenmanna Road, Cork, regarding the Industrial Relations Bill.

The issue of engagement with the industrial relations machinery of the State falls within the remit of the Minister for Jobs, Enterprise and Innovation. It is acknowledged that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court. Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

Earlier this year, I approved measures to facilitate engagement between the trustees of a pension scheme and groups representing the interests of pensioner and deferred scheme members. I signed the Occupational Pensions Schemes (Section 50 and 50B) (Amendments) Regulations, 2015 and approved Pensions Authority guidance to facilitate this change. The change to regulations will require the Pensions Authority to notify groups representing the interests of pensioner and deferred scheme members in situations where the Pensions Authority is proposing to issue a unilateral direction under section 50 of the Pensions Act to restructure scheme benefits or to wind up a pension scheme under section 50B. This requirement will afford the representative group an opportunity to make a submission to the Pensions Authority in relation to such proposals. The Regulations also give the representative group the right to appeal such a direction by the Pensions Authority to the High Court on a point of law.

I also approved an amendment to guidance issued by the Pensions Authority on this matter. This change to guidance will require the trustees of a pension scheme to notify groups representing the interest of scheme members of proposals by the trustees of a defined benefit pension scheme to issue a direction under section 50 of the Pensions Act to restructure scheme benefits.

This requirement will afford the representative group an opportunity to make a submission to the trustees of a pension scheme in relation to proposals to restructure scheme benefits. These changes will facilitate engagement between groups representing the interests of pensioner and deferred scheme members and the Pension Authority and the trustees of a pension scheme.

I would expect that any group that is recognised for the purposes of collective representation with the trustees of a pension scheme could seek to engage voluntarily with the enterprise involved in talks or trade disputes with employers.

Joan Burton

**Sinn Fein:**

**Peadar Tobin:**

Many thanks for your mail.

Committee stage of the Industrial Relations Bill is scheduled for June 16, and Deputy Tóibín will raise the matter below with the Minister via an amendment to the legislation.

Le gach dea-ghuí

Sinéad Ní Bhroin
Parliamentary and Policy Advisor

Oifig Peadar Tóibín TD
Teach Laighean
Sráid Chill Dara
Baile Átha Cliath 2

Fón: +353 1 618 3518
Ríomhphost: sinead.nibhroin@oireachtas.ie

**Gerry Adams:**

Thank you for your mail to Gerry Adams TD

We wish to acknowledge receipt of your correspondence.

Go raibh maith agat as do theachtaireacht chuig Gearóid Mac Ádhaimh TD.

Ba mhaith linn ár mbuíochas a ghabáil leat tar éis dul i dteagmháil linn.

Le meas,

Office of Gerry Adams TD

Sinn Féin President
Kildare St
Dublin 2

**Pearse Doherty:**

Apologies but I have no such e-mail from yourself or Tony Collins in the inbox from that date. If you wish to resend it I am sure Pearse would be happy to look at it.

I will pass on this e-mail to the office of Peadar Toibin who as Jobs Spokesperson was dealing with that legislation.

Thanks
Declan

**Dessie Ellis:**

My apologies for not replying until now.

Peadar Toibin is our party spokesperson on Industrial Relations and I am aware that he has responded to your points having spoken with his office and forwarded your previous email.

We will be supporting this Bill and raising your concerns during the debate as well as at future stages with relevant amendments.

Thanks for your email.

Le meas,

Dessie

**Padraig McLoughlin:**

My colleagues Mary Lou McDonald and Peadar Toibín TDs are dealing with these matters in their capacity as the relevant party spokespersons.

I have every confidence that they have taken your concerns into consideration as part of their work.

Regards,

Pádraig Mac Lochlainn TD

Donegal North East

Sinn Féin Spokesperson on Justice and Equality

Chairman of the Oireachtas Committee on Public Service Oversight and Petitions

Leinster House Office 01 6184061
Buncrana Constituency Office 07493 22697
Letterkenny Constituency Office 07491 26798

**O Caoilean:**

I understand that Deputy Peadar Tóibín's office has replied to you on this issue and given you the party's position on this. I trust that is in order. Many thanks for contacting us.

Is mise,

Eoin P. Ó Murchú

Comhairleoir Um Beartas Sláinte
Health Policy Advisor

Oifig Chaoimhghín Uí Chaoláin TD, Urlabhraí Sláinte Shinn Féin

**Independent:**

**Clare Daly:**

 Thanks very much for highlighting this issue with me. It is the case that that legislation is before the house next week. It was only recently published, rush job on behalf of  the government  and I hadn't considered the possibility of including this aspect into it.

We had obviously previously sought to amend the Workplace Relations Bill to accommodate a voice for pensioners, but I'll certainly explore the avenue in relation to the present bill. Thanks  for highlighting it.

All the best,
Clare Daly

Thanks so much for taking the time to get in touch. I think  you are absolutely right, the deaf ears of this government are considerable. They seem to be immune to the aspirations of Irish citizens and hopefully they will pay a heavy price for that sooner rather than later.

All the very best,
Clare Daly

"Tony Collins" ---02/07/2015 18:52:33---Dear Clare,

From: "Tony Collins" <tonycollins1@eircom.net>
To: <clare.daly@oireachtas.ie>,
Date: 02/07/2015 18:52
Subject: Industrial Relations Bill



Dear Clare,

I’ve been listening to “snippets” from your arguments put to Minister Nash in the Dail last week and I wish to congratulate you on your stance in support of “former workers” and the arguments that you put forward for their inclusion in the Industrial Relations Machinery of the State. Unfortunately, it fell on deaf ears but I know it’s a battle that you will continue and I admire your tenacity and persistence. The whole issue of “a voice” and representation for “former workers” is one which our Association has also been fighting for and it’s Public Representatives such as yourself that have been keeping these issues alive. One of my colleagues in Cork, Carl O’Sullivan, has been in touch with you for months now and our Association appreciates the efforts you have made on our behalf and on behalf of pensioners in general.

Yours sincerely

**Tony Collins**

**Chairman, National Executive**
**ESB Retired Staff Association**

**Mob 086 8197083**

**Tommy Boughan**:

Many thanks for your email.  I do hope to get some speaking time when the Bill comes before the Dáil this week (unfortunately as an Independent T.D who is not part of the technical group I am not always guaranteed speaking time and indeed, I cannot submit amendments until Report stage).

I have read your email carefully and agree with the sentiments expressed.  I will, of course, endeavour to highlight the issue of 'former workers' during my speech should I be granted speaking time.

Very Best Wishes,

Tommy Broughan T.D.

Independent T.D. for Dublin Bay North
www.tommybroughan.com

**Billy Timmins:**

Hi

Not sure who this is for

Billy. Timmins

Sent from my iPhone

**Michael Fitzmaurice:**

I have and will continue to support you

Sent from my iPad

On 8 Jun 2015, at 17:15, clonty@eircom.net wrote:

**Joe Higgins:**

Thank you for your email on the Industrial Relations Bill that is due for second stage soon.

We would agree with you that pensioners should have a position as of right when it comes to discussions and negotiations. Dublin Airport is in Joe Higgins' and Ruth Coppinger's constituency and they are acutely aware of the problems faced by defered pensioners there.

I apologise for not getting back to your email. All emails are read and noted and inform our TDs for Dáil debates and questions. Due to the hundreds of emails we receive each day it is not possible to reply to them all in the way we would like. Opposition TDs from smaller groups do not have the same staff and resources of government Ministers or the larger political parties.

Kind Regards,

Oisín Kelly
Dáil Assistant to Joe Higgins TD & Ruth Coppinger TD
Socialist Party TDs for Dublin West
01-6183370
joe.higgins@oir.ie

**Catherine Murphy:**

Thank you for your email and apologies for the oversight in not replying to your earlier email. My office has been receiving many hundreds of emails each week and it has meant I am not able to respond as quickly as I'd like to.

I will certainly be looking to speak in favour of the points which you raised in your email, provided the time is made available. As I don't sit on the relevant Oireachtas committee for taking this legislation, I cannot put amendments down but I will be able to put them down when the bill reaches Report stage, provided the issues have been already raised at Committee stage.

I spoke strongly in favour of representation rights for retired workers during the passage of the Workplace Relations Act recently and I will reiterate my support if I get the opportunity to speak to this bill.

Kind regards

Catherine

**Maureen O Sullivan:**

My apologies Carl, and I have an uncle who is ex ESB.

Pensioners, like in your situation, have very genuine grievances and you do have my support in whatever way I can.

Regards,

Maureen O'Sullivan

**Michael Healy Rea:**

Thanks very much for you email, you can be assured of my full support.

Regards

Michael Healy-Rae T.D.
Sandymount, Kilgarvan Co.Kerry
Office Number:01 6183363

**Joan Collins:**

Tony, apologies, I must have missed your email as I have no problem supporting this request and will raise the issue during the debate and at amendment stage.
Yours in Solidarity
Joan
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Joan Collins TD

Dáil Office.

Kildare Street,
Dublin 2.

Ph:  (01) 618  3215

Constituency Office.

**Roisin Shortall:**

I am just passing on as promised the pq replies that I have received from the Minister...

Regards,

Róisín Shortall T.D.

WRITTEN question for answer on 28/05/2015 :
To ask the Tánaiste and Minister for Social Protection her plans to introduce legislation to place an onus on employers to adequately fund their pension schemes, and keep pension promises made to workers. - Róisín Shortall.

**Question Nos: 64 & 65 Ref No: 21211-15**

**21212-15**

**To the Tánaiste and Minister for Social Protection**

To ask the Tánaiste and Minister for Social Protection her plans to introduce legislation to place an onus on employers to adequately fund their pension schemes and keep pension promises made to workers. - Róisín Shortall.

To ask the Tánaiste and Minister for Social Protection her plans to introduce legislation to require employers to fund pension protection schemes. - Róisín Shortall.

\*    For WRITTEN answer on Thursday, 28th May, 2015.

**R E P L Y**

**Tánaiste and Minister for Social Protection (Joan Burton T.D):**

I propose to take questions 64 and 65 together.

Defined benefit pension schemes in Ireland are set up and maintained by employers on a voluntary basis. There has never been a statutory obligation on employers under Irish law to contribute to their pension scheme.  Rather, when a defined benefit scheme is set up, the level of employer and employee contributions is agreed and established in contract in each schemes Trust Deeds and Rules.  The Trust Deeds and Rules differ from scheme to scheme, and as with any contractual situation, reflect the parameters on the level of obligation of the parties involved.

You will be aware that a range of legislative measures have been put in place in recent years to assist employers and the trustees of pension scheme address the funding difficulties encountered by many defined benefit pension schemes. The imposition of a debt on employers or the provision for a pension protection fund were considered during the deliberation process leading up to introduction of these legislative changes. However, given the uncertainties as to the overall impact and potential for unintended consequences of applying debt on the employer selectively or otherwise and  having regard to the small size of the defined benefit sector, and given the administrative complexities and costs associated with a pension protection fund, these measures were not progressed

I am satisfied that the measures put in place in recent years take an approach which will support schemes with funding difficulties to gradually move to a more sustainable funding position.

**DAIL QUESTION**

**NO. 83**

To ask the Minister for Jobs, Enterprise and Innovation his plans to ensure that representatives of retired pensioners can have access to the industrial relations and arbitration machinery of the State, or otherwise gain negotiation rights, in view of the fact that such pensioners are very disadvantaged at present, in terms of negotiations on future pension entitlements.

- Róisín Shortall.

\*    For WRITTEN answer on Thursday, 28th May, 2015.

Ref No:   21213/15

**R E P L Y**

Minister of State at the Department of Jobs, Enterprise and Innovation (Mr Nash)

I fully appreciate the concerns of retired and deferred members of pension schemes whose schemes are being restructured, particularly where such restructuring may impact on existing or potential pension benefits.

In this regard, the question of pensioner groups having access to the State’s industrial relations machinery in pursuing pension scheme grievances is an issue to which careful consideration has been given.

In doing so, it was important to bear in mind that the industrial relations system in Ireland is voluntary in nature both as regards access to the Labour Relations Commission and the Labour Court.  Any change to that principle which would put in place a mandated right to be part of the process would alter fundamentally the conduct of industrial relations.

As it stands, where changes to pension schemes are negotiated at company level whether as a result of a crisis in the scheme or otherwise, the outcome of that engagement cannot, of itself, change the pension scheme. Rather, any proposed changes to the scheme are effected through the trust deeds and rules of the scheme and are at the discretion of the parties so designated in the rules/deeds of the scheme.  In my view, it is within this framework, rather than through the State’s industrial relations machinery, that a collective approach would be most effective.

In terms of changes to pension schemes generally, the Trustees of a particular pension scheme are required by law to act in the best interests of all the members, be they active deferred or pensioner members.  Until recently, this has been done on an individual basis.

The Tánaiste and Minister for Social Protection has now provided for the recognition by trustees and the Pensions Authority of groups representing the interests of retired and deferred scheme members of a particular pension scheme.  The required revised section 50 guidance has been published by the Pensions Authority.

From now on, the trustees of a pension scheme are required to notify the groups representing the interests of retired and deferred scheme members where the trustees of a scheme propose to apply to the Pensions Authority to restructure scheme benefits under section 50 of the Pensions Act.  This notification affords the representative group an opportunity to make a submission to the trustees of the scheme in relation to such proposals.

In addition, the Pensions Authority is now required to notify groups representing the interest of scheme members where the Pensions Authority proposes to either issue a unilateral direction under section 50 of the Pensions Act to the trustees of a scheme to restructure scheme benefits or to wind up a pension scheme under section 50B of the Pensions Act.  This notification affords the representative group an opportunity to make representations to the Pensions Authority in relation to such proposals.

----- Forwarded by Paul Cassidy/Polstaff/Oireachtas on 19/06/2015 14:09 -----

From: Roisin Shortall/Members/Oireachtas
To: <clonty@eircom.net>
Date: 22/05/2015 17:39
Subject: Re: Support

**RENUA Ireland:**

**Lucinda Creighton:**

I hope you are keeping well. Thank you very much for your email of 8th June, which referred to your earlier email to Deputy Creighton regarding the Industrial Relations Bill.

Your message will be brought to the attention of Deputy Creighton at the earliest opportunity.

Kind regards,

Samantha Long

Office of
Lucinda Creighton TD
Member of Dáil Éireann (Irish Parliament)