



Ms Louis Mooney,
Regional Secretary,
Conciliation, Facilitation and Mediation Service,
Workplace Relations Commission,
Lansdowne House,
Lansdowne Road,
Ballsbridge,
Dublin, 4.
By Email

2nd of December 2020

Re: Hospital Pharmacist's Labour Court Referral

Dear Louis,

We are issuing this correspondence in response to the request of the WRC to refer the Hospital Pharmacists case to the Labour Court. Health Management respects the process of the WRC and remains committed to implementing the Pharmacist 2018 Agreement.

Notwithstanding the above, implementation of any agreement must adhere to the current Public Service Agreement, Building Momentum. Under this PSA, Sectoral Bargaining is the agreed mechanism to deal with all outstanding adjudications, commitments, recommendations, awards and claims. Building Momentum states that no sectoral or grade-based claims for improvement to pay and conditions will be considered outside of this Sectoral Bargaining Fund process over the lifetime of this Agreement. It also acknowledges that where issues are not fully or only partially addressed, outstanding elements will fall to be addressed in a future Sectoral Bargaining Fund as part of the next Agreement.

Given that the dispute relates to the funding of the agreement through Sectoral Bargaining and both parties are signatories to the PSA, we believe that the Building Momentum dispute resolution processes are the most appropriate fora to resolve this issue. Recent Labour Court decisions have also clearly recommended that Building Momentum dispute resolution procedures should be exhausted before recourse to the Labour Court (e.g. LCR22462, LCR 22454).

We respectfully conclude that Health Management cannot agree to a joint referral to the Labour Court before the dispute resolution

mechanisms agreed by the parties to Building Momentum are exhausted.

Yours sincerely



Morgan Nolan,
National Employee Relations Manager
Sarah O'Boyle, Department of Health
John Delamere, HSE
Eamon Donnelley, Forsa
Catherine Keogh, Forsa



Seirbhís Sláinte
Níos Fearr
á Forbairt

Building a
Better Health
Service