

THE LABOUR COURT  
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CD/15/33  
(CCC-140721-13)

RECOMMENDATION NO. LCR20984

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

PARTIES :

HSE

- AND -

IRISH NURSES AND MIDWIVES ORGANISATION  
SERVICES INDUSTRIAL PROFESSIONAL TECHNICAL UNION  
PSYCHIATRIC NURSES ASSOCIATION

DIVISION :

Chairman : Mr Hayes  
Employer Member : Ms Doyle  
Worker Member : Mr Shanahan



SUBJECT:

1. 1. Pay for Qualified Nurses Awaiting Registration, 2. Pay Rate for The 36 Week Placement

BACKGROUND:

2. This case concerns a dispute between the HSE and the Unions in relation to a) the appropriate rate of pay for qualified nurses awaiting registration and b) the rate of pay for the 36 week placement of student nurses. The dispute was not 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 matter was referred to the Labour Court on 2nd February 2015 in

accordance with Section 26(1) of the Industrial Relations Act, 1990. A Labour Court hearing took place on the 25th March 2015.

**UNION'S ARGUMENT:**

- 3 1 **Nurses awaiting registration** : Management issued a circular (24/2013) setting the appropriate rate at €23,129 (85% of the agreed staff nurse rate). This circular issued while the Unions were in the process of agreeing a rate of pay for these staff members. In addition the workers in question are paid less than the pay rates of the Health Care Assistant or Nurses Aid yet they have more responsibility and work in more clinically complex situations.
- 2 **Pay for 36 week placement**: Management changed the rates of pay for these workers to comply with the structured training rates applicable under the National Minimum Wage Act, 2000. This is an incorrect rate of pay. The Nurses in question should be paid 80% of the appropriate Staff Nurse rate as is appropriate throughout the Public Sector for trainee placements.

**MANAGEMENT'S ARGUMENT:**

- 4 1 **Nurses awaiting registration**: Management contends that the rate of pay that it has set through circular 24/2013 is fair and appropriate in the current circumstances. In the absence of an agreed national rate and an inappropriate pay link being sought by the Unions to a supporting grade Management felt it had to set an acceptable rate and apply it consistently to all staff.
- 2 **Pay for 36 week placement**: Management changed the rate of €6.95 per hour for these staff to the structured training rates applicable under the National Minimum Wage Act, 2000. (75%, 80% and 90% of €8.65). This was done to reflect the fact that the previously paid rate was not in compliance with the Act for the final 12 week placement period. Management contends that it has acted in line with Government policy for workers engaged in a course of study/training.

**RECOMMENDATION :**

**Rate of pay for Student Nurses**

Having carefully considered the submissions of both parties to this dispute the Court finds that the issue cannot be pursued in the lifetime of the Haddington Road Agreement. Discussions scheduled to take place regarding pay and conditions of employment in the Public Sector following the expiry of the HRA is the appropriate forum in which to raise the matter.

Accordingly the Court does not recommend concession of the Union's claim. In that context the Court makes no findings on the merits of the substantive issue before it.

#### Pay for qualified Nurses awaiting Registration

Having given careful consideration to the submissions of both parties to this dispute the Court recommends that the parties engage further with the assistance of the LRC if necessary with a view to agreeing an appropriate rate of pay for this group of workers.

Signed on behalf of the Labour Court

Brendan Hayes

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Deputy Chairman

28th April 2015

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#### NOTE

Enquiries concerning this Recommendation should be in writing and addressed to Andrew Heavey, Court Secretary.

