

Representation, Reform and Rights: The Irish Defence Forces Experience

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Content

- Historical Context
- Current State of Affairs
- Working Time Directive
- Defence (Amendment) Bill
- Engagement with International Institutions
- Looking to the Future
- Conclusion

Historical Context

- Poor pay and conditions in the DF in the late 1980s led to the coming to prominence of the National Army Spouses Association (NASA)
- Following a period of sustained public agitation, the primary Defence Act (1954) was amended in 1990 to provide for representational structures
- Shortly followed by new Defence Forces Regulation (DFR) - S.6 (Representation)
- Paved the way for RACO to be statutorily established in April 1991

Current State of Affairs

- Two Permanent DF Representative Associations
 - RACO (Commissioned Officers)
 - PDFORRA (enlisted personnel)
- Who (what ranks) can be represented?
- Provides for a “Right of Consultation” on issues coming within the ‘Scope of Representation’ through a Conciliation and Arbitration Scheme
 - Pay, Allowances & Remuneration, superannuation & associated deductions
 - T&Cs of Employment (Inductions, Promotions, ‘Selections’ & Appraisal Systems)
 - Welfare, Health & Safety, Medical Services, Accommodation
 - Changes to DFRs (within Scope)

Engagement with International Institutions

DF Representation, through EUROMIL, submitted a collective complaint to the European Committee of Social Rights in 2014, challenging Ireland's prohibition on Defence Forces members joining trade unions. The case argued that this blanket ban violated the right to freedom of association under the European Social Charter, reinforcing the principle that military personnel must not be excluded from fundamental labour rights simply due to their status as service members.

An ongoing case, also submitted through EUROMIL under the European Social Charter, challenges the lack of fair remuneration for Defence Forces members for weekend and bank holiday duties, arguing that current compensation practices are inconsistent with European standards on fair working conditions. It also challenges the prohibition on the payment of overtime for additional hours worked by DF personnel.

EUROMIL Advocacy on provisions of the Defence (Amendment) Bill 2024



The European Organisation of Military Associations and Trade Unions (EUROMIL) is an umbrella organisation composed of military associations and trade unions. It is the main Europe-wide forum for

cooperation among professional military associations on issues of common concern.

EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe. It promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities.

European Working Time Directive



European Working Time Directive

- Objective to “enhance safety & welfare of workers; provide greater compatibility between work & family life” - health & safety legislation
- WTD sets out limits on the number of continuous hours employees can work over certain periods; Avg. working hours must not exceed;
 - 8 per 24-hour period
 - 48 hours in any week
 - Minimum daily rest period of 11 consecutive hours in every 24 hours
- The DF is surviving on the goodwill of its personnel;
 - insufficient supervision, mentoring and staff resources, which leads to inevitable burnout. Low morale, increased stress (UL Climate Survey)
- WTD is an effective workforce planning tool
 - Enable effective and transparent forecasting
 - Give personnel a clear projection of their future working hours

WTD- Agreed Approach to Implementation

- Strand 1 - Process formalised in DFR, agreed Leave and TOIL protections and any additional protections relating to Time Off In Lieu (TOIL) and Annual Leave for those activities deemed outside the scope of WTD Directive
 - DF Blanket Exemption from Organisation of Working Time Act removed by Statutory Instrument
 - Additional TOIL for Naval Service Patrols
- Strand 2 - Letter from the Minister for Defence to the RAs confirming the provision of any existing and additional non-TOIL protections, for activities deemed outside the scope, for example:
 - Provision of free return reunion flights home from overseas
 - Increased WIFI provisions and improvements to recreation facilities
 - Mandated TOIL for military training courses
- **Strand 3 - Address obligations under the Terms of Employment (Information) Act, 1994, in terms of confirming to members of the DF what constitutes a working day and working week**
 - Commencement of the recording Working Time for all members

Defence (Amendment Bill) 2024

General Scheme – Heads of Bill – 41 in total

- Serious Concerns with,
 - Head 25 – Officers holding certain military appointments may not be a member of a representative association due to an alleged impact on independence
 - Head 26 – Prohibition on certain activities of a representative association
 - Ban on commenting on or questioning the merits of government policy
 - Head 28 – Restrictions on members of the DF commenting on government policy
 - **Lack of consultation**
- RACO response and reaction
 - Sustained Internal and External Advocacy
 - Engagement in Oireachtas Pre-Legislative Scrutiny Process
 - Joint Oireachtas Committee Tuesday 20 Feb 2024
 - RACO/PDFORRA/ICTU/EUROMIL

Defence (Amendment) Bill 2024



TheDarkState

Defending Debate: The Defence Amendment Bill

15 Jul 2024

John Mooney sits down with Conor King of RACO to discuss the recently passed Defence (Amendment) Bill. This controversial piece of legislation has sparked significant debate within military circles over its constitutionality. It has now been referred to the Council of State. Why is the Government pressing ahead with its introduction?

PDFORRA, which represents rank and file members across the Irish Air Corps, the Naval Service and Army along with the Representative Association of Commissioned Officers (RACO) have previously denounced the Bill.

In February, RACO told the Joint Oireachtas Committee on Foreign Affairs and Defence that it believes the amendment is “draconian”.

The representative bodies have taken issue with the makeup of the External Oversight Body as its membership includes the Secretary General of the Department of Defence.

At the meeting in Áras an Uachtaráin, President Michael D Higgins is asking the Council to consider:

“ **Whether the Defence (Amendment) Bill 2024 should be referred by the President to the Supreme Court for a decision on the question as to whether the Bill or any specified provision or provisions thereof are repugnant to the Constitution or to any provision thereof.** ”

The particular line in the Amendment, that the representative bodies have taken issue with, was highlighted by RACO in February and Higgins is expected to make the decision by Wednesday.

It states that members of the Defence Forces “shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such policy”.

Defence Bill 2024



IMAGE: Rollingnews.ie

DEFENCE

High Court rules order banning military from protest against defence cuts was unconstitutional

RACO @RACO_DF · May 6, 2024

Military group accuses Govt of 'ignoring' key report on new defence laws
jrn1.ie/6370797

@DefenceForces personnel deserve fair play, but note the rushing through of legislation without consultation or regard for the oversight function of the Oireachtas Defence Committee.

RACO @RACO_DF · May 1, 2024

DEFENCE AMENDMENT BILL

The Oireachtas Committee on FA & Defence has published its report following scrutiny of the draft Defence Bill, with several key recommendations on Consultation, Oversight, Freedom of Expression & Freedom of Association. 🗣️ 1/4...

In taking on board or not the recommendations of the EOB, by increasing the autonomy of the EOB to undertake reviews evaluations and related matters etc., without the need to gain Ministerial approval and consent. This might enhance the EOB's ability to carry out its functions independently and effectively.

2. With respect to the membership of the EOB, as it stands this does not seem to fully reflect the recommendations of the IRG, particular in the case of the membership being appointed by the Minister following a process run through the Public Appointments Service (Stateboards.ie), as is the case with the Policing and Community Safety Authority, which is cited in the General

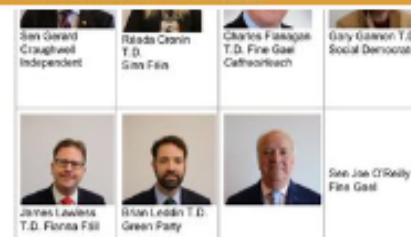
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Recommendations on Consultation or Oversight Committee Report, 2023
The Legislative Committee of the Defence Amendment Bill 2023

There is merit also in providing for such consultation in the provisions of the Bill.

RECOMMENDATIONS - ICTU (AMENDMENTS TO THE DEFENCE (AMENDMENT) ACT 1996) (HEADS 25 TO 28)

5. With respect to Head 25, it is not clear that there is sufficient merit in its proposed prohibition of membership of representative associations on the part of the Director of Military Prosecution, the Military Judge or other posts that may be prescribed by the Minister at a future point. The Committee heard evidence that this provision is disproportionate and without parallel anywhere.



Remove 'gagging order' from Defence Bill, recommends Oireachtas committee



The Defence Bill contains a controversial provision restricting the views of military representative bodies.

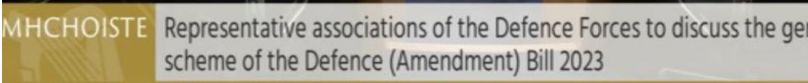
MON, 06 MAY, 2024 - 01:00

CORMAC O'KEEFE, SECURITY CORRESPONDENT



A controversial provision in a new bill restricting the views of military representative bodies should be removed or substantially amended, the Oireachtas committee on foreign affairs and defence has recommended.

The provision in the Defence Bill was described during committee hearings as a “gagging order” which union officials and military staff bodies feared would prevent them from commenting on Government policies.



STRONGER TOGETHER

CONGRESS

Irish Congress of Trade Unions

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PDFORRA and RACO

- Congress statement to Joint Oireachtas Committee

February 20, 2024





President Higgins this afternoon at a meeting of the Council of State at Áras an Uachtaráin. IMAGE: President of Ireland on X

DEFENCE FORCES

President concludes meeting with Council of State to assess if Defence Bill is constitutional

The Bill will preclude the Defence Forces from publicly questioning or commenting on government defence policy.

RACO Statement on the Defence Bill

RACO notes the decision of President Higgins to sign the Defence (Amendment) Bill 2024.

We thank the President for his careful consideration of the debate and the concerns raised, and we are appreciative of the time and effort of the Council of State in their recent deliberations on the constitutionality of the Bill. We also thank all members of the Oireachtas who opposed the deficiencies in the legislation.

The lack of meaningful consultation with DF representative associations throughout this process has been a source of significant concern to our members, but we take solace in the repeated assurances by the Tánaiste that our rights to represent our members will not be diminished, but rather enhanced by this legislation.

Our members note in particular that the President's decision to sign this legislation does not close off any actions sought by any member of the Defence Forces, or their representative association, to challenge the provisions of the Bill in the future, should that be required.

Looking to the Future

- Continued advocacy to improve pay and conditions for all members
- Reform of members' pension (Post 2013)
- Full Implementation of European Working Time Directive in DF
- Engagement on Legislation relating to Suspension of DF Personnel (Ward Report Implementation)
- Recruitment and Retention
- Staffing and Governance



Conclusion

- Representation has delivered real progress through national and international engagement
- EUROMIL cases highlight the importance of external collaboration in defending members' rights
- Key issues remain: pay, pensions, staffing, and fair treatment
- Continued reform requires political will and sustained advocacy
- RACO remains steadfast in its mission — to represent, protect, and advance the rights of our commissioned officers, ensuring a Defence Forces that is fair, future-ready, and fit for purpose.

Our Mission: *“To Champion the Wellbeing of our Members”*



Questions?

Website: www.raco.ie E-mail: info@raco.ie Twitter (X): [@RACO_DF](https://twitter.com/RACO_DF)