

Appendix

Service Delivery Options

Introduction / Principles

1. The public service is committed to the provision of public services through efficient, high quality and cost effective employment. It is also committed to the use of direct labour to the greatest extent possible, where consistent with the efficient and effective delivery of public services.
2. As stated in section 20 of *Towards 2016* the parties affirm the importance of public procurement policy as a mechanism for contributing to the maintenance of employment standards and norms including in respect of wage levels, while also ensuring competitive tendering and value for money in public expenditure.
3. The relevant trade unions will be consulted on all aspects of the procurement process at key stages before decisions are made, consistent with the requirements of EU and national procurement law and commercial sensitivity. Management will comply and abide with the requirements of the Employees (Provision of Information and Consultation) Act 2006 to inform and consult with employees.
4. Consistent with the above principles, it is necessary to provide some new and/or existing services on an outsourced basis in the circumstances outlined in section 28.9 of *Towards 2016*. In this regard, existing procedural agreements in the public service sectors will continue to apply.

Process

5. Work that may reasonably be considered as small in scale will be dealt with in accordance with normal procedures referred to above.
6. In the first instance, in respect of an existing service, both sides give a commitment to consult on the development of a service plan. This plan will

evaluate the existing in-house service, the outsourcing option, and compare both. As part of the evaluation both parties will consult with a view to agreeing a plan to address the service changes necessary to retain the service in house. In evaluating any proposal to proceed with outsourcing, a number of factors will be taken into account, including overall cost, quality of service, effectiveness, and the public interest. All relevant costs will be included in the evaluation but it will not be determined by unit hourly rates of pay.

7. Where management decide to proceed with outsourcing, there will be regular consultation with the trade unions throughout the commissioning and procurement process.
8. Procurement will not result in a worsening of the pay rates, pension and employment conditions of employees remaining in the public service.
9. In line with the commitments in the public service agreement, there will be no compulsory redundancies in any outsourcing. Both sides will maximise redeployment opportunities.
10. Private sector employers acting under a public service outsourcing contract will be required to comply with all statutory terms and conditions relating to the employment of people in Ireland, including any registered agreement or ERO.
11. As a matter of public policy, all public contracting authorities will make clear to tenderers their expectation that the statutory industrial relations procedures (LRC or Labour Court) will be utilised for dispute resolution, consistent with domestic and EU procurement law.
12. Public contracting authorities will be required to provide in all outsourcing contracts, other than those smaller contracts specified in paragraph 5, for their right to information to allow the authority to assess compliance with employment legislation, including REAs and EROs.

13. The parties will establish a mechanism to monitor compliance with employment law, including REAs and EROs, in outsourced operations, other than those specified in paragraph 5.