



31 Eanáir 2022

Mr Liam Berney,  
Irish Congress of Trade Unions,  
32 Parnell Square,  
Dublin 1

Dear Liam,

The Minister has asked me to thank you and your colleagues from SIPTU, UNITE, FÓRSA and Connect Union for meeting with him on Wednesday 19 January 2022, to review progress on the various engagements taking place in line with the Government Policy Paper on Water Sector Transformation (February 2021).

At the meeting, I undertook to follow up with you in writing setting out the key points, which were discussed at the meeting.

*The position of local authority workers*

In response to the concerns that any staff transfer arrangements must be voluntary, the Minister reaffirmed the Government position that a Framework for the Future delivery of water services should be agreed between all parties to the transformation process at the WRC. This agreement should address the interests and concerns of each party.

However, for the avoidance of doubt, the Minister confirmed his position that in the context of a wider overarching agreement on water sector transformation being put in place, local authority staff will not be required to transfer to Irish Water. His objective is that any agreement arrived at under the aegis of the WRC would facilitate voluntary transfer to Irish Water to join Ireland's newest national utility.

The Minister also re-affirmed and confirmed the Government's position that local authorities will no longer have staff involved in the delivery of public water services beyond the end of 2026, and that local authorities will have fully exited the provision of public water services at that time.

Based on a voluntary transfer system, this gives a five year window to enable a well-ordered, planned transition, which will ensure Irish Water gains the specialist expertise



it needs while local authorities also focus on strengthening their capacity across their broad range of functions.

There will be opportunities for staff during that transition period to either transfer to Irish Water or avail of a range of other options. It is essential that all parties work together to ensure that an effective plan is agreed to underpin the process.

We have already seen significant growth in the areas of Climate, Housing, Active Transport and a range of other critical public services being delivered through the sector and indeed we have seen excellent performance across these areas.

As posts are created in upcoming growth areas it is important that an internal mobility policy is in place to enable people who wish to avail of these opportunities to do so as early in the transition period as possible.

Irish Water and the local government sector have proposed that Irish Water would now begin now to recruit directly to fill vacancies that arise. It is now critical that this would start as soon as possible to continue to deliver quality coherent public water services, as well as ensure an effective transition process within the five year timeframe.

Our efforts can then be directed to maximising opportunities for a seamless transfer of service delivery.

#### *A Referendum on Water*

As part of our discussions with ICTU and the Local Authority Group of Unions, during 2021 the Department had shared a paper setting out its consideration of the possible approaches to the referendum matter.

The Minister noted the consensus that the most straightforward approach would seem to be one based on protecting the public ownership of the entity established under law to provide public water services (i.e. Irish Water).

The Minister is supportive of a referendum on the issue along the lines suggested. His view is that it is important to identify the appropriate timing for any referendum to ensure proper public engagement on the matter. It would make sense, therefore, that a referendum on water would best be held in conjunction with any referendum on the right to housing in the Constitution. The Commission on Housing which has recently been established has been specifically tasked with advising the Government on this matter. The Minister's position is that the constitutional issues around the rights to housing and protection for the supply of public water should be considered at the same time.



### *The future of local government*

On the future of local Government, the Minister pointed to the Government's strong track record to date of strengthening the capacity of local authority services.

As referred to above, the local government system is embarking on a significant expansion of activities across a range of areas such as Active Transport, Housing for All, Sláinte care and Age Friendly Ireland, Town Centre First, the Biodiversity Officer Programme, the Climate Action Plan 2021, the Sports Action Plan 2021-2023 and the Waste Action Plan for a Circular Economy amongst others, all of which will require a level of local authority input to deliver. Funding and staffing have been approved for some of these initiatives already, and funding confirmation is pending for others.

The Minister noted that the number employed in the local government sector was 31,971.72 FTE (full-time equivalents) at the end of Q3 2021. This is a significant increase since Q4 2015 when the figure stood at 26,630.36.

### *Governance of Irish Water*

Finally, in relation to governance arrangements, it is clear that public ownership, coupled with strong oversight and accountability arrangements, are highly valued by Government and unions alike.

In this regard, the work is continuing on the drafting of a Water Service Separation Bill 2021 to provide for the separation of Irish Water from the Ervia Group. The Minister noted that this separation has already effectively been put in place on a non-statutory basis following the recent appointment of a CEO for Irish Water. The Bill will also provide a role for the CnAG and the Public Accounts Committee in scrutinizing Irish Water. Significantly, the Government has also agreed to provide for the formal appointment of union representative to future Irish Water Boards.

The Minister noted the unions suggestion that the legislation should give explicit reference to the State "authority" nature of the company. This is implicit in that Irish Water took over local water services authority functions, including statutory powers of direction and compulsory purchase. He has asked his officials to consider this matter further as the drafting of the Bill proceeds.

### *Conclusion*

The Minister hopes that these clarifications are helpful in setting out the Government position on the transformation process and that this will enable intensive negotiations to re-commence at the WRC as soon as practicable.



Is mise, le dea mhéin,

*F. Coigligh*

Feargal Ó Coigligh

Rúnaí Cúnta

cc Anna Perry