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IRELAND REGION

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Individual Accountability Framework

Unite submission to Consultation Paper 154: Consolidated Guidelines in respect of the Central Bank's Administrative Sanctions Procedure

Context

Unite the union welcomes the opportunity to make a submission to the consultation regarding the Central Bank Administrative Sanctions Procedure in respect of the Individual Accountability Framework.

Unite represents members working at all grades throughout the financial services sector. A significant number of our members will fall within the scope of the proposed new Framework.

In particular, they will be affected by the new Fitness and Probity certification regime, due to be implemented on 31 December 2023, and by the Senior Executive Accountability Regime, due to be implemented on 1 July 2024.

Workers in the finance sector were heavily impacted by the financial crash, paying a heavy price in terms of redundancies and wage freezes for a crisis not of their making. Workers in customer-facing roles were particularly affected.

Unite therefore welcomes moves to codify and apportion responsibility in the finance sector, which we believe is key to restoring trust in the sector.

However, Unite members have raised a number of concerns and questions in respect of the draft Guidelines and their implementation.

Confidentiality and proportionality

Under the new regulations the Central Bank must be advised of any disciplinary hearings and actions, and can request access to any meeting minutes including one-to-one meetings, job descriptions, performance appraisals and similar.

While Unite acknowledges the strengthened confidentiality requirements in the Act, we would welcome clarification regarding the following questions:

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Susan Fitzgerald
Regional Secretary

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Sharon Graham
General Secretary

- Does the requirement to notify the CBI of all pending and ongoing disciplinary cases relating to staff apply to all disciplinary cases, or only those which potentially involve Fitness and Probity issues?
- With whom will the CBI share personal information provided or obtained in the context of the ASP, and for how long will such information be retained?
- To what extent will personal information provided or obtained in the context of the ASP be subject to generally applicable GDPR provisions?

Existing contractual rights

Unite notes that the ASP provides that the CBI can initiate or take over any investigation, and has the power to suspend an employee during an investigation.

- Can the CBI provide an assurance that employees will retain all rights provided for in their existing contracts of employment?
- Will an appeal procedure be provided for, short of an appeal to the Irish Financial Services Appeals Tribunal or the High Court?

Trade union representation

Unite notes with dismay that there appears to be no provision for the subject of an inquiry to be accompanied by a trade union representative at any stage of the ASP process. We also note that there is no provision for the ICTU to nominate qualified members of the Regulatory Decisions Unit.

- Can the CBI provide an assurance that workers who so wish may be accompanied by a trade union representative at any stage of the ASP process, including the appeals stage?

Unite looks forward to receiving early clarification of the concerns and questions outlined above.

Signed:



Tom Fitzgerald
Regional Coordinating Officer
Unite the union