

CONFIDENTIAL TO MEMBERS



Association of Higher Civil and Public Servants

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**ANNUAL REPORT
2013/2014**

CONTENTS

INTRODUCTION	9	3.4 Injuries Board	27
PART ONE: ORGANISATION		3.5 Other Agencies	27
1.1 Annual Delegate Conference	11	PART FOUR: AFFILIATIONS AND RELATIONS WITH OTHER ORGANISATIONS	
1.2 Executive Committee	11	4.1 Irish Congress of Trade Unions	28
1.3 Standing Orders Committee	11	4.2 Civil Service Unions	28
1.4 ADC Resolutions 2013 including Motions Remitted	11	4.3 Veterinary Officers' Association	28
1.5 Trustees and Auditor	16	4.4 Retired Civil & Public Servants' Association	28
1.6 Honorary President & Vice Presidents	16	4.5 European Federation of Public Service Unions (EPSU)	28
1.7 Consultative Council	16	4.6 Union of Finance Personnel in Europe (UFE)	28
1.8 Membership	16	4.7 Union Network International (UNI)	28
1.9 Membership Services	17	4.8 FDA UK	28
1.10 Rules & Constitution	18	4.9 Institute of Public Administration	29
1.11 Staff	18	4.10 Irish Labour History Society	29
PART TWO: CIVIL SERVICE		4.11 Hospital Saturday Fund	29
2.1 Pay	19	4.12 Combined Service Third World Fund	29
2.2 Issue of the former FÁS Grade 7S transferred to the Department of Social Protection	21	4.13 Civil Service Charities Fund	29
2.3 Issue of the former Superintendent Community Welfare Officer to the Department of Social Protection	22	APPENDICES	
2.4 Retirements	22	Appendix A Minutes of the Annual Delegate Conference 2013	30
2.5 Promotion/Recruitment	22	Appendix B Rules & Constitution	41
2.6 Strengthening Civil Service Accountability and Performance	22	Appendix C Standing Orders	51
2.7 Travel and Subsistence Rates	22	Appendix D Executive Committee Attendances	53
2.8 Redeployment	22	Appendix E Haddington Road Agreement	54
2.9 Annual Leave	23	Appendix F Adjudication finding presidency payments	102
2.10 Pensions	23	Appendix G Submission on strengthening accountability	107
2.11 Sick Leave	23	Appendix H Civil Service General Council Staff Panel	139
2.12 PMDS	24	Appendix I ICTU Annual Report of the Public Services Committee	148
2.13 Shared Services	24	PART FIVE: ACCOUNTS	153
2.14 TLAC	24		
2.15 Senior Public Services (SPS)	24		
2.16 General Council	25		
2.17 Work Life Balance	25		
PART THREE: STATE ENTERPRISES			
3.1 An Post and National Lottery Company	26		
3.2 FÁS/SOLAS	27		
3.3 Irish Aviation Authority	27		

OFFICERS OF THE ASSOCIATION FROM 1943 - 2014

Year	Chairman	Vice-Chairman	Hon. Secretary	Hon. Treasurer
1943/5	M.J. Kenny		E. O'Connor	E. O'Connor
1945/6	J. Mahony		E. O'Connor	E. O'Connor
1946/7	J.J. Waldron		E. O'Connor	E. O'Connor
1947/9	J.J. Waldron		M.A. O'Connallain	T. O'Brien
1949/51	J.J. Waldron		C.P. O Ceallaigh	J. O'Dwyer
1951/2	J.J. Waldron		B. Carty	C.P. O Ceallaigh
1952/3	J.J. Waldron		T.J. Collins	C.P. O Ceallaigh
1953/5	J.J. Waldron		T. Tobin	S.M. O Miodchain
1955/7	C.P. O'Ceallaigh		T. Tobin	S.M. O Miodchain
1957/8	C.H. Murray	C.P. O'Ceallaigh	T. Tobin	S.M. O Miodchain
1958/9	C.H. Murray *	C.P. O'Ceallaigh	P.A. Terry	S.M. O Miodchain
	T.J. Cahill			
1959/60	T.J. Cahill*	M.B. Lawless	N. MacLiam	N. MacLiam
	M.B. Lawless	W. Drain		
1960/1	P.A. Terry	W. Drain	J.G. Buckmaster	T. O'Sullivan
1961/2	P.A. Terry	P.J. Mulvany	J.G. Buckmaster	T. O'Sullivan
1962/3	R.C. O'Connor	P.J. Mulvany	J.G. Buckmaster	T. O'Sullivan
1963/4	R.C. O'Connor		J.G. Buckmaster	L. O'Laidhin
1964/5	R.C. O'Connor	J.M. McNicholl	L. O'Laidhin	T.J. Mooney
1965/6	R.C. O'Connor	J.M. McNicholl	N. Tobin	T.J. Mooney
1966/8	P.A. Terry	J.M. McNicholl	D. O'Mahony	T.J. Mooney
1968/9	P.A. Terry	J.C. Horgan	D. O'Mahony	T.J. Mooney
1969/73	J.C. Horgan	M. Kilcullen	D. O'Mahony	T.J. Mooney
1973/74	J.C. Horgan	M. Kilcullen	J. O'Dwyer	T.J. Mooney
1974/75	M. Kilcullen	M. Corcoran	M.F. Fahy	T.J. Mooney
1975/76	M. Kilcullen	D. O'Mahony	General Secretary	T.J. Mooney
1976/77	T.J. Mooney	D. O'Mahony	Ralph B. Pares	J.C. Tucker
1977/78	T.J. Mooney	D. O'Mahony*	1975-1980	J.C. Tucker
		M. Corcoran**		
		J.C. Horgan		
1978/79	T.J. Mooney	T.H. Nally		J.C. Tucker
1979/81	J.C. Tucker	M.F. Fahy		T. Tuite
1981/83	M.F. Fahy	T. Tuite	John Dowling	P.J. O'Grady
1983/84	M.F. Fahy	J.P. O'Brien	1980-1987	P.J. O'Grady
1984/86	J.P. O'Brien	Sean Healy ***		P.J. O'Grady
		John Melia		
1986/87	J.P. O'Brien	John Melia		P. Greene
1987/88	J.P. O'Brien	Michael O'Donoghue	Seán Ó Ríordáin	P. Greene
1987/91	Michael O'Donoghue	Padraig Cullinane	1987-2007	P. Greene
1991/92	Padraig Cullinane	Richard Ryan		P. Greene
1992/95	Richard Ryan	Des Coppins		Benny Kevitt
1995/96	Richard Ryan	Benny Kevitt		Brian Murnane
1996/97	Benny Kevitt	Brian Murnane		Tom Power
1997/98	Brian Murnane	Patrick Dowling		Tom Power
1998/2001	Brian Murnane	Patrick Dowling		Kieran Coyle
2001/2002	Patrick Dowling	Seamus Molloy		Liam Kelly
2002/2003	Patrick Dowling	Seamus Molloy ****		Liam Kelly
		Sean McDonald		
2003/2004	Sean McDonald	Brigitta O'Doherty		Liam Kelly
2004/2005	Brigitta O'Doherty	Philip Crosby		Mary McLoughlin
2005/2007	Philip Crosby	Ciaran Rohan		Mary McLoughlin
2007/2008	Ciaran Rohan	Peadar Carpenter	Dave Thomas	Mary McLoughlin
2008/2010	Peadar Carpenter	Tom Allen	2007-	Mary McLoughlin
2010/2011	Peadar Carpenter	Tom Allen		Bernard O'Shea
2011/2012	Peadar Carpenter	Tom Allen		William Thompson
2012/2013	Tom Allen	John Glennon		William Thompson
2013/2014	Tom Allen	John Glennon		William Thompson

* Resigned on promotion to Assistant Secretary ** Resigned on posting to Personnel Officer

*** Resigned on posting to London as Labour Attache **** Deceased

Trustees

Ms Margaret Kelly, Mr Brian Murnane, Mr Sean McDonald.

Auditor

Anne Brady McQuillans DFK was appointed Auditor by the Trustees in January 2011.

Head Office

The Association's Head Office is:
Fleming's Hall, 12 Fleming's Place, Dublin 4.

HONORARY OFFICERS OF THE ASSOCIATION 2013/2014

President	Tom Quigley
Vice-Presidents	Paddy A. Terry Mary McGuire Padraig Cullinane Benny Kevitt Richard Ryan J.P.O'Brien (RIP) Con Ryan Pat Dowling Seán O Ríordain Brian Ingoldsby Peter Greene

The death occurred of J.P. O'Brien during the year. Ar dheis Dé go raibh a anam.

The following Officers were elected at the Annual Delegate Conference held on 10 May 2013:

Chairperson	Tom Allen	(Revenue)
Vice-Chairperson	John Glennon	(Courts)
Treasurer	William Thompson	(Revenue)

EXECUTIVE COMMITTEE 2012/2013

Bolger Grainne	Justice & Law Reform
Boyle Pat	Environment Community & Local Government transfer to Social Protection during the year.
Burke Denis	Social Protection
Coogan Brendan *	Finance
Dowling Edna	Social Protection
Fanthom Tom	Revenue
Holleran Noel	Agriculture Food & the Marine
Hughes Eamon	An Post
Hughes John	Jobs, Enterprise & Innovation
McBreen Orla	Foreign Affairs & Trade
McIntosh Willie	Education & Skills
Noonan Angie **	Health
Noonan Trevor **	Justice
O'Brien Barry	PER
Rafferty Derek *	Transport Tourism & Sport
Walker Alan	Injuries Board
O'Connor Mark***	Solas (observer)

* Brendan Coogan (Finance) and Derek Rafferty (Transport) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

** Angie Noonan (Health) and Trevor Noonan (Justice) were co-opted to fill the vacancies created by the resignation of John Hughes and Grainne Bolger.

*** Mark O'Connor (Solas) was invited to join the Executive Committee as an observer.

EXECUTIVE SUB-COMMITTEE 2013/2014

AHCPS Officers are ex-officio members of all Sub Committees

PAY & STRATEGY

Allen Tom (**Chair**)

Glennon John

Thompson Billy

Holleran Noel

McIntosh Willie

FINANCE & SERVICES SUB COMMITTEE

Thompson Billy (**Chair**)

Allen Tom

Glennon John

Hughes Eamon

McIntosh Willie

ORGANISATION & GENERAL PURPOSES

Allen Tom (**Chair**)

Glennon John

Thompson Billy

Boyle Pat

Holleran Noel

McIntosh Willie

COMMUNICATIONS SUB COMMITTEE

Allen Tom (**Chair**)

Dowling Edna

Hughes John

Burke Denis

Rafferty Derek

Walker Alan

Trustees

Mr Billy Carrie

Ms Mary McLoughlin

Brigitta O'Doherty

Auditor

Ann Brady McQuillians DFK appointed as Auditor by the Trustees in January 2011.

Head Office

The Association's Head Office is:

Fleming's Hall, 12 Fleming's Place, Dublin 4.

Consultative Council

The Consultative Council comprises members of the Executive Committee, Branch Chairpersons and Secretaries or their deputies.

BRANCH SECRETARIES 2013/2014

Agriculture, Foods & the Marine	Brid Farrell
An Post	Eddie Hickey
Arts, Heritage & Gaeltacht	Mark Bohan
Central Statistics Office	John O'Reilly
Communications, Energy & Natural Resources	John King
Comptroller & Auditor General	Peter Kinsley
Commission for Energy Regulation	Keelin O'Brien
Courts Service	Kevin Fidgeon
County Enterprise Boards	Michael Tunney
Children & Youth Affairs	<i>Vacant</i>
Defence	Colm O'Cinnseala
Education and Skills	Peter Kelly
Eircom	<i>Vacant</i>
Jobs, Enterprise & Innovation	Sabha Green
Environment, Community & Local Government	Eoin Corrigan
Solas	Charlie Notley
Finance	Denise O'Connell
Public Expenditure and Reform	Larry Dunne
Food Safety Authority of Ireland	Pat Farrell
Foreign Affairs & Trade	Brian Cahalane
Garda Civilian	Kieran Downey
Health	Michael Murchan
Health and Safety Authority	Andrew Allen
Houses of the Oireachtas	Sinead McCann
Irish Aviation Authority	<i>Vacant</i>
Justice & Equality	Maeve Hogan
Property Registration Authority	Tom Heveran
National Centre for Partnership & Performance	Edna Jordan
Office of Public Works	Marian O'Dwyer
Office of the Ombudsman	Derek Charles
Ordnance Survey Ireland	Jennifer Gilmartin
Pensions Board	Tom Dunphy
Injuries Board	Alan Walker
Prison Governors	Ronan Maher
Public Appointments Commission/Service	<i>Vacant</i>
Revenue	Val Jeffrey
Social Protection	Kieran Lea
Taoiseach's	Stephen Ryan
Transport, Tourism & Sport	Orla Corrigan
Chief State Solicitors Office	Michael Fallon
Attorney General	Brian Scannell
Legal Aid Board	Clare Kelly
National Council Special Education	Clare Farrell

INTRODUCTION

Last year I reported that the Executive had recommended a NO vote on the Croke Park II proposals. These proposals were subsequently opposed by the majority of the Public Services Committee of ICTU.

Discussions started the day after ADC last year and resulted in the Haddington Road Agreement. This was accepted by a majority of the membership.

During the year we went to Adjudication twice: on the Presidency Payments and on former FAS Grade 7's in the Department of Social Protection. Both of these were honoured by the Official Side because of commitments given in the Haddington Road Agreement.

The priority for the Association in the coming years must be the restoration of pay as outlined in the HRA. The Executive Committee will continue working towards this objective.

I am retiring this June after 17 years with the Association. I felt it was a privilege to represent AHCPS members in civil and public service. I wish the Association all the best for the future.

Dave Thomas
General Secretary

ORGANISATION

1.1 ANNUAL DELEGATE CONFERENCE

The 31st Annual Delegate Conference of the Association took place in The Conrad Hotel, Earlsfort Terrace, Dublin on Friday 10 May, 2013. 148 Branch Delegates and 17 Executive Committee members attended.

The Association's guests at the Conference were Mr Dave Penman General Secretary FDA London, Mr Philip Cummings and Mr Harry Baird, Northern Ireland FDA.

1.2 EXECUTIVE COMMITTEE

Tom Allen, (Revenue) was re-elected to the office of Chairperson. John Glennon (Courts) was re-elected as Vice-Chairperson. William Thompson (Revenue) was re-elected as Treasurer.

The following candidates were elected to the twelve ordinary positions on the Executive Committee at the Annual Delegate Conference:

Executive Committee

- | | |
|----------------------|--|
| 1. Bolger Grainne | Justice & Law Reform |
| 2. Boyle Pat | Environment Community & Local Government |
| 3. Burke Denis | Social Protection |
| 4. Dowling Edna | Social Protection |
| 5. Fanthom Tom | Revenue |
| 6. McBreen Orla | Foreign Affairs & Trade |
| 7. Holleran Noel | Agriculture Food & the Marine |
| 8. Hughes Eamon | An Post |
| 9. Hughes John | Jobs, Enterprise & Innovation |
| 10. McIntosh William | Education & Skills |
| 11. O'Brien Barry | PER |
| 12. Walker Alan | Injuries Board |

Brendan Coogan (Finance) and Derek Rafferty (Transport, Tourism & Sports) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

Details of attendances at Executive Committee meetings during the year are set out in **Appendix D**.

1.3 STANDING ORDERS COMMITTEE

The Standing Orders Committee elected at the Annual Delegate Conference was:

- | | |
|----------------|---------------------------------|
| Cashman Larry | Agriculture, Fisheries & Marine |
| Denny David | PER |
| Dunne Ben | Social Protection |
| Hanley Sheila | Revenue |
| Greene Michael | Jobs, Enterprise & Innovation |
| Lenihan Ronan | Houses of the Oireachtas |

Mr David Denny was subsequently elected Chairperson of the Committee.

1.4 CONFERENCE RESOLUTIONS

A brief indication of action taken in relation to these resolutions is set out hereunder. Part II of the Annual Report contains more detailed information in appropriate cases.

Motion 1

That Conference approves the following amendment to Rule 22: In Rule 22(f) delete "nine weeks" and replace with "seven weeks" in order to give Branches time for holding AGM's.

Executive Committee

ACTION TAKEN: Rule amended and Registrar of Friendly Societies informed.

Motion 4

This ADC calls on the Government to honour in full its commitment to the terms of the Croke Park Agreement until the end of the Agreement.

Agriculture, Food and the Marine Branch

ACTION TAKEN: This has been superseded by the Haddington Road Agreement (HRA)

Motion 6

Conference notes

- The current Croke Park Agreement was not due to expire until June 2014
- The attempt to cut our salaries with effect from 1/07/13 is without doubt in breach of the letter of the agreement but it is without doubt a breach of the spirit of the agreement and directs the Executive to oppose any further reduction of salaries or the imposition of levies therein and to reject any

proposals to abolish, reduce or freeze increments for our members.

Revenue Branch

ACTION TAKEN: This has been superseded by the Haddington Road Agreement (HRA)

Motion 8

That Conference is strongly opposed to any further worsening of the pay and conditions of AHCPs grades who have already accepted significant pay reductions in the national interest.

PER Branch

ACTION TAKEN: This has been superseded by the Haddington Road Agreement (HRA)

Motion 10

Conference instructs the Executive

- to express to the Government its anger at the continued unfair targeting of Public Sector workers
- to take all necessary action to bring about a coherent national effort whereby all sectors make their due contribution and
- to vigorously oppose any further unilateral hits on the Public Service pay and conditions

Revenue Branch

ACTION TAKEN: (a) Met with Secretary General of DPER and Secretary General of Taoiseach to outline Association's concerns.

- Wrote to political parties.
- Continue to pursue this policy with ICTU
- This is already Association policy.

Motion 12

This ADC calls on the Executive Committee to engage in a vigorous political campaign to highlight the unfairness of the proposed cuts and the harsh impact they will have on AHCPs members

Agriculture, Food and the Marine Branch

ACTION TAKEN: The Association has written to the General Secretaries of four main political parties. The views of Branches were sought. To a large extent the issue has been overtaken by events. However the Association will continue the engagement with the political parties using the services of Q4PR and will highlight the contribution made by members and outline the extent of goodwill provided by members. There was consensus that members should not be asked to make contact with their local TDs - that is a matter for each individual member.

Motion 13

That Conference notes (a) pay cuts already suffered by AHCPs members, (b) number cuts in the grades represented by the AHCPs, (c) the increased productivity by AHCPs members as a result of these cuts. Conference recommends that its members do not vote for any political party responsible for any further cuts to the pay of AHCPs members in any forthcoming elections.

Revenue Branch

ACTION TAKEN: The motion was brought to the attention of Branches. There was consensus that no further action was necessary.

Motion 15

This ADC mindful that officers travelling abroad on official business are, in many cases substantially out of pocket since the unilateral abolition in September 2012 of the delegate allowances for foreign travel, calls on the incoming Executive Committee to submit a claim to reintroduce the allowance by whatever means necessary.

Agriculture, Food and the Marine Branch

ACTION TAKEN: Claim was presented at General Council on 29 May 2013.

Motion 18

This ADC calls on the Executive Committee to resist vigorously any further cuts to Travel and Subsistence rates.

Agriculture, Food and the Marine Branch

ACTION TAKEN: This is already Association policy.

Motion 19

That Conference instructs the full-time AHCPs officials to immediately pursue the following DPER commitment:

'at the expiry of the Public Service (Croke Park) Agreement 2010-2014 the position of certain staff who have been redeployed under the terms of that Agreement will be considered.

This consideration will be strictly confined to staff who are moved to a post where the pay scale ends at a higher point than the transferees original pay scale and such staff are limited to progression on their original (pre-transfer scale) to its maximum. Any proposals put forward by the staff side in relation to the ultimate incremental progression of such staff will be considered by the Official side in the light of the prevailing economic circumstances at the time'

Social Protection Branch

ACTION TAKEN: Undertakings were negotiated under the HRA that the former Fas Grade 7 staff who were redeployed to DSP would have their pay scales adjusted to bring them into line with the AP pay scale. This has since been achieved.

Motion 24

This ADC calls on the incoming executive to appoint a special sub-committee to examine the role of the AHCPs

in (1) the Public Services Committee of the ICTU and (2) the ICTU and to prepare a report for a consultative council to be held in late 2013.

Agriculture, Food and the Marine Branch

ACTION TAKEN: *The views of Branches were canvassed on this motion. The Organisation and General Purposes sub-committee met to consider the matter. It has produced a report which has been approved by the Executive Committee and was discussed at a Consultative Council meeting in December 2013. At the Consultative Council meeting it was agreed that the AHCPS would remain in ICTU. In addition the General Secretary is represented at a sub-committee of the Public Services Committee set up specifically to discuss this matter.*

Motion 25

That conference calls upon the ICTU to reject the Government concept of high pay commencing at €65,000.

Injuries Board Branch

ACTION TAKEN: *The main political parties (same letter as motion 12) have been written to.*

Motion 26

That Conference views with concern attempts to radically disimprove public servants' conditions of service and directs the AHCPS Executive Committee to resist such demands in conjunction with other Public Service unions.

Revenue Branch

ACTION TAKEN: *This has been superseded by the Haddington Road Agreement (HRA). In addition, legal advice is not favourable. Motions 10 and 12 address campaigning on pay and terms and conditions of employment.*

Motion 27

That Conference instructs the incoming Executive Committee to meet with the ICTU officials to review the representation of the AHCPS members at the recent LRC facilitated discussions and, to consider how they intend to represent the AHCPS members in recovering any loss in conditions/remuneration going forward

Social Protection Branch

ACTION TAKEN: *Consultative Council held at which David Begg (General Secretary ICTU) attendaned. Matter raised by AHCPS General Secretary at ICTU. A sub-committee of the Public Services Committee has been set up specifically to discuss this issue. The Association will be represented on this sub-committee by the General Secretary. The views of Branches were canvassed on this motion. The Organisation and General Purposes sub-committee met to consider the matter. It has produced a report which has been approved by the Executive Committee and was discussed at a Consultative Council meeting in December 2013.*

Motion 28

That Conference condemns the determination of the Government to isolate and split the trade union movement by its policy of divide and rule and appeals to trade unions within congress to recognise this sectoral policy for what it is; A divisive policy aimed at undermining the effectiveness of the trade union movement as a whole.

Injuries Board Branch

ACTION TAKEN: *Noted and agreed by the Executive Committee. Will also inform engagement with ICTU.*

Motion 34

That conference instructs the incoming Executive Committee to outline the likely impact that the loss of 'goodwill' provided by our members will have as a result of recent LRC proposals

Social Protection Branch

ACTION TAKEN: *This matter has been considered by the Organisation and General Purposes sub-committee and the Executive Committee. While this issue has been somewhat overtaken by events, it is clear that a loss of the goodwill of members would cause major problems for the Government. This, however, is difficult to quantify. The feedback from members is that there is greater goodwill being shown by members than was the case in the period between the "Croke Park 2" discussions and the Haddington Road Agreement.*

Motion 35

That Conference directs Head Office to undertake a study to determine the most effective means of members registering their objections through non-co-operation/working to rule to any further pay cuts that may be enforced on the grades represented by the AHCPS under Croke Park II or by means of legislation if those negotiations fail to reach an agreement. That the findings of this study be made available to all members within one calendar month of this conference, and that this organisation then adopt a positive and supportive attitude towards the taking of such action or actions as are recommended in the report.

Finance Branch

ACTION TAKEN: *This has been superseded by the Haddington Road Agreement (HRA). However, the views of Branches were sought and will be taken into account in the event that the Association finds itself in a similar position. Most of the suggestions centred on "work to rule" actions. Some suggestions were:*

- Not working beyond contracted hours
- Not answering phone calls or emails after work hours
- Travelling to meetings (home and abroad) during working hours

- Withdrawal of goodwill.

This action also covers motion 32.

Motion 37

That Conference acknowledges that the current turbulent and uncertain environment poses a clear threat to the future of the trade union movement in general and this Organisation in particular facilitated by the creation of a disconnect between rank and file membership and the leadership. It therefore calls on the incoming Executive to put in place a robust communication strategy between the membership and the leadership to be developed over the next year.

Revenue Branch

ACTION TAKEN: The Commission on the Future of the Trade Union Movement in Ireland has reported. This and the communications aspect have been considered by the Executive Committee. A revised communications strategy is being prepared.

Motion 39

That Conference notes that senior staff in banks rescued by the State are enjoying salaries and benefits of upwards of €500,000 and more when the relatively modest salaries of public servants are under threat of further cuts and directs the AHCPs Executive Committee to publicise this and seek, in conjunction with other Public Service unions, for a greater equity of treatment.

Revenue Branch

ACTION TAKEN: The Association has written to the Public Services Committee of ICTU on this matter.

Motion 41

That Conference strongly supports the importance of providing work/life balance arrangements as a support for working parents and those caring for relatives and acknowledges its contribution to creating job opportunities and, accordingly, undertakes to further promote and maintain work-sharing arrangements as part of the current reform negotiations.

Justice & Equality Branch

ACTION TAKEN: the Association has written to the main political parties outlining the Associations concern about this matter (same letter as motion 12).

Section 2

Motions Remitted to the Executive Committee

(Please note that remission of a motion means it is a matter for the Executive Committee to decide what action (if any) is to be taken)

Motion 14

This ADC notes the results of the survey that indicates that 91% of members are currently working additional hours

with no addition in pay and calls on the incoming Executive Committee to process a claim for compensation for extra hours worked over and above the 34.75 hours per week threshold.

Agriculture, Food and the Marine Branch

ACTION TAKEN: This has been superseded by the Haddington Road Agreement (HRA)

Motion 17

That Conference should pursue a policy of equal allocation of AP and PO Higher Scales across all government Departments.

Defence Branch.

ACTION TAKEN: This matter was considered by the Executive Committee. It was agreed that it would not be possible to implement this motion.

Motion 30

In the event of a decision to impose further cuts to the salaries of members represented by the AHCPs, cuts to or deferral of the payment of increments or alteration to current attendance conditions, this ADC instructs the Executive Committee to ballot members for proportionate and appropriate industrial action.

Communications Energy & Natural Resources

ACTION TAKEN: This has been superseded by the Haddington Road Agreement (HRA) and the Association's ballot thereon.

Motion 32

That Conference instructs the Executive Committee, in view of the threatened cut in members' salaries proposed by Government from 1 July 2013, to ballot members for the immediate withdrawal of goodwill, issuing specific instructions such that members will not;

- Work more than 7 hours per day Monday to Friday (the working day to finish at 5.30pm),
- Work at weekends,
- Travel in their own time for attendance at work related meetings,
- Be contactable outside of normal working hours, by telephone or email.

Furthermore, that the Executive Committee demonstrate to Government Ministers the considerable flexibility shown to date by members, despite the previous attacks on members pay and conditions of service and advise Government Ministers;

- of what withdrawal of that goodwill by members will entail,
- That they should not seek or make arrangements that would require the attendance of members outside of normal hours,
- that should they proceed with the changes proposed in the latest round of discussions on

Croke Park II, that we will be entering a new era of industrial relations, given that they have reneged on commitments in Croke Park I and have changed the terms and conditions of our employment retrospectively.

Finance Branch

ACTION TAKEN: This motion is covered by motion 35.

Motion 36

That Conference instructs the Executive Committee to seek the support of Assistant Secretary grades and upwards in relation to the withdrawal of goodwill and to seek assurances that such officers will not undertake duties normally carried out by AHCPS grades for the duration of any withdrawal.

Finance Branch

ACTION TAKEN: The Association has written to the Association of Assistant Secretaries and Secretaries General and will meet with them to discuss the matter.

Motion 42

That Conference calls on the Executive Committee to explore the establishment of a formal geographically based promotion system across the Civil Service for grades represented by AHCPS.

Arts, Heritage & the Gaeltacht Branch

ACTION TAKEN: The Executive Committee considered this matter and it was agreed that consideration of the issue should be deferred for the moment.

Motion 43

That Conference calls on the incoming Executive to seek to ensure that the anonymity of members is protected in any calibration process within PMDS including an examination of the requirement to supply, and the subsequent use of. PPS numbers on PMDS forms, with guidance from the Office of the Data Protection Commissioner, with a view to advising members of the outcome of that examination and whether or not the requirement can be complied with.

Revenue Branch

ACTION TAKEN: The first part of the motion cannot be implemented. In relation to the second part of the motion, this has been raised through the General Council sub-committee on PMDS.

Motion 44

Those Conference calls on the incoming Executive to ensure that all members have equal access to any redundancy packages under collective terms and that any deal emanating from Croke Park or other programmes does not debar any member in any Department/Region/Branch from applying.

Revenue Branch

ACTION TAKEN: This matter will be kept under review.

Motion 45

That Conference, in view of the outcome of discussions on the extension of the Public Service ("Croke Park") Agreement, instruct the National executive to immediately devise new arrangements to ensure that members are effectively represented and protected in the future, including the enhancement of the Union's capacity and expertise in the area of negotiations, and in that of communications, both with the media and our own members, and to report to the membership on those arrangements within six months.

Health Branch

ACTION TAKEN: This motion is covered by motions 27 and 37.

Motion 46

That Conference instructs the incoming Executive Committee to actively co-ordinate a recruitment-drive for new members of the association. This will reduce the potential for any initiatives proposed by the association being undermined by the actions of non-members across the Departments and agencies represented

Social Protection Branch

ACTION TAKEN: The Association will contact Personnel Officers reminding them of their obligation to inform new entrants/promotes that the Association represents the grades of AP and PO.

Motion 47

In the interests of fairness and equity That Conference calls on the current Government to introduce legislation so that all income earners over €100,000 have a minimum effective tax rate of 30%.

Revenue Branch

ACTION TAKEN: The Association has written to Nevin Economic Research Institute (NERI) and ICTU.

Motion 48

In the interest of fairness and equity That Conference calls on the current Government to introduce legislation so that equal treatment is given to individuals and corporates in the taxation of Deposit Interest.

Revenue Branch

ACTION TAKEN: The Association has written to NERI and ICTU.

Motion 49

In light of the recent high profile case regarding the non-payment of VAT by a construction company, that conference condemns the current Government for their failure to introduce legislation to make proprietary directors liable for fiduciary taxes thereby preventing such occurrences in the future.

Revenue Branch

ACTION TAKEN: *The Association has written to NERI and ICTU.*

Motion 50

That Conference calls on Government to urgently overhaul the tax appeals process with a view to improving its efficiency, effectiveness and fairness.

Revenue Branch

ACTION TAKEN: *The Branch has been asked to suggest how the improvements might be made. The matter can then be raised with the Minister for Finance.*

Motion 51

That Conference acknowledges the frustration of members who are the subject of ongoing negative public comment and whose living standards remain constantly under threat. It further acknowledges that this environment may result in the disempowerment of this Organisation to act effectively on behalf of its members. It asks the incoming Executive to seek formal affirmation from Government of the rights of all employees to be represented and to seek explicit acknowledgement of the standing and value of an active and participative trade union movement.

Revenue Branch

ACTION TAKEN: *The Association has written to ICTU.*

Motion 52

That Conference recommends the continued support to members through the process of the current programme of rationalisation of State Agencies. Members, in being flexible to change, must not suffer any unfavourable impact on their terms and conditions, wider workplace arrangements and opportunities or risk of redundancy. In any matters that were subject to the provisions of the Public Sector Agreement, their interest must be protected in relation to redeployment etc. In circumstances where staff are no longer to be directly employed by a Government Department, the State should ensure that proper recruitment, grievance and HR structures are in place in these new entities and that training is provided for members of State or independent bodies who will replace Departments as employers, so that they are fully competent to take on this role and conscious of their responsibilities and liability as employers.

Justice & Equality Branch

ACTION TAKEN: *This is already Association policy.*

Motion 53

That Conference applauds the work of the Nevin Economic Research Institute in adding a new voice to the economic debate and in forwarding fact-based observations on the current economic climate and recommends continuous support for its activities.

Revenue Branch

ACTION TAKEN: *The Association has written to NERI to express the sentiment outlined in the motion. The Association continues with a number of other unions to fund the work of NERI.*

Motion 54

That Conference calls on the Executive to highlight the negative impact on frontline services arising from repeat/update/voluminous Parliamentary questions on historical issues which take up an inordinate and disproportionate amount of staff time. Furthermore, this ADC calls on the Executive to seek a review of the Parliamentary Question system with a view to identifying ways of improving effectiveness.

Arts, Heritage & the Gaeltacht Branch.

ACTION TAKEN: *Branches have given views on alternatives to the current arrangements. The Association will now write to the Ceann Comhairle of the Dáil.*

1.5. TRUSTEES AND AUDITOR

Ms Brigitta O'Doherty was appointed as a trustee following the retirement of Mr Brian Murnane during the year. The Association's Trustees are, Ms Mary McLoughlin, Mr Billy Carrie and Ms Brigitta O'Doherty.

Ann Brady McQuillan Accountants continue as the Association's Auditors.

1.6. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS

Mr Tom Quigley remains Honorary President of the Association. The death occurred during the year of one of the Association's Honorary Vice President, James P.O'Brien.

Honorary Vice Presidents continue to be as set out in the list of Honorary Officers of the Association.

1.7 CONSULTATIVE COUNCIL

The Consultative Council met in AHCPs Head office on two occasions during the year on the 18 September 2013 and 3 December 2013. Mr Fergus Finlay addressed the meeting on the value of the Public Service at the September meeting and Dr Tom Healy, NERI at the December meeting. The December meeting was followed by a reception to mark the 70th Anniversary of the Association.

1.8 MEMBERSHIP

The Association, at 31 December 2013, represented 2885 members at Principal and Assistant Principal in the Civil Service and equivalent levels in a number of state enterprises. This is an increase of 20 on the previous year. 106 new applications were received during the year and 86 members retired.

The gender breakdown of membership is 1012 female (35%) and 1873 male (65%).

1.9 MEMBERSHIP SERVICES

LEGAL DISCLAIMER

The Executive Committee and the Association accept no legal responsibility for the services provided to members under the various schemes and arrangements in operation.

The Association operates the following schemes.

Income Continuance Plan – Covering Long-Term Disability

The Plan is administered by Cornmarket and underwritten by Irish Life. It provides a guaranteed source of income in the event of: (a) total disability or (b) partial disability following total disability as defined in the Plan and explanatory Booklet available to members. There is a 63% takeup of the Plan by members. The cost of the plan for members is 0.65% of salary. This scheme is due for renewal on the 1st of August 2014.

Group Life Assurance Scheme

The Scheme is administered by Cornmarket and underwritten by New Ireland. It provides supplementary Death in Service cover of twice salary, is underwritten by New Ireland Assurance at a contribution rate of 0.53% of salary. The Scheme is under the umbrella of the existing AHCPS Additional Voluntary Contribution Plan and the deduction qualifies for full Income Tax/PRSI Relief. There is a 29% takeup of the scheme by members.

The scheme has been extended to allow members continue cover when they retire up to age 80 with reduced benefits.

Additional Voluntary Contributions

Under the Finance Acts it is possible for a person in an occupational pension scheme to make additional voluntary contributions. Tax relief is available.

For those retiring over the coming months there is a special tax break under the Revenue rules that members may be able to take advantage of before they retire. This is known as a Last Minute AVC. The member's gratuity under the Superannuation Scheme is likely to be less than the maximum allowed under Revenue rules because the member has:

- Received a reduction in salary over the last few years and/or
- Have short service and/or
- Have non-pensionable earnings

Members may be able to avail of this option.

The benefits of investing in a Last Minute AVC include:

- Receiving a refund of tax on pension contributions
- Maximising your tax-free cash lump sum on retirement.

Please note there is a charge on every contribution and an ongoing management fee for the fund. If you are availing of an AVC please check with the Broker regarding the cost of the AVC before you agree.

Car /House Insurance

The providers are as follows:

- AA Ireland Tel. Telephone 01 617 9253 or email AHCPS@aaireland.ie
- Cornmarket, Christchurch Square, Dublin 8. Telephone 01 408 4040.
- Glennons Insurance: telephone 01 707 5959 or email ahcps@glennons.ie
- Abbey Insurance Group Motor/Home Insurance Telephone: 1890 808 666 (049 437 1505)

Travel Insurance

Abbey Insurance Ltd. 8 Ashe Street, Cavan.
Tel 1890 808 666

Health Insurance Advice Service and Group Mortgage Insurance Scheme provided by:

Lyons Financial Services, Office 1,
Dunboyne Business Park, Dunboyne, Co Meath.
Tel. 01 8015808 www.lyonsfinancial.ie

Mortgage Advisors

Omega Financial Management, Suite 33, The Mall,
Beacon Court, Sandyford, Dublin 18. (Tel 01 293 8554)

Investment Advice and Portfolio Management Service

Cornmarket Group, Christchurch Square, Dublin 8.
(Telephone 01 4084000),

Omega Financial Management, Suite 33, The Mall,
Beacon Court, Sandyford, Dublin 18. (Tel 01 293 8554)

Legal Advice Service

The Association's solicitor, provide a general legal service to members:

O'Mara Geraghty McCourt, 51 Northumberland Road,
Dublin 4. Tel. 01 660 6543

Further information regarding the above schemes are available on the Association's website.

1.11 RULES AND CONSTITUTION

A copy of the Rules and Constitution is attached at Appendix B.

The Rules and Constitution of the Association are available on the AHCPs Website www.ahcps.ie.

1.12 STAFF

The staff of the Association are:

General Secretary	Dave Thomas
Deputy General Secretary	John Kelleher
Assistant General Secretary	Ciaran Rohan
Executive Assistant	Jacqueline Lacey
Receptionist	Dorothy Aughey

The post of General Secretary was publicly advertised in February with a closing date for applications in March. At the time of writing a selection process is underway.

Mark Crowther assisted with recording and writing of the minutes of the 2013 ADC. Tom Quigley Honorary President and Joe Brennan also assisted at the ADC. Their contribution is greatly appreciated.

The Executive Committee also wish to express its appreciation for the work and commitment of the staff.

CIVIL SERVICE

2.1 PAY

The last year has been yet another difficult year for the Association's members. As advised in last year's report, the Secretary General of the Department of Public Expenditure and Reform wrote to the Public Services Committee (PSC) of the Irish Congress of Trade Unions inviting the PSC to talks on an addendum to the Croke Park Agreement. This despite the fact that the existing agreement had 18 months or more to run.

Talks commenced between the Public Services Committee of ICTU and DPER Officials.

The PSC reported back on the 15th February 2013 with an update and reported that the main issues were as follows:

- There will be a headcount element in the reduction, and that headcount reduction plus a reduction in pay for higher paid could be in the region of €350million.
- What constitutes higher paid, will be a political decision taken by Government.
- There will be a contribution from higher paid pensioners. However numbers in this category will be small as 80% of Public Service pensioners are on €30k or less.
- Stand alone sectors (Prisons/Defence) will have specific talks with specific outcomes.
- The extra hours, management are seeking an additional 5 hours per week, may be narrowed, but there are different working hours in different sectors of the Public Service. It is managements' intent to standardise the hours across all sectors.
- Additional working hours will reduce overtime, agency work and contractors and will contribute to cost savings.
- Supervision/substitution in schools will be progressed through an Education Forum
- Premium payments (Saturday/Sunday/Twilight) across the public service, to be cut, seeking savings of €170m. That figure can be adjusted if there is a reduction in the volume of attendances. This will be examined at sector level.
- The unions have placed the cut off point for the payment of the pension levy and the two tier work force on the agenda. They also want equity across the various sectors.
- Management want a negotiated settlement but they have stated that Government will impose a

reduction in pay by an act of the Oireachtas if agreement is not possible.

The discussions took place under the auspices of the Labour Relations Commission (LRC) in relation to the Government's proposals to reduce the pay and pensions bill by an additional 1 billion between 2013 and 2015.

These discussions concluded on the 25th February 2013. The main elements of the proposals were:

An additional saving of €1 billion in the pay and pension bill to be achieved by:

Measure	Savings
Additional working hours	€100 million
Headcount reductions	€150 million
Overtime	€92 million
Premium payments	€65 million
Increments	€110 million
"Higher pay"	€210 million
Sector specific pay measures	€156 million
Other measures	€55 million
TOTAL	€938 million

Higher Pay

The cuts would vary from 5.5% up to 10%.

For those earning (including allowances in the nature of pay) between:

65k - 80k	5.5%
80k - 150k	8.0%
150k - 185k	9.0%
185k +	10.0%

The threshold would be €65k (including allowances in the nature of pay).

For those on salaries of between €65k and €100k there was to be a pull back and freeze for the duration of the Agreement. For those over €100k there was to be a pay cut with no restoration.

Hours:

Those employees currently working less than or equal to net 35 hours would move to 37 net hours (AP and POs had a scheduled working week of 34.75 net hours).

Flexible Working Arrangements (Flexitime)

The Official Side proposals initially proposed that FWA would not apply to staff at AP or above. After discussion and with the assistance of the LRC the following was proposed "FWA will not apply to Staff at the Assistant Principal Officer grade and its equivalents in the Civil Service and other sectors, except for those staff that already have this arrangement. In these cases the staff concerned will not be eligible to avail of flexi leave."

Increments

A freeze in increments for those earning over €65k was proposed.

Compulsory Redundancies

There was to be no compulsory redundancies. The union side successfully moved management from its opening position that compulsory redundancies should be allowed in some circumstances.

Association's position on the Croke Park 2 proposals

The Executive Committee met on the 26th February and decided to ballot members on the proposed extension of the Croke Park Agreement and recommend a no vote. The Association was the first union to make a recommendation on the extension to the Croke Park Agreement.

The Association balloted the members and the count was held on the 15th April 2013. There was an 86% turn out with an 15% voting in favour of the proposals and 85% voting against the proposals. On the 16th April it was learnt that SIPTU had voted against the LRC proposals and IMPACT had voted in favour. The Association along with the other unions that voted No formed the majority of unions at the Public Services Committee meeting which was held on the 17th April.

Following the rejection of the LRC (Croke Park 2) proposals the LRC requested a meeting with the Association, at the behest of the Government, to give feedback on the LRC Proposals and to see if there is any way forward in terms making additional public service payroll savings. This meeting took place on Friday 26th April.

Post Croke Park 2 proposals

At the meeting the LRC indicated that it intended meeting public service unions on an individual basis and did not envisage collective discussions.

The LRC indicated that they had been asked to pass on certain information from the Government and to see if the Association had any ideas as to how the savings might be achieved. They emphasised that the savings had to be achieved from the payroll and that alternatives, such as taxation, were not options the Government were willing

to consider. In the event that it was not possible to reach agreement with the Public Service Unions, the LRC indicated that the Government would proceed to implement the following measures (amongst others):

- A permanent cut for those earning over a certain sum
- The total abolition of increments for all public servants
- An implementation date of the 1st of June rather than the 1st of July
- A ramping up of outsourcing (without restriction)
- Redeployment without geographical limits
- Compulsory redundancy
- Additional hours
- Reduction in overtime rates
- Reduction in the amount of overtime
- Reduction in premia/shift rates
- Revised roster arrangements

The LRC indicated that the Government intended to proceed to implement the above measures by a combination of legislation, regulation and/or circular.

The Association for its part outlined:

- Further pay cuts were unwarranted given the previous cuts and levy
- How the increment freeze was more significant for many members
- The proposed flexi-time measures did not save any money and were blatantly anti-family-friendly

In addition the Association added:

- How unfair the LRC Proposals were
- How the Proposals lacked balance
- The unfairness of members of one public service union voting on a pay cut for another union's members and the potential for a split in the Irish Congress of Trade Unions
- The position of former FÁS Grade 7s and former Superintendent Community Welfare Officers
- The abolition of the Chairman's and Delegates Allowance
- The proposed use, yet again, of legislation to cut pay
- The proposed use of legislation to implement the other measures contained in the Proposals and the implications of this for industrial relations
- The Association emphasised that the matter should be addressed through the taxation system. That could mean that all those taxpayers earning over a

certain amount of money (public and private sector) pay additional tax. The Association also asked the LRC to explore the possibility of converting the pension levy into a pay cut. This would reduce the pay bill.

Revised Proposals following meetings with LRC

Following intensive discussions on Saturday 11th and Sunday 12th May at the LRC a number of issues that were of concern to the Association were addressed. The issues broadly were:

1. The Pay cuts
2. The increment freeze
3. Grace Period for superannuation purposes
4. Abolition of Flexi time
5. Former FAS grade 7s in DSP
6. Former Superintendent CWOs in DSP
7. EU Presidency Allowance

The Association emphasised that it was opposed to any pay cuts. The Official side said that the Government intended to introduce legislation to cut the pay of public servants earning over €65k as outlined in the LRC proposals. The Official side stated that the Government would not reduce the amount of the cut and would legislate without our agreement.

However, the pay cut aside, the Official side said that they were prepared to offer the following in return for a collective agreement which will increase the working hours from 34.75 to 37 hours per week.

- The next increment (including LSIs) due after 1st July, 2013 would be paid.
- Two six month increment delays would apply, to take effect after the payment of the next increment due. This would include annual increments as well as LSIs.
- For those on pay scales that start below 100k but go over the €100k i.e. PO Post-1995 and PO higher, they would be treated in a similar fashion to those on salaries below €100k and revert to the current pay scale rather than have a permanent pay cut.
- Salary would be restored to 2013 levels in two equal phases over an 18 month period after the conclusion of the agreement on 30 June 2016, with 50% on 1 April 2017 and 50% on 1 January 2018.
- There will be a grace period for Superannuation purposes up to 31 August 2014.
- Any person retiring within the grace period who was due an increment before retirement that has been deferred due to the 6 month increment freeze would receive that increment for superannuation purposes.
- The flexi leave would be restored for those on flexi time.

- Worksharers on a work pattern of less than 50% would be allowed on a personal to holder basis to retain that worksharing pattern.
- There would be a process within the lifetime of the agreement to rectify the issue of former FAS Grade 7 staff in DSP.
- There would be a process within the lifetime of the agreement to rectify the issue of former Superintendent CWOs in DSP who pay an additional 5% contribution without any uprating of scales.
- There would be a process to rectify the EU Presidency Allowance.

The Executive Committee met Monday 13th May to consider the revised proposals. The Executive have decided to put the proposals to a ballot of the members.

The full details of the Haddington Road Agreement as the new proposals were named are available at **Appendix E**.

Ballot on Haddington Road

The Associations ballot on Haddington Road Agreement was completed on the 28th June 2013. There was a 76% turn out with 64% voting in favour of the proposals and 36% voting against the proposals. The Association signed a collective agreement which was registered with the LRC.

Presidency Payments

One of the commitments in the Haddington Road Agreement was for the payment in respect of considerable additional work carried out during the 2013 Irish Presidency of the EU. The AHCPS held discussions with the Official Side in relation to this matter for a period of time and it was not possible to reach agreement during these discussions and a number of issues of contention were referred to binding third party adjudication. The Report of the Adjudicator is attached as **Appendix F**.

In summary the Adjudicator recommended a once off payments be made for AP's PO's and only to those who travelled aboard over the period of the Presidency. For those who travelled between 7 and 20 days €2,250 anybody who travelled over 20 days €3,750. This finding was made on the 2nd December 2013.

2.2 ISSUE OF THE FORMER FÁS GRADE 7s TRANSFERRED TO THE DEPARTMENT OF SOCIAL PROTECTION

This issue was agreed by the Association as part of the Haddington Road Agreement. On transfer to DSP in January 2012 former FÁS Grade 7s ended up in a situation where they were paid considerably less than their AP colleagues. After a long series of negotiations with DPER it was agreed that the former Grade 7s would be placed on the appropriate point of the AP scale with effect from the 1st of January 2012. There remained, however, two matters in dispute. These were referred to adjudication

under the terms of the Conciliation and Arbitration Scheme. The two issues in dispute were the issue of retrospection of money and whether or not those who had served LSI waiting periods at Grade 7 should have to serve them again on the AP scale. The Adjudicator found as follows:

- Individuals will be moved to the next nearest (above) appropriate point of the AP scale with effect from the 1st of January 2012 and proceed along this incremental scale
- for those former Grade 7s (who were on LSI 1 or 2 on the 1st of January 2012) they will be moved to the next nearest (above) appropriate point on the AP scale plus one increment (to recognise that they have already served a waiting period)
- individuals will retain their current incremental date
- retrospection will be from the 1st of January 2014

2.3 ISSUE OF THE FORMER SUPERINTENDENT COMMUNITY WELFARE OFFICER TO THE DEPARTMENT OF SOCIAL PROTECTION

These former HSE staff pay an additional 5% pension contribution without any uprating of scales. The Haddington Road Agreement commits the Official Side to resolving this issue in the lifetime of the Agreement. The Association continues to pursue this matter.

2.4 RETIREMENTS

Numbers in the Public Service have fallen from 320,000 in 2008 to 289,000 in 2013. It was intended that they would fall further to 282,500. However, Budget 2014 reduced this target to 287,000 to allow for limited recruitment. In the last year the Association has had some success in having some key positions filled. The Association will continue to monitor the situation.

There will be a grace period for Superannuation purposes up to 31 August 2014.

The Grace period will also impact on the Association's numbers with members remaining in employment having to pick up the slack. The Public Services Committee wrote to the Minister of Public Expenditure and Reform, Mr Brendan Howlin T.D., seeking an extension of the "Grace" period. The PSC pointed out that such a mass exodus would have significant implications for services and organisations. *In the absence of an extension there will be a significant haemorrhage of experienced public servants, causing disruption to service delivery and causing a loss of historical memory in key operational and policy areas.* The Minister has agreed to extend the grace period to the end of June 2015.

2.5 PROMOTION/RECRUITMENT

The issue of "cross stream" promotion came to the fore in

the last year. This followed on from the Report of the Commission for Public Service Appointments which recommended that in establishing eligibility for promotions in the Civil Service, the Minister should remove any criteria that may prevent civil servants with the requisite skills, experience and attributes from applying for promotion positions. The Association did not agree with the recommendations of this report. However, we were effectively outvoted at the Staff Panel on the issue. The outcome is that the Minister has decided that the pool of suitably qualified candidates competing for promotion roles will not be restricted on the basis of their current salary band or stream.

DPER has indicated that it intends (at some point in 2014) holding an open PO competition. No details have been discussed with the Association as yet.

2.6 STRENGTHENING CIVIL SERVICE ACCOUNTABILITY AND PERFORMANCE

The Government launched a document on the Civil Service called Strengthening the Civil Service Accountability and Performance and have looked for submissions in relation to this by the end of March. The AHCPS has made a submission and this can be found at **Appendix G**.

2.7 REVIEW OF THE RATES OF TRAVEL AND SUBSISTENCE

Section 2.26 of the Haddington Road Agreement allowed for a review and Standardisation of Travel and Subsistence rates across the Public Service. A sub-committee of General Council has been set up to consider the matter. The Official Side's "wish list" is to effectively reduce the subsistence rates and increase the distance by which an official is entitled to claim an overnight allowance. The Staff Side for its part indicated that the rates were reduced by 25% in 2009 and had not increased since. In addition the Staff Side indicated that the 24 hour rate is insufficient to cover three meals and lodging particularly in large urban areas. It is difficult to see how any agreement can be reached if the Official Side persist with their proposals.

2.8 REDEPLOYMENT

The Department of Public Expenditure and Reform proposes to maximise the use of the redeployment provisions of the Haddington Road Agreement. The Public Service Management (Recruitment and Appointments) (Amendment) Act 2013 enables the redeployment of members of staff in the Civil Service and certain other sectors of the Public Service to other positions in the Public Service. It also provides for regulations governing the revised sick leave arrangements. The Public Appointments Service (PAS) will continue to operate the redeployment resource panel system and a PAS web-based Redeployment Toolkit has

been made available to support HR Units and staff. In addition an appeals process has been agreed so that members who find themselves unable to redeploy for valid reasons can appeal to a third party.

2.9. ANNUAL LEAVE

From 2012 no existing public servant has more than 32 days annual leave. In addition, new entrants to the public service or existing public servants promoted to a higher grade will have a maximum of 30 days leave per annum.

2.10 PENSIONS

In parallel to the Haddington Road Agreement, DPER wrote to the Public Services Committee regarding Pensions. The key elements from the letter are :

- A grace period for retirements up to the end of August 2014 (**now extended to end of June 2015**)
- An increase in the Public Service Pension Reduction (PSPR) to be applied to pensions over €32,500 for those who retired before the end of February 2012
- A new separate rate will be introduced for pensions over €32,500 for those who retired since 1 March 2012
- Serving staff who retire before the end of August 2014, on pensions of €32,500 or more, the effect of this measure will be to reduce their pension by the amount of the new PSPR, but their lump sum will be unaffected
- Pension reductions will be in the range of between 2% and 5%

The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 became law on 28 July 2012. The Act provides for a *Single Public Service Pension Scheme* (the "Single Scheme") for new public servants. It also makes certain other changes affecting existing public service pension arrangements.

The Act imposes a 40-year limit on the total service which can be counted towards pension where a person has been a member of more than one existing public service pension scheme; such a limit already applies to service in any one scheme. This extended 40-year limit came into effect on 28 July 2012, though persons exceeding the limit on that date will not lose any service accrued up to that point. (See section 52, subsections (6) and (7), of the Act.)

New recruits to the public service on or after the 1st of January 2013 will join the new scheme, while already-serving staff will remain in their existing schemes.

Extension of pension abatement: The Act enables the extension of pension abatement so that a retiree's public service pension is liable to abatement on re-entering public service employment, even where the new employment is in a different area of the public service.

The issue of purchase tables for those short of service is yet to be agreed with the Department of Public Expenditure and Reform.

2.11 SICK LEAVE

Proposals to change the sick leave scheme were first presented to the Public Service Unions in 2012.

The Official Side proposed to alter both uncertified and certified sick leave arrangements.

The initial proposals were for - Uncertified sick leave from 7 days per annum to 3 days per annum

Certified – from 6 months full pay / 6 months half pay and then pension rate (renamed Temporary Rehabilitation Pay - TRP) to 3 months full pay / 3 months half pay and then rehabilitation Rate with a max of 2 years sick pay in total (including TRP). These proposals were not acceptable to the Staff side and the matter was referred to the Labour Court for adjudication in July 2012.

The outcome was - uncertified 7 days over a rolling 2 year period.

Critical Illness – 6 months full pay / 6 months half pay with no limit on amount of times it can be availed of. Should be generally non-recurring, with management discretion and an appeal mechanism.

Official side argued at the Labour Court that sick leave provisions should be from a current date, Union side from a date 4 years in the future. Court said from January 2014. The legislation was enacted with effect from the 31st of March 2014.

A protocol was agreed after further Labour Court referral on Critical illness. Critical illness must meet **one** of the following criteria.

- Acute life threatening illness
- Chronic progressive illness with well-established potential to reduce life expectancy (if there is no medical intervention)
- Major physical trauma requiring acute operative surgical treatment
- In patient care of at least 2 weeks. (2 days in case of maternity related illness).

The decision to award the extended paid sick leave is a management decision and not just a medical decision. In exceptional circumstances management can award even where the medical criteria are not met.

In addition there is a "count back" over the rolling 4 years to take a second look back over the previous year in a manner that is advantageous to the member.

A circular governing the revised sick leave arrangements (PER Circular 6/2014) was issued by the Department of Public Expenditure and Reform on the 27th of March 2014. This circular can be accessed on the PER website.

2.12 PMDS

Discussions took place during 2013 between the Civil Service Group of Unions and the Department of Public Expenditure & Reform on a review of the Performance Management & Development System (PMDS) for the Civil Service.

These discussions focused on:

- *Fairness and Consistency*
- *Independent Review*

In relation to the issue of fairness and consistency, the position of the Official Side was that they wanted to introduce the concept of a “forced distribution” of ratings (otherwise known as the bell curve). The Union Side strongly opposed the concept of “forced distribution” of ratings and had also attached very considerable importance to the need for an independent review mechanism for staff. A panel of suitably qualified external reviewers will be agreed between the Unions and the Management Side. The agreement reached avoided the “forced distribution” of ratings and, instead, provided for the introduction of a mechanism of calibration which is intended to try and ensure that performance evaluation is carried out in a fair and consistent way across each organisation. Again, this was an issue of critical importance to the Union Side as we could not countenance a system whereby managers were obliged to rank proportions of staff based on an artificial model of ratings distribution.

The Association received feedback from a number of branches as to how the calibration was operating. The feedback was somewhat mixed. The Association met with DPER in March 2014 to address some of the issues arising. Clarification is due to issue from DPER which will address these issues.

2.13 SHARED SERVICES

The Public Service Reform Plan published in November 2011 contained a range of ambitious actions relating to shared services. The establishment of a Shared Service for HR and Pensions (known as Peoplepoint) in the Civil Service was prioritised and its development was led by the Department of Public Expenditure and Reform. The first three tranches have transferred their transactional HR and pensions operations to Peoplepoint. Tranche 4 is underway and tranche 5 is to take place later in the year.

Payroll Shared Service: Five options for the delivery of Payroll for the Civil Service and for other Public Service Organisations was drawn up. A Multi-site location was chosen as the preferred option. This involves implementing a Shared Services Payroll with a single governance structure, a common technology platform, single licence agreements with technology providers, improved and standardised processes and Service Level Agreements (SLAs) with client Departments, in more than one location. The locations involved are Killarney, Galway

and Tullamore. There are to be seven “waves” of migration to the Payroll Shared Services starting this year and finishing at the end of 2015.

Financial Management Shared Service:

A feasibility study has been completed and approved by the Programme Board and is under review by the Department of Public Expenditure and Reform. The study assessed the feasible financial management service delivery model options, including shared services, quantified both quantitative and qualitative costs and benefits, and the risks associated with each option, and recommended the most appropriate way forward.

Learning and Development Shared Service:

All baseline data is now collated and cleaned (100% return).

The tender process for consultancy is complete. A preferred supplier has been chosen and has commenced work.

It is envisaged that the Baseline Report and Feasibility Study will take 8 weeks to complete.

Procurement:

2.14 TLAC

21 TLAC competitions were held during 2013 all of which were open.

3 Secretary General Level

1 Deputy Secretary Level

17 Assistant Secretary Level

2.15 SENIOR PUBLIC SERVICE (SPS)

The Senior Public Service has been established to further enhance the leadership skills and performance of senior civil servants. A vacancy that arises at Deputy/Assistant Secretary General level in the Civil Service must first be offered to the Senior Public Service. Mobility is overseen by the Mobility Subgroup of the SPS Management Committee. The subgroup is chaired by the Secretary General, PER. Its membership comprises the Secretary General, Department of the Taoiseach and the Secretary General, Department of Social Protection. When the Department of Public Expenditure and Reform approves the filling of a vacancy at Deputy/Assistant Secretary level, it is notified in the first instance to the SPS secretariat. The Mobility subgroup then considers, in conjunction with the Secretary General of the Department in which the vacancy arises, how the vacancy should be filled. This decision should be made no later than a week after receipt of the job description. If it is decided that the post should be filled by open competition, the TLAC secretariat will be notified and the normal TLAC process will apply. If it is decided that the vacancy should be filled by lateral mobility, all SPS members at that level will be notified by

email and the vacancy will be advertised on the SPS website. The Mobility subgroup, together with the Secretary General of the sponsoring Department, will make a decision on the most suitable candidate for the position, based on the information submitted in respect of each applicant. In the event that there are no suitable applications through mobility for the post, it will be filled through open competition by TLAC. Seven positions have been filled since the protocol was introduced.

2.16 GENERAL COUNCIL

The General Council Staff Panel is comprised of representatives of the six civil service unions and constitutes the staff side operation of the Civil Service General Council at which matters relating to pay and terms of conditions of employment are discussed with the Official Side in accordance with the terms of the Conciliation and Arbitration machinery for the civil service.

During the past year there were 11 monthly meetings of the Staff Panel and 9 General Council and together with numerous meetings of sub-committees of General Council.

The officers for 2014, elected at the AGM in January 2014, are Chairperson Eugene Dunne (IMPACT) and Vice Chairperson Joan Byrne CPSU. Gerry Malone PSEU remains as Secretary to the Panel.

The annual report of the Secretary of the General Council Staff Panel for 2013 **Appendix E** is available on the full version of the AHCPS Annual Report at www.ahcps.ie. The report includes details on the principal industrial relations issues impacting across the civil service during the past year.

2.17 WORK LIFE BALANCE/DIVERSITY

The Association is represented at the Equality Sub-Committee of General Council by Assistant General Secretary, Ciaran Rohan.

Shorter Working Year/Term Time

The operation of the scheme was to be reviewed in 2012 but the Department of Public Expenditure and Reform announced that the scheme would be extended into 2013 and 2014. The Staff Side had requested that an appeals mechanism for those refused be put in place. Discussions with the Official Side on this issue have not progressed satisfactorily.

Crèches:

Under the Civil Service Childcare Initiative the Minister for Finance appointed a management board made up of representatives of the Department of Public Expenditure and Reform, the Civil Service Unions and a childcare expert. It is the responsibility of the Board to ensure that the crèches operate in accordance with appropriate management, financial and childcare standards.

There are seven crèches in operation under the civil service childcare initiative. Mount Street and Marlboro Street in Dublin, Backweston, Athlone, Sligo, Cork and Ennis.

As reported last year, a Focused Policy Assessment of the Civil Service Childcare Initiative was undertaken by the Department of Public Expenditure and Reform's Central Evaluation Expenditure Unit [CEEU] and it recommended that the State should end its involvement in the civil service crèches in a structured and planned way.

The Minister for Public Expenditure and Reform, Mr Brendan Howlin, T.D., accepted the recommendations and decided that the State will no longer subsidise or have any management role in the Initiative.

All crèche operators expressed an interest in considering new licences for operating in the existing properties. The OPW will engage with the crèche operators on details of the new licences.

Parental Leave Circular:

Finance circular 13/2010 outlines the provisions of this scheme. A new EU directive on parental leave was transposed into Irish law since the 8th of March 2013. The Directive grants longer leave periods of 4 months. It also introduces some limits to the transfer of the leave between parents and strengthens the protection for workers applying for Parental Leave.

Worksharing:

The Haddington Road Agreement commits both sides to reviewing the worksharing scheme including the patterns which should be available. Discussions have yet to commence on this issue. Similar to the Shorter Working Year scheme the Staff Side had requested that an appeals mechanism for those refused be put in place. Discussions with the Official Side on this issue have not progressed satisfactorily.

Career Breaks:

A revised career break circular (PER Circular 4/2013) was issued by the Department of Public expenditure and Reform. This main change in the scheme is that staff will be permitted to take up alternative employment in Ireland.

Flexible Working Hours:

There are currently over 400 members availing of flexitime. These members will all be impacted by the restrictions in flexi-time outlined in the Haddington Road Agreement. In addition newly-appointed APs will not be able to access flexible working hours.

STATE ENTERPRISES

3.1 AN POST AND NATIONAL LOTTERY COMPANY:

Introduction.

The Company continues to trade in difficult economic circumstances. The effects of the economic downturn, postal liberalisation and electronic substitution have all impacted on mail volumes and revenue. The Company is part way through a staff reduction programme where it plans to shed 2,600 posts between 2009 and 2016. By end December 2013 1,619 FTE had departed the Company at a saving to the payroll of 69.3m. 250 posts are due to be shed in 2014.

National Lottery Company (NLC):

The New licence for the running of the Lottery was awarded to Premier Lotteries Ireland Ltd which is a consortium comprised of Camelot, An Post and the An Post Pension Fund. Camelot is owned by the Ontario Teacher Pension Plan. The staff of the National Lottery Company, the vast majority of whom are staff of An Post on permanent secondment to the NLC, are due to transfer to the new Company. The Association together with the other unions in the Company were involved in a number of meetings under the auspices of the Labour Relations Commission in securing a number of commitments from An Post and The Department of Public Expenditure and Reform (DPER) in relation to terms and conditions of staff transferring into the new Company. Specifically commitments were received that staff would be covered by TUPE legislation. That they would have pension terms with the new company equal to what they already have. Collective Bargaining rights and Trade Union representation would be recognised. Retention of class D PRSI, a limited VS/VER similar to the An Post scheme would be available. The staff also wished to avail of their entitlement to return to An Post should they so wish. The right to return was not accepted by An Post and the issue could not be resolved at the LRC. DPER did agree that such staff could avail of the redeployment option under the Haddington Road Agreement to transfer into the civil service and non-commercial state sector.

The LRC proposals were put to a ballot of members of the three unions. While the AHCPs members voted 17-0 in favour of the proposals the other two unions, PSEU and CPSU rejected the proposals. However the aggregate vote was tied at 53 for and 53 against. All parties sought the intervention of the Labour Court and following a recommendation from the Court around security of tenure for staff, the proposals with clarifications were put to a ballot of the other two unions with the AHCPs votes still being counted as part of the process. The proposals

on the second ballot were accepted by 57 votes to 50.

The issue of a recognition payment for staff is to go to the Labour Court for binding arbitration.

Pensions:

Discussions between the Company and the group of unions in relation to addressing the deficit in the An Post pension fund were concluded in May 2013 and proposals were put to a ballot of members of the four unions. At the end of December 2012 the fund had a deficit of 323million. The legal position was that each Defined Benefit Pension Scheme had to have sufficient funds to meet a "Minimum Funding Standard". Recovery plans had to be with The Pensions Board by 30 June 2013. Additionally from January 2016 onwards schemes will be obliged to maintain a risk reserve. The risk reserve is 10% of the funds liabilities, less the amount of the fund held in EU Government Bonds or cash.

The proposals to address the deficit included

- No increase in pensionable salary or in pensions up to end 2013
- From start of 2014 onwards, any increases in pensionable salary will be limited to the lower of:
 - the actual basic pay/salary increase, if any,
 - the increase in the Consumer Price Index (CPI), if any,
 - 2%
- Normal retirement age (NRA) will change for both past and future service as follows;
 - a. For co-ordinated employees (PRSI class A), NRA will be the new State pension age (66, or 67, or 68 as appropriate in 2014, or 2021, or 2028 or as subsequently amended by the State)
 - b. For uncoordinated employees (PRSI class D), NRA will be 40 years after the employee's date of commencement of pensionable service, subject to a minimum age of 60 and a maximum of the normal State pension age

In either case, the employee will be allowed to retire from age 60 onwards, but with an actuarial discount applying between the actual age of retirement and the new NRA, if any.

- It is accepted that there is no commitment either way in respect of the issue of pay / salary increases in respect of 2014 and subsequent years.

In addition to the above, it is proposed that the question of any past or future liabilities remaining on the part of the Company in relation to the previously proposed ESOP will be considered resolved and in full and final settlement (this is in recognition of commitment by Company to provide a contingent asset of 100m as part of the required Risk Reserve).

1. Review

In the event that the proposals being accepted and approved, a review process will be implemented comprising the following:

1. Quarterly update on performance of Pension Fund to Group of Unions to include an analysis of the performance of the Fund
2. Review of any external factors which may impact on the An Post scheme, e.g., legislation, 'Waterford Crystal' case.
3. Where there is significant ongoing over or under performance of the fund (i.e. in the event that the value of the assets significantly exceeds the value of the liabilities, or vice versa, at any time during the period up to end 2023), the parties will discuss any measures required to address
4. These discussions will take place in accordance with the agreed IR procedures including referral to the LRC and/or Labour Court as necessary

Review Clause.

The group of unions negotiated a review clause into the proposals so that the scheme will be reviewed on an ongoing basis and any measures that require to be addressed can and will be addressed with referral to the LRC and Labour Court where necessary.

The proposals went to ballot and were accepted by the membership.

3.2 FÁS/SOLAS:

FÁS was renamed SOLAS in 2013.

The majority of staff in SOLAS are moving to the new Education and Training Boards (ETBs) in two tranches. The first tranche moved on 1st January 2014 to four ETBs with the remainder of staff due to transfer on 1st July to the remaining 12 ETBs. The Association together with SIPTU were involved in intensive negotiations with Department of Education, ETBI and SOLAS in relation to a number of staff issues. The Association's requirements in relation to the grade equivalent that the SOLAS Grade 6 and Grade 7 would be at, in the ETB post transfer were met. Particularly important to the Association members was that the Grade 7 was maintained at AP equivalent.

For Headquarter staff they will be remaining with SOLAS. They are due to vacate their present HQ building in Baggot Street in June 2014 and move to new Headquarter premises in Castleforbes House in Dublin 1.

3.3 IRISH AVIATION AUTHORITY (IAA):

A random drug and alcohol policy was introduced by the company last year. While the policy was agreed by IMPACT and the ATOA it was not agreed by the Association, the CPSU and the PSEU. The matter was referred to the Labour Court where the Court decided that the company was entitled to act on the basis of an agreement with the IAA Staff Panel.

3.4 INJURIES BOARD

The Association has recognition for staff in the AP and PO grades working in the Injuries Board. The Association is the largest Union there.

There were a number of meetings of the Joint Consultative Committee during the course of the year. The Unions, on two separate occasions, referred the company to the Labour Relations Commission due to significant outsourcing of work. At the time of writing it is hoped that these issues can be resolved to the satisfaction of members as there is a severe shortage of staff in the Board and outsourcing of work is not a medium or long-term solution to the problem.

3.5 OTHER AGENCIES

The Association continues to provide a negotiating and representational service in respect of pay, terms and conditions of employment and related matters in a number of state agencies including :

- Commission for Energy Regulation (CER)
- Eircom
- Family Support Agency
- Food Safety Authority
- Food Safety Promotion Board (SafeFood)
- Health & Safety Authority
- Irish Sports Council
- Irish Water Safety
- Medical Council
- National Centre for Partnership & Productivity
- National Library of Ireland
- National Museum of Ireland
- NCSE
- Ordnance Survey Ireland
- Pensions Board
- Roads Safety Authority (RSA)
- Western Development Corporation

AFFILIATIONS AND RELATIONS WITH OTHER ORGANISATIONS

4.1 IRISH CONGRESS OF TRADE UNIONS

The Association continued its membership of ICTU during the year. The General Secretary Dave Thomas was elected to the Executive Committee of the ICTU at the Biennial Conference in July 2013.

4.1.1 PUBLIC SERVICES COMMITTEE

The Association participated in the work of the Public Services Committee of Congress. The Committee is representative of public service unions in the civil service, local authorities, health boards, teaching and those general and craft unions which have members in the public service. The Annual General Meeting of the Public Services Committee took place on 29 May 2013 and the Annual Report of PSC is attached as **Appendix H**.

4.1.2 ICTU WOMEN'S COMMITTEE

The Association continues to be represented at the ICTU Women's Committee by Edna Dowling Executive Committee and John Kelleher, Deputy General Secretary. The following Delegates John Glennon Vice Chairperson, Orla McBreen Executive and Trevor Noonan Executive attended the Women's Conference 2014 in Wexford on 6 & 7 March 2014.

4.1.3 NERI

The Association continues to support and contribute to the Nevin Economic Research Institute.

4.1.4 ICTU PEOPLES COLLEGE

The Associate also supports the ICTU Peoples College.

4.1.5 ICTU RETIRED WORKERS' COMMITTEE

The Association is represented on the Retired Workers' Committee of Congress by Brian Fitzpatrick.

4.1.6 TRADE UNION COMMISSION

At the ICTU Bi-annual conference in July 2013 a motion was passed which endorsed the report of the Trade Union Commission. The Report pressed for further integration of unions including greater co-operation in supplying services to members.

The civil service unions – AHCPS, PSEU, IMPACT, CPSU and VOA have met and are exploring the possibility of developing a new entity to provide a stronger voice for the collective members. This is at an early stage and the Executive will be reporting on the process to the membership in the near future.

4.2 CIVIL SERVICE UNIONS

The Association maintains close contact with the CPSU, PSEU, IMPACT, and the POA.

4.3 VETERINARY OFFICERS' ASSOCIATION (VOA)

The AHCPS continues to provide negotiating and representational facilities to the Veterinary Officers' Association.

The VOA represents veterinary staff in the State Veterinary Service. The members of the VOA are also associate members of the Association.

4.4 RETIRED CIVIL AND PUBLIC SERVANTS ASSOCIATION

The Association provides accommodation facilitates to the Retired Civil and Public Servants' Association and facilitates them in every way possible.

4.5 EUROPEAN FEDERATION OF PUBLIC SERVICE UNIONS (EPSU)

The Association is affiliated to EPSU from 1st January 2006. The Federation, which was founded in 1978, represents 8 million workers in 216 public service unions in all EU countries.

4.6 UNION OF FINANCE PERSONNEL IN EUROPE (UFE)

The Association is affiliated to the UFE in respect of its Revenue membership.

The 36th UFE Meeting was held in Brussels in December 2013. The Association was represented by Val Jeffrey, Revenue Branch and Ciaran Rohan, Assistant General Secretary AHCPS.

4.7 UNION NETWORK INTERNATIONAL [UNI]

The Association is affiliated to UNI in respect of its An Post membership. The Deputy General Secretary John Kelleher and An Post Executive member Eamon Hughes attended a meeting of the group in UNI Meeting in Lisbon September 2013.

4.8 FDA UK

The Association was represented at the 2013 FDA Annual Delegate Conference by Chairperson Tom Allen, Dave Thomas General Secretary, John Kelleher Deputy General Secretary and Jackie Lacey, Executive Assistant. The

Association also maintained close contact with the FDA (Northern Ireland) and the General Secretary Dave Thomas and Deputy General Secretary John Kelleher attended their Annual General Meeting on 28 March 2014.

4.9 INSTITUTE OF PUBLIC ADMINISTRATION

The Association continued in membership of the IPA.

4.10 IRISH LABOUR HISTORY SOCIETY

The Association is also affiliated to the Irish Labour History Society.

4.11 HOSPITAL SATURDAY FUND

The Association is represented on the Board of the HSF Health Plan by the General Secretary, Dave Thomas, who is the Vice-Chairman of the Board.

4.12 COMBINED SERVICES THIRD WORLD FUND

The Association is currently represented on the Third World Fund by the Assistant General Secretary Ciaran Rohan.

4.13 CIVIL SERVICE CHARITIES FUND

The Association is represented on the Civil Service Charities Fund by Ciaran Rohan, Assistant General Secretary and Larry Dunne PER.

Appendix A Minutes of ADC 2013

Appendix B Rules & Constitution

Appendix C Standing Orders

Appendix D Executive Attendance

Appendix E LRC Haddington Road Agreement

Appendix F Report of the Adjudicator on Presidency Payments

Appendix G AHCPS Submission on Strengthening the Civil Service Accountability and Performance

Appendix H General Council Staff Panel Annual Report 2014

Appendix I ICTU Public Services Committee Annual Report 2012/13

Accounts

MINUTES OF THE ANNUAL DELEGATE CONFERENCE HELD ON 10th MAY 2013

1 Opening of Conference

1.1 The Chairperson, Tom Allen, called Conference to order at 13.38

1.2 He welcomed the delegates, press and guests to the conference. In particular, he welcomed Dave Penman, new General Secretary of the FDA in London, and Harry Baird and Philip Cummings from the Northern Ireland branch of the FDA, and Sean O'Riordan, our former General Secretary.

2 Adoption of the minutes of the Annual Conference 2012

2.1 The minutes of the Annual Delegate Conference 2012 were adopted unanimously by Conference.

Proposed by Larry Dunne (PER) and seconded by Ray Lehané (DSP).

3 Appointment of Tellers

3.1 The following delegates were appointed as tellers:

Ray Lehané	DSP
Joe Gleeson	An Post
Peter Dockery	Revenue
Billy Carrie	C&AG

4 Adoption of Standing Orders Committee Report

4.1 David Denny (Chairperson of Standing Orders Committee) proposed the adoption of Standing Orders Reports 1 and 2, covering the order of business at Conference. He reminded delegates that speakers on motions have up to 5 minutes, with subsequent speakers having up to 3 minutes. A number of motions have been deemed out of order, due to changed circumstances, particularly in relations to the LRC proposals.

Speakers on the motion were Garvan O'Keeffe (Revenue), querying why Motion 12 would be taken before Motion 37, and Clare McNamara (Finance) proposing that Standing Orders Report 2 be amended to allow motion 21 back on to the Agenda. This proposal was seconded by Terry Walsh (PER).

David Denny clarified that Motion 12 would be taken immediately before Motion 37.

Peadar Carpenter (Foreign Affairs) asked that Motion 40 be brought forward on the agenda.

Proposal re Motion 21 was put to the floor and was lost.

Standing Orders Reports 1 and 2 were then adopted by Conference Appendix 1.

5 Chairperson's Address

The Chairperson's Address is reproduced at **Appendix 2** to these minutes

6 The Financial Statement – Treasurer's Report

6.1 The Financial Secretary, Billy Thompson, introduced the Financial Accounts. He stated that they are in a very healthy position at the moment, mainly due to the control on expenditure. He then explained the investment policy being pursued and that Davys had been taken on to provide advice on investments.

Almost all payments are now being made through EFT, which speeds up payments of T&S.

6.2 The Financial Secretary then went through the Income and Expenditure Account. He outlined that income was down 4% on 2012, due to falling membership numbers, but that expenditure is also down. Membership stood at 2865 at end of 2012, down 599 since 2008. He encouraged members who are retiring to look at taking out associate membership.

6.4 The Financial Secretary expressed his thanks to John Kelleher, for his help in preparing the budgets for the year.

6.5 The Financial Statement was adopted by Conference

The Chairperson then put it to Conference that Tom Quigley should continue as Honorary President. This was agreed.

7 General Secretary's Address and Parts I and II of the Annual Report 2012/2013

7.1 The text of the General Secretary's Address, introducing Part I of the Annual report 2012/2013, is reproduced at **Appendix 3** of these minutes.

8 MOTIONS

Motion 40

Proposed by Jackie O'Halloran (Foreign Affairs) and seconded by Paul Monks (Revenue).

Speaker on the motion was John Kelleher (Deputy General Secretary).

The motion was carried.

Motion 1

Proposed by John Glennon (Executive/Courts) and seconded by Alan Walker (Executive/Injuries Board).

Speaker on the motion was John Kelleher (Deputy General Secretary).

The motion was carried.

Part II of the Annual Report (continued)

A presentation was then made by Ciaran Rohan (Assistant General Secretary) on Part II of the Annual Report, focusing on salary movements in private sector.

The Chairperson then encouraged the attendees to visit the exhibitor stands, and then asked the press to leave, as Conference was now entering a closed session.

Motion 4

Proposed by Mary Curley (Agriculture) and seconded by Brid Farrell (Agriculture).

Speaker on the motion was Paul McKiernan (Agriculture).

The motion was carried.

Motion 6

Proposed by Mick Kearney (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

Motion 8

Proposed by Larry Dunne (PER) and seconded by Patricia Ballantine (PER).

Speaker on the motion was Conor O'Mahony (Jobs Enterprise).

The motion was carried.

Motion 10

Proposed by Michael Hickey (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

Motion 13

Proposed by Garvan O'Keeffe (Revenue) and seconded by Michael Hickey (Revenue).

Speaker on the motion was Brian Lucas (Arts, Heritage & Gael).

The motion was carried.

Motion 14

Proposed by John Kelly (Agriculture) and seconded by Brid Farrell (Agriculture).

Speaker on the motion was John Hughes (Executive/Jobs Enterprise)

Proposal to remit by John Kelly (Agriculture), seconded by Brid Farrell (Agriculture).

The motion was remitted.

Motion 15

Proposed by Brid Farrell (Agriculture) and seconded by Frank Flood (Foreign Affairs).

Speaker on the motion was Frank Flood (Foreign Affairs).

The motion was carried.

Motion 16

Withdrawn

Motion 17

Proposed by Ciaran Desmond (Defence) and seconded by Brigitta O'Doherty (Defence).

Speaker on the motion was Ciaran Rohan (Assistant General Secretary).

Ciaran Desmond (Defence) replied, and then the branch agreed to remit the motion.

The motion was remitted.

Motion 18

Proposed by Paul McKiernan (Agriculture) and seconded by Brid Farrell (Agriculture).

The motion was carried.

Motion 19

Proposed by Eltin Moran (Social Protection) and seconded by Fiona Casey (Social Protection).

Speakers on the motion were Denis Burke (Executive/Social Protection) and John Kelleher (Deputy General Secretary).

The motion was carried.

Motion 20

Proposed by Barry Murphy (Health) and seconded by Michael Murchin (Health).

Speakers on the motion were Paul Monks (Revenue) and Peadar Carpenter (Foreign Affairs).

Proposal to remit by Alan Walker (Executive/Injuries Board), seconded by Eamonn Hughes (Executive/An Post).

Point of Order on effect of remission on Motions 21-24 raised by Conor O'Mahony (Jobs Enterprise).

Speakers on the motion then were Conor O'Malley (Arts, Heritage & Gael), Greg Hooley (Revenue),

Joe Hanly (Agriculture), Ronan McKeever (OPW), Ciaran Desmond (Defence) and Larry Dunne (PER)

The motion was lost.

Motion 24

Proposed by Joe Hanly (Agriculture) and seconded by Mary Curley (Agriculture).

Amendment proposed by Kieran Lea (DSP) and seconded by Kieran Dunne (DSP).

The amended motion was carried.

Presentation

A presentation was made by Margaret Fagan, Employee Assistance Officer, of behalf of the Civil Service Employee Assistance Service. It is now operating under the auspices of the Department of Public Expenditure and Reform (PER), rather than under separate departments. It has 10 Employee Assistance Officers based in Dublin, and 8 in the rest of the country. All services provided are confidential.

Part III of the Annual Report

A presentation was then made by John Kelleher (Deputy General Secretary) on Part III of the Annual Report, covering the State Sector. Issues included:

- (i) the superannuation deficit in the An Post pension fund, with a report due to the Pensions Board by June 2013,
- (ii) the future of the National Lottery, with most staff still on secondment from An Post
- (iii) the transfer of the majority of FAS staff into the new Education and Training Boards (ETBs), with the remainder moving to the new organisation, Solas.

Part IV of the Annual Report

A presentation was then made by John Kelleher (Deputy General Secretary) on Part IV of the Annual Report, covering Affiliations. He stated that we still remain members of ICTU, with involvement on a number of sub-committees. We also continue in our membership of the European Public Services Union, Union of Finance Personnel, UNI (for postal workers) and a variety of other bodies.

There were no other questions raised on the Annual Report and it was adopted unanimously having been proposed and seconded by Conference.

Motion 25

Proposed by Patrick Finn (Injuries Board) and seconded by Alan Walker (Injuries Board).

The motion was carried.

Motion 26

Proposed by Michael O'Doherty (Revenue) and seconded by Margaret Doyle (Revenue).

The motion was carried.

Motion 27

Proposed by Kieran Dunne (DSP) and seconded by Fiona Casey (DSP).

The motion was carried.

Motion 28

Proposed by Patrick Finn (Injuries Board) and seconded by Susan Gorman (Injuries Board).

The motion was carried.

Motion 29

The motion was withdrawn.

Motion 30

Proposed by Orla Ryan (CENR) and seconded by Carmel Fields (CENR).

The motion was remitted.

Motion 31

The motion was withdrawn.

Motion 32

Proposed by Clare McNamara (Finance) and seconded by Marianne Nolan (Finance).

Speaker on the motion was Brian Lucas (Arts, Heritage & Gael).

Proposal to remit by Willie McIntosh (Executive/Education), seconded by

Orla McBreen (Executive/Foreign Affairs).

The motion was remitted.

Motion 34

Proposed by Michael O'Brien (DSP) and seconded by Kieran Dunne (DSP).

The motion was carried.

Motion 35

Proposed by Eamonn Phelan (Finance) and seconded by Brendan Coogan (Finance).

The motion was carried.

Motion 36

The motion was withdrawn.

Motion 12

Proposed by Paul McKiernan (Agriculture) and seconded by John Kelly (Agriculture).

Speakers on the motion were Clare McNamara (Finance), Garvan O'Keeffe (Revenue), Kieran Desmond (Defence) and Dave Thomas (General Secretary).

Proposal to remit by John Hughes (Executive/Courts) and seconded by Willie McIntosh (Executive/Education)

The motion was remitted.

Motion 37

Proposed by Margaret Doyle (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

A proposal was then made by Paula Curran (Revenue) to extend Conference by 15 minutes.

This was approved.

Motion 39

Proposed by Michael O'Doherty (Revenue) and seconded by Peter Dockery (Revenue).

The motion was carried.

Motion 41

Proposed by Harry Dunne (Justice) and seconded by Martin Switzer (Justice).

The motion was carried.

Motion 36

Proposed by Brendan Coogan (Finance) and seconded by Val Jeffrey (Revenue).

The motion was remitted.

Motion 42

Proposed by Brian Lucas (Arts, Heritage & Gael)

Proposal to remit by Garvan O'Keeffe (Revenue) and seconded by James Keane (Revenue)

The motion was remitted.

The Chairperson then announced the results of the election to the Executive. The positions of Chairperson, Vice Chairperson, Treasurer and Standing Orders Committee were unopposed and deemed re-elected

Motion 43

Proposed by Paula Curran (Revenue) and seconded by Garvan O'Keeffe (Revenue).

Speakers on the motion were Conor O'Mahony (Jobs Enterprise), Greg Hooley (Revenue) and

Ciaran Rohan (Assistant General Secretary).

Proposal to remit by Paula Curran (Revenue) and seconded by Pearl Kelleher (Revenue)

The motion was remitted.

All other motions fell on time and were remitted.

Conference was then declared closed.

STANDING ORDERS REPORTS

NOS, 1 & 2

STANDING ORDERS REPORT NO. 1

The Standing Orders Committee has received nominations for Officerships, Executive Committee and Standing Orders Committee as set out in the Draft Agenda.

There is one nomination for the post of Chairperson; it will therefore not be necessary to have an election for this post.

There is one nomination for the post of Vice Chairperson; it will therefore not be necessary to have an election for this post.

There is one nomination for the post of Treasurer; it will therefore not be necessary to have an election for this post.

There are 16 nominations for the 12 elective places on the Executive Committee.

As two nominees for the Executive are also nominees for officership positions. When the election for Chairperson and Treasurer are completed two nominations for Executive Committee will lapse leaving 14 for election.

6 nominations were received for the six positions on the Standing Orders Committee.

It will not be necessary to have an election.

In all 54 motions have been received.

The Committee recommends as follows in relation to Motions which have been submitted.

If Motion 5 or 6 are carried Motion 7 falls.

Motion 9 is out of order because it calls on the union to carry out actions not within its competence.

If Motion 15 is carried Motion 16 falls.

If Motion 20 is carried Motions 21, 22, 23 & 24 falls.

Motion 21 stands for itself and Motion 22 and if carried Motions 23 and 24 falls.

If Motion 23 is carried then Motion 24 falls.

Motion 30 stands for itself and Motion 31.

If Motion 30 or 31 are carried Motions 32 and 33 fall.

Amendments to motions by branches should be submitted to the General Secretary not later than **5.30pm Thurs. 18th April 2013.**

The Committee recommends as follows in relation to the motions which have been submitted.

Rule Change

Delegates are reminded that changes to rules require a two-thirds majority of delegates present and voting in order to be passed.

David Denny (Chair)
Sheila Hanley, Larry Cashman,
Michael Greene, Ronan Lenihan.
25 March 2013

STANDING ORDERS REPORT NO. 2

1. The Standing Orders Committee recommends that the motions be taken in the order as set out in the timetable at 6 below.

Motions

2. The Committee reminds delegates of the contents of Report No. 1 as they relate to motions standing for others.

Following the rejection of the LRC Proposals by the ICTU Public Services Committee the following motions cannot be moved because the motions cannot be implemented if passed.

Motions 2, 3, 5, 7, 11, 21, 22, 23 & 40.

If delegates wish to comment on the LRC proposals they may do so under the Part 2 of the Annual Report which will be taken at the same time as motions on pay proposals.

Motion 12 will be take before Motion 37 on the order paper.

Motion 16 will now stand for itself.

If motion 20 is carried Motion 24 falls.

Amendment to Motion 24 will be taken if Motion 24 still stands.

Amendments to Motions

4. Amendments have been submitted to motions Nos. 24, 35, 36, 43 as indicated in the list of motions. The amendments are in order.

Delegates are reminded that a simple majority is required for amendments to motions, a two thirds majority is required for rule change motions themselves.

Catering arrangements

5. Light lunch available to delegates from 12.30pm at the venue. Coffee will be available on a continuous basis immediately outside the conference room.

Annual Report

3. It is recommended that Part I of the Annual Report will be presented following the General Secretary's address. Part II will be presented after Motion 1. Part III & IV will be presented following presentation by Civil Service Employee Assistance Service.

The Annual Report will be open for debate during which the reference back of individual items on the basis of factual accuracy only may be moved and voted upon.

Following such general debate, the Report shall be put forward for adoption.

Timetable

6. Conference will commence **13.30pm sharp**, and conclude at 17.00pm. Motions not reached by that time will be remitted to the Executive Committee.

The following timetable is recommended.

AGENDA		TIME
No. 1	Opening of Conference and Introduction of Guests	13.30
No. 2	Adoption of the Minutes	
No. 3	Appointment of Tellers	
No. 4	Adoption of Standing Orders Reports Nos.1 & 2	
No. 5	Chairperson's Address	
No. 6	Financial Statement	
No. 7	Appointment of Hon. President	
No. 8	General Secretary's Address and Part I and II of Annual Report	
No. 9	Motions Rule Change Motions 1 Requires two-thirds of accredited delegates	14.30
No. 10	Annual Report – Part II continued	
No. 11	Motions 2-54	
No. 12	Election of officers, Executive Committee & Standing Orders Committee	
No. 13	Presentation by Civil Service Employee Assistance Service	15.30
No. 14	Annual Report – Part III – IV Adoption of Annual Report	15.35
No. 15	Motions resumed	15.40
No. 16	Close of Conference	16.55 – 17.00

David Denny (Chair)
Ben Dunne, Michael Greene, Ronan Lenihan
Standing Orders Committee
19 April 2013

ADDRESS OF THE AHCPs CHAIRPERSON TOM ALLEN

On behalf of the Executive Committee it is my privilege to welcome you all to our Annual Delegate Conference. I look forward to the day's proceedings and to a lively debate on a range of issues facing the Association over the coming year. In truth, the issue of pay is on all our minds with the appalling spectre of even further cuts hanging over us.

In 2013 we commemorate two significant milestones, the centenary of the 1913 lockout and the Seventieth anniversary of this illustrious Association. If big Jim Larkin were to return today and look at the situation facing our members, he would be forgiven for thinking that little has changed with regard to the employers' attitude towards ordinary workers and unions right to engage in free collective bargaining. A hundred years on this should be enshrined in law. Instead, the Government has signalled that they will legislate for powers that will curtail free collective bargaining in the Public Service. The founding fathers of this Association would be justifiably proud of the way the Association has grown to be a fully-fledged member of the trade union movement. We are reasonable people, but we can, and will say no to inequality of treatment. At a time of great pain for public sector workers it is heartening to think that the Association was founded during World War II, a time of great economic distress, but both the country and the Association rose to the challenge and went on to flourish. I have no doubt that we will do so again.

I am proud to be a Trade Unionist and a Public Servant. I come from a family with strong links with the union movement, both in the private and public sectors, going back to the foundation of the state. I am determined that the Association will work with other unions to ensure that we are not scapegoated for the sins of a few. As an ordinary worker I look forward to the day when our rights will be restored. I remind Government that they have always been able to rely on total loyalty from its senior civil servants. By continually targeting our members we feel a sense of betrayal. Our patience is being severely tested and while I hope that the civil service remain totally impartial it is hard to guarantee into the future when we are being treated unfairly. The apolitical nature of the Irish Civil Service has served Ireland well and is the envy of the citizens of many other countries around the world.



Tom Allen,
Chairperson
AHCPs

We meet at a time of unparalleled distress for many members who have endured a series of sustained, barbaric attacks on salary levels over the past 5 years. Our members did not cause our current economic mess; it was developers and reckless lending practices by bankers that put our economic future on the line. Many others joined in licking up the gravy. In *September 1913* the great poet William Butler Yeats spoke of people "fumbling in a greasy till". Well, a century later they are still at it. Those who can afford it, can move abroad to protect their assets and declare themselves bankrupt there. After a year they can start again, while we, our children and grandchildren will have to pay for their misdeeds for many years to come. Nobody can attach any blame to our overworked members yet the government has decided to hit them disproportionately compared to other public sector workers and more particularly other sectors of society. In the case of our members, not alone have we not had a pay rise for over 5 years we have taken actual reductions of the order of 30 %. It is sad to think that very little attention is paid to the patriotic sacrifices made by our members. In addition to the draconian cuts associated with the original Croke Park II proposals, they also contained elements, which ran counter to family friendly policies. I am thinking particularly about the removal of flexi time arrangements, which would militate against young parents who need and want to stay in the workforce. Shame on all who sponsored such a small-minded backward move.

At this stage I want to send a clear, unambiguous message to Government, lay off the unfair targeting of our members, otherwise, I am afraid, there will be consequences. We have the same outgoings as the rest of society and large numbers are suffering extreme hardship. Public sector workers alone cannot resolve what is essentially a community problem. The fairest way of doing this is through the tax system by the introduction of a higher rate for high earners. While such an approach will hit our members too, there is fairness in its application. I understand that the LRC is still exploring the possibility of unions reengaging with Government on the failed Croke Park II Agreement. Given the narrow focus of their intervention, it is difficult, at this remove to see a way forward. We must live in hope.

Our members have had to continue to work with significantly reducing staff levels. Many are putting in

twelve hour days as well as weekend work. There is no extra remuneration for this except an expectation that we will always deliver. As senior managers we must continually meet targets and motivate our hard-pressed staff to do likewise. We take pride in what we do and perform to the highest standards. This is becoming extremely difficult when the only prospect facing us is the cutting of salary levels. I met with a group of public servants recently who joined in 2008 and all they have experienced since they joined is reduced pay levels.

There are many fine journalists and commentators out there who provide an impartial view on the public service and its workforce. While we don't always agree with their views, there is a mutual respect for each other's position and professionalism. There are, however, certain elements, paid exorbitant sums from the public purse raised largely from TV licence holders, who's anti public service bias borders on fanaticism. These self-serving preachers like to lecture others on what they deem to be higher pay. I work in the Revenue Commissioners and I can assure you that the bulk of public servants do not even appear on the radar when it comes to higher pay. These media people have spent much of the crisis trying

to drive a wedge between public and private worker and they have achieved some success through populist means. But, the trade union movement is bigger than that, and I, for one, will not be drawn into a slagging match with our brothers and sisters in the trade union movement who happen to work in the private sector.

In conclusion I would like to thank a very hard working Executive Committee for their patience and support in what has been an exceptionally busy year for us by any standards. Bernard O Shea and Kieran Smyth are stepping down this year and while we will miss their telling contributions, I know that they both will remain activists and we won't be losing touch. I would also like to acknowledge the efforts of Dave Denny and the Standing Orders Committee in the run-up Conference. I would especially like to express my sincere appreciation to our Head Office staff for all their work and for their continued dedication and professionalism. Many thanks Dave, John, Ciaran, Jackie and Dorothy.

This Conference belongs to you the delegates and its over to you now.

ADDRESS OF THE AHCPs GENERAL SECRETARY DAVE THOMAS

Introduction

Chairperson, delegates, guests

Last year in my address to Conference I reported that the Croke Park deal was delivering and that the Agreement was meeting its targets. At that point it was difficult to see how things could get any worse. But.....as we are all awarethey did. Economic growth has not increased as expected. How could the Government expect it to when it engaged in a programme of unremitting austerity??? The message that has been continuously emphasised by this Association and the Irish Congress of Trade Unions (ably assisted by the Nevin Economic Research Institute) is that austerity stunts economic growth and increases unemployment. It has taken five years but at last this message is finally gaining traction amongst "so called" mainstream economists.

Of course the response of our politicians is hit the easiest target for further cuts – the public service. We are talking about the third in a series of cuts to our pay. We are continuously told by politicians that this is the last time the public service will be visited for cuts. Does anybody in this room, ANYBODY, believe this? The recent Government strategy (as evidenced by the LRC Proposals) of cutting public service pay and freezing increments, however, has taken a more sinister turn.

Instead of a fair and equitable strategy for reducing the Government deficit, the Government have decided to target the 39,000 out of 290,00 public servants who earn over €65,000. This has then had the consequence of turning public service unions and, indeed, individual public servants against one another. An equally sinister element of the proposals was their anti-family friendly nature and in particular the idea of cutting flexi leave. How much money would that proposal have saved? NONE is the answer. However the Government seems determined to tear up progressive policies that took many years to put in place.

The Government got their answer when this Association balloted on the LRC proposals. 85% voted NO with a turnout of 86% of the membership. This was an exceptionally strong endorsement of the recommendation of the Executive Committee. There was

a strong No Vote amongst other Public Service Unions as well.

Looking at the results from the different unions even if the proposals had been accepted by a narrow majority, this could well have had the implication of splitting the Irish Congress of Trade Unions. In addition it is difficult to see how the Government expected the Agreement to be enforced as the majority of members in two of the major sectors had voted against it.

This Association and a number of other public service unions brought our concerns to the attention of ICTU.

There will be a meeting of the ICTU Executive Council to consider this issue. As a member of the Executive Council (and not wishing to pre-empt the outcome of the motions which will be debated later) I will be making it clear how unhappy this Association was with the process.

At present, Mr Kieran Mulvey of the LRC is talking to all the individual unions from the Public Service Committee of Congress with a view to seeing if there is any way. We met Mr Mulvey and told him that the cut in pay was a problem, that the freeze on increments was as big a problem and that the proposal to abolish flexi leave seemed to be vindictive and ideologically driven with no money-saving perspective. We also pointed out to Mr Mulvey that there were ongoing issues relating to the pay of former FÁS staff and former Superintendent Community Welfare Officers who now work in the Department of Social Protection. In addition the Government had already abolished the Chairman's and Delegates Allowance despite assurances to the contrary from Minister Howlin.

We understand that there is a financial problem facing the Government but we have consistently pointed out along with the Irish Congress of Trade Unions that there is an alternative. That alternative, and a fairer way to deal with the Government deficit, is through the taxation system. The Nevin Economic Research Institute (which is an ICTU funded economic think tank to which this Association contributes) has been to the forefront in pointing out the need for taxing higher paid within the economy. NERI have pointed out that there are over 270,000 people within the state who earn over €65k. NERI have pointed out that Ireland's tax take as a



Dave Thomas,
General Secretary
AHCPs

percentage of GDP is well below the EU 27 average as outlined by Eurostat. We all realise that could mean that the delegates in this room may end up paying more income tax. However we are willing to pay our share to address the Government deficit. What gets to us all is the continuous targeting of public servants who comprise just 17% of the Irish workforce.

I mentioned earlier the divisive nature of the LRC Proposals. The media onslaught on public servants, with some exceptions, has been unrelenting. It started with the speculation that the public service pay bill was too high, people in public service were not doing a proper job, or full job, or that the suggestion that there is an office building with non-frontline people doing nothing. If anyone can find that building please let me know!

However, I think a warning must go out to those in the private sector: As soon as the slashing of the pay and conditions of public servants is complete, IBEC, ISME and CIF will move to use the public service model as a way of "dumbing down" pay and terms and conditions of employment in the private sector. If we have to learn anything from history it is only when we are all pulling together that we make progress and this division within society is not helping anybody in either the public or private sector. We know those responsible for the current state of the Irish economy - and we know that those responsible are not paying for the solution.

The Executive Committee felt it was timely to take an overview of the disparity between public sector and private sector pay at senior management levels. Research commissioned by the Association and carried out by the Public Policy Advisors Network has concluded that there is a two speed economy in regard to pay in the private sector. Larger companies and those in the technology sector are awarding modest pay increases. Smaller, more traditional industries are in many cases still experiencing a pay freeze. Pay in the private sector would now appear to be at 2008 levels while pay in the public sector is at 2004 levels. For example the pay of a Principal Officer has now fallen 26% behind that of their comparator in the private sector. These findings only serve to highlight the disproportionate burden being carried by the public sector. How can the Civil Service retain and attract the brightest and best for its senior management positions at these pay levels?

Indeed the Government has had to breach its own pay

guidelines when appointing Ministerial Advisors as the pay was too low.

This pay disparity is also set against the backdrop of the introduction of significant reductions in the terms and conditions of employment of public servants. For example revised sick leave arrangements which reduce the amount of paid sick leave have been introduced, a new pension scheme which reduces benefits on retirement has been introduced and there have been significant cuts in the numbers employed in the public service. We are being asked to do this, continue on working, to provide the same service with fewer numbers, less remuneration with fewer benefits and then be thankful we have a job.

I want to briefly mention some issues in An Post and the National Lottery Company

In An Post there is a shortfall in the Superannuation fund of the order of €324m. Funding proposals have to be presented to the Pensions Board by the end of June that will see the fund return to a position where it can meet its liabilities over a period.

In the An Post National Lottery Company our members face the scenario of the winding up of the Lottery Company. Legislation is being enacted that will see the licence for a new lottery going to tender. An Post is likely to be a bidder as part of a joint venture, however there is no guarantee that it will be successful. Either way the present National Lottery Company will be wound up.

CONCLUSION

In conclusion the Association is at present in discussions with the LRC to see if there is any way forward. We expect to be able to report back to members on these discussions shortly. We face exceptionally challenging times – and the only commitment I can give you all today is that we will do our very utmost on your behalf.

I would like to thank the outgoing Officers (Tom, John and Billy) and the Executive Committee for their hard work throughout the year. I would also like to thank my Head Office colleagues, Dorothy, Jackie, Ciaran and John for their work.

I now wish to formally put sections 1 and 2 of the Annual Report to Conference.

Thank you delegates.

RULES AND CONSTITUTION

1. NAME

The Association shall be known as The Association of Higher Civil and Public Servants (Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí), hereinafter referred to as the Association.

2. OFFICE

The Association's office shall be at Fleming's Hall, 12 Fleming's Place, Dublin 4 or such other place as may from time to time be determined by the Executive Committee. Any change shall be notified to the Registrar of Friendly Societies.

3. OBJECTS

The Objects of the Association are:

- (a) to protect and promote the interests of its members,
- (b) to maintain and improve the remuneration and other terms and conditions of employment of members,
- (c) to regulate the relations between members and their employers and between members and fellow members and other workers,
- (d) to provide and maintain services, including legal assistance, for the benefit of members,
- (e) to provide relief to members involved in, or affected by, disputes,
- (f) to promote excellence and effectiveness in the public sector having regard to the interests of members,
- (g) to promote equality of opportunity and the development of work-life balance in the workplace,
- (h) to promote the development of partnership in the workplace.

4. POWERS

- (a) The Association, in furtherance of its objects, may:
 - (i) acquire, hold and dispose of property;
 - (ii) affiliate, amalgamate, assist, cooperate or enter agreement with any association, union, or other organisation; and
 - (iii) do all things necessary or incidental or conducive to the attainment of the objects of the Association.

- (b) The funds of the Association shall be applied in carrying out the objects of the Association and in defraying the expenses of management and administration.

5. MEMBERSHIP

- (a) (i) Membership of the Association comprises those accepted into membership by the Executive Committee and entered on the Register of Members.
- (ii) Membership shall be open to employees in managerial and professional positions in the civil service, public sector and such other employment as deemed appropriate by the Executive Committee. Membership shall be subject to acceptance by the intending member of the Rules and Constitution and approval by the Executive Committee and shall commence on the date of this approval whereupon the member's name shall be entered on the Register of Members.
- (b) An application for membership shall be made to the intending member's local branch in writing in a form approved by the Executive Committee and shall be transmitted by the local branch to the General Secretary. The application shall be accompanied by a completed form of authorisation for deduction from salary of the appropriate subscription.
- (c) Every new member shall be issued with a copy of the Rules and Constitution on acceptance into membership.

6. CESSATION OF MEMBERSHIP

- (a) A person shall cease to be a member of the Association (and the member's name shall accordingly be removed from the Register of Members) in the following instances:
 - (i) written resignation to the Executive Committee;
 - (ii) retirement or resignation from the Civil Service or other employment where the Association represents members;
 - (iii) expulsion under paragraph (b) below;
 - (iv) cancellation of authorisation for deduction of subscription from salary;
 - (v) on leaving the grades catered for by the Association.

- (b) Notwithstanding anything elsewhere in these Rules and Constitution the Executive Committee shall have power to expel from membership of the Association (and to remove from the register of members) or suspend from membership for a specified period or fine or censure any member whose actions or conduct the Executive Committee, after consultation with the Branch Committee of the member concerned, believes to be prejudicial to the interests of the Association or its members. The member concerned shall be informed in writing of the intention of the Executive Committee to consider his or her position and the reasons therefor, and the member concerned shall have the right to appear before the Executive Committee and give an oral or written statement or call others to give evidence on his or her behalf.
- (c) A member expelled, suspended, fined or censured under the provisions of this rule shall have the right of appeal to the next Annual Delegate Conference of the Association following the decision of the Executive Committee. Notice of intention to appeal shall be given to the General Secretary not later than one month after notification of the decision of the Executive Committee.
- (d) A person who has ceased to be a member may be re-admitted to membership on such terms and conditions as the Executive Committee, following consultation with the relevant Branch Committee, may determine.
- (e) Notwithstanding any other provisions of these Rules, the Executive Committee may exclude from membership of the Association any person whose continued membership conflicts with a finding of the Irish Congress of Trade Unions concerning disputes between Unions on the organisation of members.

7. ASSOCIATE MEMBERSHIP

- (a) (i) A person who ceased to be a member in accordance with rule 6(a)(ii) or 6(a)(v) and such other as the Executive Committee may decide from time to time, may apply to become an associate member, such application to be dealt with in a form and a manner approved by the Executive Committee.
- (ii) An associate member shall be entitled to participate in membership services, as appropriate, organised for members of the Association and shall be entitled to receive Newsletters and the Annual Report.
- (iii) Associate members shall not be entitled to attend branch meetings or Delegate Conferences of the Association other than by invitation and shall not be entitled to participate in ballots of members held in accordance with

these Rules.

- (b) Members of the Veterinary Officers Association may be admitted en bloc to associate membership on such financial terms as may be determined by the Executive Committee following consultation with the Executive Committee of the Veterinary Officers Association. The Association may in this context provide a negotiation service to the Veterinary Officers Association.

8. MANAGEMENT

The management of the Association is vested in

- (i) Delegate Conferences and
- (ii) The Executive Committee

in accordance with the provisions of the Rules and Constitution.

9. DELEGATE CONFERENCE

- (a) (i) The delegate conference shall be the supreme policy making instrument of the Association. The policy of the Association shall be determined by the delegate conference, which shall have the power to rescind or vary any decision taken previously by the Association.
- (ii) For the purpose of these Rules the term "delegate conference" includes both annual and special delegate conferences.
- (b) (i) The delegate conference shall consist of the Executive Committee, the Standing Orders Committee and accredited delegates elected by and from Branches in the numbers indicated below, and notified to the General Secretary:
 - (A) Branches with 30 members or less – two delegates;
 - (B) Branches with more than 30 members – two delegates for the first 30 members, and thereafter, one delegate per 30 members or part thereof.
- (ii) For the purpose of this rule, branch membership shall be the number of members at the end of the last complete financial year. In exceptional circumstances the Executive Committee may specify some other date for the purpose of assessing branch membership.
- (iii) Delegates to a delegate conference shall be elected at a branch meeting to be held in accordance with Rule 22(f) or (h). In the case of an Annual Delegate Conference the names and addresses of delegates shall be notified in writing by branch secretaries to the General Secretary not less than 21 days before the date of the Conference. The General Secretary shall then issue each delegate with a credentials card, stating the name and branch. It shall

however, be in order for a Branch to nominate a replacement for any delegate originally nominated by that Branch, in the event of such delegate being unable to attend conference for any reason.

- (iv) Any member of the Association not being a delegate shall be entitled to attend a delegate conference but shall not speak or vote thereat.
- (v) Such other persons as the Executive Committee invite may attend conference but may not vote thereat.
- (c) The Annual Delegate Conference shall be held not later than 31 May in each calendar year on a date and at a venue to be determined by the Executive Committee.
- (d) (i) The General Secretary, not later than fifteen weeks prior to the date of the Annual Delegate Conference, shall advise Branch secretaries of the date, time and venue of the Annual Delegate Conference and invite Branches to submit nominations and motions to form part of the agenda for the delegate conference. A Branch may make nominations for the offices of Chairperson, Vice-Chairperson and Treasurer and for membership of the Executive Committee and Standing Orders Committee to be filled at the conference and every nomination shall be accompanied by the written agreement of the person nominated. Subject to (iii) below, nominations and motions shall be submitted to and received by the General Secretary not later than seven weeks prior to conference. Motions sent to the Association Headquarters by electronic mail will be deemed to be received by the General Secretary on the same day as the mail was sent provided that evidence of sending is provided by the sender.
- (ii) The Executive Committee shall not have power to make nominations but shall have power to put down motions.
- (iii) The General Secretary shall issue, not later than five weeks prior to the Annual Delegate Conference, a draft agenda of business including motions to be discussed at conference and shall invite Branches and the Executive Committee to submit amendments to the motions. At the same time the General Secretary shall set out the nominations received for the offices and places on the Executive Committee and Standing Orders committee to be filled. If on the due date there are insufficient nominations for any or all of the offices or places, then notwithstanding anything contained in subparagraph (i) it shall be open to a Branch to submit a nomination for such offices or places in respect of which no nomination has

been made. Such nominations and amendments to motions must be submitted to and received by the General Secretary not later than three weeks prior to the conference.

- (iv) A final agenda, together with the recommendations of the Standing Orders Committee and a copy of the annual report, shall be issued by the General Secretary to all Branch secretaries and to all delegates not later than two weeks prior to conference.
- (e) Additions to the final agenda may be accepted by the Standing Orders Committee only when it receives a motion deemed by it to be of such extreme urgency and importance to the interest of the members that the matter warrants inclusion on the agenda for conference. Any such motion of urgency shall be submitted to the Standing Orders Committee who shall decide on its acceptability and its place on the agenda.
- (f) The business of the annual delegate conference shall include:
 - (i) Adoption of Standing Orders and Standing Orders Committee Report;
 - (ii) Consideration of the annual report and accounts of the Association;
 - (iii) Election of officers, namely Chairperson, Vice-Chairperson and Treasurer;
 - (iv) Election of twelve ordinary members of the Executive Committee;
 - (v) Election of Standing Orders Committee;
 - (vi) Consideration of motions and amendments thereto;
 - (vii) The appointment on the nomination of the Executive Committee of an Honorary President and Honorary Vice Presidents on such terms as may be recommended by the Executive Committee;
 - (viii) Consideration of any other business as may be submitted by the Executive Committee and allowed by the Standing Orders Committee.
- (g) (i) Ballot papers for elections shall be issued to each delegate on presentation of his or her credentials card, and to each of the members of the Executive Committee.
- (ii) A candidate for any elective office at a delegate conference may not be appointed a teller at that conference.
- (h) (i) Accredited delegates and members of the Executive Committee shall have the right to vote.
- (ii) Save as may otherwise be provided for in these rules voting at conference shall be decided by a simple majority of accredited delegates

showing credentials cards and the members of the Executive Committee.

- (iii) The quorum for a delegate conference shall be one third of the total number of accredited delegates nominated by Branches and notified to the General Secretary in accordance with Rule 9(b)(i).
- (i) The order of business at the Annual Delegate Conference shall be determined by the Standing Orders Committee.
- (j) A Special Delegate Conference shall be held:
 - (i) on the direction of the Executive Committee.
 - (ii) on the direction of a previous Delegate Conference, or
 - (iii) within 28 days of the receipt by the General Secretary of a requisition for, and stating the purpose of, such a conference from at least 5 branches representing at least 15% of the total membership of the Association. Each such Branch requisition must have been approved by general meetings of the members in the Branches concerned.
- (k) The business of the Special Delegate Conference shall be stated in the notice convening the conference which shall be sent to all Branches not later than 7 clear days before the conference. No other business shall be transacted by the Conference.
- (l) Names of delegates nominated by Branches for the purpose of the Special Delegate Conference shall be notified to the General Secretary not later than one day before the conference.
- (m) If a quorum is not present after one hour of the stated time for a delegate conference, the conference shall stand adjourned for not less than 7 days and not more than 28 days. Rule 9(h)(iii) shall not apply to an adjourned conference. At least 5 days notice shall be given to Branches of the time date and venue for the resumption of the adjourned conference.

10. CONSULTATIVE COUNCIL

- (a) There shall be a Consultative Council which shall consist of the Chairperson and Secretary of each Branch or their deputies together with the Executive Committee. The Chairperson of the Association shall act as Chairperson of the Consultative Council.
- (b) The Consultative Council shall meet not less than twice yearly on dates to be determined by the Executive Committee.
- (c) The functions of the Consultative Council shall be:
 - (i) To act as a forum where the members may, through their council representative, make their

views known to the Executive Committee and where the Executive Committee may obtain the membership opinion;

- (ii) To promote understanding between Branch Secretaries and between Branch Secretaries and the Executive Committee.

11. THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall comprise:
 - (i) The Chairperson, Vice-Chairperson and Treasurer;
 - (ii) Twelve other members elected by simple majority by the Annual Delegate Conference from nominations made by branches; and
 - (iii) not more than two members co-opted by the Executive Committee. The Executive Committee, in making the co-options, shall have regard to candidates nominated for but not elected to the Executive Committee, to the desirability of representations being accorded to smaller branches of the Association and as between the various employments where the Association has representation and of a balanced representation as between gender and grade on the Executive Committee.
- (b) The Executive Committee shall hold office until the end of the delegate conference at which their successors are elected. Any vacancy shall be filled by co-option by the Executive Committee.
- (c) A Special Delegate Conference convened for the purpose may remove any one or more of the Executive Committee by resolution. Such resolution shall be adopted by a vote of not less than two-thirds of those present at the conference and voting. Upon any Executive member or members being removed under this rule, the conference at which the removal takes place shall elect another person or persons to fill the vacancy or vacancies, who shall hold office for the unexpired term of the Executive Committee member or members so removed.
- (d) The Executive Committee shall exercise the powers of the Association in furtherance of the objects of the Association.
- (e) The functions of the Executive Committee shall include:
 - (i) management, direction and control of the affairs of the Association in accordance with and subject to the direction of delegate conference;
 - (ii) The development of policies and strategies for the achievement of Association objectives within the guidelines and directives laid down by delegate conference;

- (iii) Determining strategy for, and participating in, negotiations;
 - (iv) Controlling the pace and direction of the Association's development between Delegate Conferences;
 - (v) Considering and accepting of applications for membership;
 - (vi) Appointing trustees as provided for in these rules;
 - (vii) nominating the Honorary President and Vice Presidents for appointment by annual delegate conference.
- (f) The Executive Committee shall interpret the Rules and Constitution and the Standing Orders of the Association where doubt or dispute may arise and shall decide on any matter not covered by the Rules and Constitution. Such interpretation will stand unless the annual delegate conference or special delegate conference following the decision decides otherwise.
 - (g) The Executive Committee shall have power to appoint sub-committees and other committees as necessary and to define their terms of reference.
 - (h) The Executive Committee shall have power to appoint and dismiss the General Secretary and to appoint and dismiss any other staff as may be required for the efficient conduct of the Association's business. It shall also settle the terms of employment of the General Secretary and other staff.
 - (i) The Executive Committee shall ensure that the affairs of the Association are being properly conducted by the General Secretary and other staff of the Association.
 - (j) The Executive Committee shall have power to negotiate and to spend money in giving effect to Association policy.
 - (k) A quorum for meetings of the Executive Committee shall be seven members.
 - (l) The Executive Committee shall meet not less than ten times in a year and, so far as practicable, at least once a month.
 - (m) The agenda for ordinary meetings of the Executive Committee shall be circulated at least 3 days in advance. Special meetings may be called at shorter notice by the General Secretary in consultation with the Chairperson or, in the latter's absence, with the other elected officers.
 - (n) The Executive Committee shall prepare and circulate to all members an Annual Report and Statement of Accounts of the Association.

- (o) The Executive Committee may invite other members to participate in an advisory capacity and without voting powers in any of its deliberations.

12. STANDING ORDERS COMMITTEE

- (a) A Standing Orders Committee which shall consist of not more than six members shall be elected at the Annual Delegate Conference.
- (b) Members of the Standing Orders Committee shall hold office until the end of the delegate conference at which their successors are elected. Any vacancy arising between conferences shall be filled by a member of the Association appointed by the Executive Committee.
- (c) A member of the Executive Committee may not at the same time be a member of the Standing Orders Committee.
- (d) The Standing Orders Committee shall elect a Chairperson from among its members and shall regulate its own procedures. Three shall constitute a quorum at meetings of the Standing Orders Committee.
- (e) The Standing Orders Committee shall meet with the General Secretary prior to each delegate conference on a day to be decided by its Chairperson and the General Secretary to consider the business proposed for the delegate conference.
- (f) The Standing Orders Committee shall make recommendations as it deems necessary in accordance with the Rules and Constitution and Standing Orders of the Association as to the order in which the business of each conference should be taken for the purpose of the efficient conduct of the conference.
- (g) The Standing Orders Committee may also meet during each delegate conference and make such recommendations as it deems necessary from time to time to facilitate the business of the conference.
- (h) The Standing Orders Committee may also recommend procedures for the better conduct of delegate conferences generally. Its recommendation shall be considered by the Executive Committee and decided on by a simple majority of the delegates voting at conference. If adopted they shall become part of the Standing Orders of the Association.

13. ELECTED OFFICERS

- (a) The Chairperson, Vice-Chairperson and Treasurer shall be elected by simple majority at the Annual Delegate Conference.
- (b) If a vacancy in the office of Chairperson arises between Annual Delegate Conferences it shall be filled by the Vice-Chairperson. All other vacancies in these officerships arising between annual

conferences shall be filled by the Executive Committee.

(c) The respective functions and duties of the elected officers shall be as follows:

(i) The Chairperson shall uphold the objects, aims, policy and constitution of the Association. The Chairperson's principal functions shall be:

(A) to preside at meetings of the Consultative Council and Executive Committee;

(B) to preside at delegate Conferences;

(C) to preside at such other Association meetings as are appropriate;

(D) to deliver an address at the Annual Delegate Conference;

(E) such other duties as delegate conferences or the Executive Committee may assign to the Chairperson.

(ii) The Chairperson shall have a second or casting vote in the event of a tie in voting on any matter other than a motion to change the Rules and Constitution of the Association.

(iii) The Vice-Chairperson shall carry out the duties of the Chairperson in the absence of the latter and shall be regarded as the Chairperson for this purpose. The Vice-Chairperson shall discharge such additional duties as are assigned to the Vice-Chairperson by delegate conference or the Executive Committee.

(iv) The Treasurer shall report to the Executive Committee and to the Annual Delegate Conference on the financial affairs of the Association and shall ensure that proper accounts and receipts of payment of the Association are kept. The Treasurer shall inspect all financial books and records of the Association.

(d) The Officers of the Association shall ensure that the decisions of the Executive Committee are carried out.

14. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS

The Executive Committee may nominate an Honorary President and a number of Honorary Vice-Presidents for appointment by annual delegate conference. These offices shall be purely honorary and shall be for such term as the annual delegate conference on the recommendation of the Executive Committee may decide.

15. TRUSTEES

(a) The Executive Committee shall appoint three trustees to carry out the functions assigned to them under these rules.

(b) The trustees shall be members of the Association in good standing and shall not be members of the Executive Committee.

(c) The trustees shall be appointed for a term of five years, but may be individually or otherwise suspended or removed by the Executive Committee before the end of such term. Any vacancies arising shall be filled on the nomination of the Executive Committee.

(d) Any real or leasehold property acquired by the Association in accordance with Rule 4(a)(i) shall be vested in the trustees.

(e) The trustees shall appoint the Association's Auditor.

16. GENERAL SECRETARY AND OTHER EMPLOYEES

(a) The Association shall have a full time General Secretary and such number of other staff as may be determined by the Executive Committee to be necessary for carrying out the business of the Association.

(b) The General Secretary shall be the Chief Executive Officer of the Association and shall be responsible to the Executive Committee for negotiation and representation of members' and Association interests, for recruitment of new members and for the proper management and development of the Association, including the maintenance of minutes, records and accounts and the management and operation of systems and procedures in accordance with the Rules and Constitution, decisions of delegate conferences and directions of the Executive Committee. The General Secretary may, with the consent of the Executive Committee, delegate any of these functions.

(c) The General Secretary shall report to meetings of the Executive Committee and the Consultative Council on the business and affairs of the Association and has the right to speak at Annual or Special Delegate Conferences.

(d) Except where otherwise decided by the Executive Committee, the General Secretary shall not be entitled in any negotiations conducted by him or her to enter into any final or binding agreement on behalf of the Association. The General Secretary shall otherwise be free to speak and shall have the same authority and status as would any accredited deputation or negotiating team.

(e) The General Secretary and any Deputy General Secretary or Assistant General Secretaries or other staff shall be appointed by the Executive Committee. The remuneration and other conditions of appointment of the General Secretary, Deputy General Secretary, Assistant General Secretaries and other staff shall be determined by the Executive Committee.

17. INDEMNITY

The Executive Committee shall make suitable provision to indemnify members of the Executive Committee, the General Secretary and other staff of the Association against any damages or financial loss suffered by them arising from the due execution of their duties on behalf of the Association.

18. STRIKES AND INDUSTRIAL ACTION

- (a) The provision of this Rule shall apply notwithstanding any other provision contained in these Rules.
- (b) In this Rule the terms "strike" and "industrial action" shall have the same meaning as in the Industrial Relations Act 1990.
- (c) In this Rule the term "member" shall have the same meaning as in Rule 5.
- (d) The provisions of this Rule shall apply to the Republic of Ireland only.
- (e) The Association shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- (f) The Association shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Association or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- (g) The Executive Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Paragraph (h) of this Rule, favours such strike or other industrial action.
- (h) The Executive Committee shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Association's members voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- (i) Where the outcome of a secret ballot conducted by the Association or in the case of ballots conducted by the Association and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions an aggregate majority of all the votes cast is in favour of supporting a strike organised by

another trade union, a decision to take such supportive action shall not be implemented by the union without the sanction of the Irish Congress of Trade Unions.

- (j) As soon as practicable after the conduct of a secret ballot the Association shall take reasonable steps to make known to the members of the Association entitled to vote in the ballot—
 - (i) the number of ballot papers issued,
 - (ii) the number of votes cast,
 - (iii) the number of votes in favour of the proposal,
 - (iv) the number of votes against the proposal, and
 - (v) the number of spoiled votes.
- (k) Nothing in this Rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Association party to the trade dispute, and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

19. GENERAL BALLOT

- (a) A General Ballot of the members may be held to determine the policy of the Association on any matter. Such ballot shall be held:
 - (i) On the direction of a delegate conference or the Executive Committee;
 - (ii) Within 28 days of the receipt by the General Secretary of a requisition for such a ballot from at least 5 Branches, representing at least 15% of the total membership of the Association, provided each such requisition has been approved by a general meeting of the members in the Branches concerned; or
 - (iii) Within 28 days of the receipt by the General Secretary of a requisition from one-fifth of the entire membership.
- (b) The Executive Committee may decide to hold a Special Delegate Conference instead of a general ballot within 28 days of receiving a request under Rule 19 (a)(ii) or (iii).
- (c) When it is determined that a general ballot of members is to be held, the ballot paper, together with a brief memorandum setting out the principal considerations for and against the proposals to be balloted on, shall be sent to each member at the members' normal official location. The ballot paper shall be accompanied by a stamped addressed envelope for the return of the completed paper. Ballot papers shall be returned within 21 days of the

date of issue, or such shorter time as may be determined by the Executive Committee and advised to each member with the ballot paper. The Association's Auditor shall be responsible for the opening, counting and certification of the result of any general ballot of members.

- (d) Policy determined by a ballot on a simple majority of votes cast will be binding on the Association as if it were a motion passed at an Annual Delegate Conference.

20. FINANCE

- (a) The Executive Committee shall have overall responsibility for the financial affairs of the Association.
- (b) The Executive Committee shall have the power to raise funds by borrowing money on any real or personal property of the Association.
- (c) (i) The Executive Committee shall have power to levy members to augment the funds of the Association in order to provide assistance to members in dispute or for such other purposes in accordance with these rules as the Executive Committee may decide.
- (ii) Members of the Association shall be entitled to claim financial assistance from the Association, at a rate to be determined by the Executive Committee, where disputes result in members withdrawing their services on the instructions of the Executive Committee or where the Executive Committee deems members to be locked-out or victimised by their employer as a direct consequence of action taken by members of the Association where such action has the approval of the Executive Committee.
- (iii) Legal advice for members may be financed from Association funds at the discretion of the Executive Committee where the matter on which advice is sought arises from or is related to the member's employment.
- (d) The financial year of the Association shall end on 31st December of each year.
- (e) The accounts of the Association shall be audited annually by the auditor appointed by the trustees.
- (f) All monies received as subscriptions or otherwise by the Association shall be lodged to a Banking Account or to Banking Accounts opened in the name of the Association as approved by the Executive Committee.
- (g) All disbursements on account of the Association shall be drawn on such bank or banks and authorised by any two of the Officers, i.e. Chairperson, Vice Chairperson or Treasurer. However, the Executive Committee may delegate authority to the General Secretary or in his absence to the Deputy General

Secretary to authorise payments to meet the ordinary running costs of the Association provided they are also authorised by the Treasurer or other Officer of the Association.

- (h) The surplus funds of the Association shall be invested in the joint names of the Trustees in such trusts or securities including real property as the Executive Committee may from time to time decide.
- (i) Every person having an interest in the funds of the Association may at any reasonable time, and on giving notice, inspect the books of the Association and the register of members of the Association.

21. MEMBERSHIP SUBSCRIPTIONS

- (a) The membership subscriptions of ordinary and associate members shall be determined from time to time by delegate conference.
- (b) The subscription of an ordinary member shall be deducted from salary by authorisation of the member or in a manner determined by the Executive Committee.

22. BRANCH ORGANISATION

- (a) The members of the Association shall be organised into branches as determined from time to time by the Executive Committee.
- (b) Each Branch shall be responsible for representing and safeguarding the interests of its members at local level in accordance with Association policy, for the recruitment of members within its Department or Office or grade, body, company or corporation, for the representation of its members' views concerning their Department or Office or grade, body, company or corporation and transmitting its members' views on these and other matters to the Executive Committee and/or Delegate Conference.
- (c) The administration of each Branch shall be vested in a Branch Committee. The Branch Committee shall consist of a chairperson, secretary and not less than one and not more than fifteen other members.
- (d) The duties of the Branch Chairperson shall be to assist in the conduct of the business of the Branch generally, to sign all minutes and through the Branch Secretary to call any meeting of the Branch or Branch Committee as required, to represent the Branch at meetings of the Consultative Council and to ensure that in the event of him or her being unable to attend that a deputy is appointed in his or her place.
- (e) The duties of the Branch Secretary shall include:
 - (i) Keeping branch members informed of the business and affairs of the Association.
 - (ii) Transmitting communications between the Branch and the Executive Committee.

- (iii) Advising members of the dates of Annual Delegate Conference and arranging meetings as required for the purpose of nominations for elections, motions for discussion at conference and election of delegates;
 - (iv) Keeping a record of all Branch meetings and Branch Committee meetings;
 - (v) Notifying the General Secretary in proper time of nominations, motions and amendments and names of delegates;
 - (vi) Representing the Branch at meetings of the Consultative Council and ensuring that in the event of his or her being unable to attend that a deputy is appointed in his or her place;
 - (vii) Providing the Executive Committee with such information as it may require from time to time.
- (f) An annual general meeting of the members of each Branch shall be held not later than seven weeks prior to the date of the Annual Delegate Conference.
- In the case of a Branch authorised under Rule 22 (j) to substitute a Branch Delegate Meeting for an Annual General Meeting, having regard to the geographic spread of members, the Branch Delegate Meeting will take place no later than four weeks prior to the Annual Delegate Conference or the closing date for amendments to Motions on the final agenda of the Annual Delegate Conference, whichever is the earlier provided that
- (i) A previous Delegate Meeting of the Branch has mandated the Branch Executive to propose motions and make nominations on behalf of the Branch for the Annual Delegate Conference.
 - (ii) And that the Branch Executive puts all such motions and nominations on the Agenda of the Branch Delegate Meeting, taking place in accordance with the provisions of rule 22(f), for approval by the delegation.
- (g) Each member shall be given due notice of the holding of this meeting and the meeting shall deal with the following matters:
- (i) receive a report of the Branch Committee on the activities of the Branch for the year;
 - (ii) Elect Branch Officers, Branch Committee and delegates for the Annual Delegate Conference;
 - (iii) Make nominations for the Officerships, Standing Orders Committee and Executive Committee;
 - (iv) Consider motions for the Annual Delegate Conference;
 - (v) Arrange further meetings as required to consider the draft agenda of the delegate conference and amendments to motions in the Agenda;

- (vi) Transact such other business as required.
- (h) Special general meetings of a Branch shall be held whenever the Branch Committee deems it necessary, or in accordance with the directions embodied in a resolution passed by a majority of the members present at a previous Branch general meeting, or on a request signed by not less than one fifth of the members of the Branch or on the instruction of the Executive Committee.
- (i) Expenditure reasonably incurred by a Branch in the exercise of its functions including the expenses of delegates at the Annual or Special General Meeting of the Branch or Delegate Conference shall be paid out of the funds of the Association. The Executive Committee shall have discretion to decide what is reasonable for this purpose.
- (j) Where the Committee of a Branch considers that Branch general meetings should be replaced by Branch delegate meetings for that Branch, it shall so notify the Executive Committee in writing. A group of members in a branch who constitute not less than one-fifth of the entire membership of the Branch may also notify the Executive Committee in writing that they consider that it would be desirable to replace Branch General Meetings by Branch Delegate Meetings. On receipt of such notification the Executive Committee shall, if it is satisfied that delegate meetings are preferable to general meetings in that Branch, having regard to the geographical spread of the members of the Branch, conduct a ballot of the members of the Branch to determine the views of the members of the Branch. The Executive Committee may agree to the substitution of delegate meeting for general meetings only if a majority of those members voting in the ballot vote in favour of the substitution of delegate meetings for general meetings. Where General Meetings have been replaced by delegate meetings, the delegate meetings shall consist of the Branch Committee together with delegates appointed by sub-branches of the Branch. The composition of sub-branches and the number of delegates to be appointed by each sub-branch to the branch delegate meetings and any other procedural matters involved in the holding of delegate meetings shall be a matter for the Branch Committee of the Branch subject to the approval of the Executive Committee.

Branch delegate meetings, shall, where they are substituted for Branch general meetings, have the same powers and responsibilities of Annual and Special General Meetings of branches as are specified under these Rules and the general provisions of Rule 22 shall apply as if references to annual or special branch meetings constitute reference to annual or special delegate meetings of branches. Where Branch delegate meetings have

been substituted for Branch General Meetings, a proposal to return to Branch General Meetings must be initiated and processed in the same way as a proposal to change from Branch General Meetings to Branch delegate meetings as set out in this Rule.

23. REVISION

The Rules and Constitution may be amended only by a motion tabled in accordance with the rules for motions at delegate conferences, and passed by not less than a two-thirds vote of the accredited delegates nominated by branches and of members of the Executive Committee present and voting at a delegate conference. Any such

amendments shall be notified to the Registrar of Friendly Societies.

24. DISSOLUTION

The Association may be dissolved at any time by means of a general ballot of the members provided that such dissolution is approved by five-sixths of the membership. In the event of dissolution any net assets remaining after discharging all debts and liabilities shall be divided equally between those who were members at the time of dissolution. Any such dissolution shall be notified to the Registrar of Friendly Societies.

STANDING ORDERS FOR ALL DELEGATE CONFERENCES OF THE ASSOCIATION

The following Standing Orders shall apply to all Delegate Conferences of the Association.

1. Motions

1. No motion or amendment may be discussed until it has been formally proposed.
2. No motion or amendment may be withdrawn except by the consent of Conference.
3. The proposer of a motion or amendment shall be allowed not more than five minutes for his/her speech and all subsequent speakers not more than three minutes each.
4. The proposers of a motion or amendment shall be a delegate of the Branch which has submitted the motion or amendment or in respect of an Executive motion or amendment a member of the Executive Committee. If there is no delegate representing a Branch present when a motion or amendment is due to be moved by that Branch the motion shall fall.
5. The proposer of a motion shall be the only person permitted to speak more than once on the same motion. The proposer in exercising his/her right of reply may speak a second time for not more than three minutes. Where a motion has been amended only the proposer of the original motion shall have the right of reply.
6. Only one motion may be before the Conference at any time.
7. An amendment to a motion may not be moved while another amendment to that motion is before Conference.
8. An amendment may not be moved where Standing Orders Committee have indicated that in their opinion, it is a direct negative to a motion.

2. PROCEDURES MOTIONS

1. Next Business

If a proposal to proceed to next business has been moved and seconded the proposer of the motion under discussion shall have the right to speak in opposition and the proposal shall then be put without further discussion. If the proposal is carried, the discussion on the motion originally under discussion shall be abandoned and the meeting shall proceed to the next

business on the Agenda. If the proposal is lost, the discussion on the original motion shall be resumed.

2. Discussion to Close

A proposal that the discussion be brought to a close shall be moved, seconded and decided without discussion. If this proposal is carried, the motion or amendment under discussion shall be put and decided without further discussion other than a reply by the proposer of the motion. If the proposal is lost, the discussion, on the motion or amendment shall be resumed.

3. Question Now Put

A proposal that the question be now put shall be moved, seconded and decided without discussion provided the Chairperson is satisfied that both sides of the question have been adequately discussed. If the proposal is carried, the motion or amendment under discussion shall be put and decided forthwith without further discussion. If the proposal is lost, the discussion on the original motion shall be resumed.

4. Referral to Executive Committee

A proposal to refer a motion to the Executive Committee may be moved and seconded but the proposer of the motion may have the right to speak in opposition.

5. The acceptance of a procedure motion shall be at the discretion of the Chairperson.

3. PROCEDURE

1. A delegate may not address the meeting unless proposing, seconding or speaking to a motion except when raising a point of order.

A point of order may be raised on the following issues:

- (i) Incorrect procedures – implies that some member is contravening the rules of Conference e.g. speaking longer than allowed.
- (ii) Irrelevancy – wandering from subject.
- (iii) Unparliamentary language – swearing, personal abuse etc. or anything derogatory.
- (iv) Transgression of Rules – Use of procedure contrary to that laid down by Standing Orders.

2. The General Secretary and appropriate honorary officers may present, or reply to queries, on formal reports as appropriate.

3. The Chairperson of the Standing Orders Committee may make recommendations to the Conference which shall be decided upon immediately.
4. If two or more delegates offer to speak, the Chairperson will call on the delegate first observed offering; however the Chairperson of the Standing Orders Committee shall, if offering, be accorded priority.

4. ROLE OF CHAIRPERSON

1. The Chairperson at his/her discretion may declare a motion carried by agreement unless a proposal that a vote be taken be proposed and seconded.
2. The decision of the Chairperson shall be final upon any point as to the interpretation to be placed upon any Standing Order, upon the point as to whether a motion had been carried or rejected, and on all points of order.
3. Any member wilfully disobeying the ruling of the Chairperson may be suspended during the remainder of the time the motion in question is under discussion or for the whole Conference.
4. If in the opinion of the Chairperson grave disorder has arisen he/she may at his/her absolute discretion adjourn the Conference for a specified time.
5. The Chairperson shall have a second or casting vote should the votes on any proposal be equally divided.

5. STANDING ORDERS COMMITTEE

1. Where more than one motion deals with the same topic the Standing Orders Committee will draw up a composite motion covering the points made in the overlapping motions. The composite motions be put to Conference in place of the original motion. Standing Orders Committee shall indicate which Branch should move the motion.

Where the proposing Branch cannot agree to a composite motion then the original motion shall be put to the Conference in the order determined by the Standing Orders Committee.

The composite motion will be indicated to members in accordance with Rule 6(d)(ii) for the purpose of amendments.

2. The Standing Orders Committee may indicate the Motions under specified sections of the Agenda, get priority in discussion and shall so indicate those motions.

If in the time allotted for discussion of those sections of the Agenda, all the motions therein are not reached they may be deferred to a later stage of Conference.

3. Any motion appearing in the Agenda which has not been moved before the closing of the Conference shall be deemed to be referred to the Executive Committee for consideration.

6. ELECTION

Election of officers, Executive and Standing Orders Committees shall be held by way of secret written ballot on the basis of a single non-transferable vote.

7. SUSPENSION OF STANDING ORDERS

1. Any of the Standing Orders for Delegate Conferences may be suspended for a stated purpose provided a motion to that effect is adopted by a majority of those present and entitled to vote. Such suspension of Standing Orders may not exceed 30 minutes unless a proposal is adopted by the Conference whereby the suspension maybe extended for a period not exceeding 15 minutes.
2. The Standing Orders Committee may at any time during the meeting when it deems it necessary, make recommendations to the Chairperson that time limits be imposed on speakers or that the order of business be changed to facilitate the more effective progress of the meeting.
3. The Standing Orders Committee will be in session and available to delegates during the period of Conference.

EXECUTIVE MEETINGS: ATTENDANCES RECORD

There were 13 Executive Committee meetings between
13 May 2013 and 28 March 2014.
Attendances were as follows:

Name	Possible Attendances	Attendances
Allen Tom	13	13
Glennon John	13	11
Thompson William	13	12
Bolger Grainne	5	4
Boyle Pat	13	10
Burke Denis	13	6
Coogan Brendan *	13	12
Dowling Edna	13	13
Fanthom Tom	13	12
Holleran Noel	13	10
Hughes Eamon	13	8
Hughes John	4	3
McBreen Orla	13	9
McIntosh Willie	13	9
Noonan Angie **	6	4
Noonan Trevor **	8	6
O'Brien Barry	13	4
O'Connor Mark (observer)	6	4
Rafferty Derek *	13	8
Walker Alan	13	8

* Members co-opted following ADC

** Trevor Noonan replaced Grainne Bolger

** Angie Noonan replaced John Hughes

HADDINGTON ROAD AGREEMENT

LRC PROPOSALS

PUBLIC SERVICE STABILITY AGREEMENT 2013 – 2016



THE HADDINGTON ROAD AGREEMENT

May 2013

Table of Contents

	Page
Foreword by the Labour Relations Commission (LRC)	2
Executive Summary	3
Introduction	4
Pay and Productivity Measures	6
Workplace Reform	11
Exit Mechanisms	16
Implementation	17
 Appendices	
1. Proposals for Irish Prison Service	18
2. Proposals for Defence Sector	20
3. Proposals for An Garda Síochána	23
4. Proposals for Civil Service and NCSSBs	25
5. Proposals for Education Sector	29
6. Proposals for Local Authority Sector	35
7. Proposals for Health Sector	37
8. Proposals for Craft Group	46
9. Implementation of Additional Hours for Certain Grades	47



Foreword

The Labour Relations Commission issued earlier proposals to the parties in February 2013 and those proposals were not accepted by the Trade Union side. At the behest of Government the Chief Executive of the Commission and the Director and Deputy Director of the Commission's Conciliation Service then met with all of the Trade Unions and Associations representing staff in the Public Service in order to assess the potential that might exist for further engagement in an effort to find an agreed way forward. The Commission was made aware that Government's intention to secure the identified level of payroll and pension savings remained and that if necessary the Government would legislate to achieve those savings. The Government also emphasised to the Commission its preference for a collective agreement as the means to secure the identified level of savings and its commitment to engage fully in any process the Commission would put in place to attempt to achieve an agreement.

The Commission, following its process of assessment, took the view that it should facilitate dialogue and engagement between the parties to explore to the fullest the potential for agreement. The Commission has therefore chaired extensive and intensive conciliation and mediation between Government and all Trade Unions and representative bodies across every sector of the Public Service. All aspects of the challenge of finding agreement were explored in great detail in a process which focused on each sector of the Public Service separately. That process concluded on the morning of 21st May 2013.

This document captures all of the positions reached in that process of engagement and sets out the detail of potential collective agreements for consideration by the Trade Unions and representative associations. The Commission understands that the Government will conclude a collective agreement on these terms with any Trade Union or association confirming its acceptance of the position reached and set out in this document. The Commission is also clear that where a collective agreement is reached the terms of that agreement will apply to the staff covered by that agreement as opposed to any other terms which may be set out in legislation, circular or regulation designed to achieve the payroll and pension savings identified by Government.

The Labour Relations Commission confirms to all parties that the positions set out in this document represent the limit of what can be achieved by negotiation between the parties in all of the circumstances applying at this time. On that basis the Commission puts the positions set out as its proposals for collective agreement between the parties. Any anomalies or matters of practical application that arise should be addressed using the procedures contained in this agreement.

Kieran Mulvey

Chief Executive

Kevin Foley

Director of Conciliation

Anna Perry

Deputy Director of Conciliation



Labour Relations Commission

Proposals, May 2013

EXECUTIVE SUMMARY

Ireland is committed to reducing its general government deficit – the gap between Government revenues and spending, which must be financed by borrowing – to less than 3% by 2015.

As the Pay and Pensions Bill accounts for 35% of spending, the Government have decided that a proportionate contribution to the necessary overall additional expenditure reduction required must come from this area.

The Parties are agreed on the following series of pay and productivity measures to be implemented in order to achieve the necessary €1 billion savings in the cost of the pay and pensions bill over the 3 years from 2013 to 2015.

The Parties acknowledge the significant level of reform that has taken place across the public service under the *Public Service Agreement 2010-2014*. However, they also agree that further measures are required to underpin the delivery of a more integrated, efficient and effective public service. Under this Agreement further sustainable reform measures will be implemented in the following areas:

- Redeployment
- Performance management
- Flexible working arrangements
- Work-sharing arrangements
- Workforce restructuring.

The Government reaffirms the commitment given under Paragraphs 1.6 and 1.15 of the Public Service Agreement in relation to pay rates of public servants and compulsory redundancy, subject to the provisions set out in this Agreement.

This Collective Agreement, subject to ratification by the Parties, will apply for a period of 3 years from 1st July 2013. The pay and productivity provisions set out in this Agreement will be implemented with effect from 1st July 2013.

1 INTRODUCTION

Context

- 1.1 Since 2008, expenditure reducing and revenue raising measures designed to save approximately €25 billion (around 16% of 2011 GDP) have been implemented. These measures have been wide-ranging and have had a significant impact on the living standards of all the citizens of the State, including public servants.
- 1.2 Ireland is committed to reducing its general government deficit – the gap between Government revenues and spending, which must be financed by borrowing – to less than 3% by 2015. Given the volume of borrowing required, the State's debt-to-GDP ratio is set to rise further to over 120% of GDP and the proportion of revenue that goes towards servicing that debt will also increase.
- 1.3 The deficit for 2012 is estimated to be just under 8% of GDP, or over €15 billion in Exchequer terms. The Parties recognise the very large challenge remaining, both in terms of revenue streams and reducing public expenditure, to reduce that deficit to the necessary sustainable level over the years ahead.
- 1.4 The Government's Medium Term Fiscal Statement indicates that, in addition to the overall fiscal consolidation of €3.5 billion required for 2013, an additional €3.1 billion in savings and revenue-raising measures must be identified for 2014 and €2 billion in 2015.
- 1.5 The scale of consolidation required can only be achieved with a contribution from all the main components of public expenditure. As the pay and pensions bill accounts for 35% of spending, a proportionate contribution to the necessary overall additional expenditure reduction required must come from this area. This will involve a further reduction of some €1 billion in the cost of the pay and pensions bill over the 3 years from 2013 to 2015. These savings must be over and above savings already identified for the pay bill through to 2015 and a substantial portion, some €300 million, must be delivered in 2013.

Contribution of public servants to date

- 1.6 The Parties acknowledge the substantial contribution made by public servants to the fiscal consolidation process to date. This contribution has involved:
 - Non-payment of general round increases under the terms of the *Towards 2016 Review and Transitional Agreement* and certain other 3rd party recommendations;
 - Pay reductions averaging 14% arising from the introduction of the Pension Related Deduction in 2009 and the pay reductions introduced in January 2010;
 - An ongoing pay freeze; and
 - Deductions from public service pensioners.
- 1.7 Furthermore, the ongoing efforts of workers across the Public Service to maintain and enhance services to the public, as staff numbers have reduced by more than 30,000, is also acknowledged.
- 1.8 The Parties also recognise that €1.5 billion in pay and non-pay savings were delivered with the co-operation of staff under the *Public Service Agreement 2010-2014* in its first two years, as outlined in the annual progress reports published by the Implementation Body. Significant reform of the way public services are delivered has also been achieved and is detailed in these reports.

This Agreement

- 1.9 This Agreement sets out measures on productivity, cost extraction and reform which together will achieve the targeted pay bill reduction. The Agreement builds on the measures set out in the *Public Service Agreement 2010–2014* which began the process of delivering an increasingly integrated and more productive Public Service, with greater standardisation of employment conditions within and across sectors of the Public Service.
- 1.10 The Parties agree to continue to work within the framework of the Public Service Agreement and reaffirm the overall commitments provided within it, subject to the matters set out in this Agreement. The Parties will also continue to co-operate fully with change and reform measures advanced under the framework of the Public Service Agreement.
- 1.11 The Parties are agreed that the public service should continue to support employment and activation measures for the unemployed, including apprenticeship/traineeship opportunities. The parties agree to work together to support the development and implementation of well-designed employment initiatives within the public service.
- 1.12 This Agreement, subject to ratification by the Parties, will apply for a period of 3 years from 1st July 2013.

Review of this Agreement

- 1.13 The Government reaffirms, subject to Paragraph 1.14 below, that public service pay and any related issues will not be revisited over the lifetime of this Agreement.
- 1.14 However, in the event that the commitments or assumptions reaffirmed under this Agreement must be revisited, the Parties will meet to discuss the circumstances that had arisen and the implications for the Agreement. The Government confirms, in this regard, that it will not act without prior engagement with the parties on what may be required.

2 PAY AND PRODUCTIVITY MEASURES

- 2.1 The Parties agree that the following measures will be implemented in order to generate the required saving of €1 billion in the Exchequer pay and pensions bill by 2015.
- 2.2 Unless otherwise specified, the measures set out in this section and any sectoral appendix to this part will be implemented from 1st July 2013. The Parties note that a number of these measures will require legislative change. The measures set out in this section will be applied save as may be varied in relevant sectoral appendices.
- 2.3 When economic circumstances allow and the public finances are restored to a sustainable position, the pay measures that have applied to public servants, including those under this Agreement, will be reviewed. As was stated in Paragraph 1.16 of the *Public Service Agreement 2010 – 2014*, it is reaffirmed that priority will be given to public servants with pay rates at €35,000 or less in that review.

Additional working hours

- 2.4 The standard working hours of public servants will increase as follows:
 - Those with a working week of **35 hours or less** (net of rest breaks) will increase to a minimum of a 37 hour week. The implementation of these additional hours for specific groups is subject to the arrangements set out in Appendix 9.
 - Those with a working week that is **greater than 35 hours but less than 39 hours** (net of rest breaks) will increase to a 39 hour week.
 - Working hours of those currently with a net working week of **39 hours or greater** will remain the same. However, an hour of overtime worked each week for these grades will be unpaid until 31st March 2014.
- 2.5 The actual implementation of these proposals will require detailed consultation at workplace level in order to maximise the capacity to accommodate issues for affected individuals.
- 2.6 Extra hours worked will be deployed and may be aggregated on a daily, weekly or annual basis as best meets service demands, following local consultation, based on the principles agreed in each sector.
- 2.7 The gross working week, inclusive of breaks, will increase as appropriate to reflect the increased net hours worked and divisors for the calculation of overtime will be adjusted accordingly.
- 2.8 Staff will co-operate with the revisions to rosters necessary for the full deployment of the additional hours and with any consequential revisions.
- 2.9 No cost increasing claim will be made consequential on the increase in working time, including of leave.
- 2.10 Nothing in this Agreement shall serve to restrict working arrangements involving greater flexibility in those sectors where they currently exist.

Overtime

2.11 Overtime arrangements are revised as follows:

- a) For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale. This formula will not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply.
- b) For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.

2.12 Divisors for the calculation of overtime will be adjusted to take account of any additional hours provided for above.

2.13 For those grades currently with a working week of 39 hours or more (net of rest breaks), an hour of overtime worked each week will be unpaid until 31st March 2014.

Premia

2.14 Sunday staffing and other reforms: Management will actively seek to reduce the overall numbers of staff rostered for duty on Sundays. At the same time, all staff will co-operate with measures to achieve the most cost-effective skill-mix and staffing ratios to meet service needs. An intensive engagement process will begin immediately to review existing skill mix and staffing ratios to ensure that these identified needs are met. Co-operation will be forthcoming for other measures to improve efficiency and effectiveness of hospital services, in particular concentrating as much care provision as possible into the Monday to Saturday period. Staff co-operation will be forthcoming for the establishment of hospital groups and for the re-organisation of services within and between those groups.

2.15 Twilight payments and any equivalent payments across sectors, will no longer be payable.

Increments and related balancing measures

2.16 For those on salaries below €35,000 (inclusive of allowances in the nature of pay), a three month increment freeze will apply during the Agreement. This freeze will take effect after the next increment is paid with the following increment being awarded in fifteen months rather than twelve, or equivalent if the increment interval is longer.

2.17 For those on salaries between €35,000 and €65,000, inclusive of allowances in the nature of pay, two three-month increment freezes will apply (total of a six month freeze) during the Agreement. As above, this would take effect after the next increment is paid but for two consecutive years there would be a fifteen month period between increment dates. If the increment interval is longer than 12 months, the freeze will be for a single 6 month period.

2.18 For those on salaries above €65,000 (inclusive of allowances in the nature of pay) to the max of the Principal (higher) scale or equivalent in the civil service or similar across the public service, two six month increment freezes will apply. These freezes will take effect after the payment of the next due increment with the following two increments being awarded in 18 months rather than 12 months, or equivalent if the increment date is longer.

2.19 Incremental progression will be suspended for three years for those on salaries scales starting over €100,000 (inclusive of allowances in the nature of pay).

- 2.20 Where an employee's salary (inclusive of allowances in the nature of pay) surpasses €35,000 during the Agreement, a second incremental freeze of three months will apply, in accordance with the arrangements for those on salaries between €35,000 and €65,000, inclusive of allowances in the nature of pay outlined above.
- 2.21 If a person's salary increases above €65,000 (inclusive of allowances in the nature of pay) during the Agreement, the pay reduction provisions outlined below will apply.
- 2.22 For those currently on the final point on the incremental scale and with salaries between €35,000 and €65,000 (inclusive of allowances in the nature of pay), the following arrangements will apply, apart from those grades with an annual leave entitlement of 23 days or less, in the interests of equity:
- A total reduction of annual leave entitlement over the period of the Agreement of 6 days:
- Or**
- A cash deduction from salary of an equivalent amount to the value of the 6 annual leave days or a half of the most recent increment, whichever is the lesser.
- 2.23 For those on salaries between €35,000 and €65,000 (inclusive of allowances in the nature of pay) and who reach the maximum of the scale following a single 15 month incremental period, a reduction of annual leave entitlement of 3 days will apply, or an equivalent amount to the value of the 3 annual leave days or a quarter of the most recent increment, whichever is the lesser.

Higher remuneration

- 2.24 In addition to the measures on increments above, and as a means to ensuring broad equity of contribution, the Parties note that the Government intends to apply a reduction in pay for those on salaries of €65,000 and greater (inclusive of allowances in the nature of pay) as follows:

Annualised amount of Remuneration	Reduction
Any amount up to €80,000	5.5%
Any amount over €80,000 but not over €150,000	8%
Any amount over €150,000 but not over €185,000	9%
Any amount over €185,000	10%

- For those on salaries (inclusive of allowances in the nature of pay) above €65,000 to the max of the Principal (higher) scale or equivalent in the civil service or similar across the public service, the reduction in pay above will be restored to the pay rate that they would have had, but for the pay reduction, within a maximum of 18 months of the end of this 3 year Agreement between the parties which is intended to commence with effect from 1st July 2013. The restoration will be in two equal phases – the first after 9 months and the second 9 months later.
- In relation to impacts at the margin, salaries will not fall below €65,000 as a result of the application of this reduction.

- Salary scales above €100,000 will be reduced by the appropriate percentage based on the application of the reductions above.
- Detailed guidance and circulars in relation to the application of the above measures will be prepared.
- The Government has also indicated that it intends to provide in the legislation for a grace period during which both the reduction in pay and any deferral of increment progression will be disregarded.

Other pay related measures

- 2.25 **Allowances:** There will be full co-operation by the Parties with the follow up to the Government's Allowances Review, taking account of the recommendations contained in Labour Court Recommendation 20448. In accordance with that Recommendation, the Parties agree to enter into central negotiations with a view to reaching a generally applicable agreement on measures by which loss arising from the elimination of pensionable allowances can be ameliorated. Where a dispute arises during the course of this process, the Parties agree to use the agreed industrial relations machinery appropriate to each sector and to be bound by its outcome (See Section 5.1).
- 2.26 **Travel and Subsistence:** The Parties note that the Government intends to review Travel and Subsistence arrangements. There will be full co-operation by the Parties with the review and the implementation of a standardised system of Travel and Subsistence across the Public Service.
- 2.27 **Public Service Pensions:** Separately, to this Agreement, the Parties note that the Government intends to align the reductions in public service pensions in payment with the reductions applied to serving staff. The Parties note that this measure will apply to pensions in payment greater than €32,500 only.
- 2.28 **Use of external consultants by public bodies:** The Staff side have expressed considerable concern at what they believe to be excessive use of external consultants in the Public Service. The Government, for its part, shares these concerns regarding the costs to the Exchequer of the use of outside consultancy and re-affirms its commitment to maximising the potential of in-house expertise to deliver further savings in this area. The recent procurement reform programme to achieve between €250m to €600m of savings is welcomed. It is expected that savings in consultancy contracts will be a key element of this Programme.
- 2.29 **New Entrant Salary Scales:** In order to address the imbalance between those who entered the Public Service since 2011 and those who entered before that date, revised incremental salary scales shall be prepared for same grade entrants to each public service sector as necessary to incorporate the revision of salary scales introduced by Government Decision in January 2011.
- 2.30 **Pension-related Deduction – Rate Adjustment:** The present rates and bands of the Pension Related Deduction are set out in the Table hereunder:

Bands and Rates	
€15,000	Exempt
€15,000 - €20,000	5.0%
€20,000 - €60,000	10.0%
Above €60,000	10.5%

As part of the Agreement, it is agreed to reduce the €15,000-€20,000 band rate to 2.5% from 5% to produce the following Table:

Bands and Rates	
€15,000	Exempt
€15,000 - €20,000	2.5%
€20,000 - €60,000	10.0%
Above €60,000	10.5%

3 WORKPLACE REFORM

- 3.1 The Parties re-affirm Paragraph 1.4 of the *Public Service Agreement 2010-2014* which states that:

"In order to sustain the delivery of excellent public services alongside the targeted reduction in public service numbers over the coming years, the Parties accept that efficiencies will need to be maximised and productivity in the use of resources greatly increased through revised work practices and other initiatives. The Parties will work together to implement this Agreement to deliver an ongoing reduction in the cost of delivery of public services along with excellent services to the public."

- 3.2 Accordingly, the Parties have agreed that the following measures will be implemented as a priority over the lifetime of this Agreement.

Further headcount reduction

- 3.3 The Parties recognise that the provision of additional working hours and related productivity measures in this Agreement have the potential to facilitate further reductions in staff numbers over the course of the Agreement, subject to decisions by Government in relation to such issues. The Parties accept that it is appropriate to make provision for annual pay bill savings in respect of such reductions.
- 3.4 Redeployment in the Public Service is critical to supporting the maintenance of front line public services as staff numbers are reduced. The current redeployment arrangements are being revised to make them more efficient and effective to ensure more flexible and faster redeployment both within and across all sectors. It is necessary to improve the flow of staff across the Public Service, and to ensure that suitably skilled staff are available to meet the identified organisational, operational and business needs of public service organisations.
- 3.5 To assist this process, Workforce Planning will become the norm across public service bodies. Workforce Action Plans will match resources with business/sectoral policy needs within the Employment Control Framework (ECF) disciplines. The process will support management in identifying the skills deficits as well as staff surpluses within organisations as part of a consistent and structured resourcing policy.

Redeployment

- 3.6 The Parties reaffirm the commitments given in paragraph 1.5-1.12 of the *Public Service Agreement 2010-2014*, including those relating to service reconfiguration.
- 3.7 Across all sectors the guideline redeployment distance will continue to be 45km from the current work location or of the home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time (i.e. as per the *Public Service Agreement 2010-2014*). In line with the *Public Service Agreement 2010-2014*, redeployment options may of necessity be beyond this guideline distance and in such circumstances, consultation will take place in relation to the assignment on offer.
- 3.8 Where redeployment is not an option and taking account of the business needs of the organisation there may be circumstances where voluntary departure would be appropriate. In such situations there will be discussions with the relevant unions on the terms of any arrangement (which will be in line with any centrally agreed arrangements).

3.9 The existing provisions in the *Public Service Agreement 2010-2014* are reaffirmed but to enhance management flexibility and optimise the redeployment arrangements the following changes will be introduced for the Civil Service and NCSSBs and for cross-sectoral redeployment:

- Departments should identify staff for redeployment as follows:
 - Where an activity or programme is no longer being carried out, the posts associated with that activity or programme should be deemed to be surplus and available for redeployment. Surplus posts may also arise as a result of rationalisation, reconfiguration, reorganisation or restructuring of services or functions or as a result of the ECF or in line with business needs.
 - The Department should identify the number of posts at each relevant grade which are surplus and the location of the surplus. Once a surplus has been established on this basis the identification of staff to be redeployed will proceed as follows: (i) volunteers will be sought for the Redeployment Panel and (ii) if the number of volunteers falls short of the surplus, LIFO will be applied, as appropriate.
- Redeployment must occur seamlessly across the public service, particularly at regional level. This will continue to be facilitated by the Public Appointments Service (PAS) which will strengthen the systems in place to match surplus staff with vacancies on a geographic basis within the guideline distance. Specifically:
 - The operation of the redeployment arrangements will be based on the "best fit" for the vacancy in the location. In this context, every opportunity should continue to be taken for re-skilling and re-assignment as the key method to seek to retain and secure employment in comparable roles in the Public Service.
 - The appropriate match will be determined by the PAS in conjunction with the organisation's sectoral liaison officer/contact point and its respective management within a period not exceeding one month of notification of the vacancy.
 - To assist the assignment process and to ensure the selection of the "best fit" for the vacancy, each individual assigned to the Resource Panel must submit a CV with a profile of skills, competencies, knowledge and career experience. The PAS in conjunction with the receiving organisation will conduct a selection process to establish the suitability of individuals for the vacancy concerned.
 - Where a staff member wishes to appeal a redeployment assignment, whether cross-sectoral or within the civil service, such an appeal will be considered by an agreed adjudicator who will issue a decision within the terms of the scheme within 21 days and whose decision will be binding on all parties and will be final. In all instances the individual will be required to take up the position offered in advance of the adjudication process.

Workforce restructuring

3.10 Significant progress has been made on restructuring the Public Service since 2008 and, in particular, since 2010, under the framework of the Public Service Agreement.

3.11 However, it is necessary to look at further ways to streamline the Public Service given the ongoing challenges it faces. Specifically, each sector will:

- Bring forward proposals for grade rationalisation with a view to restructuring grades in each sector by 2014;

- Develop and implement proposals to further reduce management numbers by increasing the span of control (ratio of staff to management) across all management and supervisory grades where appropriate. This ratio will vary to reflect the business of the organisation concerned.

3.12 In recognition of on-going resource constraints, there will be flexibility around traditional grade demarcations.

Strengthening performance management

3.13 The Parties are agreed on the need to nurture a high performing public service. While progress has been made in this area, it is accepted that further steps need to be taken urgently to strengthen performance management systems and procedures in place across the Public Service.

3.14 Specifically:

- During the lifetime of this Agreement, the introduction of performance management systems will be accelerated at the level of the individual in all areas of the Public Service where they do not currently exist.
- Where necessary, existing arrangements will be revised to ensure that:
 - Managers are held to account for managing the performance and development of their staff. This must be a key goal for all managers and taken account of in their own performance reviews.
 - Procedures to deal with underperformance will be streamlined to be more effective.
 - The performance of individual public servants is managed and assessed against agreed objectives.
- Performance improvement action plans will be developed for individuals identified as having performance issues clearly setting out the performance issues that need to be addressed over a defined timeframe. There will be active management of the performance improvement action plans. In instances where performance has not been satisfactorily addressed within the timeframe set down, procedures to deal with underperformance will be invoked.
- Where performance does not improve to a satisfactory level within an agreed timeframe, disciplinary procedures may apply.
- The performance of senior managers is critical to supporting the effective delivery of quality public services and never more so than in a climate of significantly reduced resources. Measures will be introduced to further develop and enhance a culture of performance across the management cohort of the Public Service. These measures will include the introduction of management performance agreements.

Work-sharing

3.15 It is acknowledged that flexibility in attendance arrangements can, where they can be accommodated, contribute to efficient and effective business performance while enabling staff to balance work and personal life requirements. Accordingly the public service has been to the fore in pioneering flexible attendance patterns. Nevertheless, the multitude and variety of work sharing patterns in place, in some sectors, has created a significant management challenge and overhead and is impacting on the capacity of organisations to deliver their services. Therefore, in order to support the effective management of increasingly scarce staff resources into the future and the protection of services to the public, the following principles will apply:

- The implementation and operation of the work-sharing arrangements is at the discretion of management, who retain the discretion to alter, reduce and/or standardise the range of work sharing patterns available to staff having regard to the specific business needs of their organisation.
- No work-sharing pattern approved in the future should be less than 50% of full time working hours. Staff currently on patterns of less than 50% can retain the work pattern on a personal to holder basis.
- In line with previous agreed arrangements, each individual's work-sharing arrangements will be formally reviewed on an annual basis (or earlier if required). Where such a review has not yet taken place a review must be completed by the end of 2013.
- Management's discretion to alter or change an individual's work-sharing arrangements, on the giving of due notice (3 months), is confirmed. Management reserves the right, on reasonable business grounds and with reasonable notice, to refuse access to the scheme, to require a person to vary their work-sharing arrangements, or to require a person to resume full time work.

Flexible Working Arrangements (Flexitime)

- 3.16 The parties agree that management has the responsibility and the right to actively manage flexible working arrangements in their organisations. This will help to build on the work done to date in reviewing and revising work practices to ensure that, in a context of reduced resources and numbers, as well as additional working hours, the Public Service will continue to provide the required level of service to the public and to contribute to economic recovery.
- 3.17 While the rationale for this flexibility is acknowledged, it is now necessary to update the arrangements to better reflect the current needs of organisations, in the context of falling numbers in the public service, changing demands in terms of services to the public and the additional working hours under this agreement. In this context, it may be necessary to amend the core time bands to reflect the extended hours of working and to meet business needs following local consultations. Flexible Working Arrangements (FWA) are only possible so long as they support and enhance the efficient operation of Departments/Offices. In particular, all areas must always be appropriately staffed during the working day, including lunch breaks; all arrangements must ensure that this is consistently the case.
- 3.18 The current FWA arrangements will continue to apply subject to the following amendments:
- FWA will continue to be available for staff up to Higher Executive Officer (HEO) grade and its equivalents in the Civil Service and other sectors, as appropriate.
 - FWA will not apply to staff at the Assistant Principal Officer (APO) grade and its equivalents in the Civil Service and other sectors, except for those staff who already have this arrangement.
 - With effect from 1st July 2014, the maximum amount of flexi leave allowed in any flexi period is one day.
 - No change is proposed to the existing terms of the Flexitime Agreements with regard to the amount or the use of hours to be carried over.

Outsourcing

- 3.19 The Parties reaffirm that the principles and procedures set out in the Appendix: Service Delivery Options to the *Public Service Agreement 2010-2014* will continue to apply, and in that context the relevant Trade Unions will be consulted on all aspects of the public procurement process, including

the tendering process, at key stages before decisions are made, consistent with the requirements of EU and national procurement law and commercial sensitivity. The Parties also note in this regard the mechanism established under paragraph 13 of the Agreement.

- 3.20 Management will put in place engagement between the Union side and the National Procurement Office to review mechanisms in place to ensure compliance with the terms of the Agreement and to achieve a joint understanding on arrangements to deliver on the commitments of the Parties. The Official side also agree to ongoing engagement over the lifetime of the extended agreement.
- 3.21 The Chairman of the Construction National Joint Industrial Council and the Chairman of the Electrical Industry National Joint Industrial Council will convene an engagement between the two Councils and the relevant senior officials on the official contract management side to engage in relation to the effective compliance in public contracts with the terms of employment law, including with the terms of relevant Registered Employment Agreements (REAs). This engagement will take place within 6 weeks of the adoption of the extended agreement.
- 3.22 Should it be required, the Parties commit to a joint review of the operation of the Appendix, under the auspices of the Labour Relations Commission. That review will be completed within a period of 3 months of its initiation. The Commission undertakes to make proposals to support the operation of the appendix, should the Parties' joint review not have found consensus on the matter.

4 EXIT MECHANISMS

- 4.1 To facilitate the necessary reduction in numbers of public servants, the moratorium on recruitment to and promotion in the Public Service and other employment numbers control mechanisms will continue to apply until numbers in each sector have fallen to the appropriate level specified in the Employment Control Framework (ECF) for that sector. In addition, where the circumstances require it, the Government may offer voluntary mechanisms to exit the Public Service, whether generally or in specific sectors, bodies, locations or services.
- 4.2 The Government reaffirms the commitment given under Paragraph 1.6 of the *Public Service Agreement* that compulsory redundancy will not apply within the Public Service. However, this commitment is subject to the following exceptions:
 - Where existing exit mechanisms have applied, such arrangements will continue.
 - The commitment on compulsory redundancy continues to be subject to the agreed flexibility on redeployment being delivered. Where redeployment is not an option and taking account of the business needs of the organisation there may be circumstances where voluntary departure would be appropriate. In such situations there will be discussions with the relevant unions on the terms of any arrangement (which will be in line with any centrally agreed arrangements).
 - Agreed procedures for managing instances of consistent performance issues will be actively pursued.
- 4.3 Where voluntary redundancy is offered in the Public Service, the terms of the collective agreement reached between the Government and the Public Services Committee of ICTU on redundancy payments to public servants will apply.

5 IMPLEMENTATION

Dispute resolution

- 5.1 The Parties reaffirm their commitments under paragraphs 1.23 to paragraphs 1.27 in the *Public Service Agreement*, in particular the commitments given to resolving industrial relations disagreements within the Public Service promptly, using all available dispute resolution mechanisms (both statutory and non-statutory) with the outcome of the process final and binding on all Parties.
- 5.2 The Parties note that the legislative constraints imposed on the employer in the context of the financial emergency will continue to be the context for any claims made for improvement in pay or conditions of employment, and reaffirm the commitments given under paragraph 1.27 in that regard.

Anomalies

- 5.3 The parties recognise that the complexity of the measures contained in this Agreement are such that unforeseen anomalies can arise. The Parties undertake to interpret this Agreement in good faith and to approach the resolution of any such anomalies in a positive fashion commensurate with the commitments contained within the Agreement. In the event that any anomaly cannot be resolved by agreement, the binding dispute resolution mechanisms provided for under this Agreement should be utilised.

Oversight and governance arrangements

- 5.4 **Implementation Body:** A group comprising representatives of public service management and the Public Services Committee of the ICTU will meet as required to address any matters of implementation and interpretation that may arise under this Agreement.

APPENDIX 1: IRISH PRISON SERVICE COLLECTIVE AGREEMENT

The Irish Prison Service must secure savings of €12.42 million attributable to measures agreed as an extension to the *Public Service Agreement 2010-2014*. These measures must ensure the maintenance of the Prison Service on a safe and secure basis within the constraints outlined in Chapter 4.1 of that Agreement.

To build on the progress already made, both in the Proposal for Organisational Change (PFOC) and the *Public Service Agreement*, and to achieve greater efficiencies and modernisation it will be necessary to examine the organisational, structural and operational arrangements of the IPS, and implement such changes as are necessary so that prisons can operate in the most effective (including cost-effective) and efficient manner.

The changes to be implemented may include:

- Changes to the proportion of staff to be assigned to each of the current bands of Additional Hours so that ten per cent of prison staff who use additional hours be assigned to the zero hours band (Band 0); ten per cent be assigned to the 112 hours band (Band 1); ten per cent be assigned to the 240 hours band (Band 2); and seventy per cent be assigned to the 360 hours band (Band 3). The reduction in hours usage will be removed from the AH budget.
- The rationalisation and consolidation of grades such that the grade of Chief Trades Officer 1 (Regional Manager) is terminated and the duties attached are subsumed within the existing management structure of the Building Services Division.
- The rationalisation and consolidation of grades such that the grade of Industrial Supervisor is terminated and the duties attached are subsumed within the revised supervisory structure of the prison work training regime.
- The introduction of a centralised detailing model such that the rostering and detailing of staff in all parts of the IPS is done remotely, and the requirement for specialist detailing staff in each prison and ancillary service of the IPS is reduced as far as possible.
- The alignment of Annual Leave of all grades in the Prison Service with the provisions of the relevant Circulars.
- A reduction in the expenditure on agency and locum healthcare staff, consequent on the staffing of this area in accordance with the agreed report on the task review.
- A reduction in the expenditure on trades contract staff and other maintenance contract services, consequent on the staffing of this area in accordance with the agreed report on the task review.
- The introduction of an automatic key and radio disbursement facility.
- The removal of all acting-up allowances, with all vacancies arising to be filled through use of existing resources, including relief panels in line with the IPS internal competition procedure. Details of these arrangements are to be agreed between the parties.
- The pursuance of efficiencies across the Justice sector, including specifically video-linking for court appearances, the introduction of electronic warrants, the closure of prison main gates after certain times, resolution of issues regarding Production Orders and Special Criminal Court warrants, and issues around the escorting of prisoners.
- The progression of Prison Administration and Support Officer (PASO) grade staff to other grades within the Prison Service as part of their career path options, details of which to be arranged between the parties.

- Develop/explore potential for one committal prison for Dublin.
- Review operation of St. Patrick's Institution to sex offender/protection.
- Review senior management attendance at weekends.
- Review of the grade structures of the Irish Prison Service with a view to achieving a reduction in supervisory grades.
- Extending PASO grades, for example, Medical Filing/Booked visits/Central Detail/Healthcare - target of 50 over period of Agreement.
- Pursuance of reform measures – eliminate grace periods/full implementation of campus structures to include unitary staffing.

The savings generated by the implementation of these measures will be aggregated and included towards the achievement of the savings target set for the IPS.

In the event that the necessary level of savings outlined above cannot be clearly identified by the end of this process it may be necessary to introduce changes to ensure the required level of savings is delivered. In the event that such proposals are tabled by either side any issues arising will be considered by the Parties for early resolution. Where agreement cannot be reached at this level the dispute resolution mechanism set out in the main civil service document will apply.

Nothing in this Agreement will be taken to imply anything beyond the terms of the Agreement.

APPENDIX 2: DEFENCE SECTOR COLLECTIVE AGREEMENT

This Agreement is an extension to the *Public Service Agreement 2010-2014* and the Defence Sectoral Agreement concluded as part of that Agreement. The Parties to this Agreement are the Department of Defence and the representative associations of the Permanent Defence Force, namely, RACO and PDFORRA. This Agreement shall enter into force on 1st July, 2013.

The Parties accept the principles, objectives and obligations set out in the extension to the *Public Service Agreement 2010-2014*, while also accepting that any additional flexibilities that exist currently within the Permanent Defence Force will not be constrained in any way by the provisions of the Public Service Agreement or the extension thereto. In addition to the provisions of the extension to the Public Service Agreement, the Parties have agreed that the following provisions will apply to the Defence Forces from the entry into force of this agreement:

1. The rate of all allowances payable to members of the Defence Forces will be permanently reduced by 10 % (a schedule of these allowances is attached at Annex 1). This provision is without prejudice to the outcome of the review of SDA currently ongoing under the provisions of the current Public Service Agreement.
2. The Saturday and Sunday rates for Security Duty and related allowances as per items (a), (b) and (c) in Annex 1 to this agreement, will be flat rated - i.e. the standard Monday to Friday daily rate for the allowance will be payable for such duties carried out on a Saturday or Sunday. In the case of a member of the Permanent Defence Force performing a 24 hour duty on a Sunday only, a day in lieu will be provided, excluding the following rest off day. This day may be taken within a fixed period subject to local arrangements and the approval of local management.
3. Payment of Special Instructors Allowance to Officers of the Permanent Defence Force will cease from the entry into force of the agreement.
4. Payment of Border Duty Allowance to Officers of the Permanent Defence Force will cease from the entry into force of the agreement.
5. A voluntary scheme to buyout Border Duty Allowance from those enlisted personnel currently in receipt of the Allowance will be implemented. Any enlisted member of the Defence Forces may apply to have the allowance bought out in accordance with the provisions for buyout of allowances provided for under the Public Service Agreement. This provision imposes no obligation whatsoever on management to offer to buy out an allowance where an individual has offered voluntarily to have the allowance bought out and it will be a matter for management to determine on a case by case basis whether and when it will buy out any such allowance.
6. New pay scales will be introduced for Recruits and Privates in the Permanent Defence Force. The new payscales are set out in Annex 2 to this agreement.
7. Driver and Clerk/Clerical Duties, which currently attract Tech 1 Pay, will be incorporated into the standard duties for all members of the Defence Forces where this is not currently the case and, as such, those duties will no longer be the subject of payment of Tech 1 Pay for any new person undertaking such duties not currently in receipt of Tech 1 Pay from the date of entry into force of the agreement. This provision is without prejudice to the outcome of the review of Technical Pay already provided for under the Public Service Agreement.
8. The rate for paid training for members of the RDF will be reduced by 10% subject to consultation with the Reserve Defence Force Representative Association (RDFRA).

9. The Official side will examine in consultation with the Representative Associations the potential for the introduction of a limited and targeted incentivised career break system and early retirement scheme in the Defence Forces for certain limited cadres of personnel. The application of any such scheme, should one be agreed, will be at the sole prerogative of management.
10. In relation to items 3, 4 and 5 above, where there is a requirement to buy out an allowance, the provisions of the Public Service Agreement set out in the clarification letter issued by the Chairman of the LRC relating to the buyout of allowances will apply.

The Parties also accept that savings of approximately €10m per annum by 2015 are to be saved consequent on the measures provided for in this sectoral agreement. The estimated savings from the above measures amounts to €9.79 million and are accepted by the Management side as satisfying the saving requirement from this Agreement.

ANNEX 1 – Schedule of Allowances to which Para 1 above refers

- a) Border Duty Allowance (Subhead A4.3)
- b) Security Duty Allowances (Subhead A4.4)
- c) Patrol Duty Allowance (Subhead A4.5)
- d) Overseas Allowance (Subhead A4.6)
- e) Other Allowances (Subhead A4.7)

ANNEX 2 – New Payscale for Privates and Recruits

Non Commissioned Personnel	Point	RATE 01/01/11	MSA	ANNUAL PAY RATE	New Points	Proposed New Rates	MSA	ANNUAL PAY RATE	Annual Increment	Reduction on 2011 Rate	Monthly saving per person
Rank											
Private G1/NS 3rd Class		€334.04		€17,370.08		€334.04		€17,370.08		€0.00	€0.00
Private 2 */NS 2nd Class		€410.00	€37.41	€23,265.32		€360.00		€18,720.00		€4,545.32	€378.78
Private 3 */NS 1st Class											
1st year of service	1	€427.37	€37.41	€24,168.56	1	€360.00	€37.41	€20,665.32	€1,945.32	€3,503.24	€291.94
2nd year of service	1	€427.37	€37.41	€24,168.56	2	€385.00	€37.41	€21,965.32	€1,300.00	€2,203.24	€183.60
3rd year of service	1	€427.37	€103.89	€27,625.52	3	€385.00	€65.00	€23,400.00	€1,434.68	€4,225.52	€352.13
4th year of service	2	€442.64	€103.89	€28,419.56	4	€410.00	€65.00	€24,700.00	€1,300.00	€3,719.56	€309.96
5th year of service	5	€465.94	€103.89	€29,631.16	5	€410.00	€103.89	€26,722.28	€2,022.28	€2,908.88	€242.41
6th year of service	6	€498.42	€103.89	€31,320.12	6	€440.00	€103.89	€28,282.28	€1,560.00	€3,037.84	€253.15
7th year of service	6	€498.42	€103.89	€31,320.12	7	€470.00	€103.89	€29,842.28	€1,560.00	€1,477.84	€123.15
8th year of service	6	€498.42	€103.89	€31,320.12	8	€498.42	€103.89	€31,320.12	€1,477.84	€0.00	€0.00
9th year of service	6	€498.42	€103.89	€31,320.12	9	€498.42	€103.89	€31,320.12	€0.00	€0.00	€0.00

APPENDIX 3: COLLECTIVE AGREEMENT FOR AN GARDA SÍOCHÁNA

Arising from the discussions encompassing a downward adjustment to the overall expenditure of the Garda Exchequer Vote, the Parties have agreed to accept the following measures in order to obtain sufficient cost reductions as an extension to the *Public Service Agreement 2010-2014*. The changes to be implemented include the following items:

The working time agreement and the pilot roster will continue until June 2014 in order to facilitate a review of the roster.

The current annual leave arrangements will pertain for the lifetime of the agreement.

Working Hours

- All Gardaí, Sergeants and Inspectors will work 3 extra days per annum in the calendar years 2013, 2014 and 2015. The resultant hours arising from these days will be utilized as follows:
 - 10 x 1 hours to be worked at the start/end of the shift duty
 - 1 day will be worked to a maximum 10 hour day tour (excluding Sundays and Bank Holidays)
 - 1 days overtime (x 1.5) which will be taken as compulsory time-off in lieu.

In addition agreement has been reached to formalise the element in the pilot roster by using 1 days leave to facilitate attendance at Court Trials.

Overtime

- Voluntary overtime to be worked at a rate of time and a quarter rather than a rate of time and a half.

In addition to the central measures as decided in the context of the overall savings in relation to increments and related balancing measures as outlined in the relevant Labour Relations Commission proposals (paras 2.16-2.21) and from higher remuneration (€65k plus), pension costs, the use of short-term, career breaks incentivised career breaks, unpaid leave and family friendly schemes will also be made available.

Review of An Garda Síochána

To build upon the progress already made in the *Public Service Agreement 2010-2014*, a Review of An Garda Síochána will be undertaken. The following terms of reference will apply.

To review and make recommendations on the use by An Garda Síochána of the resources available to it with the objective of achieving and maintaining the highest levels of efficiency and effectiveness in its operation and administration.

The review shall encompass all aspects of the operation and administration of An Garda Síochána including:

- the structure, organization and staffing of An Garda Síochána;
- the deployment of members and civilian staff to relevant and appropriate roles;
- the remuneration and conditions of service of members of An Garda Síochána, including an evaluation of annualised hours/shift pay arrangements;

- the appropriate structures and mechanism for the future resolution of matters relating to pay, industrial relations and attendance matters.

The review to commence no later than 1st September, 2013 and to conclude no later than 1st June, 2014.

The terms of this Agreement will be lodged at the Labour Relations Commission.

APPENDIX 4: COLLECTIVE AGREEMENT FOR CIVIL SERVICE AND NCSSBs

Additional working hours

1. The standard working hours of civil servants will increase as follows:
 - Those with a working week of **35 hours or less** (net of rest breaks) will increase to a minimum of a 37 hour week.
 - Those with a working week that is **greater than 35 hours but less than 39 hours** (net of rest breaks) will increase to a 39 hour week.
 - Working hours of those currently with a net working week **of 39 hours or greater** will remain the same. However, an hour of overtime worked each week for these grades will be unpaid.
2. The implementation of additional hours will be on the basis of the following phased arrangement:
 - The first 2 hours and 15 minutes will be implemented from 1st July 2013.
 - Any remaining liability will be implemented from 1st July 2015.
3. The normal attendance period will be from 9.00am to 5.45pm Monday to Thursday, and 9.00am to 5.15pm on Friday.
4. In order to cope with work requirements, some flexibility in the use of the extra hours provided for in this agreement will be required in the form of attendance outside these hours in some areas. An option, in some instances where required for business needs, may be to accumulate additional hours so that staff in a particular area may work a reduced per week pattern over a period but owe the additional hours to be utilised to cope with peak work requirements in another period, including outside of normal attendance periods/days.
5. In this regard:
 - Saturday will not be a normal working day, but it could, in certain circumstances, be utilised to cope with cases of peak work requirements, subject to the consultation process outlined.
 - There are no circumstances in which a requirement to attend on Sunday will arise, other than in accordance with existing overtime or other arrangements.
 - It is envisaged that it will be possible to identify the attendance patterns at the start of the calendar year.
 - Agreement shall be reached in these consultations on the maximum hours to be accumulated and the period(s) over which they will be worked.
 - The introduction of these more flexible patterns of attendance will be the subject of detailed consultation at workplace level.
 - Such consultations will commence at least 8 weeks before any accumulated hours are utilised.
 - If agreement on the use of the accumulated hours cannot be reached in any particular case, the binding dispute resolution provisions of this agreement will be utilised.
 - Any such arrangements will be introduced on a pilot basis initially and reviewed after a period of six months in operation.
 - This review will encompass the impact of the arrangements in the work/life balance issues for the staff involved. This consultation will include discussion on the number of flexi periods

designated for the use of accumulated hours and the maximum additional hourly requirement in any flexi period. A norm of 2 consecutive designated flexi periods and of 8 additional hours in a flexi period (where the standard week is 37 hours) will apply unless otherwise agreed.

6. Management will allow persons to opt to remain on their current hours with appropriate pay adjustments for a period, after which the provisions of Paragraph 19 below will apply.
7. The actual implementation of the additional hours proposals will require detailed consultation at workplace level in order to maximise the capacity to accommodate issues for affected individuals.
8. The gross working week, inclusive of breaks, will increase as appropriate to reflect the increased net hours worked and divisors for the calculation of overtime will be adjusted accordingly.
9. Staff will co-operate with the revisions to rosters necessary for the full deployment of the additional hours and with any consequential revisions.
10. No cost increasing claim will be made consequential on the increase in working time, including of leave.

Overtime

11. Overtime rates of pay will continue to apply, in accordance with agreed overtime regulations, for attendance in excess of the 37 net hours minimum requirement where such attendance is not encompassed as part of an agreed flexible pattern, such as accumulated hours.
12. Overtime arrangements are revised as follows:
 - c) For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale. This formula will not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply.
 - d) For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.
13. Divisors for the calculation of overtime will be adjusted to take account of any additional hours provided for above.

Redeployment

14. The existing provisions in the Public Service Agreement are reaffirmed but to enhance management flexibility and optimise the redeployment arrangements the following changes will be introduced for the Civil Service and NCSSBs and for cross-sectoral redeployment:
 - Departments should identify staff for redeployment as follows:
 - Where an activity or programme is no longer being carried out, the posts associated with that activity or programme should be deemed to be surplus and available for redeployment. Surplus posts may also arise as a result of rationalisation, reconfiguration, reorganisation or restructuring of services or functions or as a result of the ECF or in line with business needs.
 - The Department should identify the number of posts at each relevant grade which are surplus and the location of the surplus. Once a surplus has been established on this basis the identification of staff to be redeployed will proceed as follows: (i) volunteers will be sought for the Redeployment Panel and (ii) if the number of volunteers falls short of the surplus, LIFO will be applied, as appropriate.

- Redeployment must occur seamlessly across the Public Service, particularly at regional level. This will continue to be facilitated by the Public Appointments Service (PAS) which will strengthen the systems in place to match surplus staff with vacancies on a geographic basis within the guideline distance. Specifically:
 - The operation of the redeployment arrangements will be based on the “best fit” for the vacancy in the location. In this context, every opportunity should continue to be taken for re-skilling and re-assignment as the key method to seek to retain and secure employment in comparable roles in the Public Service.
 - The appropriate match will be determined by the PAS in conjunction with the organisation’s sectoral liaison officer/contact point and its respective management within a period not exceeding one month of notification of the vacancy.
 - To assist the assignment process and to ensure the selection of the “best fit” for the vacancy, each individual assigned to the Resource Panel must submit a CV with a profile of skills, competencies, knowledge and career experience. The PAS in conjunction with the receiving organisation will conduct a selection process to establish the suitability of individuals for the vacancy concerned.
 - Where a staff member wishes to appeal a redeployment assignment, whether cross-sectoral or within the civil service, such an appeal will be considered by an agreed adjudicator who will issue a decision within the terms of the scheme within 21 days and whose decision will be binding on all parties and will be final. In all instances the individual will be required to take up the position offered in advance of the adjudication process.
- 15. Across all sectors the guideline redeployment distance will continue to be 45km from the current work location or of the home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time (i.e. as per the existing Public Service Agreement). In line with the Public Service Agreement, redeployment options may of necessity be beyond this guideline distance and in such circumstances, consultation will take place in relation to the assignment on offer.
- 16. Where redeployment is not an option and taking account of the business needs of the organisation there may be circumstances where voluntary departure would be appropriate. In such situations there will be discussions with the relevant unions on the terms of any arrangement (which will be in line with any centrally agreed arrangements).
- 17. The Parties reaffirm the commitments given in paragraph 1.5-1.12 of the Public Service Agreement, including those relating to service reconfiguration.

Work-sharing

- 18. It is acknowledged that flexibility in attendance arrangements can, where they can be accommodated, contribute to efficient and effective business performance while enabling staff to balance work and personal life requirements. Accordingly the civil service has been to the fore in pioneering flexible attendance patterns. Nevertheless, the multitude and variety of work sharing patterns in place has created a significant management challenge and overhead and is impacting on the capacity of organisations to deliver their services. Therefore, in order to support the effective management of increasingly scarce staff resources into the future and the protection of services to the public, the following principles will apply:
 - The implementation and operation of the work-sharing arrangements is at the discretion of management, who retain the discretion to alter, reduce and/or standardise the range of work sharing patterns available to staff having regard to the specific business needs of their organisation.

- No work-sharing pattern approved in the future should be less than 50% of full time working hours. Staff currently on patterns of less than 50% can retain the work pattern on a personal to holder basis.
- In line with previous agreed arrangements, each individual's work-sharing arrangements will be formally reviewed on an annual basis (or earlier if required). Where such a review has not yet taken place a review must be completed by the end of 2013.
- Management's discretion to alter or change an individual's work-sharing arrangements, on the giving of due notice (3 months), is confirmed. Management reserves the right, on reasonable business grounds and with reasonable notice, to refuse access to the scheme, to require a person to vary their work-sharing arrangements, or to require a person to resume full time work.

Flexible Working Arrangements (Flexitime)

19. The parties agree that management has the responsibility and the right to actively manage flexible working arrangements in their organisations. This will help to build on the work done to date in reviewing and revising work practices to ensure that, in a context of reduced resources and numbers, as well as additional working hours, the civil service will continue to provide the required level of service to the public and to contribute to economic recovery.
20. While the rationale for this flexibility is acknowledged, it is now necessary to update the arrangements to better reflect the current needs of organisations, in the context of falling numbers in the public service, changing demands in terms of services to the public and the additional working hours under this agreement. In this context, it may be necessary to amend the core time bands to reflect the extended hours of working and to meet business needs following local consultations. Flexible Working Arrangements (FWA) are only possible so long as they support and enhance the efficient operation of Departments/Offices. In particular, all areas must always be appropriately staffed during the working day, including lunch breaks; all arrangements must ensure that this is consistently the case.
21. The current FWA arrangements will continue to apply subject to the following amendments:
 - FWA will continue to be available for staff up to Higher Executive Officer (HEO) grade and its equivalents in the Civil Service, as appropriate.
 - FWA will not apply to staff at the Assistant Principal Officer (APO) grade and its equivalents in the Civil Service, except for those staff who already have this arrangement.
 - With effect from 1st July 2014, the maximum amount of flexi leave allowed in any flexi period is one day.
 - No change is proposed to the existing terms of the Flexitime Agreed Reports with regard to the amount or the use of hours to be carried over.

Non-Commercial State Sponsored Bodies (NCSSBs)

22. The civil service unions agree that these measures will apply as appropriate to their members in the NCSSB sector who are covered by the *Public Service Agreement 2010-2014*. Where application of the above terms gives rise to anomalies for a particular organization, those anomalies can be resolved in accordance with the agreed dispute resolution procedures.
23. For non-civil service trade unions in NCSSBs the measures in this Appendix will apply as appropriate. Where the terms gives rise to anomalies for a particular organization, those anomalies can be resolved in accordance with the agreed dispute resolution procedures.

APPENDIX 5: COLLECTIVE AGREEMENTS IN THE EDUCATION SECTOR

(1) COLLECTIVE AGREEMENT FOR TEACHERS (PRIMARY/ POST-PRIMARY)

SUPERVISION AND SUBSTITUTION SCHEME

The existing S&S scheme will be amended as follows:

- With effect from the commencement of the school year 2013/14, the time currently assigned to supervision and substitution will be increased from one and a half hours in any given week to three hours. In this context, the additional time may only be used for substitution.
- The requirement that a teacher be available for three timetabled class periods per week will be increased to five class periods per week.
- Participation in the scheme will be compulsory for all teachers and the position in relation to the allowance is set out below.
- The requirement to provide 37 hours per annum will be increased to 43 with effect from the commencement of the 2013/14 school year.
- Hours provided under the revised S&S scheme will, in addition to usage under the existing scheme, be used as follows:
 - With effect from commencement of 2013/14 school year – to cover all uncertified sick leave absences, subject to appropriate alleviation measures in relation to multiple absences particularly in small schools.
 - With effect from commencement of 2014/15 school year – to cover the first day of force majeure leave and illness in family leave.
- The payments under the Scheme shall be discontinued with effect from the commencement of the 2013/14 school year.
- As the above annualised payments are in the nature of a pensionable allowance (and are not amenable to current "buy-out" arrangements) the following arrangements shall apply:
 - A gross additional payment equivalent to the 2011 lower payment rate paid for supervision and substitution will be included in the common basic scale for teachers. This will be included in two moieties with half included in the school year 2016/17 and the second half included in the school year 2017/18.

Such payments to be considered in any future pay negotiation arrangements in respect of teachers. The duties continue to be performed indefinitely.

POSTS OF RESPONSIBILITY IN SCHOOLS

In the context of the ongoing moratorium on filling posts of responsibility in schools, the alleviation arrangements which previously applied will be operated on an annual basis for the duration of this agreement.

FIXED –TERM/ PART-TIME EMPLOYMENT IN TEACHING

An Expert Group will be established to consider and report on the level of fixed-term and part-time employment in teaching, having regard to the importance for teachers of employment stability and security and taking account of system and school needs and Teaching Council registration requirements.

This group will as a first task report on reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 school year. Arrangements will be made in relation to those entering their fourth year in September 2013 with a view to the early application to them of this provision.

SUPPLEMENTARY PANEL ARRANGEMENTS FOR REDEPLOYMENT OF POST-PRIMARY TEACHERS

In the context of the implementation of the agreement, a supplementary panel will be established for teachers who have had sustained periods of employment with more than one school/VEC over an extended period of time. Inclusion on this panel will attract no remuneration entitlements. The general principles to underpin this new scheme will include the designation of certain permanent vacancies to be filled from this panel having taken account of, *inter alia*, those permanent vacancies requiring to be filled by pre-existing panel arrangements, the awarding of CIDs, and the allocation of additional hours to existing CID holders. On the commencement of this agreement, discussions will be held between the parties in relation to the detailed implementation of these arrangements, with a view to their introduction for the school year 2014/15. Provision will also be made for a review of these arrangements following their operation for a period to be agreed between the parties.

NEW ENTRANT SALARY SCALES

In order to address the imbalance between those who entered the public service since 2011 and those who entered before that date, revised incremental salary scales shall be prepared for same grade entrants to each public service sector as necessary to incorporate the revision of salary scales introduced by Government Decision in January 2011.

The proposed revised scales for teachers are:

Point	1/1/2011* Existing Scale	1/1/2011* Proposed Revised scale	1/2/2012 Existing Scale	1/2/2012 Proposed Revised scale
1	27,814	27,814	30,702	30,702
2	28,775	28,775	32,198	33,168
3	29,737	30,702	33,168	33,950
4	30,702	31,924	34,136	36,576
5	32,198	33,168	36,576	37,795
6	33,168	34,136	37,795	39,251
7	34,136	36,576	39,251	40,700

8	36,576	37,795	40,700	42,160
9	37,795	39,251	42,160	43,380
10	39,251	40,700	43,380	44,996
11	40,700	42,160	44,996	44,996
12	42,160	43,380	44,996	44,996
13	43,380	44,996	44,996	47,225
14	44,996	44,996	47,225	47,225
15	44,996	44,996	47,225	47,225
16	44,996	47,225	47,225	47,225
17	47,225	47,225	47,225	50,170
18	47,225	47,225	50,170	50,170
19	47,225	47,225	50,170	50,170
20	47,225	50,170	50,170	50,170
21	50,170	50,170	50,170	53,423
22	50,170	50,170	53,423	53,423
23	50,170	53,423		53,423
24	50,170	54,339		58,765
25	53,423	55,514		59,940

* Qualification allowances would continue to be paid to this cohort of teachers as appropriate.

(2) COLLECTIVE AGREEMENT FOR ACADEMIC STAFF IN INSTITUTES OF TECHNOLOGY

HIGHER REMUNERATION AND INCREMENTS

The revised arrangements shall apply.

FIXED –TERM/ PART-TIME EMPLOYMENT IN LECTURING

An Expert Group will be established to consider and report on the level of fixed-term and part-time employment in lecturing, having regard to the importance for lecturers of employment stability and security and taking account of system and Institute needs.

This group will as a first task report on reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 academic year. Arrangements will be made in relation to those entering their fourth year in September 2013 with a view to the early application to them of this provision.

HOURLY PAID ASSISTANT/ ASSOCIATE LECTURERS

The parties will put in place a process for the phased conversion of Hourly Paid Assistant/Associate Lecturers to pro-rata Assistant Lecturers. This process will in the first instance establish and agree those

posts which are appropriate to be converted and thereafter, such posts will be converted over a period of 3 years commencing in or before the academic year 2014/15. A person converted will be assimilated to the Assistant Lecturer payscale on the point nearest to and not below his/her current rate from the date of conversion.

In the context of the above process the provisions of Circular 93/2007 will apply to Hourly Paid Assistant/Associate Lecturers.

ACADEMIC STAFF – ADDITIONAL HOURS

Academic staff will work an additional 78 hours per annum. This will be applied towards evening weighting (which will be reduced from 1.5 to 1.25) and church holidays.

EXAM PAYMENTS - ALL ACADEMIC STAFF

Effective from 1st July 2013, the examination marking fee will be reduced to 75% of current rates.

NEW ENTRANT SALARY SCALES

In order to address the imbalance between those who entered the public service since 2011 and those who entered before that date, revised incremental salary scales shall be prepared for same grade entrants to each public service sector as necessary to incorporate the revision of salary scales introduced by Government Decision in January 2011.

(3) COLLECTIVE AGREEMENT FOR ACADEMIC STAFF IN UNIVERSITIES AND OTHER THIRD LEVEL COLLEGES

HIGHER REMUNERATION AND INCREMENTS

The revised arrangements shall apply.

FIXED –TERM/ PART-TIME EMPLOYMENT IN LECTURING

An Expert Group will be established to consider and report on the level of fixed-term and part-time employment in lecturing, having regard to the importance for lecturers of employment stability and security and taking account of system and institution needs.

This group will as a first task report on reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 academic year. Arrangements will be made in relation to those entering their fourth year in September 2013 with a view to the early application to them of this provision.

ACADEMIC STAFF – ADDITIONAL HOURS

Academic staff will work an additional 78 hours per annum. This additional time will be deployed through Workload Allocation Models to maximise savings and productivity.

EXAM PAYMENTS - ALL ACADEMIC STAFF

Effective from 1st July 2013, the examination marking fee will be reduced to 75% of current rates.

NEW ENTRANT SALARY SCALES

In order to address the imbalance between those who entered the public service since 2011 and those who entered before that date, revised incremental salary scales shall be prepared for same grade entrants to each public service sector as necessary to incorporate the revision of salary scales introduced by Government Decision in January 2011.

FLEXIBILITY (LIBRARY/ADMINISTRATIVE STAFF)

The agreement in relation to flexible working arrangements will apply to those Librarians and Administrative Staff who currently have access to these arrangements.

(4) ADULT EDUCATION TUTORS

Issues in relation to contracts for Adult Education Tutors have been raised. On the commencement of this agreement, the parties will meet under the auspices of the LRC with the objective of examining these issues.

(5) SPECIAL NEEDS ASSISTANTS

Hours

Under the terms of the *Public Service Agreement 2010-2014*, discussions took place that led to agreement on changed attendance arrangements for Special Needs Assistants (SNAs) that give schools the option of an additional two hours working time per week from each Special Needs Assistant. Under the terms of the new proposals from the Labour Relations Commission on increased working hours in the public service, the available requirements in schools for additional hours for SNAs is quite limited. Given issues such as the duration of the school day and operation hours, and the specific availability of individual SNAs the details of the utilisation of any additional requirements should be the subject of further discussions.

These new attendance arrangements, allied to the provisions outlined in the above paragraph should be the subject of a review by the LRC in advance of the 2013/2014 school year, involving the Department of Education and Skills and IMPACT/SIPTU, in order to assess if the additional hours are being utilised in the most effective and appropriate manner and in order to achieve agreement on any changes deemed necessary in terms of the arrangement agreed for teachers.

This will constitute the liability on Special Needs Assistants in respect of working hours for the purposes of this extension to the Public Service Agreement.

Labour Court Recommendation 20308

SUPPLEMENTARY ASSIGNMENT ARRANGEMENTS FOR SNAs

- Having regard to the terms of Labour Court Recommendation 20308, the following terms shall apply to current SNAs who are notified that they are to be made redundant.
- The purpose of this scheme is to absorb surplus SNAs by means of reassignment within the School/VEC in the first instance, then to facilitate surplus SNAs in filling similar alternative posts that may become available in other schools/VECs.
- An SNA who is notified that they are to be made redundant shall be placed on a supplementary assignment panel. Likewise an SNA who remains on the panel for a full school year without being placed in employment should have the option of claiming a redundancy payment in line with the present arrangement.
- SNAs on the supplementary assignment panel will not be remunerated after the date on which they become surplus.
- Where a vacancy arises or where a new post is created it will first be offered to those on the panel in order of seniority, subject to suitability.
- The appropriate redeployment distance in the Education sector will apply to reassignments made under these arrangements. The parties shall engage on the application of these arrangements.
- SNAs assigned under these arrangements will carry forward their prior service, and this service will be reckonable in their new employment for seniority-based selection for surplus declaration and for the purposes of calculating redundancy payments.
- A Supplementary Assignment Manager will be appointed to oversee implementation of the arrangements.
- Any permanent vacancies must be notified by the schools to the Supplementary Assignment Manager before they can be filled.
- As an alternative to being reassigned under these arrangements, an SNA who is displaced or who is unable to accept the offer of an alternative placement may opt to be made redundant in line with prevailing redundancy arrangements.
- In the context of these arrangements being put in place, the redundancy scheme for SNAs set out in CL 58/2006 shall apply.

APPENDIX 6: COLLECTIVE AGREEMENTS IN THE LOCAL AUTHORITY SECTOR

1. Outdoor Staff

The Parties engaged in intensive discussions at the LRC in order to identify alternative means to achieve savings required by Government. The parties are satisfied that agreement to develop and implement revised workplace structures for outdoor staff in local authorities together with the other measures set out below will achieve those savings. The Parties recognised however that achieving the full effect of those savings will take some time. The Parties have therefore agreed the following pathway which will address the challenges in 2013 and lead to full achievement of required savings in early 2014. The means to achieve the saving in local authorities contained in this agreement facilitate the following arrangements in respect of overtime and Sunday premium.

- From 1st July 2013 an hour of overtime worked each week will be unpaid. This measure will apply until 31st March 2014 only.
- The Sunday premium will be unaffected.

The Commission is satisfied that the measures outlined above when combined with a range of other measures discussed during the period of negotiations such as;

- Co-operation with the Irish Water Programme,
- The implementation of innovative labour activation measures, and,
- The development and implementation of revised workplace structures for outdoor staff in local authorities designed to deliver the most efficient and effective service (detailed consultation will take place at workplace level in order to maximise the potential of this initiative);

will result in the required savings being achieved in the sector.

2. IMPACT Grades

Regularisation of long-term actors

Preliminary discussions have commenced between the parties to examine the regularisation of long term acting positions in the context of work-force planning. The Parties re-iterate their commitment to bring this issue to conclusion as part of the work-force planning process.

Pay Measures

The following pay measures will apply, in addition to central measures in relation to higher pay and increments

- Sunday Premium: maintain at double time.

Overtime

Overtime arrangements are revised as follows:

- a) For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale. This formula will not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply.
- b) For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.
- c) Divisors for the calculation of overtime will be adjusted to take account of any additional hours provided for above.

Flexible Working Arrangements (Flexitime)

The parties agree that management has the responsibility and the right to actively manage flexible working arrangements. This will help to build on the work done to date in reviewing and revising work practices to ensure that, in a context of reduced resources and numbers, as well as additional working hours, the Public Service will continue to provide the required level of service to the public and to contribute to economic recovery.

While the rationale for this flexibility is acknowledged, it is now necessary to update the arrangements to better reflect the current needs of organisations, in the context of falling numbers in the public service, changing demands in terms of services to the public and the additional working hours under this agreement. In this context, it may be necessary to amend the core time bands to reflect the extended hours of working and to meet business needs following local consultations. Flexible Working Arrangements (FWA) are only possible so long as they support and enhance efficient operation. In particular, all areas must always be appropriately staffed during the working-day, including lunch breaks; all arrangements must ensure that this is consistently the case.

The current FWA arrangements will continue to apply subject to the following amendments:

- FWA will continue to be available for staff up to Grade 7 and equivalent.
- FWA will not apply to staff at SEO and equivalent except for those who already have this arrangement.
- With effect from 1st July 2014, the maximum amount of flexi leave allowed in any flexi period is one day.
- No change is proposed to the existing terms with regard to the amount or the use of hours to be carried over.

Implementation of additional hours

Management confirms that implementation will take place in accordance with the terms of paragraph 2.5 of these proposals.

Flexible attendance patterns

The current work sharing arrangements as set out in various Departmental Circulars will continue to apply.

CORU

Management reaffirms its commitment to pay the CORU registration fee of €100. Staff that are required by local authorities to register with CORU must do so. The registration fee is confirmed at €100 to end 2016.

The above arrangements will also apply to engineering and cognate grades represented by **SIPTU/LAPO**.

APPENDIX 7: PROPOSALS FOR COLLECTIVE AGREEMENTS IN THE HEALTH SECTOR

(1) Developments following engagement at LRC regarding Medical Grades

The background to this outline includes understanding of the shape of planned legislation and specifically the provision that such legislation will not apply where a collective agreement exists.

Based on a collective agreement being finalised with the Irish Medical Organisation representing medical doctors in the public health system, the following is the position on all matters which have been dealt with as part of the current LRC process. The provisions that follow, if accepted, will form an amendment to the *Public Service Agreement 2010-2014* which will now be extended until June 2016. The developments on pay and related matters which arose during engagements at the Commission in recent weeks now form part of this Agreement.

Pay Measures

The following pay measures will apply, in addition to any central measures in relation to higher pay and increments:

- **Overtime (Monday-Saturday)**

For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale;

For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.

- **Sundays & Public Holiday Payment**

All hours worked on Sundays and public holidays will continue to attract payment at double time.

- **New entrant consultants**

Regard will be had by the Minister for Public Expenditure and Reform, in the application of the further reduction under the legislation to be enacted by the Oireachtas in respect of remuneration over €65,000 p.a., to the exceptional circumstances that relate to the 30% reduction in salary applied to new entrant consultants from October 2012, and the substantial inequity that would thereby arise.

Working Week

The contracted weekly hours of NCHDs will continue 39 hours gross (37 net). The divisor for the calculation of overtime will be 39.

Achievement of compliance with EWTB

A range of savings have been identified arising from EWTB implementation for NCHDs in 2013. These will support the transition to full EWTB compliance by the target date of end-2014 as identified by management. The savings rely on changes to NCHD rosters and work patterns, implementation of the National Standards for reducing NCHD hours, in line with the interim deadlines for the staged

implementation of EWTD submitted to the European Commission, greater use of Consultant teams, introduction of electronic rostering and time-recording systems and task reallocation while ensuring protected training time.

Management is committed to the introduction as soon as possible on all hospital sites of electronic systems for the recording of NCHD hours and will ensure that NCHDs are paid for all approved overtime hours worked in line with NCHD Contract 2010.

Noting the above, the IMO confirms its full co-operation with the ongoing EWTD implementation process.

Medical/Nursing interface

A joint site-based review is currently taking place to assess the potential for task transfer of four specified tasks from NCHDs to nurses/Midwives. Management have agreed to revert to the LRC on or about 29th May 2013 for further discussions with the IMO and nursing unions in relation to how savings can be applied. For clarity – any savings agreed as accruing from this initiative will be applied to the terms and conditions of the members of the relevant Unions. The IMO, INMO and SIPTU nursing have agreed that the transfer of any further identified and agreed duties will be measured separately for savings. As above any resulting savings will be applied to the terms and conditions of the members of the relevant unions through negotiations.

Retention of graduates of Irish Medical Schools

The parties have committed to review the current Public Health & Community Medicine, NCHD and Consultant career structure with the aim of further developing the career and training pathways from Intern to Consultant / Specialist level. This will take account of service needs, training and service posts, the health reform programme, the urgent requirement to reduce NCHD working hours and developments in relation to EU legislation. The overall objective is the retention of graduates of Irish Medical Schools within the public health system and the attraction back to Ireland of such graduates - where they have left previously. The Management side and the IMO will begin the process by June 2013.

Education Allowance

There will be immediate engagement between the parties in relation to administration of the education allowance for NCHDs, to include in particular a focus on an appropriate level of choice for the doctor in relation to the educational activities pursued and HSE funded.

Redeployment

The guideline redeployment distance will continue to be 45 km from the current work location or the home address, whichever is the shorter commute. Regard will also be had to reasonable commute time (i.e. as per the Public Service Agreement 2010-2014).

(2) LRC Outline of potential for agreement in Nursing

The background to this outline includes understandings of the shape of planned legislation and specifically the provision that such legislation will not apply where a collective agreement exists.

Based on a collective agreement being finalised with the unions representing nurses and midwives in the public health system, the following is the available position on all matters which have been dealt with as part of the current LRC process. The provisions that follow if accepted will form an amendment to the PSA 2010-2014 which will now be extended until June 2016. The developments on pay and related matters

which arose during engagements at the Commission in recent weeks now form part of this agreement.

General and Nursing specific provisions are set out below:

The guideline redeployment distance will continue to be 45km from the current work location or of the home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time (i.e. as per the PSA).

Flexibility in attendance arrangements is a feature of nursing and midwifery service delivery and contributes to efficient and effective business performance while enabling staff to balance work and personal life requirements. Management do not propose to review these arrangements at the current time for nursing and midwifery personnel. However, as is currently the case, management reserves the right, on reasonable business grounds and with reasonable notice, to require a person to vary their work-sharing arrangements, or to (require) a person to resume full time work. No change from current practice in these regards is being sought as part of a collective agreement at this time.

In the follow up to the Government's allowances review, management will follow the agreed industrial relations procedures (i.e. LRC and Labour Court) should any issue arise in the nursing/midwifery area.

The HSE will observe all legal provisions relating to part time workers.

1. Additional Hours

1.1 The standard working week for nurses and midwives will be 39 hours per week with effect from 1st July 2013. Discussions will commence immediately on how to measure all time worked by nurses and Midwives to ensure all attendance hours are captured.

1.2 The entirety of this agreement and the Public Service Agreements generally will be the subject of joint review at the end of this agreement.

1.3 The actual implementation of these proposals will require detailed consultation at workplace level in order to maximise the capacity to accommodate issues for affected individuals.

1.4 The relevant service manager/s can seek to have maximum flexibility to deploy and assign staff resources to meet service needs, in accordance with measures set out in Chapter 2 :2.9 (12,13,14) and 2.13 – 2.21 of the Public Service Agreement.

1.5 Management will allow persons to opt to remain on their current hours with appropriate pay adjustments.

At a general level, the following are among the ways in which additional hours may be used:

- To compensate for reductions in staff numbers
- To replace agency staffing
- To replace overtime working
- To extend the working week to 8.00am to 8.00pm Monday to Saturday, as appropriate to a particular service
- To increase productivity
- To allow lunchtime opening where this would enhance service to the public
- To enable extended opening hours, e.g. for clinics
- "Banking" of additional hours for application in different ways

- To enable redeployment in line with the health service reform programme including establishment of hospital group structures, expansion of primary care and other service reform measures.

For an individual nurse or midwife the following are expected to be the main effects:

- Revision of rosters.
- Longer shifts where necessary/appropriate.
- Longer working day.
- Focused working of additional hours at peak periods or to provide additional cover

Normal consultation procedures will apply, as set out in 1:3 and 1:4 above.

2. Pay Measures

The following pay measures will apply, in addition to any central measures in relation to higher pay and increments:

- Sunday Premium and public holiday: maintain at double time, including when overtime is worked on Sunday or Public Holiday and Saturday as currently applicable.

3. Overtime

For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale.

For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.

Divisors for the calculation of overtime will be adjusted to take account of any additional hours provided for above.

4. Nursing Medical interface

A joint site based review is currently taking place to assess the potential for task transfer of four specified tasks from NCHDs to nurses/Midwives.

Management have agreed to revert to the LRC on or about 29th May 2013 for further discussions with the nursing unions and the IMO in relation to how (any such) savings can be applied. For clarity – any savings agreed as accruing from this initiative will be applied to the terms and conditions of the members of the relevant Unions. The INMO and SIPTU Nursing have highlighted the restoration of twilight payments as a priority in this regard. INMO and SIPTU nursing and IMO have agreed, that the transfer of any further identified and agreed duties will be measured separately for savings. As above any resulting savings will be applied to the terms and conditions of the members of the relevant unions.

5. Other Health Sector issues

- The management agree to restore the Senior Staff Nurse grade in the manner it originally operated with effect from the operative date of this agreement, i.e. on that date all currently eligible nurses will be appointed – appointments will thereafter be made on 5th November annually.

- That the original LRC document dealing with the regularisation of acting should be amended to include all staff who meet the relevant criteria, i.e. the salary cap set out in the original document does not now apply and effective date for calculating service is 31.12.12, all the other aspects of the original document do apply. The amended document should then be implemented as an agreement between the parties to this agreement. This proposal is made in the context of the conclusion of this Public Service agreement on the basis that the agreement facilitates its implementation in a cost neutral manner.
 - That the draft circular in relation to standardisation of annual leave for new entrants and promotees should not issue at this time and any such issues should be dealt with in the course of engagements planned around the structure of the Health Service generally.
 - That the HSE will issue a new circular setting out that concession days should be re-structured in a standard way across the system, i.e. that the arrangements applying to clerical/admin grades will be extended to individuals in other grades who have been in receipt of this heretofore and who had it removed by the issuance of the recent circular.
 - The arrangements with regard to immunisation days in lieu for PHN grades will continue to apply as heretofore.
 - That the HSE should prioritise resources to maximise non-medical and nursing training with particular regard to statutory requirements, Health and Safety and the academic study scheme.
 - Nursing Management structures: the parties reaffirm their commitment and immediate focus on the LRC process relating to national nursing /midwifery management structures.
6. The parties agree the implementation of a **Graduate Nurse Programme** to take effect from the operative date of this agreement. That programme to have the following characteristics:
- A two year programme.
 - Rate of pay to be 85% of the first point of the January 2011 staff nurse scale, progressing to 90% of same in year two of participation.
 - Educational component to be to Certificate level.
 - Any appointment to the programme will not affect the ECF in the Health Service.
 - Any subsequent appointment following completion of the graduate programme will be to the third point of the staff nurse scale.
 - Hours of work will be the same as standard working hours in place at the time for nurses.
 - In the event that parties agree a review of any final agreement reached the operation of this programme will be reviewed at that time also.
 - At the point of agreement the current scheme will cease and all incumbents of the current scheme will migrate at that time to this programme.

(3) SIPTU Principles of Collective Agreement

Intern Scheme for Health Support Staff

- The parties have agreed that an Intern Scheme for Health Support Staff will be established.
- Under the scheme 1,000 Intern places will be provided for Health Care Assistants, Multi-Task Attendants and Support Grades.

- Intern places under the scheme will be of two years duration.
- Interns under the scheme will be recruited at 85% of the first point of Band 3 salary in year 1 and progressing to 90% of that point in year 2.
- Interns recruited under the scheme will be utilised towards reducing the expenditure on overtime and agency costs in the health sector.
- Interns will be supported in attaining an appropriate qualification to FETAC Level V.
- Interns if appointed to the Health Service following completion of the internship will be appointed to point 3 of the appropriate salary scale.
- Hours of work will be the same as standard hours of work for Health Support staff.
- The scheme will be reviewed as part of any review agreed of the overall agreement.
- Any appointment made under the scheme will not affect the ECF in the Health Service.

Double Time Payments

- The double time payment where currently applied will remain unchanged.

Roster

- For existing SIPTU grades who have a liability to be rostered for duty from 8pm to 12am the current arrangements will continue.

Overtime

- For those grades currently with a working week of 39 hours per week, an hour of overtime worked each week will be unpaid. This arrangement will cease on 31st March 2014.

National Ambulance Service

- It is noted that discussions between the HSE and SIPTU with regard to National Ambulance Service reforms are ongoing. The parties are committed to the continuance of this process which will include an exploration of the possibilities for the introduction of an annualised hours system of attendance for National Ambulance Service grades.

(4) Additional agreement for IMPACT Grades

Regularisation of long-term actors

Management commits to the implementation as a priority, but no later than 1st October 2013, of the LRC proposals as amended by agreement in February 2013.

Sleepovers

The parties commit to completing the process currently under way under the auspices of the LRC no later than 31st December 2013.

Pay Measures

The following pay measures will apply, in addition to central measures in relation to higher pay and increments:

- Sunday Premium: maintain at double time.
- Twilight: Cessation with effect from 1st July 2013 in respect of hours worked between 6pm and 8pm
- For existing Impact grades who have a liability to be rostered for duty from 8pm to 12am, the current arrangements will continue.

Overtime

Overtime arrangements are revised as follows:

- a) For those on salaries of up to €35,000 (inclusive of allowances in the nature of pay), overtime will be paid at time and a half at the first point of the appropriate scale. This formula will not apply to any scale where this provision would result in overtime being paid at less than time at any point on the scale. In the case of such scales, the formula set out in (b) below will apply.
- b) For those on salaries (inclusive of allowances in the nature of pay) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individual's scale point.
- c) For those grades currently with a working week of 39 hours per week, an hour of overtime worked each week will be unpaid. This arrangement will cease on 31st March 2014.
- d) Divisors for the calculation of overtime will be adjusted to take account of any additional hours provided for above.

Flexible Working Arrangements (Flexitime)

The parties agree that management has the responsibility and the right to actively manage flexible working arrangements. This will help to build on the work done to date in reviewing and revising work practices to ensure that, in a context of reduced resources and numbers, as well as additional working hours, the Public Service will continue to provide the required level of service to the public and to contribute to economic recovery.

While the rationale for this flexibility is acknowledged, it is now necessary to update the arrangements to better reflect the current needs of organisations, in the context of falling numbers in the public service, changing demands in terms of services to the public and the additional working hours under this agreement. In this context, it may be necessary to amend the core time bands to reflect the extended hours of working and to meet business needs following local consultations. Flexible Working Arrangements (FWA) are only possible so long as they support and enhance efficient operation. In particular, all areas must always be appropriately staffed during the working-day, including lunch breaks; all arrangements must ensure that this is consistently the case.

The current FWA arrangements will continue to apply subject to the following amendments:

- FWA will continue to be available for staff up to Grade 7.
- FWA will not apply to staff at Grade 8 except for those who already have this arrangement.
- With effect from 1st July 2014, the maximum amount of flexi leave allowed in any flexi period is one day.
- No change is proposed to the existing terms of the Flexitime Agreements with regard to the amount or the use of hours to be carried over.

- Intern places under the scheme will be of two years duration.
- Interns under the scheme will be recruited at 85% of the first point of Band 3 salary in year 1 and progressing to 90% of that point in year 2.
- Interns recruited under the scheme will be utilised towards reducing the expenditure on overtime and agency costs in the health sector.
- Interns will be supported in attaining an appropriate qualification to FETAC Level V.
- Interns if appointed to the Health Service following completion of the internship will be appointed to point 3 of the appropriate salary scale.
- Hours of work will be the same as standard hours of work for Health Support staff.
- The scheme will be reviewed as part of any review agreed of the overall agreement.
- Any appointment made under the scheme will not affect the ECF in the Health Service.

Double Time Payments

- The double time payment where currently applied will remain unchanged.

Roster

- For existing SIPTU grades who have a liability to be rostered for duty from 8pm to 12am the current arrangements will continue.

Overtime

- For those grades currently with a working week of 39 hours per week, an hour of overtime worked each week will be unpaid. This arrangement will cease on 31st March 2014.

National Ambulance Service

- It is noted that discussions between the HSE and SIPTU with regard to National Ambulance Service reforms are ongoing. The parties are committed to the continuance of this process which will include an exploration of the possibilities for the introduction of an annualised hours system of attendance for National Ambulance Service grades.

(4) Additional agreement for IMPACT Grades

Regularisation of long-term actors

Management commits to the implementation as a priority, but no later than 1st October 2013, of the LRC proposals as amended by agreement in February 2013.

Sleepovers

The parties commit to completing the process currently under way under the auspices of the LRC no later than 31st December 2013.

Five over Six Day Working

During the currency of the agreement the MLSA and the HSE will discuss and agree 5 over 6 day working in the context of the developments of medical laboratory services, in particular the development of core automated laboratories. Discussions will include loss of earnings in line with LCR 19995.

On-call/call-out rates for new entrants

The reduced rates that have applied to new entrants since early 2011 will be addressed in the context of the revised incremental scales to be prepared under clause 2.29 of the LRC's proposals of 25th February 2013.

APPENDIX 8: CRAFT GROUP AGREEMENT

1. A forum will be established to articulate a workplace planning initiative between the parties. The forum will identify ways to address manpower requirements by reference to up-skilling and apprenticeship potential in addressing successive appointments in the sectors.
2. From 1st July, 2013 an hour of overtime worked each week will be unpaid. This measure will apply until 31st March, 2014 only.
3. The double time premium pay for on-call will be maintained as currently applicable
4. Effective from 1st July 2013 and for the duration of this agreement, the tool allowance will be reduced to 80% of the current rate.
5. Annual leave for Craftworkers will be standardised at 25 days per annum, inclusive of Good Friday. If, however, required by management, Good Friday will be worked as a normal day and no premium pay will apply for working the day. Another annual leave day will be allowed instead as part of the 25 day allowance.

APPENDIX 9: IMPLEMENTATION OF ADDITIONAL HOURS FOR CERTAIN GRADES

On a personal to holder basis, increases in working hours will be limited to two hours and fifteen minutes per week subject to the following:

- This arrangement will only apply in the cases of these specific grades/workers referred to below above that grade, or on recruitment or promotion, a standard working week of 37 hours will apply.
- A minimum working week of 35 hours will apply. Pro-rata arrangements will apply for job sharer and part time staff.
- In the case of public servants covered by LCR 20366 the additional hours to be given will be inclusive of any additional time given as from 1st March in accordance with LCR 20366.
- The divisor for overtime calculations will be based on 37 hours effective from 1st July 2013
- Overtime will not be payable until 37 hours are worked and exceeded effective from 1st July 2013.

This arrangement will be reviewed before the end of the Agreement.

Where any mergers or restructuring of organisations arise, the issue of working hours should be addressed in direct discussions between the parties and failing agreement be referred for a final determination in accordance with the procedures of the Public Service Agreement and LCR 20366 and in good time to allow them to commence operation on standard terms and conditions of employment.

This phased arrangement will apply to the following grades/workers:

- IMPACT grades up to and including Grade VII and equivalents.
- SIPTU Library and Admin staff in the University sector
- Staff transferred in the civil service in 2010 from the health sector.

ADJUDICATION FINDING PRESIDENCY PAYMENTS

ADJUDICATION REPORT

ASSOCIATION OF HIGHER CIVIL AND PUBLIC SERVANTS (AHCPS)

and

THE DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM

Issue in Dispute

1 Payments to certain members of grades represented by the AHCPS in respect of duties carried out during the Irish Presidency of the EU in 2013.

Background

2 In the case of previous Irish Presidencies of the EU, payments were made to members of the AHCPS who carried out duties involving exceptional extra attendance arising directly from the Presidency and over the period of the Presidency. In the case of the Irish Presidency of 2004, payments of between €2,750 and €5,000 were made to Principal Officers and payments between €2,000 and €4,200 were made to Assistant Principals. In addition persons attending EU meetings received a Chairperson's or Delegate's allowance, as appropriate. The allowances for Chairpersons and Delegates were abolished in 2012 and were not payable in connection with the Presidency in 2013.

3 During the discussions leading to the Public Service Stability Agreement 2013-2016 (Haddington Road Agreement), the Department of Public Expenditure and Reform gave a commitment to the AHCPS to consider a claim for a retrospective award to reflect the additional work carried out during the Irish Presidency. However, in subsequent discussions, no agreement could be reached with the AHCPS on the amounts of payments or the qualifying conditions for payment.

4 It was agreed by both sides that the matters at issue would be referred to the Civil Service Adjudicator under the terms of the Haddington Road Agreement and that the decision of the Adjudicator would be final and binding on both parties.

Adjudication hearing

5 An adjudication hearing on the dispute took place on 20 November 2013.

Submissions

6 Written and oral submissions were made on the matter in dispute by the AHCPS and the Department of Public Expenditure and Reform. The following paragraphs set out a summary of the positions of the parties.

Submission of the AHCPS

7 The Irish Presidency in 2013 was of national importance. It imposed onerous work pressures on certain members of the AHCPS and involved considerable extra attendance and travel abroad. These work pressures have attracted additional payments since Ireland first assumed the Presidency and payments should be made in the case of the Presidency in 2013 also. Payments should be made on the same basis as applied in 2004 and the amounts payable should be based on the amounts paid in 2004, updated by reference to intervening developments in pay.

8 Payments should be made to those who travelled abroad in relation to the Presidency and to those who carried out significant extra work associated with the Presidency but who carried out such work either in Ireland or as part of the EU Permanent Representation in Brussels.

9 Persons who travelled abroad on Presidency related work acted as Chairpersons or Delegates at meetings and there should be further payment in recognition of this role.

Submission of the Department of Public Expenditure and Reform

10 Any claim for payments should have regard to the major changes that have taken place since the last Presidency in 2004 involving strong controls on the public service pay bill, not least through the Financial Emergency Measures in the Public Interest Legislation. Furthermore, the nature of the Presidency work, while still onerous, has changed with the restructuring of arrangements relating to the operation of the Presidency since the Lisbon Treaty.

11 In the circumstances any payments made in respect of the Presidency in 2013 should be more modest than those made in 2004 and should not exceed the amounts payable then to members of the lower grade of Assistant Principal. The conditions for payment should also be more restrictive than those that applied to previous Presidencies.

12 In view of the abolition of the Chairperson's and Delegate's allowance, it would not be acceptable to make any additional payment specifically based on the roles of Chairperson or Delegate at EU meetings during the Presidency. Payments to officials based in the Permanent Representation would not be appropriate either.

Finding

13 The persons covered by this claim are in the grades of Assistant Principal and Principal Officer represented by the AHCPS. Persons in these grades do not receive overtime payments and it is well established that they are expected to give extra attendance when required without additional payment. However, it has been accepted that the Presidency of the EU imposes special demands on some staff. It differs from other work undertaken by civil servants as it requires, in addition to normal domestic duties, very substantial commitments in terms of extra attendance and travel to meetings in Brussels and other parts of Europe over an extended and intense period of time. Accordingly, on previous occasions, where Ireland has

held the Presidency of the EU it was the practice to make additional payments to certain staff in connection with the Presidency, reflecting the exceptional nature of the additional work involved.

14 The recent Presidency was very successful in terms of Ireland's international reputation and the delivery of some key European agenda items, in particular agreement of the budget. During the Presidency some members of the grades of Assistant Principal and Principal Officer gave considerable extra attendance and were required to undertake significant foreign travel. These demands resulted in much disruption to normal family life. Furthermore, the work of the persons concerned contributed significantly to the success of the Presidency. In these circumstances and in view of the commitment given under the Haddington Road Agreement, it has been accepted by the Official Side that once-off additional payments reflective of that achievement may be made to certain Assistant Principals and Principal Officers in connection with the Irish Presidency in 2013. The matters at issue in this adjudication are the amounts of the payments and the conditions for payment.

15 The submission of the Official Side refers to the economic difficulties facing the country and the strong controls now applied to public service pay. I accept that these factors must be regarded as major considerations in the assessment of any claim involving additional expenditure. In view of the current circumstances, I consider that the conditions for payment must be more rigorous now than on previous occasions and that additional payment can be justified only where extremely onerous demands were placed on individuals in terms of extra attendance and where significant foreign travel was involved. Therefore, it is my view that the qualifying thresholds for payment should be set at a higher level than those which previously applied.

16 I appreciate that considerable demands were placed on many individuals in connection with the Presidency but I consider that in current circumstances extra attendance alone should not lead to additional payment. In my view greater demands were placed on those who had to give considerable extra attendance combined with significant foreign travel involving periods away from home and the associated disruption to family life. I consider that additional payment should be confined to this group.

17 I do not consider that any specific payment should be made in respect of attendance at EU meetings as Chairpersons or Delegates. Allowances for Chairpersons and Delegates were abolished by Government decision in 2012 and it would not, in my view, be appropriate to make any payment in substitution of these allowances in respect of the Presidency. In this regard, the AHCPS are pursuing a separate claim for the general reintroduction of the allowances at the Civil Service General Council and that claim remains before the Council.

18 I fully accept that certain persons who were based in Ireland during the Presidency, showed considerable commitment and that persons in this category gave significant extra attendance related to the Presidency. In the case of previous Presidencies, the extra attendance given would have attracted additional payment but, as I have already indicated, I consider that the qualifying conditions for payment must be set at a higher level than those

which previously applied. While I acknowledge the considerable contribution of these staff, I do not consider that additional payment should be made to them.

19 I do not recommend either that any additional payment be made to persons serving in the Permanent Representation in Brussels. I consider that these staff are already adequately compensated for disruption to family life through foreign service allowances.

Payments and the qualifying conditions

20 I recommend that payments to grades represented by the AHCPS be made on the basis set out in the following paragraphs.

21 Payment should be confined to the group referred to in Paragraph 16 above who gave considerable extra attendance combined with travel abroad. Information was provided to me on the extent of foreign travel by members of the AHCPS. In my view, however, a certain amount of foreign travel is a normal part of the duties of civil servants. On this basis, I consider that the first six days of travel should be discounted and should not attract additional payment.

22 I consider that there should be different levels of payment depending on the extent of foreign travel. A lower level of payment should apply to those who travelled abroad over the period of the Presidency for 20 days or less, subject to the discounting referred to in the previous paragraph. In my view, this payment should be towards the lower end of the range of payments made to the grade of Assistant Principal in 2004, updated by reference to intervening general round pay increases and the reductions in pay under the Financial Emergency Measures in the Public Interest Legislation.

23 A higher rate of payment, within the range of payments made to Assistant Principals in 2004, should apply where travel amounted to more than 20 days over the period of the Presidency. The higher amounts paid to Principal Officers in 2004 should not be applied and the same amounts should be paid to members of the grades of Assistant Principal and Principal Officer. On this basis and since payment will be confined to those who gave considerable extra attendance combined with significant foreign travel, the overall cost will be substantially lower than in the case of the previous Presidency.

24 I recommend that the following once-off payments be made:

Total Number of Days Travelled abroad over the period of the Presidency	Payment
7-20 days	€2,250
21 or more days	€3,750

25 No discretion should be available to management of Departments to exceed these amounts regardless of individual circumstances. This will ensure that a consistent approach is taken across Departments and will assist in controlling costs.

26 In line with previous practice where payments were made to grades represented by the AHCPS, the Official Side proposed a more limited flat rate of payment of €1,000 to certain members of the grades of Administrative Officer and Higher Executive Officer represented by the Public Service Executive Union who were required to undertake significant foreign travel in connection with the Presidency, However, that matter was not the subject of this adjudication.

Brendan Duffy
 Adjudicator
 2 December 2013

AHCPS SUBMISSION ON STRENGTHENING ACCOUNTABILITY

Consultation Paper on Strengthening Civil Service Accountability and Performance

**Submission of the
Association of Higher Civil and Public Servants**

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Table of Contents

Executive Summary

Introduction

1. Our submission in context

2. Civil service accountability and performance: Lessons from elsewhere

Conclusions

Bibliography

Appendix 1: Responses to the questions posed by the Consultation Paper

Executive Summary

The Association supports the Paper's ambition to enhance the quality of accountability in Irish government, and to examine the respective roles of the political and administrative systems with a view to ensuring shared understandings of accountability expectations, and improving performance.

The Association has however some serious concerns surrounding a number of the Consultation's paper's proposals and understandings. In particular, any perception that the Civil Service is somehow unaccountable or is underachieving is in our view very much misplaced and does not reflect the reality of our members work and commitment to public service. Irish civil servants are already held to account through a range of legislative provisions, conventions and forums and the Association's members are keenly aware of the high level of public accountability expected of them in the conduct of their duties and the use of public resources.

There is grave unease that the ability of the Associations members to provide impartial and frank advice to Ministers could be undermined in any way by new reforms or changes to existing terms and conditions of employment. Rather, we would like to see this vital role maintained and strengthened into the future.

The Association would demand and expect that any reforms to existing accountability arrangements are balanced such that reforms to civil service accountability are matched by reforms in the political sphere. The 1997 Public Service Management Act contained progressive ideas in this regard and the Association believes that the Act continues to provide the basis for advancing a shared understanding of accountability arrangements between the civil service and the elected government of the day.

We believe that any new system of accountability should not undermine the bond of trust that links the civil service with the government and citizens. Rather it should be defined by clarity of roles and expectations, recognising that the work of the civil service and its relationship

with the political system is complex, and should be developed on the basis of the civil service's desire to serve the public interest

It must be ensured that any reforms arising from this process cohere with parallel reform initiatives currently underway. In particular, the Association seeks consistency with the current work seeking a new vision for the Irish civil and public service.

The Association would like to draw attention to previous work conducted on the capacity of the Civil Service in the form of the Organisational Review Programmes (ORPs), and suggests that the findings of this process are revisited.

The Consultation Paper seeks to enhance performance and accountability, but there must be recognition that the two are not necessarily aligned, and increased accountability requirements for civil servants may in fact reduce the time available to perform their other work.

In relation to international trends, the Association notes the international shift towards more position-based forms of public service employment, and fixed-term contracts. While this has brought certain benefits and advancements, it must be recognised that such developments also bring with them particular challenges to the motivation and values of public service employees. These include poorly defined responsibilities, high costs of employing contract-based personnel and enabling mobility, as well as difficulties in monitoring employees and their adherence to contract commitments. Where employment reforms have been successfully introduced, it has been associated with gradual and consistent implementation of the reforms.

Reforms in the UK and elsewhere designed to introduce more formal methods of appointment and performance measurement have yielded quite mixed results, including high staff turnover, institutional memory loss and criticism of the methods of performance assessment.

The Association would strongly counsel that the results and outcomes as detailed earlier in Section 3 'Lessons from Elsewhere' need to be critically examined and given due cognisance in the shaping of any proposed reforms. We have summarised below for emphasis the key impacts on the respective services of the reform programmes in these jurisdictions,

New Zealand, reforms designed to pinpoint accountability across the public service led to greater use of contracting and a perceived fragmentation of the public service, and some loss of responsibility for achieving wider government objectives. More recent reforms have tried to establish more collaborative working between departments.

Australia, reforms in the 1990s giving the Prime Minister the power to appoint and dismiss departmental secretaries has not led to a politicisation of the senior civil service as the tradition of an impartial administrative system is quite embedded. Recent reforms have centred on strengthening performance management processes, and the role of the Australian Public Service Commissioner in developing management capability and strategic leadership across government is being augmented. Other reforms included talent management programmes and reform of legislation to more clearly recognise the roles and responsibilities of departmental secretaries.

Canada, all senior positions are open to external candidates. Performance management programmes were introduced in 1999 to increase the focus on results and to enable payment of bonuses linked to meeting targets. A review of these programmes noted a number of problems emerging, including a failure to ‘cascade’ performance objectives, agreements not being signed off in a timely manner, team efforts not being recognised and issues over the performance ratings used. On the positive side, such agreements make expectations clearer and improve job satisfaction. An Accountability Act in 2006 made top civil servants accountable for program integrity, the organisation of internal audit activities, and ongoing evaluation of grants and contributions programs.

Belgium, limited term contracts have been introduced for senior civil servants. There are also both departmental and individual performance agreements in the Belgian Civil Service, including key policy objectives and a time plan. There have been difficulties in practice in motivating ministers to evaluate their most senior civil servants. There is no link between performance and pay. However, if the performance objectives are not achieved, the individual may be released from their position. In practice the vast majority of senior civil servants have their contract renewed. The principal of ministerial accountability is still prominent as a result of Belgian reforms, and transparency has improved due to the increased publication of management plans.

Netherlands, members of the top management group in the public service are appointed for contracts of 5-7 years, and then must find a new position in the administration. Objectives and targets for agencies and departments are set out annually and individual performance is appraised annually. While ministers all have political assistants, the political role of top civil servants is regarded as having increased.

Denmark, all high ranking managers have individually negotiated fixed term contracts with performance related pay of between 1% and 10%. However, there is no recruitment from the private sector. Decisions concerning performance pay are not based on specific performance criteria, but rather are based upon a general assessment of the relative workload of permanent secretaries over the past year.

France, performance based arrangements have been in place since 2006, and senior civil service performance is assessed annually, tied to performance related pay. Political affiliation is very important as politicians have the ability to dismiss nominated officials. Historically, French senior civil servants have been more policy advisors than managers, and there remains a strong emphasis on traditional French civil service values than individual performance bonuses which are believed to undermine group solidarity and collective action.

Portugal, reform to the performance appraisal system for senior civil servants began in 2004, and included three year terms for top managers, who are political appointees. While flexibility and personnel management have improved due to these changes, there is ongoing concern about the consequences of such political influence over the appointment of senior managers in relation to public confidence in the administrative system.

Introduction

The Association of Higher Civil and Public Servants (AHCPS, hereafter ‘the Association’), is pleased to make this submission containing its views on the Consultation Paper on ‘Strengthening Civil Service Accountability and Performance’ published by the Minister for Public Expenditure and Reform on 9 January 2014.

The Association supports the Paper’s ambition to enhance the quality of accountability in Irish government, and to examine the respective roles of the political and administrative systems with a view to ensuring shared understandings of accountability expectations, improving performance. However, based on consultations with its members and evidence from international experience presented here in our submission, the Association is also concerned about some of the proposals and understandings contained within the Paper.

Section 2 of our submission sets out some context, concerns and general suggestions arising from the issues presented in the Consultation Paper. Following this, Section 3 identifies some developments in other states which are extremely relevant to the matters under consideration and which the Association believes holds very important lessons for any equivalent proposed reforms in Ireland. Section 4 details the summary/conclusions of the Association. Section 5 presents the detailed responses of the Association to the questions posed in the Consultation Paper. Section 6 contains the bibliography/reference material

The structure of this submission is such that it addresses directly only those questions posed in the Consultation Paper where the Association wishes to make its views and concerns known. Therefore, of the 20 questions, this submission speaks to 17 of them.

1) Our submission in context

On behalf of its members, the AHCPS welcomes the opportunity to contribute to the Consultation paper on ‘Strengthening Civil Service Accountability and Performance’. The Association recognises that it has a distinctive and pivotal role in delivering the various elements of the Programme for Government, and as a conduit between the institutions of government and wider public service. The Association fully recognizes the role its members have to play individually and collectively in supporting the work of the elected government, in addressing the economic and social challenges currently facing our State, and ensuring that our citizens receive public services that are of the highest quality possible. Its contribution to this consultation process is made with a view to supporting efforts to ensure that there is equitable, proper and commonly understood accountability arrangements in place across the political and public service domains, and with a view to constantly seeking better performance.

The Association has, however, some concern that an underlying premise of the current proposal is that the Civil Service is somehow unaccountable or underachieving. This would be a misrepresentation of the conditions under which our members work, the advances in performance in recent years notwithstanding the considerable reduction in resources, as well as their constant commitment to serving the government, Oireachtas and the public. The Association’s membership is also concerned that their ability to provide independent, impartial and frank advice to Ministers would be undermined in any way by new reforms or changes to existing terms and conditions of employment, and would support reforms that maintain and strengthen this vital public role into the future.

A major concern is that any proposed reforms to existing accountability arrangements take into account the effect on the relationship between Ministers and civil servants, the strength of which has been a defining feature of Irish government. Reforms to civil service accountability will inevitably mean reform to accountability arrangements in the political sphere, and a balance must be struck that does not damage or undermine the bonds of trust and commitment to common purpose that have been developed thus far.

The Association believes that the 1997 Public Services Management Act contained some very progressive ideas for reforming accountability arrangements, and the Association believes that

the Act continues to provide the basis for advancing a shared understanding of accountability arrangements between the civil service and elected government of the day.

The Association is also cognisant that a number of parallel reform initiatives are underway affecting its members, and is concerned that there is not inconsistency or duplication between these reforms and any outcomes arising from this consultation process. In particular, the Association is most keen to ensure that any reforms arising from the ideas in this Consultation paper are consistent with the current work seeking a new vision for the Irish civil and public service. Other developments currently underway which the Association strongly endorses include statutory protection for ‘whistleblowers’ and greater regulation of lobbying in public life.

The Consultation Paper seeks a more dynamic civil service, and one which will achieve greater performance, but it is not clear how this can be achieved effectively through reformed accountability systems. Increasing accountability requirements may in fact reduce the ability of civil servants to perform to the best of their ability. Thus some careful thought must be given to the tradeoff between increased accountability requirements and the need for greater performance.

The Association also wishes to draw attention to previous work concerning the role and capacity of the Civil Service in the form of the Organisational Review Programmes (ORPs) carried out between 2006 and 2011. The resulting reports contained many good suggestions for developing the civil service in respect of leadership, management, HRM and evaluation which we believe provide the basis for future reform efforts. The Association would encourage the Department of Expenditure and reform to revisit the proposals arising from the ORP.

The Association supports efforts to adapt and reform existing work practices and arrangements to meet the needs of modern government and in line with best international practice.

Our members are also aware of the value many of our existing traditions and work practices bring to the government of the Irish state which we must be careful not to undervalue or undermine. Traditionally, there has been a tendency to follow developments in Whitehall when seeking to reform aspects of the Irish public service, and while there are obvious

rationales and advantages to this, the Association wishes to also benefit from good practice elsewhere. This view informs the basis of the following section concerning lessons from other states which the Association would like to highlight.

2) Civil service accountability and performance:

Lessons from elsewhere

2.1 Introduction

In this section, the Association wishes to draw attention to the experiences of other states which have undertaken similar or related reforms to those proposed in the Consultation Paper.

Traditionally, civil service systems are divided into those that are ‘career’ based and those that are ‘position’ based.

In career based systems training and development initiatives can be provided with a long term development focus, mobility is possible for the development of staff, and opportunities are available (if there is no embargo) for advancement and growth. It is also possible to have a common understanding of vision, mission and values and the building of networks in order to carry out work that is common.

Position based systems, in contrast, are quite different. In the extreme examples there is little or no mobility and staff are appointed on the basis of a particular skill set – for example accountancy, law, economics or statistics. There is limited opportunity or possibility for career progression, and training is only provided for the current role. Motivating staff in this environment is more difficult because of the narrow focus of some jobs and the absence of career opportunities.

It is clear that for some years, most countries in the OECD have operated with a hybrid of career and position-based roles (Bourgon 2008, p.4). Many have also utilised individual performance assessment mechanisms, and introduced more contract-based forms of employment. However, while proponents of such HR reforms suggest that fixed-term contracts and performance contracts lead to greater flexibility and mobility as well as a more result-oriented service, such initiatives are also associated with increased politicisation of public service employment and system fragmentation (Civinskas 2011, p. 158), and should be developed with due caution. Other difficulties include poorly defined responsibilities, costs of employing contract-based personnel and enabling mobility, as well as problems in monitoring employees and their adherence to contract commitments.

Where employment reforms have been successfully introduced, it has been associated with gradual and consistent implementation of the reforms.

The consultation paper suggests that fixed-term performance contracts might be made more widely available in the Irish Civil Service. The Association is concerned that if introduced, this approach would seriously undermine the guiding principles of the Civil Service. Fixed term contracts can have negative consequences because they can have:

- A short rather than a long term focus and can therefore avoid major change management issues.
- A long lead in time before being effective in the role.
- A probability of using a “command and control” style of management to show results, which leads to de-motivation and poor performance of staff being managed.
- A reluctance to raise controversial issues with more senior management.
- Those on such contracts are focused on the next position in the closing period of the contract.
- A de-motivational impact on permanent staff.

In terms of costs it could be much more expensive to have fixed term contracts when compared to tenured positions.

We turn here to look at some case-studies.

2.2. Lessons from other OECD states

Presented below are findings from recent reforms in other OECD states.

United Kingdom

In the United Kingdom, a core feature of the British civil service has been that ministers are accountable to Parliament, and civil servants are granted permanence and anonymity in exchange for serial loyalty to ministers (Van Dorpe and Horton 2011, p.234-5). Appointments are normally apolitical and there is traditionally no link between performance and pay or tenure.

The creation of the Senior Civil Service centred on four changes:

- 1) Formal, time-specific written contracts for all senior civil servants with their respective department or agency
- 2) Centrally determined terms and conditions (including pay)
- 3) Common competency framework and job evaluation system
- 4) Common performance management system

Combined, this approach was designed to make them more mobile and accountable. In 2007 performance assessment was revised so that negative reviews could lead to pay freeze or ultimately dismissal. While there is technically no job security for senior civil servants on fixed-term contracts, in practice dismissals are extremely rare. There is however a high voluntary staff turnover from external recruits. There is also now less guarantee of career progression due to opening posts to external candidates, so it is more individualistic and competitive.

Van Dorpe and Horton (2011) propose that senior civil servants' policy advisory role has decreased and their managerial and entrepreneurial role has increased as a result of these reforms. Mobility is encouraged to build a wider skills base, but the consequence is a short average time in office, with only 8% of senior civil servants remaining in the post for over 5 years, and a related loss of institutional memory.

As head of departments, permanent secretaries are now subject to greater accountability through various Public Service Agreements. However Van Dorpe and Horton note that a complaint was filed by the FDA (the sister union of the AHCPS in the UK which represents senior civil servants) in 2006 concerning the use of senior civil servants as scapegoats for faults committed by politicians' (2011, p.246-247).

In a recent study, Paun, Harris & Magee (2013) identify that the Government's 2012 Civil Service Reform Plan calls for greater ministerial influence over high level appointments and greater levels of external recruitment. The recommended method for increasing ministerial influence over appointments involves a shortlist of candidates. However they note that ministers already have unofficial influence (in addition to a formal veto on such appointments)

insofar as selection panels try to avoid the possibility of a veto being exercised by recommending a candidate not likely to be opposed by the minister.

The current law (Constitutional Reform and Governance Act 2010) specifies that the ultimate authority for appointing civil servants is the Prime Minister, but also specifies that there must be ‘fair and open competition’ run by the Civil Service Commission (although it doesn’t specify the form of that competition). The Commission’s recruitment principles declare that a position should be given to the best candidate, a statement that would preclude shortlisting and ministerial selection.

Personal performance objectives for all permanent secretaries were published for the first time in December 2012, but Paun et al note that some dissatisfaction among permanent secretaries with the performance management system, specifically that the list of objectives is too long, objectives are decided too late, and that there is no clear link between performance against published objectives and performance related pay (2012, p.43).

New Zealand

In New Zealand, the State Services Commission has sole responsibility for improving public service capability and performance management. Chief Executives (the most senior civil servant grade), are appointed and employed by the state services commissioner, normally for a period of five years. These Chief Executives, not ministers, are responsible for the day-to-day management of their departments, and since reforms in the 1980s, all are appointed by renewable fixed-term contracts. Paun and Harris (2012, p. 4) propose that this practice ‘sharpens the personal accountability felt by chief executives’, and that Chief Executives have a correspondingly greater public profile in New Zealand. Policy advice from departments to ministers also is often published. There is a formal appraisal each year based on annually-agreed performance expectations. Ministers are consulted during the process. Ministers are located in the Executive wing of the Parliament building (the Beehive) and not in their individual Departments.

A review published in 1998 of reforms designed to provide for more direct principal-agent responsibility found that there had been some important consequences arising from the attempts to pinpoint accountability, namely the increase in contracting and fragmentation of the public service.

Compliance with specified contracts was deemed to result in the loss of responsibility for wider government objectives (State Service Commission 1996). Since then, and in the context of contractual relationships between ministers and chief executives which creates strong incentives for departments to focus on delivery of their specified outputs, reforms in New Zealand have sought to establish more collaborative working between departments (Paun and Harris 2012, p.4).

Australia

In Australia, reforms in the early 1980s gave the power to appoint and dismiss departmental secretaries (the most senior civil rank) to the Prime Minister, and Ministers do not have a formal veto power on such appointments. This change has not lead to a politicisation of the senior civil service however, and most departmental secretaries are career civil servants. Departmental secretaries are appointed for five year terms, and are in turn responsible for appointments within their departments.

Paun and Harris (2012, p.5) note that the tradition of an impartial administrative system is quite embedded in Australia and more recent reforms have centred on strengthening performance management processes rather than any concerns over undue political interference in the administrative system. Following a landmark report in 2010 titled ‘Ahead of the Game’ (Advisory Group on Reform of Australian Government Administration 2010) the role of the Australian Public Service Commissioner in developing management capability and strategic leadership across government is also being augmented. Other reforms recommended under this plan included talent management programmes and reform of legislation to more clearly recognise the roles and responsibilities of departmental secretaries.

Canada

Both internal and external candidates can be recruited for senior positions in the Canadian public service. Performance management programmes were introduced in 1999 to increase the focus on results and to enable payment of bonuses linked to meeting targets. Performance agreements include ongoing and key commitments, as well as performance measures for commitments and leadership competencies. Reviews take place every six months, with performances rated 0-4 with 4 being ‘Exceeded’.

Underperforming senior civil servants can be dismissed or removed from their positions, but the appeals procedure means that termination is a lengthy and complex process.

Reviews carried out by the Association of Professional Executives of the Public Service of Canada (APEX) in 2000 and 2001 found that senior public service managers identified a number of disadvantages. These disadvantages were that line managers do not readily share their agreements, hampering a ‘cascading’ of performance objectives; agreements are not signed off until late in the financial year such that commitments were in some cases already met, team efforts were not recognised; and ratings of performance were not clear. On the positive side, such agreements make expectations clearer, and consequently senior civil servants are happier with their work (Ketelaar et al. 2007, p. 40).

In their review of the Canadian reforms, Bourgault & Van Dorpe (2011) found that many top public servants (known as deputy Ministers) now only serve an average of six years, half the average term before the introduction of reforms. It also took about a year for new appointees to gain the required knowledge of a department’s operations and become an integral part of their peers’ circle of influence. Since 2000 the value of individual bonuses has increased, and there is now a greater emphasis on managerial skills, and there seems to be a greater level of political loyalty and dependency. Bourgault (2011) also found that senior managers had become more entrepreneurial, but were not free agents and remained accountable to the central departments. An Accountability Act in 2006 made deputy ministers accountable for program integrity, the organization of internal audit activities and ongoing evaluation of grants and contributions programs.

Belgium

The Belgian civil service underwent a series of reforms in 2000, including the introduction of limited term contracts for senior civil servants, known as mandates. Mandate holders fill the four most senior levels of the civil service and are appointed for 6 year terms, during which they undergo performance evaluation at regular intervals. At the end of their terms, they can apply for a renewal. Mandate holders can be recruited externally (the two highest levels, N and N1 only) or from the pool of existing career civil servants (N, N1, N2, and N3). If a career civil servant’s mandate is not renewed and their performance was not unsatisfactory, they return to their previous position with a ‘reintegration allowance’ to cover the difference in salary.

There are both departmental and individual performance agreements, including key policy objectives and a time plan.

In regard to departmental agreements, 'It is reported that, in practice, management plans are rarely used after they have been written and adopted by the minister.' (Ketelaar et al. 2007, p. 30).

For the individual plans, the most senior civil servant (*Voorzitter*) must develop a plan within six months of appointment, and the plans for individuals in the grades below are based on that plan. Elements of the plan may include project sheets with performance indicators, what personnel will be necessary, and financial plans. Assessment of performance is carried out by the line manager and the manager's manager, and in the case of the most senior grade, the assessor is the minister supported by an external agency, though there have been difficulties in practice in motivating ministers to evaluate their most senior civil servants. There is no link between performance and pay; however, if the performance objectives are not achieved, the individual may be released from the mandated position.

Ketelaar et al (2007: 31) suggest that although there is no data to confirm this, it is thought that the introduction of performance arrangements, and in particular performance-based contracts, has somewhat decreased the loyalty of civil servants to the civil service as a whole. This was a particular concern in Wallonia, resulting in performance-based contracts being abolished in that region. By way of response to the perceived diminishing of public service loyalty, some senior director functions were due to be reintegrated into the career civil service instead of being subject to mandates (Ketelaar et al. 2007, p. 31).

In 2011, the Belgian Science Policy Office published the results of a study it commissioned titled 'The Mandate System in Federal Government in an International Perspective' (DeVisscher et al. 2011) which looked at the results of the changes. Part of the analysis considered change across a number of 'identity' variables, including personal and role identities. For personal identity, they identified very little change, taking into consideration age, gender and education. Role identity was expected to have changed considerably, with more value being placed on a mandate holder's role as a manager and leader, and less as a general bureaucrat. However, they discovered less evidence for this shift than expected, and scores for the bureaucrat identity remained high while managerial identity was mixed.

Externally recruited senior civil servants did have a different role identity than career senior civil servants, and saw themselves more as managers and leaders.

The study also looked at institutional relations between senior civil servants, ministers, and ministerial staff who are politically appointed. It was expected that the performance agreements would lead to a more horizontal working structure, but it was found that in fact allocation of tasks remained in a hierarchical structure. In addition, they ‘found no evidence of an increased accountability directly to parliament amongst the mandate group of Belgian senior civil servants. The principle of ministerial accountability is still practiced’ (DeVisscher et al. 2011, p.8). However, they indicate that transparency had increased due to the increased publication of management plans.

A final issue of relevance within the study concerns performance management, and a greater use of plans and output/outcome indicators, than on input and process indicators. However, to what extent performance measures are used depended on the initiative of the senior civil servants and the minister’s staff. Also, some concern arises about the objectivity in the mandate evaluation phase and the issuing of new mandates insofar as 82.5% of mandate holders received a grade of ‘very good’ in 2009. A ‘very good’ rating means that the mandate holder can have their mandate renewed automatically, rather than having to re-apply.

Netherlands

Senior civil servants in the Netherlands belong to the Algemene Bestuursdienst (ABD) which has an office to develop their competencies and coordinate their career development. Recruitment in the senior civil service is open to both internal and external candidates. Members of the top management group are appointed for contracts of 5-7 years, and then must find a new position. If after the completion of the contract no new position has been found, they can go on a waiting list for up to two years, after which they can be released from the civil service if a new position has not been found (Ketelaar et al. 2007, p. 44). Objectives and targets for agencies and departments are set out annually. However, Ketelaar et al report that ‘performance based arrangements for individuals tend to be flexible and informal, with soft links to termination, promotion and pay rewards’ (2007, p. 45). Individual performance is appraised annually.

Bourgault & Van Dorpe (2011) identify that one of the aims of the reforms was to decrease departmentalism by making senior civil servants more mobile.

There were some performance-related bonuses introduced, but this has been cut back since the financial crisis, and as in Belgium, there has been an increased emphasis on the delivery of results. There has also been some indication that shared political loyalty between ministers and senior civil servants has become more important under the new system. Steen & Van der Meer (2011) predicted that the introduction of the ABD system would make recruitment and selection procedures less prone to party political intervention, and make top civil servants less subject to general public criticism, but this did not fully materialise in practice.

While ministers all now have political assistants, the political role of the top civil servants has increased, and Steen & Van der Meer propose that while top civil servants never fully develop into political advisors, they risk losing their identity as neutral, professional managers' (2011, p.221). They also found that most senior civil servants are openly affiliated to a political party and in practice more secretaries general have the same affiliation as the minister they serve than was the case in the late 1980s.

Denmark

In the case of Denmark, Hansen and Salomonson (2011) identify that fixed term contracts for senior civil servants were possible since the 1970s but rare until the 1990s. Now almost all high ranking managers have individually negotiated fixed term contracts with performance related pay of between 1% and 10%. For permanent secretaries, changes in recruiting practices mean that only 21% were recruited from their own department in 2009, down from 80% in 1950. However, there are no recruitments from the private sector. Appointments are not formally politicised, but there is generally a political element when a top level manager is removed from office. Decisions concerning performance pay are not based on specific, 'objective' or transparent performance criteria, but rather based upon a general assessment of the relative workload of permanent secretaries over the past year.

France

In France, performance based arrangements have been in place since 2006, and are tied to 'Result Oriented Budgeting'. Senior civil service performance is assessed annually, and tied to performance related pay. Poor performance can result in removal from the position through

ending a secondment or non-renewal at the end of a term. Ferraz (2009) identifies that senior civil servants can be recruited internally or externally, and political affiliation is very important as politicians have the ability to dismiss nominated officials.

Rouban (2008) points out that historically, French senior civil servants have been more policy advisors than managers, and there remains a strong emphasis on traditional French civil service values than individual performance bonuses which can feed conflicts that undermine group solidarity and collective action.

Portugal

In Portugal, Corte-Reale (2008) identifies that reform to the performance appraisal system for senior civil servants began in 2004. Reform to the senior civil service recruitment mechanism primarily occurred following a law passed in 2005 which set three year terms for top managers, who are appointed politically (their terms end when a new government takes office). Management training became a requirement for those who accept management responsibilities. While flexibility and personnel management have improved due to these changes, political influence over the appointment of senior managers ‘creates mistrust and a lack of confidence in the public administration and a lack of credibility on the part of the reform process’ (Corte-Reale 2008, p.222).

Conclusion

The Association and its members are and always have been advocates of change where it is warranted and where there are demonstrable benefits accruing from such change in terms of efficiencies, effectiveness, and governance in the performance of their functions which further enhance and improve the level of service to the citizens of the state and the government of the day.

The considered responses of the Association to the questions posed by the Consultation Paper are detailed in the next section. These responses also serve to elaborate on the points above and should be read in full.

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APPENDIX 1

Responses to the questions posed by the Consultation Paper

Q1. What are the hallmarks of a system of effective civil service accountability? What would such a system look like?

The Civil Service plays a distinctive and vital role in Irish life, and has always sought to ensure its work is achieved to the highest standards of accountability expected by citizens, the Oireachtas and government. The Association believes that any new system of accountability should not undermine the bond of trust that links the civil service with the government and citizens. Rather it should be defined by clarity of roles and expectations, recognising that the work of the civil service and its relationship with the political system is complex, and should be developed on the basis of the civil service's desire to serve the public interest.

Q2. Do you think civil servants are sufficiently accountable?

The Association believes that civil servants are already held to account by a range of legislative provisions, conventions and forums, as identified in Table 1 of the consultation paper. Its members are also keenly aware of the high level of public accountability expected of them in the conduct of their duties and the use of public resources, and are keen that any new accountability provisions would be proportionate and not unduly add to the accountability requirements already in place.

Irish Presidencies of the Council of the EU are recognised as being one of the best in Europe. These achievements, as well as the successful management of the IMF-EU-ECB loan programme, demonstrate that the civil service can perform to exceptionally high standards. These were cross –system initiatives and involved all Departments working together to achieve important national objectives. From these examples, the Association wishes to emphasise that excellent performance is not solely related to accountability.

The Association believes that the characteristics leading to these achievements should be examined in order to distil the nature of excellence and what can be learned from these experiences for the future management of the Irish civil service, rather than assuming

improved accountability and imitation of reforms elsewhere will provide a substantial improvement on existing practice. The undoubted strengths of the system – and not just those referred to as the “traditional” strengths of the civil service - could be identified through such an examination and, more importantly, the factors which resulted in the successes identified. This type of research would greatly help the design of appropriate accountability systems.

If not, what are the main weaknesses in the system? To whom should civil servants be directly accountable and what form should this accountability take?

While recognising that there are a number of alternative routes for civil servants to be held to account (such as, for example, the Office of the Ombudsman), the Association is of the opinion that civil service accountability is most effectively pursued and given meaning by individual line managers, upwards to the Secretary General, and then to the relevant Minister and Cabinet.

Q3. To what extent do current arrangements for civil service accountability meet the following four principles of accountability?

☐ *clarity of accountability;*

The Association believes that the accountability arrangements for the civil service were much improved by the Public Service Management Act, 1997. Under this Act, Secretaries-General can delegate responsibility to certain designated officials. The Act also introduced Strategy Statements for Departments, Business Planning processes and individual role profile forms that have been very influential in modernising the work of the civil service. The Act continues to provide the basis for advancing a shared understanding of accountability arrangements between the civil service and elected government of the day.

☐ *sufficiency of control;*

The Association would like to see greater strengthening of the provisions for civil servants to raise concerns about any possible undue political interference in their work or to express their reservations about initiatives they feel are contrary to the public good. There is much scope for greater clarity concerning the role and accountability of Government advisors.

☐ *clarity of consequences;*

The Association’s members are keen that there be greater clarity surrounding the expectations on civil servants in the performance of their duties. Currently, there is no mechanism for

ensuring that civil servants are protected from undue blame being attributed to them. Equally, credit for high achievement is rarely given to officials.

□ *sufficiency of information?*

As above, the Association would support greater elaboration of the respective roles of Ministers and civil servants, though again recognising that both parties must operate closely and manage complex policy issues.

Q4. How could civil service accountability be strengthened? Could such mechanisms be expected to lead to a significant improvement in civil service performance or are there additional measures that would be more effective in achieving this goal?

While accountability is an integral element of the performance of the civil and public service, the Association is concerned that the two concepts are not conflated. There already exists a robust system of performance management in the Civil Service. As noted above, all civil servants are aware of their accountability expectations, and the Association is concerned that increasing the accountability burden by means of new rules or regulations will lead to a decline in motivation, performance and delivery of organizational objectives and quality services for citizens.

The type of measures traditionally envisaged as part of an accountability system include

- Taking a historical perspective
- Doing things right
- Comparing planned outcomes to actual
- Using hard data
- Thinking inside the box

By way of contrast, the type of measures used in systems focused on improving performance are conceptualised as including:

- A future perspective
- Doing the right things

- Experimentation and innovation
- Hard and soft data as required
- Thinking outside the box

Therefore, it is the type of measures used for accountability that will have an impact on performance. Using the wrong type of measures will lead to underperformance. As can be seen, there is a tension between measures to achieve accountability and measures to achieve effective performance as both promote different types of behaviour. The traditional accountability measures cited above promote conformity and maintenance of the status quo whereas the performance measures cited promote creativity, motivation and change.

Q5. What could be the likely impact, including the practical changes, in strengthening civil service accountability? What could be the impact on the civil service, Ministers, the overall political system, and on individual civil servants? Consideration could be given to any possible unintended consequences.

The Civil Service is comprised of very dedicated and highly skilled individuals who are committed to providing a high quality service to the public and advancing the state's interests. Civil servants currently operate in an exceptionally challenging environment of diminishing resources, radical change and reduced pay levels. The Association is therefore concerned that any reform of the accountability arrangements would not increase the burden on civil servants or de-motivate them. The international experiences outlined in Chapter 2, for example, identify that there are some negative consequences associated with over-contractualisation and greater political involvement in the appointment of Civil Servants.

Q6. What, if any, are the implications of the measures proposed in this Paper for traditional civil service values such as honesty, impartiality and integrity? Are there other measures that could usefully be taken to reinforce such values?

The Association believes that honesty, impartiality and integrity remain at the heart of the work of the Civil Service and any reform should not erode these values. The work of the Irish Civil Service should not be influenced by political allegiances or undue influence in order that advice presented to government is objective and presents true reflections of costs, evidence and options available. Trust between Civil Servants, the Government they serve and the

Oireachtas is critical for the effective working of Government and a healthy democracy. Ministers should be in a position to take decisions on the basis of the best impartial evidence available, and as full awareness as possible of the risks and benefits involved. The Association is concerned that a shift to shorter-term contractual employment in the Civil Service would undermine the medium to long-term perspective necessary for national policy-making, as well as the integrity of a career structure for civil servants committed to national service. Section 2 of this submission has elaborated on some of the international experiences in this domain that we would like to draw attention to.

Q7. What are the main advantages and the main disadvantages of the specific reform options set out in Section 11 of this Paper? What options merit further consideration and what options could be discounted? How would the different elements of the reform options be likely to influence each other?

Q8. What elements of the Public Service Management Act 1997 have been successful and what elements have not been?

The introduction of Strategy Statements, Business Planning procedures and individual role profiles and the clear relationship between the three has been a welcome and important development in modernising the work of the Civil Service.

Has this had an impact on the performance of Government Departments?

These developments have helped to clarify roles and responsibilities and the Association believes it has had a positive effect on enhancing performance. The introduction of Management Advisory Committees (MACs) in Departments has also led to better quality decision-making.

What are the practical steps that need to be taken to ensure the sound and effective implementation of legislative measures in place?

The Association believes that more can be done to give effect to the provisions of the 1997 Act in respect of the delegation of responsibilities within government departments, and that

fuller implementation of this element of the legislation would provide for greater clarity surrounding the allocation of accountability between Ministers and civil servants.

Q9. Would legislative change, in particular to the Ministers and Secretaries Act 1924 and the Public Service Management Act 1997, be an effective way to strengthen the accountability of civil servants?

Q10. What is the appropriate balance between the accountability of civil servants and the maintenance of the traditional doctrine of ministerial responsibility?

The Association believes that greater consideration could usefully be given to distinguishing between routine administrative tasks and decisions on the allocation of resources. An example of this would be Ministers having to regularly answer parliamentary questions concerning individual citizens. Such cases should be the responsibility of designated officials in the first instance. Ministers should also have a national policy focus at all times.

Q11. Has the assessment contained in the 2002 Report of the Working Group on the Accountability of Secretaries General and Accounting Officers stood the test of time? In what specific respects may the analysis, conclusions and recommendations in the report need to be updated?

It is the view of the Association that the independence of the office of Secretary General has been eroded over the years. The fixed-term nature of Secretary General contracts has resulted in greater politicisation of the role. In addition, the expertise of a Secretary General whose contract has expired is frequently lost to the system, and the Association would welcome a mechanism to allow Secretaries General to continue to make a contribution to the civil service after their term of office and before retirement. The experience of the Netherlands (above) is instructive in this regard.

Q12. Is there any scope for extending the accountability model for Accounting Officers to other aspects of the role of Secretaries General and also to other senior-level civil service personnel?

The Association believes that there is no reason why this could not be considered subject to discussions.

Q13. Are there factors specific to the Irish political and administrative context that need to be considered when addressing the issue of civil service accountability and performance?

As the consultation paper identifies, there continues to be problems concerning the allocation of accountability for failures in Irish public policy and the Association welcomes the efforts to provide for greater clarity on this issue. There are very few examples of political accountability being enforced where there have been major and avoidable policy failures in this country. However, given the vast range of tasks undertaken by the Civil Service, it is also essential that there is greater appreciation of the complexity of modern government and the reality that not all policies will succeed. In part, accountability means assuming responsibility for failure, but it also means quickly understanding and addressing such failure where it occurs, and providing remedial action. The international experiences outlined in Chapter 2 identify that there are no ‘silver bullets’ for successful reform in this regard.

Excellent performance has been found in research to be related to three things:

- Being clear about the purpose or goal to be achieved,
- Having the right skills and capability to perform the required tasks, and
- Having appropriate autonomy.

From this perspective, the consultation paper is helpful in that it promotes clarity of roles and greater emphasis on strengthening leadership capacities. It also suggests a greater role for the centre in leading and developing the Civil Service which the Association supports.

We would further suggest that any approach to civil service accountability that involves the use of external or independent third parties should be guided by the requirement to follow due process, apply fair procedures and have due regard to the need to avoid defamation and unjustified reputational damage to individuals. It is vitally important that any enquiries are conducted in a professional, fair and cohesive manner, that provide all parties a full opportunity to defend and explain their position in an environment that does not prejudice the outcome.

Q14. What are the main lessons to be learned from the international experience of civil service reform? What international reforms are believed to be most relevant to civil service reform in Ireland (evidence from non-Westminster models will be appropriate)? What elements of civil service reforms undertaken or envisaged in other jurisdictions are not believed to be appropriate to the civil service and Ireland?

As noted in Sections 1 and 2 of this paper, it is important to look beyond the traditional focus of the Westminster model of government, and this submission has sought to broaden the international context with a view to supporting effective reforms.

Q15. What are the lessons to be learned from the experience and practices of accountability and corporate governance in the private sector that could be examined and considered?

The sectors are necessarily different and should be treated as such. The private sector is guided primarily by a profit motive, whereas public service organisations and staff are motivated by a requirement to serve and advance the public good. While there are lessons to be learned from the private sector in terms of modernisation of work practices and new skills, equally the Association believes that there are distinctive characteristics and values within the public service that any reform should not undermine.

Q16. If delegating greater individual accountability to civil servants, does the delegation of greater authority also need to be considered?

Yes, the Association believes that greater accountability should involve the delegation of greater authority.

To what extent could this involve changes in the current allocation of decision making authority between ministers and civil servants and/or between individual departments and those departments exercising central controls?

As well as advocating for greater delegation of responsibility to civil servants, the Association is keen to ensure that there is distribution of authority and responsibility between central and

line government Departments, which respects the various roles each has to play in Irish government.

Q17. Should differentiated accountability arrangements apply depending on a civil servant's role e.g. providing advice to a Minister, execution of agreed policies and programmes etc.? If so, in what way?

The Association believes that this would not be a welcome development given the potential for greater confusion and duplication of roles.

Q18. What aspects of previous reform elements were successful and what were not? What lessons can be learnt from these reform experiences?

As noted above, the Association believes the introduction of Strategy Statements, Business Planning procedures, individual role profiles and the creation of Management Advisory Committees were all important developments. It is also clear from the consultation paper that there are other elements of the Public Service Management Act which were not followed through on.

Q19. Does the summary assessment of the legal / constitutional basis to the doctrine of ministerial responsibility presented in this Paper encompass all relevant considerations?

Q20. What organisational and operational reforms would be necessary – including additional supports to ministers and civil servants and safeguards - to ensure the effective implementation of the reform options set out in this Paper (see Section 11), if they were to be adopted?

The Association believes that there are two areas where the Civil Service could make a greater impact. The first concerns the absence of a recognised head of the civil service, while the second is a lack of sufficient focus on talent management and development policies to ensure that the necessary skills and competencies for effective leadership are identified, promoted and maintained.

The lack of a designated head of the Civil Service has meant that Secretaries General are not held to account for the lack of implementation of service wide initiatives. They are also not held to account for the leadership of their Departments. Some recent reforms in Canada (above) have yielded some success and might be worth exploring further. The second area relates to a clear focus on staff development – for example, a mandatory staff mobility system to ensure that future senior managers are equipped for leadership roles should also be examined further.

CIVIL SERVICE GENERAL COUNCIL STAFF PANEL

1. PUBLIC SERVICE PAY:

In late 2012, the Government invited the Public Services Committee of the ICTU to talks on an “addendum” to the Public Service Agreement 2010-2014. In doing so, the Government stated an intention to cut a further 1bn from the Public Service Pay Bill by the end of 2015, over and above the 3.3bn projected savings from the so-called “Croke Park Agreement”. This in effect, signalled the premature end of the agreement in 2013.

The Public Services Committee of ICTU entered into discussions with the Government and an agreement, the terms of which had been brokered by the Labour Relations Commission was put out to Ballot. A majority of the Unions represented on the Public Services Committee of the ICTU voted against the proposals and it was not possible to conclude an agreement.

For its part, the Government, decided on a twin strategy to solve the impasse. They decided to introduce legislation that gave them extensive powers to reduce the pay and pensions bill. On the other hand whilst legislation was being prepared, the Labour Relations Commission was asked to contact all Unions in the Public Service to see if there was a prospect of an agreement with individual Unions. As an incentive they stated that the new legislation would not be applied to those Unions who made an agreement.

The Financial Emergency Measures in the Public Interest Act 2013 (FEMPI) provides as follows:

- Permanent reductions in the pay of those earning above €65,000.
- Reduction in certain public service pensions.
- Suspension of incremental progression for three years for public servants not covered by a collective agreement.
- A continued prohibition on pay increases.
- Extensions of existing Ministerial powers to set the terms and conditions of Public servants so as to reduce pay or increase the working time of those public servants not covered by collective agreement.

A second round of negotiations on a bi-lateral basis, took place between the employer and individual Unions, with the assistance of the Labour Relations Commission. In many respects, the outcome was similar to that of the first set of negotiation in respect of the major, central issues. However, some modifications were secured. The end result of these negotiations was the “Public Service Stability Agreement 2013-2016, or as it’s known the “Haddington Road Agreement”

All Unions, with one exception voted in favour of the agreement as an alternative to the application of the FEMPI legislation to their members.

A national Oversight Body was established at national level to deal with issues of contention between the parties to the agreement. The Public Services Committee of the ICTU nominated the following as its representatives on the Body. Shay Cody IMPACT, Tom Geraghty PSEU, Sheila Nunan INTO and Patricia King SIPTU.

In the case of the Civil Service a “clearing house” of the Civil Service General Council was established, through which issues arising from the agreement can be processed and resolved.

1.1 Redeployment.

The Public Service Agreements 2010-16 (Croke Park and Haddington Road Agreements) provide for agreed redeployment arrangements to apply in the Civil Service and in other parts of the Public Service. Under the Haddington Road Agreement (HRA), the parties involved reaffirmed the commitments given in paragraphs 1.5-1.12 of the CPA. To enhance management flexibility and optimise the redeployment arrangements, changes were introduced for the Civil Service and NCSSBs and for cross-Sectoral redeployment. These affect how staff are identified for redeployment and strengthen the systems in place to match surplus staff with vacancies on a geographic basis within the guideline distance of 45km. In addition an appeals process was agreed that provides that where a staff member wishes to appeal a redeployment assignment, whether cross-Sectoral or within the Civil Service, such an appeal will be considered by an agreed adjudicator who will issue a decision within the terms of the scheme within 21 days and whose decision will be binding on all parties and will be final.

The Redeployment Toolkit can be accessed at <http://hr.per.gov.ie/redeployment/>

As of 31st October 2013 the total number on the PAS Resource Panel stood at 349 broken down as follows.

- Civil Service 124
- NCSSB 140
- Education 46
- Local Authority 39

The Number of Redeployed Staff recorded by PAS was 703 broken down as follows:

Redeployed From	Redeployed To	Total Number
Civil Service	Civil Service	478
Civil Service	NCSSBs	17
Civil Service	Health Sector	23
Civil Service	Local Government	2
NCSSB	Civil Service	107
NCSSB	NCSSB	43
NCSSB	Local Government	7
Local Government	NCSSB	1
Education	Civil Service	1
Education	Education	7
Health	Civil Service	8
Local Government	Civil Service	3
Local Government	Local Government	6

2. PERFORMANCE MANAGEMENT SYSTEM

PMDS

In accordance with the Memorandum of Agreement in 2012 in relation to changes to the PMDS system for 2013 discussions took place during the year on the “calibration” and review process. In relation to the calibration process as a first step, this was to be done on a pilot basis for the 2013 cycle of PMDS. Under this arrangement, Assistant –Secretaries were to calibrate the evaluations of Principals and equivalent grade levels and Principals were to calibrate evaluations of Assistant Principals and equivalent grade levels.

Towards the end of 2013 the Official Side sought to fundamentally alter the manner in which the agreed calibration process would operate. Discussions failed to resolve the issues and Staff Side concerns particularly that the indicative descriptors for ratings distribution had the potential to transform themselves into a “forced distribution” of ratings. The Official Side issued guidelines without agreement.

PMDS now provides for independent review of evaluations of performance by an external reviewer. The Official Side proposed expanding Stage 2 of the Grievance Procedure – referral to the Mediator – as meeting the requirement to put in place an independent review of PMDS and the most cost effective way of completing external review by an independent external party. They have confirmed that if the workload on PMDS External Reviews becomes too onerous for one person they will set up a panel of Mediators and the Staff Panel will be requested for nominees for this in the usual way.

They proposed two options on the categories of

Evaluation of Performance for which External Review by the Mediation Officer would be available.

Option 1: Only an evaluation of Performance below “Fully Achieved Expectations” to be subject to External Review.

Option 2: All categories of Evaluations of Performance to be subject to External Review.

Option 2 would require the jobholder who applies for External review to pay, in advance, for the cost of the External Review. If, as a result of the External Review, the Jobholder’s evaluation is changed, the Department concerned would refund the cost to the Jobholder.

The Staff Side position is that it agrees to an appeal process, the process should not be limited to any category and should not be subject to a charge.

At time of writing this issue has not been resolved.

3. CROSS STREAM PROMOTION

The Commission for Public Service Appointments (CPSA) in July 2011 produced a report to the Minister for Public Expenditure and Reform on Eligibility Criteria for Promotion of Staff in Civil Service.

This report stated that all eligibility barriers deemed to be unnecessary for the performance of the relevant job, that exists to prevent promotions across administrative and professional/technical streams be removed.

During 2012 a Sub-Committee of General Council was established and met on a number of occasions.

The Official Side in July 2012, in a paper presented to the General Council, put the following position:

The rationale underpinning the CPSA recommendation is to remove restrictive eligibility criteria for those wishing to compete for civil service posts and to widen the pool of expertise and talent for promotion positions. The proposal should seek to meet this objective in a way that is feasible and effective within the broad architecture of the current promotions system. In this context the intention is to maintain the practice of banding (eligibility based on prescribed salary bands) but to include Professional and Technical grades within the bands. This will satisfy the CPSA requirements in removing barriers to eligibility and expand the pool of expertise for promotion competitions in a way that does not impose an undue administrative burden on the system.

To avoid unnecessary complexity in the operation of promotion competitions the approach will be to identify existing salary bands and to include all grades including the Professional and Technical equivalents in the pool of eligible staff within those bands. In general, access will be based on equivalence across grades e.g. access to PO level competitions will be based on Engineer/Accountant Grade 1 and access to AP will be based on

Engineer/Accountant Grade II. Those who have the requisite skills, competencies and experience and, where specified, the essential qualifications for the position will be eligible to compete for selection.

The matter was considered by the Civil Service Group of Unions. Both IMPACT & CPSU took the view that all posts should be open to all grades irrespective of salary level. PSEU & AHCPS opposed this view. Ultimately, the Group of Unions agreed to put the following position to the Official Side:

The Civil Service General Council Staff Panel does not believe that salary banding is sustainable in the long term. However, for a period of one year, up to 10th October 2013, the Panel is agreeable to having posts filled on that basis. In the meantime, the General Council Sub-Committee should continue its work and the transitional period can be used to deal with issues such as the reciprocal arrangements for access to some professional and technical posts.

Further discussions on the issue took place during 2013. In June 2013 the Staff side made a submission seeking Adjudication/Arbitration on the issue. In November 2013 the Official Side responded by letter regretting delay in responding to the submission which reflected the requirement to give careful consideration to this important issue and also to seek to ensure that it could be resolved without recourse to adjudication.

They acknowledged the constructive and positive approach of the Staff Side at the Sub-Committee and the manner in which it contributed to significant progress on the substantive issue of cross stream access to promotions.

They confirmed in the letter that they (Official Side) were no longer proposing to implement the CPSA recommendation on the basis of defined salary banding. Their view was that implementation could be achieved through appropriate job descriptions, which set out the purpose and deliverables of relevant positions and the experience, knowledge and skills required for a candidate to be deemed suitable for consideration for appointment to a position. The objective would be to ensure that the pool of suitable qualified candidates competing for promotion roles should not be restricted on the basis of their current salary band or stream.

General Council Agreed Report 1526 was drawn up recording agreement. A circular together with the agreed report was issued to Heads of HR/Personnel Officers in all Departments/Offices on 14th January 2014

Shared Services

The Public Service Reform Plan published in November 2011 contained a range of ambitious actions relating to shared services. The establishment of a **Shared Service for HR and Pensions** (HRSSC) in the Civil Service was prioritised and its development is being led by the Department of Public Expenditure and Reform.

Office premises were secured in Clonskeagh, Dublin 4 and applications were sought from Officers serving in a range of grades from CO to APO level who wished to transfer to roles at the same grade on a permanent basis to what is now known as **PeoplePoint**.

The Management Board of the HRSSC also agreed a schedule under which Departments / Offices would transition (move) their HR transactional services to the HR Shared Service Centre.

The Departments / Offices identified for each tranche are as follows:

1st Tranche (September to March 2013)

Completed

- Department of Agriculture, Food & the Marine
- Department of Finance
- Department of Justice & Equality
- Department of Public Expenditure & Reform
- Central Statistics Office
- An Garda Síochána Ombudsman Commission

2nd Tranche (March to August 2013)

Completed

- Office of the Revenue Commissioners
- Property Registration Authority
- Department of Health
- Department of Children & Youth Affairs
- Department of Transport, Tourism & Sport
- Office of the Attorney General
- Office of the Ombudsman

3rd Tranche (August 2013 to January 2014)

- Department of Social Protection
- National Council for Special Education
- State Examinations Commission
- National Education Welfare Board
- Office of Public Works
- Road Safety Authority
- Department of Education & Skills

4th Tranche (January to May 2014)

- Garda Civilians
- Department of the Environment, Community & Local Government
- Department of Arts, Heritage & the Gaeltacht
- Houses of the Oireachtas
- Department of Communications, Energy & Natural Resources
- Office of the Director of Public Prosecutions
- Office of the Chief State Solicitor
- Legal Aid Board
- Courts Service

5th Tranche (May to September 2014)

- Office of the Comptroller & Auditor General
- President's Establishment
- Public Appointments Service
- National Library of Ireland
- National Museum of Ireland
- Department of Jobs, Enterprise & Innovation
- State Laboratory
- Valuation Office
- Department of Foreign Affairs & Trade
- Department of Defence
- Department of an Taoiseach

PeoplePoint are continuing to try to recruit from the Civil and Public service but the numbers are small. Additional TCO's will be required to service Tranche 3 and a request went to pass for these resources. The PeoplePoint Operation continues to establish itself and is delivering services to T1 and T2 Departments/Offices.

From Information received at time of writing.

Payroll Shared Service:

The Migration Plan was announced at the end of September 2013

Migration Rollout Plan

*PAYROLLS (Including Pension Payments and T&S) Timeframe

WAVE 1

Dept. of Justice & Equality – Garda

Timeframe: November 2013 – December 2013

Dept. of Justice & Equality – Prison Officers

Timeframe: November 2013– December 2013

WAVE 2

Dept. of Defence - Soldiers, Officers and Army Reserves*

Timeframe: January 2014 – March 2015

Dept. of Finance - Civil Service, includes:

- Department of Finance
- Department of Communications, Energy and Natural Resources
- Department of Public Expenditure and Reform
- Department of Transport, Tourism and Sport
- Chief State Solicitor's Office
- Director of Public Prosecutions
- Office of the Attorney General
- Courts Service (Office Holders)
- Law Reform Commission
- Public Appointments Service
- President & President's Establishment
- State Laboratory
- Office of the Ombudsman (incl. CPSA)
- National Council for Special Education
- Commission for Public Service

Timeframe: January 2014 – May 2014

Legal Aid Board

Timeframe: January 2014 – May 2014

WAVE 3

Dept. of Justice & Equality – Civil Service, includes:

- Department of Justice and Equality
- Department of the Taoiseach
- Department of Arts, Heritage and Gaeltacht
- Courts Service
- Property Registration Authority
- National Museum of Ireland
- National Library of Ireland
- An Garda Síochána Ombudsman Commission

Timeframe: June 2014 – October 2014

Dept. of Defence – Civil Service and Civilian

Timeframe: June 2014 – October 2014

Dept. of Education, includes

- Department of Education and Skills
- State Exams Commission

Timeframe: June 2014 – October 2014

WAVE 4

Oireachtas - Pension Payments

Timeframe: November 2014 – March 2015

Dept. of Finance – Pension Payments

Timeframe: November 2014 – March 2015

Dept. of Agriculture, Food and Marine – Pension Payments

Timeframe: November 2014 – March 2015

Dept. of Justice & Equality – Pension Payments

Timeframe: November 2014 – March 2015

Dept. of Defence – Pension Payments

Timeframe: November 2014 – March 2015

WAVE 5**

CSO

Timeframe: April 2015 – June 2015

Revenue Commissioners, includes:

- Office of the Revenue Commissioners
- Office of the Appeals Commissioners

Timeframe: April 2015 – June 2015

Dept. of Agriculture, Food and Marine

Timeframe: April 2015 – June 2015

WAVE 6**

Dept. of Health, includes:

- Department of Health
- Department of Children and Youth Affairs

Timeframe: July 2015 – September 2015

Dept. of the Environment, Community and Local Government

Timeframe: July 2015 – September 2015

Office of the Comptroller and Auditor General

Timeframe: July 2015 – September 2015

Dept. of Jobs, Enterprise and Innovation, includes:

- Department of Jobs, Enterprise and Innovation,
- Employment Appeals Tribunal
- Labour Relations Commission
- Competition Authority
- National Consumer Agency
- Irish Auditing and Accounting Supervisory Authority

Timeframe: July 2015 – September 2015

Office of Public Works

Timeframe: July 2015 – September 2015

Dept. of Foreign Affairs and Trade

Timeframe: July 2015 – September 2015

WAVE 7**

Oireachtas

Timeframe: October 2015 – December 2015

Valuation Office

Timeframe: October 2015 – December 2015

Dept. of Social Protection, includes:

- Department of Social Protection
- Pensions Ombudsman

Timeframe: October 2015 – December 2015

***It is anticipated that the transition of the Department of Defence Officers, Soldiers and Army Reserves Payrolls will transition over three waves to allow for process alignment, process improvement and data migration. The completion of this transition may be achieved by an earlier date and will be reviewed in collaboration with the Department of Defence.**

****Waves 5, 6 and 7 are indicative timeframes and may be moved to an earlier date, in consultation with the relevant Department/PSB.**

Progress since the Migration Plan was announced at end September 2013

- On-going meetings with local management re the PSSC Implementation Plan
- Payroll Process Design Workshops have been completed in a number of existing Civil Service Payroll Centres and the “as-is” processes have been documented. These working sessions took place during September and early October. This work builds on work undertaken at an earlier part of the project when all Payroll Centres were visited and processes were documented.
- Meetings have taken place with local management in the three centres, in conjunction with the OPW, in regard to the PSSC accommodation facilities.

Recent Developments

- Continued work, in conjunction with the SME Group and the Design Authority, on the “to-be” payroll process.
- Migration of Garda and Prison Officer Payrolls to the PSSC by the end of Q4, 2013 and staff in D/Justice have been informed.
- On-going communications with staff in regard to progress during the Process Design phase

- A Head of the Payroll Shared Services Centre is expected to be appointed shortly.

Financial Management Shared Services Project

- A feasibility study has been completed and approved by the Programme Board and is under review by the Department of Public Expenditure and Reform. The study assessed the feasible financial management service delivery model options, including shared services, quantified both quantitative and qualitative costs and benefits, and the risks associated with each option, and recommended the most appropriate way forward.

Learning & Development

- All baseline data is now collated and cleaned (100% return).
- The tender process for consultancy is complete. A preferred supplier has been chosen and has commenced work.
- It is envisaged that the Baseline Report and Feasibility Study will take 8 weeks to complete.

From Information received at time of writing.

5. EQUAL OPPORTUNITIES

There was one ordinary meeting of the General Council Equality Sub – Committee on Equality issues during 2013. There were two other meetings which dealt solely with the Bullying and Harassment Policy Review. The Official Side had set out an indicative timetable in October in 2012 to deal with this review as outlined in the chart below.

Stage	Description	End Date (indicative)
1	Identify costs for providing bullying and harassment investigative services in the civil service	April 2013
2	Identify options for a model of delivery for bullying and harassment services. Options may include departments continuing to deliver their own services, centralised investigative resource, etc	June 2013
3	Improve bullying and harassment policy/procedures. While considerable work has already been done on this, amendments may be required in light of findings from stage 1 and 2	August 2013

Workshops were held during the year involving DPER/Management, DPER /Unions and a progress report was given at a meeting in December 2013. A Draft Process Map was produced before and discussed during the meeting at which the Staff Side views were taken on board. At time of writing it was the intention to have the review completed early in 2014.

5.1 Crèches

The Interim Board of the Civil Service Childcare Agency met on several occasions during the year. The function of the Board is to oversee and consider issues affecting the operation of Crèche facilities for staff in the Civil Service.

Crèches are based at Mahon, Cork. Mount Street, Dublin. Marlborough St, Dublin. Backweston, Athlone, Sligo and Ennis.

During 2012, a Focussed Policy Assessment of the Civil Service Childcare Initiative was carried out by the Department of Public Expenditure and Reform's Central Evaluation Unit (CEEU) where it was recommended that the State should end its involvement in the Civil Service Crèches in a structured and planned way.

The Minister for Public Expenditure and Reform, Mr. Brendan Howlin T.D. accepted the recommendations and decided that the State would no longer subsidise or have any management role in the initiative.

Crèche operators were informed and given the option to continue operating in the existing properties under new licence arrangements. All operators expressed an interest and the OPW engaged with them on the details of the new licences. The Board and the OPW were also active in ensuring that the operators informed parents of the new arrangements.

The Interim Board will, for a period of time, continue to monitor the transition and report back to the Staff Side.

5.2 Disabilities

The Disability Sub-Committee of General Council had one meeting during 2013 and discussed the following items: Visually Impaired Telephonists, redeployment issues for Staff, role of Disability Liaison Officers, access to and around Government Buildings and the potential impact of the new Sick Leave regulations.

6. HEALTH AND SAFETY

There were no meetings of the Sub-Committee during 2013.

7. TRAVEL AND SUBSISTENCE SUB-COMMITTEE

There were no developments on Travel and Subsistence during 2013

8. GRIEVANCE PROCEDURE

No progress was made during the year on a revised Grievance Procedure.

9. CIVIL SERVICE EMPLOYEE ASSISTANCE SERVICE. (CSEAS)

The Civil Service Employee Assistance Service (CSEAS) was fully restructured during 2012 as a shared service, under central management within the Department of Public Expenditure and Reform.

Employee Assistance Officers (EAO'S) are located in Dublin (Head Office), Tullamore, Cork, Limerick, Castlebar and Sligo, providing a shared service to all government Departments/Offices. They provide a wide range of confidential supports to staff and management designed to assist employees in managing work and/or life difficulties.

The CSEAS also has a role to play in policies such as A Positive Working Environment, Managing Underperformance and Guide to Alcohol and Drugs Misuse in the Workplace.

The Advisory Committee of the CSEAS met on a quarterly basis during the year. The function of the Committee is to advise on and approve the overall strategy for CSEAS policy development and to review and advise on the operation and effectiveness of the CSEAS. Membership of the Committee comprises of:

- A Chairperson from DPER.
- Chief Medical Officer for the Civil Service.
- 3 Principal Officers, or other appropriate level, nominated on the basis of their experience in the subject area relevant to the functions of the Advisory Committee.
- Secretary (or alternate), Civil Service General Council Staff Panel.

Website: www.cseas.per.gov.ie

10. ARBITRATION BOARD/ADJUDICATOR

10.1 Arbitration Board

The members of the Arbitration Board who were appointed to 30th June 2014 were:

Mr. John Doherty Chairperson, Mr. Gerard Barry, Government nominee, and Mr. Tom Wall Staff Side nominee.

10.2 Adjudicator /Mediator.

Mr. Kieran McGovern resigned as Adjudicator during 2013 and the Staff Side agreed to the appointment of Mr. Joe McDermott as Adjudicator from June 2013 to June 2014.

11. CIVIL SERVICE DISCIPLINARY CODE APPEALS BOARD

Ms. Inge Clissman SC was re-appointed as Chairperson of the Civil Service Disciplinary Appeals Board for 2013/2014

The position of Deputy Chairperson is currently vacant.

The following are the Staff Side nominees to the Board

Mr. Des Fagan. CPSU

Mr. Kevin Gaughran. CPSU

Mr. Derek Mullen. CPSU

Ms Theresa Dwyer. CPSU

Ms. Phyllis Behan. PSEU

Mr. Billy Hannigan. PSEU

Mr. George Maybury. PSEU

Mr. Paul Caffrey. PSEU

Mr. Eugene Quinn. PSEU

Mr. John Kelleher. AHCPS

Mr. Ciaran Rohan. AHCPS

Mr. Tom Hoare. IMPACT

Ms. Christine Cully. IMPACT

The Official Side Nominees are:

Ms. Kathleen Redmond. Revenue.

Ms. Patricia Murphy. Department of Social Protection.

Mr. Dave Hanley. Department of Communication, Energy and Natural Resources.

Ms. Lynda Hendly. Revenue.

Mr. Pdraig McMahon. AG's Office.

Mr. Martin Bourke. OPW.

Ms. Ann McDonnell. Education & Skills.

Ms. Patricia Coleman. Department of Finance.

12. STAFF PANEL/GENERAL COUNCIL

12.1 Staff Panel

During the year there were 11 ordinary meetings of the General Council Staff Panel.

Claims Lodged at General Council during 2013

- That DPER reactivate the process of Establishment for existing FGE Grades and put in place a system of regular establishment for these grades.
- That Civil Servants with 30 years' service be given the opportunity to work full-time while receiving full credit for pension purposes up to retirement age.
- That Civil Servants be granted full Civil Rights.
- Claim for a payment of a Chairman and Delegate's Allowance to include those working on and during the Irish Presidency.

- Claim seeking that Saturdays, Sundays and Public Holidays be excluded from the counting of days for sick leave and pay purposes.
- Claim seeking a facility whereby staff can donate leave to a colleague in need, who faces force majeure circumstances or who has been unfortunate to have suffered long term illness. Such leave could be donated in daily or hourly contributions depending on the nature of the leave being contributed.
- Claim seeking a review of the selection process for the recruitment of Temporary Clerical Officers having regard to the arrangements set out and agreed for recruitment through PAS and also what appears to be a growing trend of using TCO's outside of the normal course arrangements which apply in relation to cover for family friendly schemes, sick leave or maternity leave. As part of the review to also examine the recruitment trends in general, with specific regard to students and those on job seeker benefit / allowance, to ensure that there is proportionately in employment taking account of the importance of such recruitment in income and work experience terms for those in such categories.
- Claim that staff represented by the PSEU in State Agencies be granted access to all transfers and promotions in their parent Departments.

12.2 Move from Conciliation and Arbitration Scheme to using State Agencies

There was no movement on this issue in 2013

12.3 General Council

During the year 9 meetings of General Council took place.

There were two General Council Agreed Reports in 2013.

General Council Agreed Report 1525

(Meetings 26 June, 25 September and 30 October 2013)

Claim that Civil Servants with 30 years' service be given the opportunity to work half-time while receiving full credit for pension purposes up to retirement age

1. The claim was lodged by the Staff Side (PSEU) at the General Council meeting of 26 June 2013, having been raised at the PSEU conference.
2. The Staff Side's position was that there could be significant interest in the proposal and significant short-term savings.
3. The Official Side's response was that as a cost-increasing measure, involving added years, it went against long-standing pension policy. There could be claims from work-sharers to avail of any measure.

There could also be difficulties in relation to (i) ill health retirements if on such a scheme, (ii) staff seeking to increase hours for financial reasons, (iii) staff not retiring on reaching age 60, (iv) staff recruited between 2004 and 2012 (without a retirement age) continuing on the scheme for years.

4. On these grounds, the Official Side could not concede the claim at present. It was possible in very limited circumstances there might be a case for considering a scheme incorporating elements of such a proposal for particular organisations to a very limited extent. Before consideration in such a situation, the Staff Side would need to address the Official Side concerns.
5. The Staff Side asked that a report recording the discussion be prepared.
6. The report recording the discussion was adopted on 30 October 2013.

Simon McGrath
Official Side Secretary

Gerry Malone
Staff Side Secretary

General Council Agreed Report 1526

General Council Report 1526

(Meetings of 25 April 2012, 26 June 2013, 30 October 2013 and 27 November, 2013)

Item: The Official Side raised the issue of arrangements to be put in place to address the implications for promotion competitions of the Report of the Commission for Public Service Appointments (CPSA) on Eligibility Criteria for Promotion of Staff in the Civil Service.

1. This item was first raised at the General Council meeting of 25th April 2012.
2. It was agreed that a sub-committee of General Council would be convened to consider the matter. The sub-committee met on 3 occasions.
3. The CPSA report recommended that in establishing eligibility criteria for promotion to positions in the Civil Service, the Minister for Public Expenditure and Reform should remove any criteria that may prevent civil servants with the requisite skills, experience and attributes from applying for promotion positions. The Official Side is to implement the recommendations in future promotion competitions by the use of appropriate job descriptions that set out the purpose and deliverables of relevant positions or grades and the experience, knowledge and skills required for a candidate to be deemed suitable for consideration for appointment to the position or grade. This approach will ensure that the pool of suitably qualified candidates competing for promotion roles will not be restricted on the basis of their current salary band or stream.

4. The Official Side asked that a report recording agreement be drawn up.
5. This report, recording agreement, was adopted on 27 November, 2013.

Simon McGrath
Official Side Secretary

Gerry Malone
Staff Side Secretary

Circulars issued by Department of Finance / Public Expenditure and Reform in 2013

No	Title / Content
08/2013	Staff Exchange Scheme between the Civil Service and the Private Sector.
04/2013	Career Break Scheme in the Civil Service (revised arrangements)
08/2013	Revision of pay of Civil Servants (FEMPI Act 2013)
11/2013	Revision of Working Hours and Flexible Working Arrangements in the Civil Service.
14/2013	Confined competition for appointment to the post of Maritime Affairs Attaché based in the Permanent Representation, Brussels.

Letters to Personnel Officers

Date issued	Title / Content
20th March 2013	Parental Leave in the Civil Service – New Provisions.

Circulars / Letters available at: <http://circulars.gov.ie>

13. THIRD WORLD FUND

The Fund's Committee of Management met quarterly during the year. The Committee presented its Annual Report at the September Staff Panel meeting which was adopted. The website for the fund can be viewed at www.cstwf.ie

14. CIVIL SERVICE CHARITIES FUND

The Civil Service Charities Fund was established in 1991 to support voluntary organisations operating within communities or providing services to disadvantaged groups within society, such as people with disabilities.

Members of the Fund donate 0.1% of salary i.e. 10 cent per 100 of salary, the donation of which is facilitated by a deduction at source.

The Management Committee of the Fund met four times during the year to consider applications for grants submitted under strict application criteria. The following applications for grants were considered, approved and paid in 2013

Applicant	Amount
Camara Ireland	€10,531.00
Cork Simon Community	€23,655.00
Irish Men's Sheds Association	€11,050.00
Down Syndrome Ireland	€7,740.60
Ms Limerick	€30,000.00
C3,690.00LAPAI	€26,000.00
Irish Wheelchair Association	€7,000.00
Epilepsy Ireland	€3,690.00
Daisyhouse Housing Association	€5,000.00
Console Suicide Prevention	€11,700.00
St. John of God	€10,000.00
Recovery Haven	€6,890.00
Sosad Ireland	€8,600.00
RehabCare Bray	€2,999.00
The Cari Foundation	€7,000.00
Total	€171,855.60

The website can be accessed at:
www.civilservicecharitiesfund.ie

Conclusion

I would like to thank the Chairperson Mr. Stephen Delaney POA for his assistance and co – operation during the last year. I would also like to thank the Vice-Chairperson Ms. Joan Byrne CPSU.

To the General Secretary, Officers and Staff of the PSEU, in whose premises the Panel Office is located, thank you for your assistance, courtesy and welcome advice during the year.

I would like to thank the Official Side Secretaries, Simon McGrath and Liam Gleeson for their assistance and co-operation during 2013 I would also like to thank all our colleagues in the Departments of Finance and Public Expenditure and Reform for their contributions throughout the year.

Gerry Malone,
Secretary.
January 2014

IRISH CONGRESS OF TRADE UNIONS ANNUAL REPORT OF THE PUBLIC SERVICES COMMITTEE

1. MINUTES

The minutes of the 2012 Annual General Meeting are enclosed at **Appendix 1**

2. ACCOUNTS

The PSC has two accounts. The balances are as follows :

Current: €62.13

Savings: €8,718.51

There is an outstanding bill for €23,370 from Mazars for work carried out in the Public Service pay talks. All Unions have been written to with a request for payment of an amount proportionate to their representation on the Committee.

3. OFFICERS

The following served as officers of the committee :

Chair: Shay Cody (IMPACT)

Vice-Chair: Sheila Nunan (INTO)
Gene Mealy (SIPTU)

Secretary: Tom Geraghty (PSEU).

4. PUBLIC SERVICE AGREEMENT 2010 – 2014

The following served as nominees of the committee on the Implementation Body for the Public Service Agreement 2010 – 2014 :

Shay Cody (Chair)
Sheila Nunan (Vice-Chair)
Patricia King (SIPTU)
Tom Geraghty (PSEU).

5. PAY AND RELATED MATTERS

The Implementation Body for the Public Service Agreement 2010 – 2014 produced its second progress report in June 2012. This showed that staff numbers had reduced by 28,000 (8.8%) since 2008 and that the Government's target of a total of 38,000 reductions, from 320,000 to 282,000 by 2015 was well 'on track'. The report showed that the Exchequer pay bill had reduced from €17.5bn (gross) to €14.4bn (net of Pension Related Reduction) between 2009 and 2012 – (a reduction of 17.7%). As a result, the reductions in the cost of the pay bill were projected to be €3.8bn gross, (€3.3bn net of expected increases in public service pension costs). In the year under review, pay savings of €650m were achieved and non-pay savings of 370 were reported.

Subsequently, in November 2012, the Government indicated to the PSC that it wished to engage in order to establish if there could be an agreed basis for its wish to obtain a further €300m in cuts in the Public Service pay bill in 2013 and a total of €1bn in additional cuts by the end of 2015. The PSC accepted the invitation to talks, which began with an initial engagement in the last week of November. Full engagement began in January 2013.

The Government position, from the outset, was that the scale of additional savings being sought was not up for discussion but, rather, the issue for them was if it could secure agreement on the measures that they believed to be required in order to achieve these outcomes. They grouped their proposals under three headings :

- Productivity and Efficiency measures
- Workforce Reform
- Further Pay and Pension Measures

The discussions under the auspices of the Labour Relations Commission, (LRC), continued through January and February and intensified on the week-end of 23/24 February 2013, culminating in a set of proposals from the LRC issued on Monday 25 February 2013 after a lengthy week-end of negotiations.

It would be impossible to summarise in a report such as this the full range of detailed measures, which differed from sector to sector and from group to group. In such circumstances, it is hardly surprising that there should have been such a diverse range of reactions to the outcome.

The date for a decision by the PSC on the outcome was fixed for 17 April 2013. Between 25 February and 17 April each union conducted its own internal decision making process in respect of the proposals.

A number of unions indicated in advance of this meeting that they would not be bound by the outcome, in the event that a majority of votes at the PSC meeting were to be cast in favour of the proposals.

By the time the PSC meeting took place on 17 April, 2013, it was evident from the outcome of individual ballots that if there was to be a card vote, there was a clear majority against the proposals. The meeting, therefore, noted the outcome and agreed to take time to reflect on the situation.

Subsequently, the Government asked the LRC to make contact with the unions to deliver a message

setting out Government's intentions and to offer to see if unions could be brought to a position whereby they could reach an agreement with their employer. At the time of writing, this process is ongoing.

6. PENSIONS

The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 became law on 28 July 2012. The Act provides for a *Single Public Service Pension Scheme* (the "Single Scheme") for new public servants. It also makes certain other changes affecting existing public service pension arrangements.

The start date of the Single Scheme was set as 1st January 2013. New recruits to the public service on or after that date joined the new scheme, while already-serving staff and those who return without breaking the specified conditions remain in their existing schemes. A general outline guide was prepared. Transfer/purchase tables are to be prepared.

The Act also imposed a 40-year limit on the total service which can be counted towards pension where a person has been a member of more than one existing public service pension scheme; such a limit already applies to service in any one scheme. This extended 40-year limit came into effect on 28 July 2012, though persons exceeding the limit on that date will not lose any service accrued up to that point.

The Act also enables the extension of pension abatement so that a retiree's public service pension is liable to abatement on re-entering public service employment, even where the new employment is in a different area of the public service.

The PSPR reduced certain public service pensions by reference to a set of money bands and rates. It was imposed separately on each public service pension, but the Act provided for it to be imposed on the aggregated value of all public service pensions held by a person who has more than one such pension.

The Act also allows the Minister to apply CPI indexation to Public Service Pensions. This provision has not been enacted and the Public Service Agreement commits the Government not to change the current arrangements during the period of the Agreement.

7. SICK LEAVE

In 2012 the Official Side indicated a wish to revise sick leave arrangements for Public Servants into a new single scheme. There was a series of engagements in the Labour Relations Commission regarding these proposals. The issue was then referred to the Labour Court and a finding issued from the Labour Court which, under the terms of the

Public Service Agreement 2010 – 2014 was binding.

The PSC disputed the need for any disimprovements in the arrangements.

Specifically, the Official Side proposed a reduction of self-certified sick leave from 7 to 3 days max. in a 12 months' rolling period and a reduction in certified sick leave on full pay for most Public Servants from 6 months to 3 months, to be followed by a further 3 months on half-pay. In the LRC process, some progress was made in that the Official Side indicated a willingness to increase these limits in cases of 'critical illness' but not to existing limits and only in the case of a 'single instance' during a career. These issues plus the question of transition arrangements and a 'floor' below which nobody would go while on Rehabilitation Pay were referred to the Labour Court for determination.

The Court recommended the following :

- A maximum of seven days self-certified leave on a two-year rolling period
- Critical illness cover of six months at full pay and six months at half-pay with a total maximum period of payment, including rehabilitation pay, remaining at two years. This would not be confined to one instance but there should be discussion on criteria
- Minimum payments should not go below social protection rates
- In order to deal with transitional difficulties, the new self-certified arrangements would take immediate effect but the new certified arrangements of three months at full-pay and three months at half-pay etc. would not come into effect until 1 January 2014
- In order to deal with the position of teachers, further consultations on the application of the recommendation to take place.

Because the immediate application of new self-certified sick leave arrangements did not take account of those parts of the Public Service that did not have such leave counted in a 'rolling' period, an issue was referred back to the Court subsequently for clarification. The Court set out a means of implementing the proposals designed to merge the various arrangements into a new single scheme.

8. REVIEW OF ALLOWANCES

Early in 2012, the Minister for Public Expenditure and Reform announced a review of all allowances. Pending the outcome, a temporary ban on the award of new allowances was imposed. By March 2012 it is understood that all business cases from Departments had been received. At the time of the 2012 PSC AGM in May 2012, it was reported that it was understood that the report on the outcome had

gone to Government. However, no decision was taken until September 2012, by which time over 1100 allowances had been notified to the Department and over 800 business cases had been submitted for retention. As a consequence, the Minister accepted that his stated ambitions for significant savings would not be realised. However, a list of allowances that would no longer be payable to new beneficiaries was published and a further range of allowances to be reviewed was also published. The scaling back of the Minister's stated intentions caused considerable political controversy. The four PSC nominees to the PSA Implementation Body took up an invitation to appear before the Dáil Public Accounts Committee and a number of individual unions appeared there also. The position articulated on behalf of the PSC in all public comment on the matter was that it was an issue for each individual union to deal with the question of allowances, that affected their members, with their own sectoral employer.

9. CONCLUSION

It has been, by any standards, an eventful and fraught year. Events have put great strain on the PSC and on the individual constituents. At the time of writing, the major issues of pay and related matters are still under discussion. Therefore, it would be premature to seek to reflect on the sequence of events that led to rejection of the LRC proposals. That is a matter for the future.

In the meantime, on a personal level, I would like to thank all members of the PSC Negotiating Group for their help and courtesy over the past year. I would like to thank, in particular, my fellow officers and members of the Implementation Body, who made my role as Secretary so much easier. Special thanks are extended to Liam Berney of the ICTU staff for all his assistance.

*Tom Geraghty,
Secretary.*

APPENDIX 1

ICTU – PUBLIC SERVICES COMMITTEE

MINUTES OF ANNUAL GENERAL MEETING OF PUBLIC SERVICES COMMITTEE HELD ON 30 MAY 2012

ATTENDANCE

Eoin Ronayne	CPSU
Pat Kavanagh	TEEU
Ciaran Rohan	AHCPS
Noel Ward	INTO
Dave Thomas	AHCPS
Brendan Broderick	ASTI
Denis Magner	TUI
Finbarr Murphy	Veterinary Ireland
Paul Whelan	TUI
John MacGabhann	TUI
Declan Glynn	TUI
Bernie Ruane	TUI
Patricia King	SIPTU
Ide Ni Fhaolan	TUI
Kevin Figgis	SIPTU
Annette Dolan	TUI
John Kane	MLSA
Diarmaid de Paor	ASTI
Steve Tweed	IMO
Mike Jennings	IFUT
Karl Dalton	POA
Patrick King	ASTI
Jim Mitchell	POA
Sheila Nunan	INTO (V-Chair)
Stephen Delaney	POA
Shay Cody	IMPACT (Chair)
Phil Ní Sheaghdha	INMO
Tom Geraghty	PSEU (Sec)
Walter Cullen	UNITE
Liam Doran	INMO

Apologies

Gene Mealy SIPTU (Vice-Chair), Liam Berney (ICTU).

1. MINUTES

The minutes of the 2011 AGM were approved subject to a correction to show Liam Doran as a representative of the 'INMO', as opposed to the 'INTO', which the minutes had stated erroneously.

2. FINANCES

The Annual Report of the Committee had been circulated. It noted that the two accounts had been rendered 'dormant' by the bank and, as a result, it was not possible to give up-to-date figures. The bank had been written to with a request that the 'dormant' status be rescinded.

3. PUBLIC SERVICE PAY AND RELATED MATTERS

The Chair reported that the review of allowances was not yet ready. He clarified also that where allowances are to be retained for certain functions, people assigned to these functions while the review is underway who, as a consequence, have not been paid the relevant allowances, will be paid retrospectively, provided the relevant allowance is retained.

The Chair also outlined the intention that the four Committee nominees to the Public Service Agreement Implementation Body would begin some tentative exploration with the Official Side regarding the situation after the expiry of the agreement in 2014. Obviously, this would consist of exchanging information and views at this point. If negotiations were to commence, these would involve the full Negotiating Group.

The meeting noted that the Implementation Body would be publishing its second report in a matter of weeks and that the report would be positive. It was noted also that outside auditors, Grant Thornton, had verified savings on four sample projects and, indeed, had identified that one project had understated the savings achieved.

4. SICK LEAVE

An up-date was given regarding discussions at the Labour Relations Commission. Whether the Unions needed a meeting on our own side in advance of the next LRC engagement was discussed. It was noted that we would have plenty of opportunity in the LRC to engage with each other, in any event.

It was noted that agreement on the central propositions was most unlikely and that many

important matters would be referred to the Labour Court. It was stated that the Official Side intention was to incorporate the outcome of the process into new legislation in the third quarter of the year.

5. REDUNDANCY

The Chair stated that, in light of the successful legal action taken by IFUT, it was necessary to make a collective agreement to provide for redundancy to be paid to fixed term workers whose contracts were not being renewed and for other Public Servants not covered by the Public Service Agreement. These terms would be as per the HSE redundancy 'package' i.e. statutory entitlements plus 3 weeks' pay for each year of service.

It was noted that these payments carried restrictions on re-employment in the Public Service but that the arrangements could be varied through local discussion, to allow flexibility for people to be re-employed.

6. REDEPLOYMENT

The Chair drew attention to an issue which had arisen in Civil Service discussions, whereby staff redeployed into a grade which had a higher maximum salary than the grade that they were leaving could not proceed to the maximum of the higher grade. It being noted that the 'FEMPI' legislation meant that pay increases to Public Servants could be awarded only by decision of the Oireachtas, discussions had taken place with the Official Side. A wording had been received which promised to review this issue at the expiry of the Public Service Agreement. This was noted and the proposal to deal with these issues first in the Civil Service on this basis was agreed.

7. PENSIONS

It was reported that it had been confirmed that amendments put by the Committee for inclusion in the legislation to establish a new Superannuation

scheme for future entrants, which the Minister had agreed to consider, would be included in the draft legislation. One issue, however, concerning the treatment of recipients of Survivors' pensions who, subsequently, co-habit or marry, was still under discussion with the Department of Social Protection, which had concerns regarding potential implications for the State scheme. An undertaking to follow this up was given. The treatment of staff with 'fast accrual' arrangements would be dealt with in a submission to the Official Side.

The Chair noted that correspondence, which suggested that the legislation which was merging FETAC/HETAC and the Qualification Authority had not built in protections for the superannuation position of staff affected, was factually incorrect.

8. ELECTIONS

The following had been nominated and were deemed to be elected :

Chair: S. Cody (IMPACT)

Vice-Chair (2): S. Nunan (INTO)
G. Mealy (SIPTU)

Secretary: T. Geraghty (PSEU)

9. ANY OTHER BUSINESS

L. Doran, (INMO), referred to outstanding third party findings which had not been paid. The Officers outlined the actions taken to try to move this issue on in the past year and the undeniable failure to make any useful progress, particularly, in light of the restrictions imposed by the 'FEMPI' legislation. It was agreed that the issue would be raised again.

There being no other business, the meeting then concluded.

Tom Geraghty,
Secretary, Public Services Committee

OFFICERS' REPORT AND FINANCIAL STATEMENTS



Association of Higher Civil and Public Servants

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**for year ended
31st December 2013**

Friendly Society Registration Number: 591T

Anne Brady McQuillans DFK, Chartered Accountants & Registered Auditors
Iveagh Court, Harcourt Road, Dublin 2.

Officers and Other Information

Chairperson	Tom Allen
Vice - Chairperson	John Glennon
Treasurer	William Thompson
Trustees	Brian Murnane (Retired May 2013) Billy Carrie Mary Mc Loughlin Brigitta O'Doherty (Appointed May 2013)
General Secretary	Dave Thomas
Friendly Societies Registered Number	591T
Business Address	Fleming's Hall 12 Fleming's Place Dublin 4
Auditors	Anne Brady McQuillans DFK Chartered Accountants & Registered Auditors Iveagh Court Harcourt Road Dublin 2
Bankers	Permanent TSB 70 Grafton Street Dublin 2
Solicitors	O' Mara Geraghty McCourt Solicitors 51 Northumberland Road Dublin 4

Contents

	Page
Officers' Report	1 - 2
Statement of Officers' Responsibilities	3
Independent Auditors' Report	4 - 6
Income and Expenditure Account	7 - 8
Balance Sheet	9
Cash Flow Statement	10
Notes to the Financial Statements	11 - 19

Officer's Report for the year ended 31st December 2013

The Officers present their report and audited financial statements for the year ended 31st December 2013.

Principal Activities, Business Review and Future Developments

The principal activity of the Association of Higher Civil and Public Servants (AHCPs) is to provide effective negotiation, representation and back up services to its members in relation to government, employer and industrial relations issues. Income has decreased to €1,245,083 in 2013 from €1,260,061 in 2012.

Financial Results

The surplus for the year after providing for depreciation amounted to €76,200 compared to a surplus of €88,647 in 2012.

Status of the Association

The Association of Higher Civil and Public Servants is a Trade Union registered under the Trade Union Acts 1871 to 1975.

Principal Risks and Uncertainties

The Association operates solely in the Republic of Ireland and therefore is not subject to currency risks. In light of the current economic situation the Association diversified its cash balances into a number of different funds.

The Association is in a strong liquid position and does not foresee any cash flow risk in the near future. The Associations' policy is to ensure that sufficient resources are available either from cash balances or cash flows to ensure all obligations can be met when they fall due.

Officers'

The current Officers' of the Association are set out on the Information Page of the financial statements.

Books of Account

The Officers' are responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Association. The Officers' are also responsible for safeguarding the assets of the Association hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. The books of account of the Association are maintained at Fleming's Hall, 12 Fleming's Place, Dublin 4.

Officer's Report for the year ended 31st December 2013

Auditors

Anne Brady McQuillans DFK were appointed auditors by the Trustee's and they have expressed their willingness to continue in office.

Events after the Balance Sheet date

There have been no other circumstances or events subsequent to the year end, which require adjustment to, or disclosure in the financial statements or in the notes thereto.

On behalf of the Executive Committee

Tom Allen
Chairperson



William Thompson
Treasurer

Date : 12/1/14

Statement of the Officers' Responsibilities

Statement of the Officers' Responsibilities for the year ended 31st December 2013

The Officers' are responsible for preparing the Annual Report and the financial statements in accordance with Irish Generally Accepted Accounting Practice (accounting standards issued by the Financial Reporting Council)

In preparing those financial statements, the Officers' are required to:

- select suitable accounting policies and then apply them consistently
- make judgements and estimates that are reasonable and prudent
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in business.

The Officers' confirm that they have complied with the above requirements in preparing the financial statements.

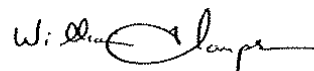
The Officers' are responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Association and to enable it to ensure the financial statements comply with the Generally Accepted Accounting Practice in Ireland. They are also responsible for safeguarding the assets of the Association and hence, for taking reasonable steps for the prevention and detection of fraud and other irregularities.

In so far as the are aware:

- there is no relevant audit information (information needed by the company's auditors in connection with preparing their report) of which the company's auditors are unaware, and
- the Officers have taken all the steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the company's auditor is aware of that information.

On behalf of the Executive Committee

Tom Allen
Chairperson



William Thompson
Treasurer

Date : 14/11/14

Independent Auditors' Report to the Members of the Association of Higher Civil and Public Servants

We have audited the financial statements of the Association of Higher Civil and Public Servants for the year ended 31st December 2013 which comprise the income and expenditure account, the balance sheet and the related notes. These financial statements have been prepared under accounting policies set out in note 1 on pages 11-12.

This report is made solely to the Association's members, in accordance with Generally Accepted Accounting Practice in Ireland. Our audit work has been undertaken so that we might state to the Association's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Association and the Association's members as a body, for our audit work, for this report, or for the opinion we have formed.

Respective Responsibilities of Officers and Auditors

As described in the Statement of Officers' Responsibilities, the Association's Officers' are responsible for preparing the annual report and the financial statements in accordance with applicable law and Generally Accepted Accounting Practice in Ireland (accounting standards issued by the Financial Reporting Council).

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practice Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with Generally Accepted Accounting Practice in Ireland. We also report to you whether in our opinion: proper books of account have been kept by the Association; and whether the information given in the Officers' Report is consistent with the financial statements. In addition, we state whether we have obtained all the information and explanations necessary for the purposes of our audit and whether the Association's balance sheet and its income and expenditure account are in agreement with the books of account.

We read the Officers' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

Independent Auditors' Report to the Members of the Association of Higher Civil and Public Servants

Basis of Audit Opinion

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Officers in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Association's circumstances, consistently applied and adequately disclosed. In addition we read all the financial and non-financial information in the Officers' Report to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Association's affairs as at the 31st December 2013 and of its result for the year ended.


We have obtained all the information and explanations we consider necessary for the purposes of our audit. In our opinion proper books of account have been kept by the Association. The financial statements are in agreement with the books of account.

In our opinion the information given in the Officers' Report on page 1 - 2 is consistent with the financial statements.

Independent Auditors' Report to the Members of the Association of Higher Civil and Public Servants

Emphasis of Matter

In forming our opinion, which is not qualified, we have considered the adequacy of the disclosures made in note 6 to the financial statements concerning the value of the company's premises. The Executive Committee have decided not to obtain an independent professional valuation for the premises as they believe it will not give an accurate valuation given the current market. In addition, the carrying value of the premises is in excess of its current value in use. However the Executive Committee believe that the current carrying value of the premises as stated in the financial statements accurately reflects the true value of the premises to the Association. The financial statements do not include the adjustments that would result if the property was included at the amount per the value in use calculation.


Natalie Kelly (Statutory Auditor)
Anne Brady McQuillans DFK
Chartered Accountants
& Registered Auditors
Iveagh Court
Harcourt Road
Dublin 2

Date: 12/01/17

Income and Expenditure Account

Income and Expenditure Account for the year ended 31st December 2013

	Notes	2013 €	2012 €
Income			
Members' subscriptions		1,108,522	1,144,402
VOA associate members subscriptions		47,846	61,790
Miscellaneous income		4,188	5,104
Investment Income		84,527	48,765
		<u>1,245,083</u>	<u>1,260,061</u>
Expenditure			
Salaries, honoraria and pensions		617,223	674,432
Printing and stationery		24,503	12,054
Postage and telephone		9,463	13,082
Rates and insurance		26,265	25,788
Light, heat and cleaning		15,637	9,162
ADC and executive committee expenses		43,472	48,106
Branch expenses		75,608	72,300
Travel and subsistence		34,956	24,821
Subscriptions to other bodies		59,093	50,897
Publications		1,722	369
Premises and equipment expenses		50,783	46,749
Legal and professional fees		92,259	72,490
Depreciation		117,169	120,895
Bank interest and bank charges		158	269
Sundries		572	-
Total Expenditure		<u>(1,168,883)</u>	<u>(1,171,414)</u>
Surplus of Income over Expenditure		<u>76,200</u>	<u>88,647</u>
Forward to Accumulated Fund	11	<u><u>76,200</u></u>	<u><u>88,647</u></u>

Income and Expenditure Account

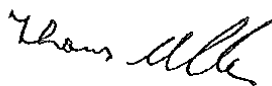
Income and Expenditure Account for the year ended 31st December 2013

The Association has no recognised gains or losses other than those included in the results above and therefore no separate statement of total recognised gains and losses has been presented.

The notes on pages 11 to 19 form part of these financial statements.

The financial statements were approved by the Executive Committee on 14/4/14 and signed on its behalf by

Tom Allen
Chairperson



William Thompson
Treasurer

Balance Sheet

Balance Sheet as at 31st December 2013

		2013		2012	
	Note	€	€	€	€
Fixed Assets					
Tangible assets	6		4,124,185		4,211,782
Financial assets	7		2,114,671		2,168,620
Negotiating licence	8		7,618		7,618
			<u>6,246,474</u>		<u>6,388,020</u>
Current Assets					
Debtors	9	167,456		216,925	
Cash at bank and in hand		294,452		53,613	
		<u>461,908</u>		<u>270,538</u>	
Creditors: amounts falling due within one year	10	(56,699)		(83,075)	
Net Current Assets			<u>405,209</u>		<u>187,463</u>
Total Assets Less Current Liabilities			<u>6,651,683</u>		<u>6,575,483</u>
Members' Fund					
Accumulated fund	11		6,651,683		6,575,483
Closing Members' Fund	11		<u>6,651,683</u>		<u>6,575,483</u>

The notes on pages 11 to 19 form part of these financial statements.

The financial statements were approved by the Executive Committee on 14/1/14 and signed on its behalf by

Tom Allen
Chairperson




William Thompson
Treasurer

Cash Flow Statement

Cash Flow Statement for the year ended 31st December 2013

	Notes	2013 €	2012 €
Reconciliation of operating surplus to net cash inflow from operating activities			
Operating surplus		76,200	88,647
Depreciation		117,169	120,895
(Increase) in stocks		-	3,815
Decrease in debtors		50,765	(29,960)
(Decrease) in creditors		(22,439)	(35,575)
Net cash inflow from operating activities		221,695	147,822

Cash Flow Statement

Net cash inflow from operating activities		221,695	147,822
Returns on investments and servicing of finance	12	-	-
Taxation	12	-	-
Capital expenditure	12	(29,572)	(7,136)
Increase in cash in the year		192,123	140,686

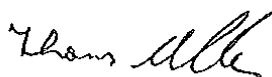
Reconciliation of net cash flow to movement in net funds (Note 13)

Increase in cash in the year	192,123	140,686
Net funds at 1 January	2,217,000	2,076,314
Net funds at 31 December	2,409,123	2,217,000

The notes on pages 11 to 19 form part of these financial statements.

The financial statements were approved by the Executive Committee on 14/12/13 and signed on its behalf by

Tom Allen
Chairperson




William Thompson
Treasurer

Notes to the Financial Statements for the year ended 31st December 2013

1. Accounting Policies

1.1. Accounting Convention

The financial statements are prepared in accordance with generally accepted accounting principles under the historical cost convention and comply with the Financial Reporting Standards of the Financial Reporting Council.

1.2. Members' Subscriptions

Members' subscriptions are accounted for when they are receivable into the Association's accounting system. The figure in the income and expenditure account for members' subscriptions refer to subscriptions received in the year together with subscriptions received up until the end of January 2014 relating to the year ended 31st December 2013.

1.3. Tangible Fixed Assets

Tangible fixed assets are stated at historic cost less accumulated depreciation.

Depreciation

Depreciation is provided on all tangible fixed assets, other than freehold land and investment properties, at rates calculated to write off the cost or valuation, less estimated residual value, of each asset systematically over its expected useful life, as follows:

Premises	- 2% Straight line
Office equipment and fittings	- 20% Straight line
Computer equipment	- 33% Straight line

The carrying values of tangible fixed assets are reviewed annually for impairment in periods if events or changes in circumstances indicate the carrying value may not be recoverable.

1.4. Financial Assets

Financial assets are stated at cost or open market value.

Investment Income is recognised in the financial statements in the year in which the income relates to.

1.5. Pensions

The Association operates a defined contribution pension scheme, contributions to which are charged against income and are paid to a separately administered pension fund.

Notes to the Financial Statements

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

1.6. Taxation

The Association is exempt from tax on results from transactions with members of the trade union. The taxation charge in the accounts relates to passive income.

2. Income

The total income of the Association for the year has been derived from its principal activity wholly undertaken in Ireland.

	2013 €	2012 €
Members' subscriptions	1,098,186	1,134,193
VOA associate members subscriptions	47,846	61,790
Deposit interest received (net of DIRT)	-	47,928
Associate membership	10,336	10,209
Miscellaneous income	4,188	5,104
Investment Income	84,527	837
	<u>1,245,083</u>	<u>1,260,061</u>

3. Members Information

	2013	2012
Number of members at 1st January	2,865	3030
Number of members admitted during the year	106	103
Number of members whose membership ceased during the year	-86	-268
Number of members at 31st December	<u>2,885</u>	<u>2,865</u>

4. Operating Surplus

	2013 €	2012 €
Operating surplus is stated after charging:		
Depreciation of tangible assets	<u>117,169</u>	<u>120,895</u>

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

5. Employees	2013	2012
	Number	Number
Number of employees		
The average monthly numbers of employees during the year were:		
Office and management	<u>5</u>	<u>5</u>
Employment costs	2013	2012
	€	€
Wages and salaries	395,594	427,595
Officers' honoraria	34,040	34,540
Social security costs	20,977	17,151
Other pension costs	166,612	195,146
	<u>617,223</u>	<u>674,432</u>

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

6. Tangible Assets

	Premises	Office equipment & fittings	Computer equipment	Total
	€	€	€	€
Cost				
At 1st January 2013	4,999,098	231,896	66,262	5,297,256
Additions	-	8,549	21,023	29,572
Disposal	-	(15,125)	-	(15,125)
At 31 December 2013	4,999,098	225,320	87,285	5,311,703
Depreciation				
At 1st January 2013	799,551	226,785	59,138	1,085,474
On disposals	-	(15,125)	-	(15,125)
Charge for the year	99,982	4,593	12,594	117,169
At 31st December 2013	899,533	216,253	71,732	1,187,518
At 31st December 2013	4,099,565	9,067	15,553	4,124,185
At 31st December 2012	4,199,547	5,111	7,124	4,211,782

There were no assets held under finance lease included in the tangible fixed assets.

The Association's premises located at 12 Flemming's Place, was initially purchased in 2004 for €4,814,055. The carrying value in the financial statements of the premises is currently €4,099,565. The value of the premises based on the value-in-use calculation, using future cashflows of the Association, amounts to €1,664,507. An independent professional valuation has not been obtained as it would not give an accurate valuation given the current market.

The Executive Committee is of the opinion that an impairment adjustment is not required as there are other factors to be taken into account as follows:

- 1) The property is integral to the operation and reputation of the Association.
- 2) The Association have no intention in moving premises in the medium to long term so therefore are not under the pressure of the current property prices.

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

On this basis the Executive Committee believe that the current carrying value of the premises as stated in the financial statements accurately reflects the value of the premises to the Association.

Notes to the Financial Statements

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

7. Financial Assets

		2013	2012
		€	€
Civil Service Credit Union Shares	(a)	3,287	3,242
Prize bonds	(b)	32	32
Term deposit	(c)	15,683	515,623
An Post Savings	(d)	382,875	503,586
Investment portfolio	(e)	1,712,794	1,146,137
At 31 December 2013		<u>2,114,671</u>	<u>2,168,620</u>

(a) The Civil Service Credit Union shares are included at cost.

(b) Prize bonds are included at cost.

(c) The term deposit in 2013 related to three deposits as follows:

- €408,450 was invested in permanent TSB on 1st September 2011 and matured on the 4th January 2012. In July 2013 €400,000 was transferred out and only the interest earned to date, €15,683 remains. The movement of funds into government bonds has reduced bank interest received.

(d) The investment in An Post relates to the following:

- €120,000 was invested in An Post Savings Bond on 29th November 2010. The savings bond will earn 3.23% per annum. The savings bond matured in 2013 and the total amount of €132,000 was lodged to the On Call Deposit Bank Account.
- €120,000 was invested in An Post Saving Certificate on 29th November 2010. The savings certificate will earn 3.53% per annum. In 2013 the certificate earned interest of €3,766.
- €250,000 was invested in An Post Solidarity Investment on 22nd December 2010. The investment will earn 50% gross over a 10 year period.

(e) In 2012 €1,150,000 was invested with Davy Stockbrokers to purchase Irish Government bonds. In 2013 a further €518,872 was invested to purchase more Irish Government bonds. Interest of €55,800 was earned in 2013 in respect of Irish Government bonds.

Notes to the Financial Statements

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

8. Negotiating Licence	2012	2011
	€	€
Deposit - Courts of Justice	<u>7,618</u>	<u>7,618</u>
9. Debtors	2013	2012
	€	€
Members subscriptions receivable	127,134	150,990
Accrued fee income	35,534	47,076
Other taxes and social security costs	-	6,687
Prepayments	<u>4,788</u>	<u>12,172</u>
	<u>167,456</u>	<u>216,925</u>
Included on other taxes above are the following:	2013	2012
	€	€
PAYE receivable	<u>-</u>	<u>6,687</u>

Notes to the Financial Statements

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

10. Creditors: Amounts Falling Due within One Year

	2013 €	2012 €
Bank facilities	-	5,233
Trade creditors	22,708	11,244
Other taxes and social security costs	1,296	-
Accruals	32,695	66,598
	<u>56,699</u>	<u>83,075</u>

Included in other taxes and social security costs are the following:

	2013 €	2012 €
PAYE payable	1,296	-
	<u>1,296</u>	<u>-</u>

11. Closing Reserves

	Income and expenditure account	
	2013 €	2012 €
At 1st January	6,575,483	6,486,836
Surplus for the year	76,200	88,647
At 31st December	<u>6,651,683</u>	<u>6,575,483</u>

Notes to the Financial Statements

Notes to the Financial Statements for the year ended 31st December 2013

..... continued

12. Gross Cash Flows	2013	2012
	€	€
Capital expenditure and financial investment		
Payments to acquire tangible assets	<u>(29,572)</u>	<u>(7,136)</u>

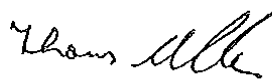
13. Analysis of changes in net funds

	Opening balance	Cash flows	Closing balance
	€	€	€
Cash at bank and in hand	53,613	240,839	294,452
Overdrafts	(5,233)	5,233	-
Investments	<u>2,168,620</u>	<u>53,949</u>	<u>2,114,671</u>
Net funds	<u>2,217,000</u>	<u>192,123</u>	<u>2,409,123</u>

14. Approval of Financial Statements

The financial statements were approved by the Executive Committee on 14/12/13 and signed on its behalf by

Tom Allen
Chairperson




William Thompson
Treasurer