

Association of  
Higher Civil and  
Public Servants

Comhlachas na  
Sheirbhíseach  
Uachtarach Stáit  
agus Poiblí

# AHCPS

AHCPS

Annual Report & Accounts

1011

CONFIDENTIAL TO MEMBERS



**Association of Higher Civil and Public Servants**

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**ANNUAL REPORT  
2010/2011**



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## OFFICERS OF THE ASSOCIATION FROM 1943 - 2011

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'Connellain	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	<b>General Secretary</b>	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 Riordáin	P. Greene
1987/88	Michael O'Donoghue	Padraig Cullinane	1987-2007	P. Greene
1988/91	Mchael O'Donoghue	Padraig Cullinane		P. Greene
1991/92	Padraig Cullinane	Richard Ryan		P. Greene
1992/93	Richard Ryan	Des Coppins		Benny Kevitt
1993/94	Richard Ryan	Des Coppins		Benny Kevitt
1994/95	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
1998/99	Brian Murnane	Patrick Dowling		Kieran Coyle
1999/2000	Brian Murnane	Patrick Dowling		Kieran Coyle
2000/2001	Brian Murnane	Patrick Dowling		Kieran Coyle
2001/2002	Patrick Dowling	Seamus Molloy		Liam Kelly
2002/2003	Patrick Dowling	Seamus Molloy [deceased]		Liam Kelly
		Sean McDonald		
2003/2004	Sean McDonald	Brigitta O'Doherty		Liam Kelly
2004/2005	Brigitta O'Doherty	Philip Crosby		Mary McLoughlin
2005/2006	Philip Crosby	Ciaran Rohan		Mary McLoughlin
2006/2007	Philip Crosby	Ciaran Rohan		Mary McLoughlin
2007/2008	Ciaran Rohan	Peadar Carpenter	Dave Thomas	Mary McLoughlin
2008/2009	Peadar Carpenter	Tom Allen	2007-	Mary McLoughlin
2009/2010	Peadar Carpenter	Tom Allen		Mary McLoughlin
2010/2011	Peadar Carpenter	Tom Allen		Bernard O'Shea

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

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

### 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 2010/2011

<b>President</b>	Donal O'Mahony RIP
<b>Vice-Presidents</b>	P. A. Terry J. C. Horgan RIP J. C. Tucker RIP Mary McGuire Padraig Cullinane Benny Kevitt Richard Ryan J. P. O'Brien Tom Quigley Con Ryan Pat Dowling Brendan Sheeran RIP Seán Ó Riordáin Brian Ingoldsby Peter Greene

### The following Officers were elected at the Annual Delegate Conference held on 7 May 2010:

<b>Chairperson</b>	Peadar Carpenter	(Foreign Affairs)
<b>Vice-Chairperson</b>	Tom Allen	(Revenue)
<b>Treasurer</b>	Bernard O'Shea	(Tourism, Sport & Culture)

## EXECUTIVE COMMITTEE 2010/2011

<b>Bourke Declan</b>	Environment & Local Government
<b>Carney Tom</b>	Education & Science ***
<b>Crowther Mark</b>	FAS *
<b>Dowling Edna</b>	Social & Family Affairs
<b>Dunne Larry</b>	Finance
<b>Farrell Mary</b>	Revenue
<b>Flood Frank</b>	Foreign Affairs
<b>Holleran Noel</b>	Agriculture Food & Fisheries
<b>Hughes Eamon</b>	An Post National Lottery
<b>Hughes John</b>	Enterprise Trade & Employment
<b>McKevitt Brian</b>	Ombudsman's Office
<b>O'Gorman Anne</b>	Justice, Equality & Law Reform **
<b>Thompson Billy</b>	Revenue
<b>Glennon John</b>	Courts *
<b>Bolger Grainne</b>	Justice & Law Reform **
<b>Burke Denis</b>	FÁS

\* Mark Crowther (FAS) and John Glennon (Courts) were co-opted by the Executive Committee under Rule 11 (a)(iii).

\*\* Grainne Bolger (Justice & Law Reform) was co-opted following the resignation of Anne O'Gorman.

\*\*\* Denis Burke (FAS) was co-opted following the retirement of Mark Crowther during the year. Willie McIntosh (Education & Skills) was co-opted following the retirement of Tom Carney.

## EXECUTIVE SUB-COMMITTEE 2010/2011

AHCPS Officers are ex-officio members of all Sub Committees

### PAY & STRATEGY

Carpenter Peadar (Chair)

Allen Tom

O'Shea Bernard

Hughes John

McKevitt Brian

Holleran Noel

Bourke Declan

Glennon John

### ORGANISATION & GENERAL PURPOSES

Allen Tom (Chair)

Peadar Carpenter

Hughes Eamon

Dunne Larry

Glennon John

McKevitt Brian

Holleran Noel

O'Shea Bernard

### FINANCE & SERVICES SUB COMMITTEE

O'Shea Bernard (Chair)

Carpenter Peadar

Allen Tom

Burke Denis

Dunne Larry

Hughes Eamon

Hughes John

Thompson Billy

### COMMUNICATIONS SUB COMMITTEE

Carpenter Peadar (Chair)

Allen Tom

Dowling Edna

Flood Frank

Burke Denis

Glennon John

Chadwick Brian

Crowther Mark

### Equality & Diversity Sub Committee

Tom Allen (Chair)

Carpenter Peadar

Hughes John

## Consultative Council

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

### BRANCH SECRETARIES 2010/2011

Agriculture, Fisheries & Food	Brid Farrell
An Post	Joe Gleeson
Arts, Sport and Tourism	Michael Moore
Central Statistics Office	Joe Kelleher
Communications, Energy & Natural Resources	John King
Community, Rural & Gaeltacht Affairs	Sean McLaughlin
Comptroller & Auditor General	Peter Kinsley
Commission for Energy Regulator	Keelin O'Brien
Courts Service	John Glennon
County Enterprise Boards	Michael Tunney
Defence	Tadhg O'Doherty
Education and Science	Peter Kelly
Eircom	
Enterprise, Trade & Employment	Sabha Green
Environment, Heritage & Local Government	Mark Bohan
FÁS	Mark Crowther/ Denis Burke
Finance	Larry Dunne
Food Safety Authority of Ireland	Pat Farrell
Foreign Affairs	Nigel Hutson
Garda Civilian	Kieran Downey
Health and Children	Peter Lennon
Health and Safety Authority	Andrew Allen
Houses of the Oireachtas	Charles Hearne
Irish Aviation Authority	Cathal Casserly
Justice, & Law Reform	Maeve Hogan
Property Registration Authority [Land Registry]	Henry Sullivan
National Centre for Partnership & Performance	Edna Jordan
Office of Public Works	Kevin Coleman
Office of the Ombudsman	Derek Charles
Ordnance Survey Ireland	Cormac Clancy
Pensions Board	Tom Dunphy
Injuries Board	Patrick Kinsella
Prison Governors	Ronan Maher
Public Appointments Commission/Service	
Revenue	Tom Fanthom
Social & Family Affairs	Brian Chadwick
Taoiseach's	Ray Henry
Transport	Peter Fitzsimons
Chief State Solicitors Office	Michael Fallon
Attorney General	Brian Scannell
Legal Aid Board	Evelyn McGuinness
National Council Special Education	Mary Corrigan





# INTRODUCTION

## Introduction

Last year has been an incredibly difficult year for the public service. Despite the negative publicity in the media and the constant denigration of public servants the Public Services Committee of Irish Congress of Trade Unions were successful in negotiating the Public Service Agreement 2010 – 2014 known as the “Croke Park Agreement”.

This Agreement was accepted overwhelmingly by AHCPs members. However, while some of the other Public Sector unions had difficulty in accepting the agreement the majority of the Public Services Unions accepted it in June 2010.

The Agreement provides guarantees that there will be no further reduction in pay and that there will be no compulsory redundancies provided savings are met. To date the moratorium on recruitment has produced savings in numbers and the programme is on track to meet the 2011 targets. A new career average pension scheme has been drawn up and legislation is being prepared to introduce the new scheme for new entrants to the Public Service after the 1 May 2011.

As part of the modernisation programme the Official Side announced that they proposed to abolish bank time and Privilege Days. The Official Side proposals in relation to Privilege Days meant a loss of two days leave for members. The bank time was eliminated from 1st January 2011 and the Privilege Days issue was referred to third party as per the dispute resolution process in the Agreement. The Association was successful in having the Privilege Days abolished but in having the two days added to the existing leave complement of members.

A survey was carried out amongst Branches to ask whether the current arrangements for the ADC were satisfactory. The survey did not recommend any change. In addition the survey sought the members views in relation to a name change for the Association. Again the outcome of the survey was to retain the existing name.

## Programme for Government

The New Programme for Government has many implications for members. Firstly, it aims to cut the numbers in the public service by 18,000 between 2011 and 2014 over the numbers employed by the end of 2010. It also proposes that numbers will be reduced by a further 4,000 in 2015. It further proposes that a third of all posts from Principal Officer level up will be reserved for people outside of the traditional civil service structures for a five year period. These are issues, obviously, that we have major concerns about and we will be entering into discussions with the Department of Finance when these proposals formally are put on the table. There are also proposals about making civil servants accountable for certain delegated responsibilities and, where appropriate, they will be asked to defend themselves and their actions in front of Oireachtas Committees.

**Dave Thomas**  
**General Secretary**



# ORGANISATION

## 1.1 ANNUAL DELEGATE CONFERENCE

The 29th Annual Delegate Conference of the Association took place in The Radisson Blu Hotel, Golden Lane, Dublin on Friday 7 May, 2010. 170 Branch Delegates and 16 Executive Committee members attended.

The Association's guest at the Conference was Mr Harry Baird, Northern Ireland FDA.

## 1.2 EXECUTIVE COMMITTEE

Peadar Carpenter, Department of Foreign Affairs was re-elected to the office of Chairperson. Tom Allen, Revenue Commissioners was re-elected Vice-Chairperson and Bernard O'Shea (Tourism Sport & Culture) was elected as Treasurer.

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

Votes	Candidates	Branch	Elected
121	Bourke Declan	Environment & Local Government	✓
140	Carney Tom	Education & Science	✓
116	Dowling Edna	Social & Family Affairs	✓
129	Dunne Larry	Finance	✓
121	Farrell Mary	Revenue	✓
117	Flood Frank	Foreign Affairs	✓
134	Holleran Noel	Agriculture Food & Fisheries	✓
123	Hughes Eamon	An Post National Lottery	✓
93	Hughes John	Enterprise Trade & Employment	✓
98	McKevitt Brian	Ombudsman's Office	✓
145	O'Gorman Anne	Justice, Equality & Law Reform	✓
129	Thompson Billy	Revenue	✓

Mark Crowther (FAS) and John Glennon (Courts) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

Willie McIntosh (Education & Skills) was co-opted following the retirement of Tom Carney from the Executive Committee during the year.

Denis Burke (FÁS) was co-opted following the retirement of Mark Crowther during the year.

Grainne Bolger (Justice & Law Reform) was co-opted following the resignation of Anne O'Gorman during the year.

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:

<b>Denny David</b>	Finance
<b>Dunne Ben</b>	Social & Family Affairs
<b>Finnegan Peter</b>	Houses of the Oireachtas
<b>Hanley Sheila</b>	Revenue
<b>McIntosh Willie</b>	Enterprise Trade & Employment

Mr David Denny was subsequently elected Chairperson of the Committee.

Willie McIntosh resigned during the year from Standing Orders following his co-option to the Executive 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.

### MOTIONS CARRIED

#### Motion 1

To amend Rule 22 (f) first paragraph from "An annual general meeting of the members of each branch shall be held not later than ten weeks prior to the date of the Annual Delegate Conference." To now read "An annual general meeting of the members of each branch shall be held not later than nine weeks prior to the date of the Annual Delegate Conference".

**Executive Committee**

#### Action Taken:

**The amendment to the Rules & Constitution of the Association has been registered and approved by the Registrar of Friendly Societies.**

#### Emergency Motion

This Conference notes the result of the ballot on the *Public*

*Service Agreement 2010-2014* and the overwhelming support for the Agreement amongst the AHCPs membership. Conference:

- welcomes the commitment in the Agreement to no further pay cuts for four years if reforms are implemented;
- notes the provision of a mechanism for the reversal of pay cuts, over time, if reform delivers verified savings;
- welcomes the commitment in relation to pension provision.

Conference therefore notes that the AHCPs delegates to the Public Services Committee of the Irish Congress of Trade Unions will vote in favour of the Agreement. Conference further notes that it remains incumbent upon the Government to deliver on their side of the agreement in an open, transparent, fair and equitable manner to reassure all Public Servants that their support for the “Croke Park” Agreement is not misplaced.

**Executive Committee**

**Action Taken:**

Adopted as policy.

**COMPOSITE MOTION C**

Conference directs the Executive Committee to obtain detailed clarification of members pay and non-pay conditions of service with a view to developing a work-to-rule policy for AHCPs grades including working a “standard” working week.

**Action Taken:**

Clarification obtained from Association’s legal advisers.

**Motion 21**

That this conference calls on the incoming Executive Committee to make clear to Government and the general public that the secure nature of civil service employment and its benefits were taken into account under successive national agreements since social partnership was initiated over 25 years ago and that the imposition of the so-called ‘pension levy’ is effectively a double taxation of the pay of public servants.

**Justice Equality & Law Reform Branch**

**Action Taken:**

Existing Association policy.

**Motion 27**

Conference directs the incoming executive to engage with the Public Services Committee of ICTU, to seek a commitment from all political parties holding office or who aspire to holding office, to the establishment of an independent commission to determine public sector pay rates including the pay rates of public representatives and the members of the judiciary.

**Revenue Branch**

**Action Taken:**

Existing Association policy.

**Motion 31**

Conference directs the AHCPs Executive Committee to seek, in conjunction with other public sector unions, to have the Income Levy removed from income which public servants are not receiving, namely that deducted under the public service levy/so called pension levy/pension related deduction.

**Revenue Branch**

**Action Taken:**

Formed part of AHCPs pre-budget submission to ICTU.

**Motion 32**

That Conference deplores the failure of the Tánaiste to appoint a Worker Director to the new Board of FÁS, which diminishes the role and contribution of the staff.

**FÁS Branch**

**Action Taken:**

Existing Association policy.

**Motion 33**

That Conference deplores the continuous generalised media criticism of FÁS staff, and supports us in our contention that the overwhelming majority of staff are hard-working and honest.

**FÁS Branch**

**Action Taken:**

Existing Association policy.

**Motion 35**

That this ADC instructs the Executive Committee to enter negotiations with the Department of Finance to introduce an amendment to current arrangements such that staff who had 40 years service before 31 December 2009 should have their lump sum and pension paid in accordance with their salary on that date or higher if pay rates improve beyond those values no matter when they retire.

**Social & Family Affairs Branch**

**Action Taken:**

Existing Association policy.

**Motion 36**

Conference calls on the Executive to enter into discussions in the appropriate fora, and to take all necessary steps, in conjunction with other public sector unions, to preserve public servants’ pension rights as at 31 December 2009.

**Revenue Branch**

**Action Taken:**

Existing Association policy.

### Motion 39

That conference calls upon the executive and officers of the Association to strongly oppose policies in individual Departments where information on and access to specific career development opportunities brought to the attention of Personnel sections are withheld from members.

**Arts Sport & Tourism**

### Action Taken:

Matter brought to the attention of the Department of Finance.

### Motion 40

That Conference instructs the incoming Executive Committee to pursue a claim for the payment of Delegate's Allowance to officers who attend meetings in the UK.

**Justice Equality & Law Reform Branch**

### Action Taken:

Claim submitted to General Council.

### Motion 42

That Conference instructs the incoming Executive Committee to formalise a communications strategy to articulate to the general public, the views of the membership in response to the unprecedented attacks over an eighteen month period by all sections of the media on the work, integrity and dedication of civil servants and public servants be acknowledged.

**Justice Equality & Law Reform Branch**

### Action Taken:

Incorporated into revised communications strategy

### Motion 43

That this conference instructs the Executive Committee to pursue an effective ongoing communications and public information function with robust and well-informed responses on key issues that arise affecting members

**Environment, Heritage and Local Government Branch**

### Action Taken:

Incorporated into revised communications strategy.

### Motion 44

That Conference is gravely concerned about the incessant media vilification of our members and of civil and public servants generally, the unilateral adverse action by our employers and the high risk of future attacks on our members in the current political and economic climate, and in particular the cuts imposed to the salaries of members. While fully acknowledging the work of the Executive in recent months it calls on the incoming Executive Committee to examine more effective strategies to protect the interests of members and to defend them against such attacks. In particular, this Conference instructs the Executive Committee to carry out a detailed

options appraisal (considering all possibilities) on how this Association could be more effectively organised to protect its members' interests and to report to a Consultative Council on these issues within 6 months.

**Health and Children Branch**

### Action Taken:

Incorporated into revised communications strategy.

### Motion 45

Conference directs the incoming committee to engage with the Public Sector Committee of Congress to develop an alternative communications strategy which is not dependant on the whims or political bias of newspaper editors.

**Revenue Branch**

### Action Taken:

Incorporated into revised communications strategy.

### Motion 46

Conference directs the executive to engage with heads of departments to plan and agree a strategy, with us, to help our staff to deal with the hostility and marginalisation which has resulted from the seemingly endless media generated anti public sector campaign

**Revenue Branch**

### Action Taken:

Incorporated into revised communications strategy.

### Motion 47

Conference notes in the last 12 months AHCPS members have had to endure pay cuts of up to 17 per cent through the introduction of income and pension levies. On top of this, in the 2010 Budget members now have endured a further cut of between 6.3 per cent and 7.9 per cent. This demonisation of public servants and 24% cut for AHCPS members is way out of proportion with other workers. This Conference instructs the AHCPS, in conjunction with the Public Services Committee of the Irish Congress of Trades Unions, to formulate an effective communications strategy that will address the current bias against the Public Service in large sections of the media and address the lamentable approach taken to defend the pay of public servants and in particular grades represented by the AHCPS.

**Revenue Branch**

### Action Taken:

Incorporated into revised communications strategy.

### Motion 48

Conference directs the executive to try to secure the publication, as part of the quarterly revenue receipts, the contributions of public sector workers in the form of the pension levy and the pay reductions, as separate and identifiable items to avoid the "eaten bread" syndrome. If this is not agreed the AHCPS should request the data under FOI, publish it and advise to all other Public Sector Unions.

**Revenue Branch**

**Action Taken:**

Data sought from the Department of Finance.

**Motion 49**

Conference, notes with pride the ongoing successes attained by our members in the Office of the Revenue Commissioners.

The levels of efficiencies and effectiveness achieved within the Offices of the Revenue Commissioners, over the past few years, has been lauded in various fora, including in public speech by Taoiseach Brian Cowen.

The ongoing aggressive campaigns by the Media, waged against staff of the Revenue Commissioners, and the wider Public Service, is without any substance or matter and is not acceptable.

Conference calls on the Executive to counter-attack this campaign by the Media against staff within the Revenue Commissioners and the wider Public Service, through the publication of the impressive positive results achieved by the Office of the Revenue Commissioners in recent times.

**Revenue Branch**

**Action Taken:**

Incorporated into revised communications strategy.

**Motion 50**

Conference notes the calibre and expertise available within the ranks of the Association. It notes further that properly delivered statements and papers from the Association should carry influence in the current debate on solutions to the economic crisis. Conference instructs the Executive to cultivate and adopt a stronger role for the Association in the public arena as a commentator of note and to deliver policy papers and recommendations, both in the media and to government, in line with policy approved by the Executive

**Revenue Branch**

**Action Taken:**

Incorporated into revised communications strategy.

**Motion 51**

Conference instructs the executive to fund media training courses for all spokespersons and to design a set of key core messages for delivery whenever a media opportunity arises.

**Revenue Branch**

**Action Taken:**

Incorporated into revised communications strategy.

**Motion 52**

Conference notes the failure of the Trade Union movement in general to come up with a coherent approach to the current crisis: in particular

- a) The Frontline campaign which effectively argued that some public servants were more deserving than others and effectively set public servant against public servant

- b) The focus by some unions on the pay of senior public servants which aligned them with right wing commentators and politicians and distracted completely from the campaign against the wider impact of current government policy and the broader attack on public servants and public spending
- c) The failure to capitalise on the positive reception of the work of public servants in keeping the country open during the cold freeze
- d) The ongoing focus on pay by many unions which is easily countered by a hostile media

And instructs the executive to use its role and whatever influence it may have in Congress to steer it towards a more strategic and tactical campaign against the cuts in general and the economic approach being taken by government and supported by its cheerleaders among big business and media.

**Revenue Branch**

**Action Taken:**

Incorporated into revised communications strategy.

**Motion 56**

That Conference instructs the Executive Committee to support the establishment of an effective enquiry into the causes of the economic collapse in Ireland (which has resulted in disproportionate losses to members) including, but not limited to, banking and financial regulation issues and other economic decisions.

**Environment, Heritage and Local Government Branch**

**Action Taken:**

Noted.

**COMPOSITE MOTION G**

Conference recognising the serious economic situation facing the country instructs the Executive Committee to explore bringing forward an alternative and more equitable set of recovery measures.

**Action Taken:**

Existing Association policy.

**Motion 59**

Conference directs the incoming executive to ask the Public Sector Committee of ICTU, to set up an "umbrella" body to organise the commercial power of 300,000 public servants.

**Revenue Branch**

**Action Taken:**

Raised at the Public Services Committee.

**Motion 68**

This Conference instructs the incoming Executive Committee to undertake a study or questionnaire on how the running of the Annual Delegate Conference might be changed to encourage real interaction between delegates



themselves and between delegates and the Executive Committee. In particular to examine the benefits of getting advance delegate views on motions thus allowing them become agreed items (similar to EU "A" items); organising work shops/groupings to tease out relevant issues or other methods of encouraging more participative interaction at the Annual Delegate Conference.

**Agriculture, Fisheries and Food Branch**

**Action Taken:**

**Circular issued to Branches seeking views.**

**Motion 72**

Conference is appalled at the degree of failure by this Government to manage the Exchequer.

It notes that the current budget deficit is worsened by the sums of money contained in our current "silent expenditure" that is the sums of billions of euro foregone or paid out by the Government in respect of tax breaks, tax incentives and reliefs in relation to the Property sector.

It notes the Governments attempts to scapegoat the Public Sector, and Revenue Officials, (the same Revenue Officials who in recent years have brought in unprecedented sums of additional Revenue through the legacy programmes and other audit and investigations).

It is dismayed at the Governments endorsement of the ongoing attacks by the media on Public Servants and Revenue Officials.

It abhors the pay cuts on salary of Public Servants and Revenue Officials.

It considers it outrageous that the Government has proceeded to cut the level of Public Services and the pay of Public Servants at a time of financial crisis when a more prudent and more equitable solution might have been to increase taxes, in particular taxes for higher paid members of society, in the Public and Private employment.

It considers the policies of the Government to date in the management of the Exchequer as reckless and endangering economic and social justice.

**Revenue Branch**

**Action Taken:**

**Existing Association policy.**

**Motion 73**

Conference has noted the trend in corporate taxation over the last decade, and in particular the area of Research & Development (R&D) credit. The amount of R&D that has been claimed by some companies has expanded at such a rate that the State has or may end up paying benefits to some of the employees of the claimant companies due to taxes/PRSI deductions/payments that have never been made. Given the current fiscal limitations on the exchequer Conference calls upon the Government to reassess, on a cost benefit basis, the granting of this

(perhaps overly generous) tax break to corporate taxpayers.

**Revenue Branch**

**Action Taken:**

**Formed part of AHCPS pre-budget submission to ICTU.**

**Motion 74**

Conference notes that there appears to be an increasing trend in the number of asserted corporate reconstructions or amalgamations, which appear to be merely used as nominal badges when in reality they are parts of schemes to avoid various forms of taxation. Conference calls upon the Executive to use its influence to ensure that action is taken by the Government to ensure that each tax relief is made available only in clear and precise circumstances, and that any necessary changes are made in legislation so as to ensure that transactions may not be shoehorned into arguably widely drafted relieving provisions.

**Revenue Branch**

**Action Taken:**

**Formed part of AHCPS pre-budget submission to ICTU.**

**Motion 75**

Conference condemns the introduction of the Domicile Levy, which can be easily avoided by those who do not want to pay it and will be used by those who do pay it to pretend that they are fulfilling their obligations to the State even though it will be a far smaller portion of their income than the average tax paid by PAYE workers.

**Revenue Branch**

**Action Taken:**

**Formed part of AHCPS pre-budget submission to ICTU.**

**Motion 76**

Conference notes the proposed provisions of the Domicile Levy included in the recently published Finance Bill 2010. However, Conference expresses its surprise that apparently due to the proposed wording of the definition of "Irish Property" in the Bill that the value of the non-domiciled person's real Irish property may end up having to be up to 15M rather than the 5M mentioned in the Bill, before they come within the charge to the Domicile Levy. Conference also notes that the apparent exclusion of any deduction for debts in calculating the value of any property is one that may be simply avoided by the non-domiciled person placing the property in a body corporate and having the associated borrowings, or even unrelated borrowings, owed by that body corporate.

**Revenue Branch**

**Action Taken:**

**Formed part of AHCPS pre-budget submission to ICTU.**



### Motion 77

Conference notes that tax on money earned from deposit interest is charged at 25% and that this favourable rate of tax rewards hoarding money in low risk activity to the disadvantage of industry and commercial enterprise seeking investors.

Given the economic circumstances the country is in Conference calls on Government to withdraw this tax break except for depositors where the aggregate amount held on deposit is 120,000 euro or less or Deposit Interest is 3,000 Euro or less, whichever is more advantageous to the depositor.

**Revenue Branch**

#### **Action Taken:**

Formed part of AHCPS pre-budget submission to ICTU.

### Motion 78

Conference calls on Government to urgently consider if its policy of dealing with a recession/depression by withdrawing money from the economy is actually achieving it's objective- in view of falling tax receipts and rising unemployment.

If policy is to continue towards the further withdrawal of money from the economy, Conference agrees that this should be done by way of increased national taxation which spreads the withdrawal of money evenly across the economy rather than by further public sector pay cuts which will lead to further depression of the economies of rural towns and cities, already hard hit by unemployment, where public servants represent up to 40% of the working population.

**Revenue Branch**

#### **Action Taken:**

Formed part of AHCPS pre-budget submission to ICTU.

### Motion 79

Conference notes the anxiety expressed by Irish Hotels Federation regarding the proliferations of "zombie" hotels caused in part by overgenerous tax breaks to speculators. The problem identified by the Irish Hotels federation could be solved /alleviated by either the immediate winding up of property based tax incentives or limiting the relief to the standard rate only with a potential cost saving to the exchequer of up to 460 million per annum. Conference recommends that the Executive brings this to the attention of Government should talk ever resume within a social partnership context.

**Revenue Branch**

#### **Action Taken:**

Formed part of AHCPS pre-budget submission to ICTU.

### Motion 81

Conference notes that in the Finance Act 2009 the class

thresholds for Capital Acquisitions Tax (CAT) were reduced by 20% approx, in the interests of what was referred to as tax reform. Conference also notes that at the same time the relief for "agricultural property" and "business property" continued to operate by disregarding 90% of the value of that property. Conference instructs the Executive to bring to the attention of the media and the general public that these two facts, when considered in an environment where asset values have fallen dramatically, has resulted in a further shift in the burden of taxation from the business and farming sectors onto the assets that PAYE workers may have managed to build up during their lifetime.

**Revenue Branch**

#### **Action Taken:**

Formed part of AHCPS pre-budget submission to ICTU.

## MOTIONS REMITTED

### Motion 15

That Conference instructs the incoming Executive to engage with the Official side to review the implementation of the 2010 budget pay reductions as they impact on part time staff, with a view to calculating the percentage pay reductions on the basis of actual pay rather than on the basis of pay scales

**Transport Branch**

#### **Action Taken:**

Discussed with the Official Side.

### Motion 30

Conference notes that there is every likelihood that the Government will have to increase taxes to continue to meet its budgetary targets and that in that event rates of tax on public servants will become punitive. Conference instructs the Executive to commission a study

- a) On the impact of pay cuts and levies on members to establish the year to which current take home pay now compares,
- b) To measure the effects of increases in the current rates of taxation or a new rate,
- c) To identify other studies which relate productivity and job satisfaction to take home pay
- d) To compare reductions in members pay with equivalent management levels in the private sector and
- e) To publicise the results and present them to government and opposition parties.

**Revenue Branch**

#### **Action Taken:**

Data has been sought on the impact of pay cuts and levies on members to establish the year to which current take home pay now compares.

### Motion 53

That conference calls upon

- (a) members of the Association and their families to bear in mind those businesses and their associations that have called for and supported the unfair imposition of a pension levy and reductions in members' pay rates and to give preference in deciding to purchase goods and services to companies and associations that have not supported these measures.
- (b) officers of the Association, in spending association funds, to give preference to those businesses and business associations that have not called for or supported reductions in member's standard of living.

**Arts Sport & Tourism Branch**

#### **Action Taken:**

**Noted**

### Motion 54

In light of the ongoing campaign of vilification of public servants by the Irish and Sunday Independent papers, ADC calls on the Executive to instruct members not to purchase those papers until the date of the next ADC, and to further refrain from purchasing goods advertised in those papers. Additionally, ADC calls on the Executive, that where a series of negative articles appears in any national newspaper, to take a similar course of action for a lesser period, commensurate with the level of negative coverage.

**Revenue Branch**

#### **Action Taken:**

**Noted**

### Motion 55

Conference:

- a) Notes that particular sectors of the media have joined unreservedly in the campaign to:
  - Ensure the focus for the blame for the current crisis is diverted from where it truly lies and
  - Implement economic policies that impact on the less well off and result in a reduction in the level and quality of public services,
- b) Asks members of the Association in the first instance to identify their own interests in this matter and vote with their pockets in relation to publications from particular media groups and
- c) Instructs the Executive to organise a campaign within the Association and to support such a campaign in the wider Union movement against these media groups.

**Revenue Branch**

#### **Action Taken:**

**Noted**

### Motion 69

This Conference calls on the Executive Committee to terminate the present agreement with the Veterinary Officers Association and for officials of the AHCPS to cease to represent them in any future negotiations with the official side of the Department of Agriculture, Fisheries and Food.

**Agriculture, Fisheries and Food Branch**

#### **Action Taken:**

**Agreement has have been reached between the Branch and the VOA on this matter.**

### Motion 70

Conference agrees that in current times the concept of an Association does not carry sufficient weight to deal with, counteract, and publicise the critical issues facing the public sector in Ireland and to represent positively the interests of public sector managers in the current industrial relations environment and in the public eye. Conference instructs the executive to review the name and structure of our Association, to consult on a suitable replacement name and to take professional advice if necessary, to organise a survey or competition for a suitable replacement and to ballot, where necessary to effect the change.

**Revenue Branch**

#### **Action Taken:**

**Circular issued to Branches seeking views.**

### Motion 71

Conference directs the executive to prepare for a worsening of the Industrial Relations climate and to: Start getting members to sign direct debit mandates to have available in the event of any problems with deduction at source.

Obtain mobile phone numbers at the same time to facilitate mass texting from AHCPS computer systems should the situation require it.

**Revenue Branch**

#### **Action Taken:**

**Noted**

### Motion 80

Conference notes that public servants on the 41% rate of tax now have a marginal rate of 57% arising from the additional burden of the pension and other levies; in other words they take home only 43 cents of each additional euro earned. Conference also notes that the effective rate of tax on public servants on the 41% rate of tax is 40%; that is they take home only 60 cents of every euro they earn. Public servants are now the most heavily taxed group in Ireland and conference instructs the Executive to:

- a) Obtain professional, including legal advice in relation to this inequity and possible unconstitutionality in the tax system (only public servants are subject to the 'pension levy')

- b) Take whatever resulting legal action may be required arising from the advice received and
- c) Devise a publicity campaign to make this information known to other unions, at every possible and relevant opportunity in the media, and to the public at large

**Revenue Branch**

**Action Taken:**  
**Noted**

## 1.5. TRUSTEES AND AUDITOR

The Association's Trustees are Ms Margaret Kelly, Mr Brian Murnane and Mr Sean McDonald. The trustees are appointed until May 2011.

Ann Brady McQuillan Accountants were appointed as the Association's Auditors during the year.

## 1.6. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS

The deaths occurred during year of the Association's Honorary President Donal O'Mahony and three Honorary Vice Presidents, Jack Horgan, Brendan Sheeran and Charlie Tucker.

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 Dublin on two occasions during the year on the 2 November 2010 in the Gresham Hotel, and on 23 March 2011 in AHCPs Head office. The principal issues discussed at the November meeting were the current circumstances relating to pay, industrial action and the continued engagement of Q4PR to assist in promoting the Association's message. Martin Macken Q4PR briefed the meeting on the importance of communication. Ciaran O'Mara also briefed the meeting on the legal aspects of issues relating to employment of members. Houses of the Oireachtas, Director of Committees Information & Communications Art O'Leary spoke at the March meeting on the proposed changes in the Programme for Government.

## 1.8 MEMBERSHIP

The Association, at 31 December 2010, represented 3,165 members at Principal and Assistant Principal in the Civil Service and equivalent levels in a number of state enterprises. This is a reduction of 193 on the previous year. 76 new applications were received during the year. The gender breakdown of membership is 1054 female (33%) and 2111 male (67%).

## 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, which is operated on behalf of the Association by Irish Life Company, 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 are currently 1855 members in the Plan. The cost of the plan for members is 0.65% of salary.

### Group Life Assurance Scheme

The Group Life Assurance Scheme, which 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 now allows members continue cover when they retire up to age 80 with reduced cover.

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 are 829 members currently in the scheme.

### Additional Voluntary Contributions

Under the Finance Acts it is possible for a person in an occupational pension scheme to make additional voluntary contributions. The AVC Scheme is fully allowable for Income Tax and PRSI relief for 2011. It will be reduced from 2012 to 34% and reduced further in 2013 and 2014.

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

AA Ireland  
Tel: 01 6179253 or  
Email [AHCPs@aaireland.ie](mailto:AHCPs@aaireland.ie)

Glennons Insurance:  
Tel: 01 7075959 or  
Email [ahcps@glennons.ie](mailto:ahcps@glennons.ie)

Prestige Underwriters Group Motor/Home Insurance through Santam Europe Ltd.  
Tel: 1890 808666 (049 4371505)

Cornmarket, Christchurch Square, Dublin 8.  
Tel: 01 4084040.

### Travel Insurance

Prestige Underwriters Services (Ireland) Ltd. 8 Ashe Street, Cavan. Tel 1890 808666.

**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  
Website: [www.lyonsfinancial.ie](http://www.lyonsfinancial.ie)

**Mortgage Advisors**  
Omega Financial Management,  
110 Rock Road Booterstown, Blackrock, Co Dublin.  
Tel: 01 2884272.

**Investment Advice and Portfolio Management Service**  
Cornmarket Group,  
Christchurch Square, Dublin 8.  
Tel: 01 4084000.

Omega Financial Management,  
110 Rock Road Booterstown, Blackrock, Co Dublin.  
Tel: 01 2884272.

**Legal Advice Service**  
The Association's solicitors, provide a general legal service to members are:

O'Mara Geraghty McCourt,  
51 Northumberland Road Dublin 4.  
Tel: 01 6606543.

McGarr Solicitors,  
12 City Gate, Lower Bridge Street, Dublin 8.  
Tel: 01 6351580.

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

## 1.10 RULES AND CONSTITUTION

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

The Rules and Constitution of the Association are available on the AHCPS Website [www.ahcps.ie](http://www.ahcps.ie).

## 1.11 STAFF

The staff of the Association are:

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

Tom Quigley Honorary Vice-President and Joe Brennan assisted at the ADC with recording and writing the minutes of the 2010 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 PUBLIC SERVICE AGREEMENT 2010-2014

In March 2010 the Taoiseach invited the ICTU PSC to talks under the Chairmanship of the LRC. The talks were aimed at reaching an agreement that was acceptable to both sides. Finally, at 3am on Tuesday 30th March a document dealing with public service pay, pensions, jobs and transformation was agreed. The main points of the document are as follows:

- Commitment on no further wage cuts if reforms are implemented
- It provides a mechanism for the reversal of pay cuts over time if reform delivers verified savings. The Review will commence in Spring 2011 and initial priority will be given to lower paid public servants.
- Further reviews will take place in 2012, 2013 and 2014. The reviews will be carried out by a performance verification group made up of an independent chair and equal numbers of Union and Management representatives.
- The moratorium will continue. However, the proposed Agreement allows for the redeployment of staff within and between public sector organisations.
- It also provides for an industrial peace clause with an agreed mechanism for quickly resolving disputes.
- It provides for no compulsory redundancies for the lifetime of the proposed Agreement.
- Discussions on a new Pension Scheme for new entrants have already commenced. This will apply to new entrants after 1 May 2011.
- Discussions will take place on the method of determining pension increases for existing public service pensioners and current public servants.
- The period for which 2009 pay rates would be used to calculate pension entitlements will be extended from the end of 2010 to the end of 2011. A review in early 2011 will consider an extension beyond this date.
- The implementation of the proposed Agreement is subject to no currently unforeseen) budgetary deterioration.

The Association balloted members and an overwhelming number voted in favour. The result of the ballot was:

### Public Service Agreement 2010 -2014

<i>Ballot Papers Issued:</i>	3,150
<i>Ballot Papers Returned:</i>	2,270 (72%)
<i>Spoilt Votes:</i>	4
<i>Valid Poll:</i>	2,266
<i>In Favour:</i>	1,936 (85.5%)
<i>Against:</i>	330 (14.5%)

The Implementation body was appointed in July 2010. The Chairman is PJ Fitzpatrick and the official side members are Ciaran Connolly Brendan Duffy, and Philip Kelly. The Union members are Shay Cody, Tom Geraghty, Sheila Nunan and Patricia King.

Chairs were appointed for the other areas as follows:-

**Dan Murphy** – Local Authority area

**David O'Callaghan** – Education area

**Pat Harvey** – Health area

**Anna Perry** – Civil Service

**Michael McLoone** – Irish Prison Service

**John White** – Non Commercial Semi-State area

**PJ Fitzpatrick** – Gardai and Defence Forces

As part of the redeployment process on 1st January 2011 approximately 1,000 staff employed as Community Welfare staff in the HSE were seconded to the Department of Social Protection of which 72 are at AHCPs level. It is intended that they will be made civil servants from 1st October 2011.

### 2.2 NATIONAL RECOVERY PLAN

All sectors were asked to produce action plans. In the Civil Service each department had to produce an action plan and the overall plan was presented by the Department of Finance. In the light of The National Recovery Plan 2011-2014 and the recent Budget these action plans have to be revisited. These new plans have to be submitted in early 2011.

The National Recovery Plan (NRP) sets out a blueprint for a return to sustainable growth in the economy. It sets out the Economic policy, the strategy for competitiveness, growth and employment, control of expenditure, current expenditure measures, investment strategy and taxation measures.

The NRP proposes reductions in public service numbers and has a target reduction of 24,750 for the Public Sector. The Civil Service will be reduced from 39,300 in 2008 to 34,600 by 2014 which is approximately the figure it was



at 2000. It plans to reduce the public service pay bill to the 2005 level. The most recent Employment Control Framework (ECF) figure for Departments are as follows:

In the EU/IMF programme of Financial Support for Ireland it states that actions to be completed by end Q3-2011 :-

“Government will consider an appropriate adjustment, including to the overall public service wage bill, to compensate for potential shortfalls in the projected savings arising from administrative efficiencies and public service numbers reductions.”

## 2.3 PRIVILEGE DAYS

On the 15 December 2010 the Department of Finance proposed the abolition of Privilege Days. The AHCPS, PSEU and IMPACT disagreed with the proposals and referred the issue to Arbitration. The Arbitration Board reported on 21 March 2011 that while the Board has abolished the two days privilege leave, there is no overall reduction in the annual leave entitlement of members.

APs will now have 32 days leave in total (rising to 33 after five years service) and POs will have 33 days leave. The full report is at **Appendix E** in the full version of the AHCPS Annual Report at [www.ahcps.ie](http://www.ahcps.ie).

## 2.4 PENSIONS

Budget 2010 signalled its intention to make changes to pensions. The most ominous is the threat to break parity between pay and pensions. New entrants, will be entering under different terms and conditions which will see their pension based, not on final salary, as at present, but on career averaging. For existing pensioners and those members still serving, the Government has indicated its intention to use the CPI as the basis for post-retirement increases in the future. There are other proposals that are as yet unclear but may impact on some of our existing benefits.

Discussions are underway with the Department of Finance in relation to the Budget announcements. The Terms of Reference are:

### Introduction

1. In Budget 2010, the Minister for Finance announced that the Government has decided to introduce a single new pension scheme which would apply to all new entrants to the public service from 1 January, 2011.
2. The Minister also said that there would be consultations with the public service unions and public service employers. Accordingly, there will be consultation between the parties, the Department of Finance and the Public Services Committee of ICTU under the terms of reference which are agreed and set out from paragraph 3 below.

### Policy aims of the new scheme

3. The Department of Finance states that the general policy aims behind the new scheme are to

- [a] bring public service pension terms more into line with those which apply in the private sector,
- [b] link pension benefits more closely to career earnings,
- [c] improve the efficiency of pension administration within the public service, and
- [d] manage the growth of public expenditure on public service pensions over the longer-term.

### Government decisions on the main features of the scheme

4. In the light of the general policy aims at 3 above, the Department states that the Minister's announcement in Budget 2010 was based on Government decisions that the new public service pension scheme will have the following main features:

- [a] a new minimum public service pension age of 66 years which will be linked henceforth to increases in the state pension age,
- [b] a maximum retirement age of 70, and
- [c] pension benefits to be based on “career average” earnings rather than on final salary.

### Consultation process

5. The purpose of the consultation process is to consider the terms and conditions of the new public service pension scheme and, where possible, to agree proposals on the details of the scheme which can then be put to the Minister for Finance and the Government for final decision and incorporation in the forthcoming legislation.
6. Where disagreements emerge in the consultation process, it is agreed that there will be access to a third party for recommendation. The third party will be the Labour Relations Commission/Labour Court.
7. However, the Department of Finance will not agree to the submission to such third party decision or recommendation of those issues which have been decided by the Government, that is, the items listed at 4[a], [b], and [c].
8. On these “reserved” issues, the Department of Finance will record and report without prior commitment to the Minister and the Government any views or alternative proposals put forward in the consultation process by the Public Services Committee of ICTU.
9. The Department of Finance also points out that, in the light of the broad policy aims in paragraph 3 above, and, in particular, the policy aim at 3[d], the Government must, in taking final decisions on the new scheme, also reserve the right to take account of the overall longer-term expenditure implications of any items agreed with the Public Services Committee of ICTU and any third party recommendations which may be made.

10. The Department of Finance points out that the timetable decided by the Minister for the introduction of the new scheme requires legislation to be published by June, 2010 and considers that the consultation process must be concluded before that date. The Department is starting preliminary work on the new scheme in order to meet this timetable.

The Department has tabled a new draft careers average scheme and it is intended to be in place for new entrants by 1 May 2011.

## 2.5 UNIVERSAL SOCIAL CHARGE

Budget 2011 replaced the existing Income and Health Levies by a Universal Social charge (USC) at the following rates.

Rate of USC	Income
0%	Less €4,004
2%	€4,004 - €10,036
4%	€10,037 - €16,016
7%	Over €16,016

## 2.6 PROGRAMME FOR GOVERNMENT

Following the election of the new government the following are the main issues that will impinge on our membership over the lifetime of the programme.

*Public service is, and must remain, about serving the public, not making a profit. It is about serving the common good, not sectional interests. Real reform of the public sector will require a commitment from the whole of government to become more transparent, accountable and efficient. It will require:*

- Concrete mechanisms to improve performance, using a range of external standards and benchmarks, and to deal with persistent under-performance.
- A new approach to government which empowers public servants by devolving more power.
- New personnel from outside the current system, particularly experts in change management.
- Citizens having a basic right to key information on the performance of key services.

Government has to deliver better value in order to reduce the deficit and protect frontline services. We will, subject to there being no compulsory redundancies and to the protection of front line services:

- Reduce the total number of public sector employees by between 18,000 and 21,000 by 2014, compared to the total number at the end of 2010.
- Reduce this number by a further 4,000 by 2015.

In order to protect frontline services, even as employee numbers are reduced, we will make fundamental changes to the way government operates.

## A Strategic Centre

A key condition of a successful turn-around strategy for the country is a more joined-up strategic centre at the heart of government, with the power to confront and break up the concentrations of power that so damaged the country.

- We will reduce the size of the Department of An Taoiseach, transforming it into the equivalent of a Cabinet Office that oversees the delivery of a new Programme for Government.
- We will bring new talent and skills into the Department of Finance.
- We will bring in new skills and rigour into policy-making across all Departments. All appointments at Principal Officer level and above will be open to external competition and at least one-third of such appointments will be reserved for candidates from outside traditional civil service structures for a 5-year period.
- We will strengthen corporate governance legislation and enforcement.

## Open Government

*Where there is secrecy and unaccountability, there is waste and extravagance. We will pin down accountability for results at every level of the public service – from Ministers down – with clear consequences for success and failure. Ministers will be responsible for policy and procurement and public service managers for delivery.*

- Where appropriate, agency boards will be scrapped and agency managers will report directly to Ministers and their Departments on performance against targets.
- We will put in place a Whistleblowers Act to protect public servants that expose maladministration by Ministers or others, and restore Freedom of Information.
- There will be no more “golden handshakes” for public servants that have failed to deliver.
- We will overhaul TLAC (Top level Appointments Commission), with the chairperson and the majority of members drawn from outside the public sector.
- We will require Departments to carry out and publish Regulatory Impact Assessments (RIAs) before Government decisions are taken.
- We will introduce a reformed incentive system for all grades within core Government departments to reward cross-departmental teams that deliver audited improvements in service delivery and cost effectiveness.

## Waste

We will cut back the waste and political cronyism built up over the last decade by paring back the expensive, fragmented structures of public administration.

- We will go beyond the recommendations of An Bord Snip to rationalise core processes that are duplicated



across the public service, by establishing shared back office operations for information technology, human resource management, payments and entitlement applications, business inspections and procurement.

- We will review the Local Government Efficiency Review as part of our Comprehensive Spending Review.
- We will make substantial cuts to the number of State bodies and companies.
- We will instigate a Government-wide review to identify and eliminate non-priority programmes and outsource, where appropriate, non-critical functions.

### **“Choice and Voice” for Service Users**

Rather than giving fixed budgets to traditional public service providers like the HSE, VECs and FÁS, we will put resources into the hands of citizens to acquire services that are tailored to better suit their needs and less expensive for the taxpayer.

- Schools will publish annual reports.
- In local services, we will establish a website – [www.fixmystreet.ie](http://www.fixmystreet.ie) – to allow residents to report problems with street lighting, drainage, graffiti, waste collection and road and path maintenance in their neighbourhoods, with a guarantee that a local official will respond within 2 working days.
- We will establish a new model of financing social interventions – called Social Impact Bonds – that share audited exchequer savings with charitable and voluntary organisations.
- Where appropriate we will open up the delivery of public services to a range of providers.
- We will give schools, hospitals and other public service bodies new freedoms – within strict budgets and new accountability systems – to set their own staffing needs, automate routine processes and adapt work practices to local staff and customer needs.

### **Empowering the Civil Service**

We will legislate for a reformulated code of laws, replacing both the Ministers and Secretaries Acts and the Public Service Management Act, which will spell out the legal relationship between Ministers and their civil servants and their legal accountability for decisions and for management of Departments.

- The system of implied general delegation of a Minister’s statutory powers to civil servants will be abolished and replaced by a fixed and determined system of delegation of specified powers to specified officers.
- Where a responsibility is delegated through several civil service grades, each grade will be held accountable for their element of it and departmental officials giving evidence to Oireachtas committees will be obliged to speak on their own behalf for their delegated responsibilities and, where appropriate, defend themselves and their actions.

- Delegation orders will spell out the functions of the Minister in supervising the exercise of delegated powers: the Minister will be responsible for ensuring that adequate standards are maintained; outputs are delivered as determined or agreed; and procedures are in place to provide the Minister with the necessary and correct information to enable him or her to respond to problems of administration and to give an account of those problems, and of any necessary corrective action, to the Dáil and to the public.

We will bring to an end the unacceptable executive practice where no record is kept of ministerial involvement with an issue and resulting decisions.

We will review the grading structure of the civil service and public service and reduce

number of management grades. Public service managers will be given greater autonomy in deciding how they use staffing budgets and resources to achieve agreed outcomes.

We will remove barriers to mobility across the public service. As part of this we will create a new tier of senior public service management structures, where senior officials are rotated across the public sector to nurture the collaborative culture needed to tackle the biggest cross-cutting social and economic challenges.

High level strategic goals will be reflected in individual goals, in a new performance

management and development system for staff. Staff recognition schemes will be developed and devolved, with particular emphasis on team awards. Staff will be encouraged to put forward suggestions for improving service delivery and organisation efficiency and effectiveness.

Government services websites, public offices, telephone services, and helplines will be reconfigured to facilitate access to a broad range of government services through a single point of contact.

## **2.7 ORGANISATIONAL REVIEW PROGRAMME**

In 2010, the second report of the Organisational Review Programme was published, containing reviews of the Department of Health and Children, Office of the Revenue Commissioners, Central Statistics Office and Property Registration Authority. The current phase of reviews involves the Department of the Environment, Community and Local Government, Department of Education and Skills, Department of Foreign Affairs and the Department of the Taoiseach. The reports on these Departments will be finalised by mid 2011 and it is intended to have all remaining reviews completed by the end of 2012.

## **2.8 DECENTRALISATION:**

The government deferred a number of decentralisation moves in 2009 pending a review in 2011 because of the government budgetary situation.

A list of the decentralisation locations that are complete and those that are being deferred is available on the Association's website.

## 2.9 SCHEME OF INTERDEPARTMENTAL PROMOTION TO PRINCIPAL LEVEL POSTS

The Government announced a moratorium on public sector recruitment and promotion in April 2009. The interdepartmental panel lapsed in May 2009 and no new panel has been established.

The open recruitment panel had no closing date. It was agreed in Towards 2016 that 2 in 9 of all PO vacancies would be filled from the Open panel.

## 2.10 TLAC

24 TLAC competitions were held during 2010 of which 21 were run as open competitions and 3 were run inter-departmentally.

- 4 Secretary General Level
- 2 Deputy Secretary
- 16 Assistant Secretary level
- 2 Assistant Secretary/Deputy Secretary level.

## 2.11 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 and one special meeting of the General Staff Panel together with numerous meetings of sub-committees of General Council. There was 1 agreed report (Report 1521) of the General Council in 2010.

The officers for 2011, elected at the AGM in January 2011, are Chairperson Denis Walsh CPSU, Vice Chairperson John O'Flanagan IMPACT and Gerry Malone PSEU was re-elected as Secretary to the Panel.

The annual report of the Secretary of the General Council Staff Panel for 2010 **Appendix F** is available on the full version of the AHCPs Annual Report at [www.ahcps.ie](http://www.ahcps.ie). The report includes details on the principal industrial relations issues impacting across the civil service during the past year.

## 2.12 WORK LIFE BALANCE/DIVERSITY

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

## Term Time

On the 30th of April 2009, the Department of Finance issued a circular replacing the term time scheme with a new Shorter Working Year scheme. Under this arrangement staff can take leave in periods of 2, 4, 6, 8, 10 or 13 consecutive weeks. The scheme is detailed in Finance circular 14/2009. The operation of the scheme is to be reviewed after a period of three years.

## Crèches:

Under the Civil Service Childcare Initiative the Minister for Finance appointed a management board made up of representatives of the Department of Finance, 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 child care initiative. Mount Street and Marlboro Street in Dublin, Backweston, Athlone, Sligo, Cork and Ennis.

Independent consultants are engaged to carry out quality audits and make appropriate recommendations.

## Parental Leave Circular:

The Unions succeeded in having the 8 years of age limit for Parental Leave increased to 13 years. This change came into effect on 1 September 2010 and is outlined in Finance circular 13/2010.

## Career Breaks:

Department of Finance circular 13/2009 announced details of a Special Civil Service Incentivised Career Break Scheme for 2009. Under the scheme staff taking a career break of three years could receive a special incentive payment for each of the three years of their career break. 526 applications under this scheme were approved including 18 at APO level and 1 at PO level.

## Worksharing:

The Public Service Agreement committed the Unions to finishing discussions on a revised worksharing circular.

A revised worksharing circular (Finance circular 11/2010) issued subsequently. This circular outlines that regular reviews of arrangements are required and that the business needs of a section should be taken into account along with the personal needs of the staff member.

## Flexible Working Hours:

A small number of members avail of this facility in certain Departments. There has been an attempt to curtail the scheme for APs in the Department of Justice. The Association has referred the matter to third party under the terms of the Croke Park Agreement.

### E-working:

A working Group, *Smarter Travel – A Sustainable Transport Future* was established under the aegis of the Department of Transport. This Group had two recommendations relation to e-working. The first recommendation set targets for e-working and better broadband provision. The second recommendation related to the setting up of regional e-working centres in conjunction with the private sector. An inter-departmental working group was established to progress these matters.

### 2.13 DISABILITY

The Association is represented at the Disability Sub-Committee of General Council by the Deputy General Secretary John Kelleher. The most recent meeting of the Sub-Committee took place in 19 May 2010.

The Department of Finance is to review that way that it collects information as the current system is unwieldy. Information on the Disability Liaison Officer programme is to be provided.

Updates on all disability issues are regularly supplied on the website [www.disability.gov.ie](http://www.disability.gov.ie)

## STATE ENTERPRISES

### 3.1 AN POST AND NATIONAL LOTTERY COMPANY:

#### Towards 2016

The first phase of module 2 of Towards 2016 for 3.5% was due from 1st May 2009. The Company has claimed partial inability to pay. The union side referred the matter to the Labour Relations Commission (LRC). Following discussion at the LRC it was agreed that external assessors would be appointed, as provided for under the agreement, to review the financial position of the Company. The Company has suggested a pay freeze until 2012 and to review the situation regarding any future increases in pay in the light of (i) the evolving economic situation (ii) An Post's financial and trading circumstances (iii) CPI (iv) new National pay Agreements, if any.

The unions sought an update at the LRC on the Company's financial situation and this was provided by the Company at the LRC on 20th September 2010. At that meeting the Company outlined its projected financial position for the next four years. The Company maintained that with declining mail volumes and liberalisation of the mails market it is unable to pay the current round of pay increases at this time.

#### HAY Market Movement

Staff in the IT unit are on personal pay contracts where pay movement is linked to HAY market movement. The last pay rise received by staff in the IT unit at Level 3 (APO) and lower grades was in March 2008. The Association together with the PSEU have sought the intervention of the Labour Court (LC) to adjudicate in relation to the payment due in March 2009. At the initial Labour Court hearing on 26th October 2010 there was disagreement between the union side and the Company on whether the payments due in March 2009 were "past" or "future" payments. The LC hearing was postponed to allow both sides an opportunity to clarify the issue. Despite two bilateral meetings the issue in relation to past or future payments was not resolved and the matter is due for hearing again at the Labour Court in April.

#### National Lottery Company (NLC)

Staff at Level 3 (APO) in the National Lottery Company are on personal pay contracts where annual pay increases are linked to market movement as measures by HAY. The HAY increases due for 2009 and 2010 have not been paid by the National Lottery Company. The Association referred the matter to the Labour Relations Commission for arbitration but the Company failed to move on the

issue. The Association has written to the Labour Court seeking a hearing and are awaiting a date.

#### Pensions

The An Post pension fund is in deficit. In December 2009 the deficit stood at 583 million. A presentation from the Pension Fund actuaries to the meeting of the JCC outlined the current position of the fund and how it is proposed to address the deficit. There is a regulatory requirement by the Pensions Board to ensure that a proposal to rectify the deficiency, over a ten year period, is in place.

It was agreed that a JCC sub-committee of all interested parties would be formed to set out a plan to restore the Pension Fund over a ten year period. Ciaran Rohan, Assistant General Secretary represents the AHCPs membership on this committee.

The current Company contribution to the pension fund is 14.4% in respect of each employee. The employee contribution ranges from 0% to 1.5% to 5.5% depending on the date of joining the Company. A number of funding scenarios to return the Pension Fund to a surplus position have been floated by the Company. These include employees making an additional contribution to the pension fund, increasing the age of retirement, restricting pensionable salary increases, limiting future pension increases.

The committee has only met on two occasions during 2010.

#### Change and Productivity Improvement Agreement

The Association has for some time been seeking an increase in the Change and Productivity Improvement Agreement allowance from 10.5% to 12.5% in line with increases obtained by the CPSU and the PSEU, although the PSEU increase has still not been finalised. The Company position during any negotiations was that they had achieved all the productivity they required and therefore did not wish to engage with the Association on the additional 2% increase.

The Association referred the matter to the Labour Relations Commission and then the Labour Court. The LC hearing was held on 23rd June 2010. The Recommendation of the court was as follows.

*"Having regard to the current economic and commercial circumstances of the Company the Court cannot reasonably recommend that the Association's claim be conceded at this time.*

*When those circumstances improve the parties should have further negotiations on the claim with a view to identifying*



*appropriate cost-offsetting measures which could allow for the restoration of internal equity in the rate of productivity allowance paid to all groups"*

While the LC recommendation does not give the Association an increase at this time it does open the door for further negotiations that could allow for the restoration of internal equity.

### Head Count Reduction

The Company is working on reducing the number of staff employed in the Company by 1,375 nationwide as a result of falling revenues and mail volumes and in preparation for postal liberalisation. For AHCPs grades at Level 3/APO and IOS/SIO/IO grades the Company proposed a reduction of 40 posts from 222.3 to 182.1. The reduction in numbers is on a voluntary and to date 21 staff have departed the company.

### Travel and Subs

The Company in 2006 moved away from the civil service method of calculating increases in T&S to a method based on the CPI. However once the Government reduced the civil service rates by 25% the Company unilaterally reverted to the civil service rates. The Association through the staff panel has been seeking to refer the issue to third party in an effort to get the Company to honour its previous commitment.

### Postal Liberalisation

The 3rd EU Directive on Postal Liberalisation took effect from 1st January 2011. However the legislation to transpose the directive into Irish law collapsed with the dissolution of the Dail in January. It is likely that this will be a priority for a new government.

The Association was represented the Deputy General Secretary John Kelleher and Branch Secretary Joe Gleeson at the UNI Europa Posts and Logistics trade union meeting in Luxembourg in November where the main issue for discussion was the directive.

### Post Codes

The Deputy General Secretary represented the Association at a meeting with the other unions at the Department of Communications on the issue of Post codes.

## 3.2 FÁS

The Association has met with the Director General in November 2010 and again in February 2011 in relation to the Governments proposals to re structure FÁS with the transfer of staff in Employment Services into the Department of Social Protection (DSP) and the establishment of a new Skills Agency. The breakdown of staff between the DSP and the new Skills Agency is in the order of 40% to DSP and 60% in the Skills Agency.

To date staff numbers have reduced by 336 (15%) since the moratorium was announced in January 2009. At

management level the reduction is 62 staff which is 21% of the complement.

The legislation in relation to the transfer of staff to DSP is contained in the Social Welfare (Miscellaneous Provisions) (No 2) Bill 2010 which has now been passed. It is anticipated that discussions will commence in April with the various unions in relation to establishing a protocol for the transfer of staff and for dealing with the issues in relation to the transfer. The last year saw the retirement of two long serving branch officers in Mark Crowther as secretary and Jack Horgan as Chairman. The branch wish them health and happiness in their retirement.

## 3.3 IRISH AVIATION AUTHORITY (IAA):

During the last year the Staff Side (including this Association) were involved in intensive discussions with the Company in relation to the deficit in the Company's pension scheme. The most recent actuarial valuation identified a deficit of €234m. These discussions followed on from Labour Court recommendation no. 19713. The discussions were facilitated by Mr Ray Magee (former Chairman of the Labour Court). Mr Magee issued proposals designed to address the pension fund deficit. A joint Memorandum of Understanding between the Staff Side and the Company was subsequently agreed. This Memo was designed to clarify certain matters contained in the Magee proposals.

In summary the proposals were:

- Both parties agreed, with the benefit of actuarial assistance, that the extent of the percentage contribution required to address the pension fund deficit was 19%.
- The measures required to address the deficit should be approached on a 50/50 basis.
- It was proposed that employees in membership of the 1996 Superannuation Scheme pay the following pension contribution with effect from 1 January 2011:
  - Those on the Class D1 rate of PRSI pay 6% of remuneration (aggregate of salary and pensionable allowances).
  - Those on the Class A1 rate of PRSI pay
    - 4% of net remuneration ( aggregate of salary plus pensionable allowances less twice the State contributory retirement pension )
    - 2% of remuneration (aggregate of salary plus pensionable allowances).
- The Authority currently makes an employer contribution to the pension fund of 30.5%. It is proposed that the Authority should continue to

make this contribution. In addition it is also proposed that the Authority make an additional cash contribution to the pension fund of €5.4 million per annum for a 10 year period commencing on 1 January 2011.

- It was proposed that there would be no increase in pensionable pay from 2 July 2011 to 31 December 2013 and a cap on pensionable pay based on CPI to a max of 3% in respect of the period 1 January 2014 to 31 December 2018.
- It was proposed that the existing arrangements regarding retirement age remain unaltered.
- It was proposed that the parties should agree appropriate measures to promote inclusiveness in the sharing of information on investment performance and funding levels. Such an initiative should not however encroach on the role and function of Trustees.
- It was recommended that both parties should agree to review the impact of these proposals on returning the pension fund to solvency following each actuarial valuation (conducted under section 56 of the Pensions Act, 1990 and Clause 9(b) of the Trust Deed), commencing with the January 2015 actuarial valuation.
- These proposals were put to ballot by each Union represented in the Authority. The AHCPS voted unanimously to accept the proposals which then formed the basis of a collective agreement. The Authority subsequently communicated with each individual employee in order to secure their consent to implement the measures contained in the proposals.

### 3.4 INJURIES BOARD

The Company is unwilling to implement the PCW 1%. The Association referred the matter to the Labour Relations Commission. No agreement was reached at the LRC so the matter has been referred to the Labour Court.

### 3.5 FOOD SAFETY PROMOTION BOARD (SAFEFOOD)

The Association jointly with the PSEU took a regarding claim to the Labour Court in June 2010. The Court recommended in favour of the union side and recommended that a number of posts be upgraded. However the Department of Health and Children have declined to grant sanction for the implementation of the Labour Court recommendation. The Association together with the PSEU have been in discussions with the Department of Finance and the Department of Health and Children. Failure by the Department of Health and Children to abide by a Labour Court Recommendation could have serious consequences for the conduct of industrial relations with-in the public service.

### 3.6 ROAD SAFETY AUTHORITY (RSA)

The Association is in discussions with the Department of Finance in relation to the implementation of the PCW 1% uplifts in the Road Safety Authority. A number of staff at AP and PO grades in the RSA are formally staff of the Department of Transport.

### 3.7 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 :

CER

Food Safety Authority

Ordnance Survey Ireland

Health & Safety Authority

Pensions Board

Commission for Communications Regulation (ComReg)

Eircom

National Roads Authority

Marine Institute

Environmental Protection Agency

National Centre for Partnership & Productivity

Irish Water Safety

Office of Tobacco Control

## 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 co-opted to the Executive Committee in February 2011 following a vacancy.

#### 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 in May 2010 and the Annual Report of PSC is attached as **Appendix G**.

#### 4.1.2 ICTU WOMEN'S COMMITTEE

The Association continues to be represented at the ICTU Women's Committee.

#### 4.1.3 ICTU RETIRED WORKERS' COMMITTEE

The Association is represented on the Retired Workers' Committee of Congress by Vice Presidents Tom Quigley and Con Ryan.

### 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 292 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 facilities 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 has 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 33rd UFE Meeting was held in Lisbon in September 2010. The Association was represented by Dave Thomas General Secretary, Frank O'Dwyer and Tom Allen, Revenue Branch.

### 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 Branch Secretary Joe Gleeson attended a meeting of the group in Luxembourg in November 2010.

### 4.8 FIRST DIVISION CIVIL SERVANTS ASSOCIATION (FDA)

The Association was represented at the 2010 FDA Annual Delegate Conference by Chairperson Peadar Carpenter, 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 attended their Annual General Meeting on 31 March. 2011.

### 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 represented on the Third World Fund by Niall MacSuibhne, Revenue.

### 4.13 CIVIL SERVICE CHARITIES FUND

The Association is represented on the Civil Service Charities Fund by Larry Dunne, Executive Committee.

# MINUTES OF THE ANNUAL DELEGATE CONFERENCE HELD ON 7th MAY 2010

## 1 Opening of Conference

- 1.1 The Chairperson, Peadar Carpenter called Conference to order at 13.40.
- 1.2 He welcomed the delegates, press and Harry Baird from the FDA, Northern Ireland to the Conference. Apologies were received from the FDA London who, could not be represented because of the General Election in Britain.

## 2. Adoption of the minutes of the Annual Conference 2009

- 2.1 On being duly proposed and seconded the minutes of the Annual Delegate Conference 2009 were adopted.

## 3. Appointment of Tellers

- 3.1. The following delegates were appointed as tellers:
 

Liam Kelly	Department of Finance
Declan Bourke	Department of Foreign Affairs
Peter Dockery	Revenue
Joe Gleeson	An Post

## 4 Adoption of Standing Orders Committee Report

- 4.1 David Denny (Chairperson of Standing Orders Committee) proposed the adoption of Standing Orders Committee Reports Nos. 1 and 2.
- 4.2 Standing Orders Report Nos.1 & 2 were then put to Conference and adopted.  
Subsequently Standing Orders Report No. 3 was adopted by Conference.  
Standing Orders Committee Reports 1, 2 and 3 are reproduced at Appendix I to these minutes.

## 5 Chairperson's Address

The Chairpersons Address is reproduced at Appendix II to these minutes.

## 6. Annual Report 2008/2009

- 6.1 The text of the General Secretary's Address introducing the Annual Report 2009/10 is reproduced at Appendix III of these minutes.
- 6.2 There were no questions raised on the Annual Report and it was adopted unanimously having been suitably proposed and seconded by Conference.

## 7. The Financial Statement – Treasurer's Report

- 7.1 The Financial Secretary went through the Income and Expenditure Account.

Kathleen Connolly (Justice, Equality and Law Reform) and John Kelleher (Deputy General Secretary) spoke on issues arising from the Financial Statement.

- 7.2 The Financial Statement was adopted by Conference.

## 8. Motions

### RULE CHANGE

#### PROPOSED RULE AMENDMENTS

#### BRANCH ORGANISATION

#### Motion 1

Proposed by Tom Allen, Vice Chairperson and seconded by Mary McLaughlin Treasurer.

*To amend Rule 22 (f) first paragraph from "An annual general meeting of the members of each branch shall be held not later than ten weeks prior to the date of the Annual Delegate Conference." To now read "An annual general meeting of the members of each branch shall be held not later than nine weeks prior to the date of the Annual Delegate Conference".*

#### **Executive Committee**

The motion was carried.

#### Motion 2 (If this motion is carried motion 70 falls)

Motion 2 was proposed by Frank O'Dwyer (**Revenue**) and seconded by Peter Dockery (Revenue)

Speakers on the motion were John Kelleher (Deputy General Secretary).

#### *Rule Change:*

*Rule 1. Replace the words "Association" with "Union" and "Comhlachas" with "Aontas" The amended rule to read:*

*The Union shall be known as the Union of Higher Civil and Public Servants (Aontas na Sheirbhiseach Uachtarach Stait agus Poibli), hereinafter referred to as the Union.*

*Amend all subsequent rules to substitute the words "the Union" for "the Association" and "Union's" for "Association's" where ever those words appear.*

#### **Revenue Branch**

The motion was defeated.

#### Emergency Motion

Proposed by Tom Allen Vice Chairperson and seconded by Mary McLoughlin Treasurer.

The General Secretary and Frank O'Dwyer (Revenue) spoke on the Emergency Motion.



*This Conference notes the result of the ballot on the Public Service Agreement 2010-2014 and the overwhelming support for the Agreement amongst the AHCPS membership. Conference:*

- *welcomes the commitment in the Agreement to no further pay cuts for four years if reforms are implemented;*
- *notes the provision of a mechanism for the reversal of pay cuts, over time, if reform delivers verified savings;*
- *welcomes the commitment in relation to pension provision.*

*Conference therefore notes that the AHCPS delegates to the Public Services Committee of the Irish Congress of Trade Unions will vote in favour of the Agreement. Conference further notes that it remains incumbent upon the Government to deliver on their side of the agreement in an open, transparent, fair and equitable manner to reassure all Public Servants that their support for the "Croke Park" Agreement is not misplaced.*

#### **Executive Committee**

The Emergency Motion was carried and as a consequence the motions referred to in 2 of Standing Orders Report No. 3 fell.

#### **COMPOSITE MOTION C (standing for 12, 13 and 14)**

Proposed by Feargal O Coigligh (Environment, Heritage and Local Government) and seconded by Mark Bohan (Environment, Heritage & Local Government). Ciaran Rohan, Assistant General Secretary, spoke to Composite C.

***Conference directs the Executive Committee to obtain detailed clarification of members pay and non-pay conditions of service with a view to developing a work-to-rule policy for AHCPS grades including working a "standard" working week.***

*Composite C was carried.*

#### **Motion 15**

Proposed by Orla Corrigan (Transport) and seconded by Les Kennedy (Transport).

Jim O'Farrell (Finance) and the General Secretary spoke.

*That Conference instructs the incoming Executive to engage with the Official side to review the implementation of the 2010 budget pay reductions as they impact on part time staff, with a view to calculating the percentage pay reductions on the basis of actual pay rather than on the basis of pay scales.*

#### **Transport Branch**

A proposal to remit by James Keane (Revenue) and seconded by Garvan O'Keeffe (Revenue) was passed.

#### **Motion 21**

**Proposed by Maeve Hogan (Justice & Law Reform) seconded by Seamus Sisk (Justice & Law Reform).**

That this conference calls on the incoming Executive Committee to make clear to Government and the general public that the secure nature of civil service employment and its benefits were taken into account under successive national agreements since social partnership was initiated over 25 years ago and that the imposition of the so-called 'pension levy' is effectively a double taxation of the pay of public servants.

#### **Justice Equality & Law Reform Branch**

***The motion was carried.***

#### **Motion 24**

***This motion in the name of the Revenue Branch was not moved.***

#### **Motion 27**

Proposed by Mary Farrell (Revenue) and seconded by Frank O'Dwyer (Revenue).

*Conference directs the incoming executive to engage with the Public Services Committee of ICTU, to seek a commitment from all political parties holding office or who aspire to holding office, to the establishment of an independent commission to determine public sector pay rates including the pay rates of public representatives and the members of the judiciary.*

#### **Revenue Branch**

The motion was carried.

#### **Motion 30**

Proposed by Frank O'Dwyer (Revenue) and seconded by Peter Dockery (Revenue).

A proposal to remit to the Executive Committee by Noel Holleran (Executive Committee) and seconded by Brendan O'Connor (Agriculture) was passed.

*Conference notes that there is every likelihood that the Government will have to increase taxes to continue to meet its budgetary targets and in that event rates of tax on public servants will become punitive. Conference instructs the Executive to commission a study*

- a) *On the impact of pay cuts and levies on members to establish the year to which current take home pay now compares,*
- b) *To measure the effects of increases in the current rates of taxation or a new rate,*
- c) *To identify other studies which relate productivity and job satisfaction to take home pay*
- d) *To compare reductions in members pay with equivalent management levels in the private sector, and*
- e) *To publicise the results and present them to government and opposition parties.*

#### **Revenue Branch**

#### **Motion 31**

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

Conference directs the AHCPS Executive Committee to seek, in conjunction with other public sector unions, to have the Income Levy removed from income which public servants are not receiving, namely that deducted under the public service levy/so called pension levy/pension related deduction.

**Revenue Branch**

The motion was carried.

**STATE BODIES**

**Motion 32**

Proposed by Mark Crowther (Executive Committee) and seconded by Tom Rowan (FÁS)

*That Conference deplores the failure of the Tánaiste to appoint a Worker Director to the new Board of FÁS, which diminishes the role and contribution of the staff.*

**FÁS Branch**

The motion was carried.

**Motion 33**

Proposed by Tom Rowan (FÁS) and seconded by Mark Crowther (Executive Committee)

*That Conference deplores the continuous generalised media criticism of FÁS staff, and supports us in our contention that the overwhelming majority of staff are hard-working and honest.*

**FÁS Branch**

The motion was carried.

**Motion 34**

**This motion in the name of the Revenue Branch was not moved.**

**SUPERANNUATION**

**Motion 35**

Proposed by Brian Chadwick (Social & Family Affairs) and seconded by Mary Curley (Social & Family Affairs)

*That this ADC instructs the Executive Committee to enter negotiations with the*

*Department of Finance to introduce an amendment to current arrangements such that staff who had 40 years service before 31 December 2009 should have their lump sum and pension paid in accordance with their salary on that date no matter when they retire.*

**Social & Family Affairs Branch**

**Amendment**

**Proposed by Larry Monaghan (Revenue) and seconded by Garvan O'Keeffe (Revenue).**

**To insert the words**

*"or higher if pay rates improve beyond those values," in the 4th line after "date" and before "no"*

Motion as amended was carried.

**Motion 36**

Proposed by Garvan O'Keeffe (Revenue) and seconded by Frank O'Dwyer (Revenue).

*Mindful of contributions made through the pension levy and the reductions in pay increases in recognition of our pension rights that were a feature of many awards down the years, Conference calls on the Executive to enter into discussions in the appropriate fora, and to take all necessary steps, in conjunction with other public sector unions, to preserve public servants' pension rights as at 31 December 2009.*

*If agreement is not forthcoming the Executive is instructed to ballot members on industrial action, up to and including strike action.*

**Revenue Branch**

**Amendment**

The amendment was proposed by Michael O'Doherty (Revenue) and seconded by Frank O'Dwyer (Revenue).

**To delete the first sentence as follows:**

*"Mindful of contributions made through the pension levy and the reductions in pay increases in recognition of our pension rights that were a feature of many awards down the years,"*

**and last sentence as**

*"If agreement is not forthcoming the Executive is instructed to ballot members on industrial action, up to and including strike action".*

The motion as amended was carried..

The motion as amended to read as follows:

**Conference calls on the Executive to enter into discussions in the appropriate fora, and to take all necessary steps, in conjunction with other public sector unions, to preserve public servant's pension rights as at 31 December 2009.**

**Revenue Branch**

Motion as amended was carried.

**Motion 37**

Proposed by Tom Fanthom (Revenue) and seconded by Frank O'Dwyer (Revenue).

The General Secretary and Daragh Doherty (Health & Children) spoke on the motion.

*In view of the fact that many public sector workers, including some AHCPS members, may now find themselves in cash-flow difficulties as a result of the recent pay-cuts, Conference instructs the incoming committee to seek through the public services committee the introduction of a scheme whereby public sector workers may avail of a portion of their actuarially reduced retirement lump sum, while still in employment, for a modest premium.*

**Revenue Branch**

Motion defeated.

## CONDITIONS OF SERVICE

### Motion 39

Proposed by Conor O'Malley (Arts, Sport & Tourism) and seconded by Bernard O'Shea (Arts, Sport & Tourism).

*That conference calls upon the executive and officers of the Association to strongly oppose policies in individual Departments where information on and access to specific career development opportunities brought to the attention of Personnel sections are withheld from members.*

**Arts Sport & Tourism**

The motion was carried.

### Motion 40

Proposed by Mary Joy (Justice, Equality & Law Reform) and seconded by Maeve Hogan.

*That Conference instructs the incoming Executive Committee to pursue a claim for the payment of Delegate's Allowance to officers who attend meetings in the UK.*

**Justice Equality & Law Reform Branch**

The motion was carried.

## COMMUNICATIONS/MEDIA

### Motion 42

Proposed by Jerry Hickey (Justice Equality & Law Reform) and seconded by Maeve Hogan (Justice Equality & Law Reform).

*That Conference instructs the incoming Executive Committee to formalise a communications strategy to articulate to the general public, the views of the membership in response to the unprecedented attacks over an eighteen month period by all sections of the media on the work, integrity and dedication of civil servants and public servants be acknowledged.*

**Justice Equality & Law Reform Branch**

The motion was carried.

### Motion 43

Proposed by Tom Sheridan (Environment, Heritage & Local Government) and seconded by Mark Bohan (Environment, Heritage & Local Government).

*That this conference instructs the Executive Committee to pursue an effective ongoing communications and public information function with robust and well-informed responses on key issues that arise affecting members*

**Environment, Heritage and Local Government Branch**

The motion was carried.

### Motion 44

Proposed by Daragh O'Doherty (Health & Children) and seconded by Kevin Conlon (Health & Children).

*That Conference is gravely concerned about the incessant media vilification of our members and of civil and public*

*servants generally, the unilateral adverse action by our employers and the high risk of future attacks on our members in the current political and economic climate, and in particular the cuts imposed to the salaries of members. While fully acknowledging the work of the Executive in recent months it calls on the incoming Executive Committee to examine more effective strategies to protect the interests of members and to defend them against such attacks. In particular, this Conference instructs the Executive Committee to carry out a detailed options appraisal (considering all possibilities) on how this Association could be more effectively organised to protect its members' interests and to report to a Special Delegate Conference on these issues within 6 months.*

**Health and Children Branch**

### Amendment

Proposed by Brian McKeivitt (Executive) and seconded by John Glennon (Executive).

**Replace the words in second line "Special Delegate Conference" and replace with words "Consultative Council".**

**Executive Committee**

Outcome: amendment carried. Motion as amended was carried.

**Motions 45 to 51 inclusive proposed by Mary Farrell (Revenue) and seconded by Frank O'Dwyer (Revenue).**

### Motion 45

Conference directs the incoming committee to engage with the Public Sector Committee of Congress to develop an alternative communications strategy which is not dependant on the whims or political bias of newspaper editors.

**Revenue Branch**

### Motion 46

Conference directs the executive to engage with heads of departments to plan and agree a strategy, with us, to help our staff to deal with the hostility and marginalisation which has resulted from the seemingly endless media generated anti public sector campaign

**Revenue Branch**

### Motion 47

Conference notes in the last 12 months AHCPS members have had to endure pay cuts of up to 17 per cent through the introduction of income and pension levies. On top of this, in the 2010 Budget members now have endured a further cut of between 6.3 per cent and 7.9 per cent. This demonisation of public servants and 24% cut for AHCPS members is way out of proportion with other workers. This Conference instructs the AHCPS, in conjunction with the Public Services Committee of the Irish Congress of Trades Unions, to formulate an effective communications strategy that will address the current bias against the



Public Service in large sections of the media and address the lamentable approach taken to defend the pay of public servants and in particular grades represented by the AHCPS.

**Revenue Branch**

**Motion 48**

Conference directs the executive to try to secure the publication, as part of the quarterly revenue receipts, the contributions of public sector workers in the form of the pension levy and the pay reductions, as separate and identifiable items to avoid the "eaten bread" syndrome. If this is not agreed the AHCPS should request the data under FOI, publish it and advise to all other Public Sector Unions.

**Revenue Branch**

**Motion 49**

Conference, notes with pride the ongoing successes attained by our members in the Office of the Revenue Commissioners.

The levels of efficiencies and effectiveness achieved within the Offices of the Revenue Commissioners, over the past few years, has been lauded in various fora, including in public speech by Taoiseach Brian Cowen.

The ongoing aggressive campaigns by the Media, waged against staff of the Revenue Commissioners, and the wider Public Service, is without any substance or matter and is not acceptable.

Conference calls on the Executive to counter-attack this campaign by the Media against staff within the Revenue Commissioners and the wider Public Service, through the publication of the impressive positive results achieved by the Office of the Revenue Commissioners in recent times.

**Revenue Branch**

**Motion 50**

Conference notes the calibre and expertise available within the ranks of the Association. It notes further that properly delivered statements and papers from the Association should carry influence in the current debate on solutions to the economic crisis. Conference instructs the Executive to cultivate and adopt a stronger role for the Association in the public arena as a commentator of note and to deliver policy papers and recommendations, both in the media and to government, in line with policy approved by the Executive

**Revenue Branch**

**Motion 51**

Conference instructs the executive to fund media training courses for all spokespersons and to design a set of key core messages for delivery whenever a media opportunity arises.

**Revenue Branch**

The motions 45 – 51 inclusive were carried.

**Motion 52**

Proposed by Frank O'Dwyer (Revenue) and seconded by Garvan O'Keeffe (Revenue). Jim O'Farrell (Finance) spoke to the motion.

*Conference notes the failure of the Trade Union movement in general to come up with a coherent approach to the current crisis: in particular*

- a) *The Frontline campaign which effectively argued that some public servants were more deserving than others and effectively set public servant against public servant*
- B) *The focus by some unions on the pay of senior public servants which aligned them with right wing commentators and politicians and distracted completely from the campaign against the wider impact of current government policy and the broader attack on public servants and public spending*
- C) *The failure to capitalise on the positive reception of the work of public servants in keeping the country open during the cold freeze*
- D) *The ongoing focus on pay by many unions which is easily countered by a hostile media*

*And instructs the executive to use its role and whatever influence it may have in Congress to steer it towards a more strategic and tactical campaign against the cuts in general and the economic approach being taken by government and supported by its cheerleaders among big business and media.*

**Revenue Branch**

The motion was carried.

For noting - Motions 53 to 55 were not reached and were therefore automatically remitted.

**Motion 53**

That conference calls upon

- (a) members of the Association and their families to bear in mind those businesses and their associations that have called for and supported the unfair imposition of a pension levy and reductions in members' pay rates and to give preference in deciding to purchase goods and services to companies and associations that have not supported these measures.
- (b) officers of the Association, in spending association funds, to give preference to those businesses and business associations that have not called for or supported reductions in member's standard of living.

**Arts Sport & Tourism Branch**

**Motion 54**

In light of the ongoing campaign of vilification of public servants by the Irish and Sunday Independent papers, ADC calls on the Executive to instruct members not to purchase those papers until the date of the next ADC, and to further refrain from purchasing goods advertised in those papers. Additionally, ADC calls on the Executive,

that where a series of negative articles appears in any national newspaper, to take a similar course of action for a lesser period, commensurate with the level of negative coverage.

**Revenue Branch**

**Motion 55**

Conference:

- a) Notes that particular sectors of the media have joined unreservedly in the campaign to:
  - Ensure the focus for the blame for the current crisis is diverted from where it truly lies and
  - Implement economic policies that impact on the less well off and result in a reduction in the level and quality of public services,
- b) Asks members of the Association in the first instance to identify their own interests in this matter and vote with their pockets in relation to publications from particular media groups and
- c) Instructs the Executive to organise a campaign within the Association and to support such a campaign in the wider Union movement against these media groups.

**Revenue Branch**

**BANKING ENQUIRY/ECONOMY**

**Motion 56**

Proposed by Mark Bohan (Environment, Heritage and Local Government) seconded by Feargal O Coigligh (Environment, Heritage and Local Government).

*That Conference instructs the Executive Committee to support the establishment of an effective enquiry into the causes of the economic collapse in Ireland (which has resulted in disproportionate losses to members) including, but not limited to, banking and financial regulation issues and other economic decisions.*

**Environment, Heritage and Local Government Branch**

*The motion was carried.*

**COMPOSITE MOTION G**

**(standing for Motions 57 and 58)**

Proposed by Feargal O Coigligh (Environment, Heritage and Local Government) and seconded by Dermot Kilgallon (Justice).

**Conference recognising the serious economic situation facing the country instructs the Executive Committee to explore bringing forward an alternative and more equitable set of recovery measures.**

*The motion was carried.*

**Motion 59**

Proposed by Frank O'Dwyer (Revenue) and seconded by Mary Farrell (Revenue).

*Conference directs the incoming executive to ask the Public Sector Committee of ICTU, to set up an "umbrella" body to organise the commercial power of 300,000 public servants.*

**Revenue Branch**

*The motion was carried.*

**Motion 60**

This motion in the name of the Revenue Branch was not moved.

**ORGANISATION UNION**

**Motion 68**

Proposed by Patricia Cannon (Agriculture, Fisheries and Food) and seconded by Brid Farrell (Agriculture, Fisheries and Food).

*This Conference instructs the incoming Executive Committee to undertake a study or questionnaire on how the running of the Annual Delegate Conference might be changed to encourage real interaction between delegates themselves and between delegates and the Executive Committee. In particular to examine the benefits of getting advance delegate views on motions thus allowing them become agreed items (similar to EU "A" items); organising work shops/groupings to tease out relevant issues or other methods of encouraging more participative interaction at the Annual Delegate Conference.*

**Agriculture, Fisheries & Food Branch**

*The motion was carried.*

**Motion 69**

Proposed by Brendan O'Connor (Agriculture, Fisheries and Food) and seconded by Sean Heneghan (Agriculture, Fisheries and Food).

*This Conference calls on the Executive Committee to terminate the present agreement with the Veterinary Officers Association and for officials of the AHCPS to cease to represent them in any future negotiations with the official side of the Department of Agriculture, Fisheries and Food.*

**Agriculture, Fisheries & Food Branch**

A proposal to remit by Tom Allen (Vice-Chairperson) and Bernard O'Shea Executive Committee was carried.

**Motion 70 and 71 were taken together.**

*Proposed by Mary Farrell (Revenue) and seconded by Garvan O'Keeffe (Revenue).*

**Motion 70**

Conference agrees that in current times the concept of an Association does not carry sufficient weight to deal with, counteract, and publicise the critical issues facing the public sector in Ireland and to represent positively the interests of public sector managers in the current

industrial relations environment and in the public eye. Conference instructs the executive to review the name and structure of our Association, to consult on a suitable replacement name and to take professional advice if necessary, to organise a survey or competition for a suitable replacement and to ballot, where necessary to effect the change.

#### **Revenue Branch**

A proposal to remit by Mary Farrell (Revenue) and seconded by Garvan O'Keeffe (Revenue) was carried.

#### **Motion 71**

Conference directs the executive to prepare for a worsening of the Industrial Relations climate and to:

Start getting members to sign direct debit mandates to have available in the event of any problems with deduction at source.

Obtain mobile phone numbers at the same time to facilitate mass texting from AHCPS computer systems should the situation require it.

#### **Revenue Branch**

A proposal to remit by Mary Farrell (Revenue) and seconded by Garvan O'Keeffe (Revenue) was carried.

### **TAX REFORM**

#### **COMPOSITE MOTION H**

(standing for Motions 72 73, 74, 75, 76, 77, 78 & 79)

Proposed by Garvan O'Keeffe (Revenue) and seconded by Peter Dockery (Revenue).

**Conference notes that the current budget deficit is worsened by the sums of money contained in our current "silent expenditure", that is the sums of billions of euro foregone or paid out by the Government in respect of tax breaks, tax incentives and relief's in relation to the Property and corporate sectors.**

**For example:**

- **Research & Development (R&D) credit for companies;**
- **Tax relief in respect of schemes of corporate reconstructions or amalgamations;**
- **The introduction of the Domicile Levy, which can be easily avoided by those who do not want to pay it**
- **Property based tax incentives for "zombie" hotels**

**And the fact that**

- **Tax on money earned from deposit interest is charged at the lowest rate of tax only.**

**In the light of these facts Conference considers the solution to the economic crisis is to increase national**

**taxes, in particular on the higher-paid non-PAYE sector.**

Motions 72 to 79 inclusive proposed by Garvan O'Keeffe (Revenue) and seconded by Peter Dockery (Revenue). Billy Thompson (Executive Committee) spoke to Motion 78.

Composite Motion H was carried.

### **INEQUITY IN THE TAX SYSTEM:**

#### **COMPOSITE MOTION I**

(standing for Motions 80 and 81)

**Conference notes that public servants on the higher rate are now the most heavily taxed group in Ireland, arising from the additional burden of the pension and other levies. Conference notes further that recent changes in Capital Acquisitions Tax (CAT) has resulted in a further shift in the burden of taxation from the business and farming sectors onto the assets of PAYE workers.**

**Conference instructs the Executive to take whatever action may be required, including legal action, in relation to this inequity and to devise a publicity campaign to make this information known.**

A proposal to remit by Mary Farrell (Revenue Branch) and seconded by Garvan O'Keeffe (Revenue Branch) was carried.

#### **Motion 80**

Conference notes that public servants on the 41% rate of tax now have a marginal rate of 57% arising from the additional burden of the pension and other levies; in other words they take home only 43 cents of each additional euro earned. Conference also notes that the effective rate of tax on public servants on the 41% rate of tax is 40%; that is they take home only 60 cents of every euro they earn. Public servants are now the most heavily taxed group in Ireland and conference instructs the Executive to:

- a) Obtain professional, including legal advice in relation to this inequity and possible unconstitutionality in the tax system (only public servants are subject to the 'pension levy')
- b) Take whatever resulting legal action may be required arising from the advice received and
- c) Devise a publicity campaign to make this information known to other unions, at every possible and relevant opportunity in the media, and to the public at large.

**Revenue Branch**

#### **Motion 81**

Proposed by Garvan O'Keeffe (Revenue Branch) and seconded by Peter Dockery (Revenue Branch).

Conference notes that in the Finance Act 2009 the class

thresholds for Capital Acquisitions Tax (CAT) were reduced by 20% approx, in the interests of what was referred to as tax reform. Conference also notes that at the same time the relief for “agricultural property” and “business property” continued to operate by disregarding 90% of the value of that property. Conference instructs the Executive to bring to the attention of the media and the general public that these two facts, when considered

in an environment where asset values have fallen dramatically, has resulted in a further shift in the burden of taxation from the business and farming sectors onto the assets that PAYE workers may have managed to build up during their lifetime.

**Revenue Branch**

Composite motion I was carried.

# STANDING ORDERS REPORTS NOS, 1, 2 & 3

### 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 15 nominations for the 12 elective places on the Executive Committee; it will therefore be necessary to have an election for these places.

Five nominations were received for the six positions on the Standing Orders Committee. Branches are accordingly invited to submit further nominations in accordance with Rule 9 (d) (iii).

In all 81 motions have been received.

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

Motion 38 is out of order as it seeks to extend to AHCPs grades something that is not precluded in the circular.

Motion 70 falls if Motion 2 is carried.

In order to assist in the efficient discharge of the business of conference, twenty eight motions have been composited and branches are advised to check if their motion is one of the composited motions.

In respect of any composite motion it is to be proposed by the principal speaker of the first branch listed thereunder and that the other speakers for the other motions should speak to the composite motion in the order set out in the

Agenda. Branches may alter this arrangement by agreement but should notify the Standing Orders Committee in advance of conference.

Composite A stands for Motions 4, 5 and 6.

Composite B stands for Motions 7, 8 and 9.

Composite C stands for Motions 12, 13 and 14.

Composite D stands for Motions 18, 19 and 20.

Composite E stands for Motions 22 and 23.

Composite F stands for Motions 27 and 28.

Composite G stands for Motions 57 and 58.

Composite H stands for Motions 72, 73, 74, 75, 76, 77, 78, & 79.

Composite I stands for Motions 80 and 81.

### 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)

*Ben Dunne*

*Peter Finnegan*

*Sheila Hanley*

*Willie McIntosh*

*11 March 2010*



## 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 8 below.

### Motions

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

### Annual Report

3. It is recommended that, following the presentation of the Annual Report by the General Secretary, it 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.

### Amendments to Motions

4. Amendments have been submitted to Composite Motion B and motions nos. 35, 36, 44, 77. The amendments are in order.

Delegates are reminded that a simple majority is required for amendments to motions.

As allowed for under Standing Orders for all Delegate Conferences of the Association (Rule 5.1) the following motions are no longer composited. Motions, 9, 27, 28, 72, 73, 74, 75, 76, 77, 78, 79, 80 & 81. Consequently, composite Motions F, H & I are withdrawn and composite Motion B now stands for motions 7 & 8.

### Election of Standing Orders Committee

5. No further nominations were received for the Standing Orders Committee. No election will therefore be necessary.

### Catering arrangements

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

## STANDING ORDERS REPORT NO. 3

### Emergency Motion

1. The Standing Orders Committee is in receipt of an Emergency motion in the name of the Executive Committee. The Standing Orders Committee has decided, because of changed circumstances not foreseeable at the time of the regular deadline for motions, to accept this motion. Having accepted the motion we then had to look at any possible conflicts as between the Emergency motion and any other motions on the agenda.

2. Therefore, if the Emergency Motion is passed the following motions:

- Motion 3
- Composite Motion A (covering motions 4, 5 & 6)
- Composite Motion B (covering motions 7 & 8)
- Motions 9, 10, 11, 16 & 17
- Composite Motion D (covering motions 18, 19 & 20)
- Composite Motion E (covering motions 22 & 23)
- Motions 25, 26, 28, 29, 41, 61, 62, 63, 64, 65, 66 & 67

will, of necessity, fall because the Public Service Agreement 2010-2014, which is referred to in the Emergency motion, addresses the issues which are the subject matter of the motions involved.

3. The Emergency motion will be taken after the rule change motions at 8 in the Agenda for Conference.

*Standing Orders Committee*  
*7 May 2010*

# Timetable

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

The following timetable is recommended.

AGENDA		TIME
No. 1	Opening of Conference and Introduction of Guests	13.30 – 14.30
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	Annual Report	
No. 7	Financial Statement	
No. 8	<b>Motions</b>	
	Rule Change Motions 1-2	14.30 – 14.45
	Pay – Motions 3-31	14.45 – 15.30
No. 9	Election of officers, Executive Committee & Standing Orders Committee	
	Collection of Ballot Papers	15.30pm
No. 10	<b>Presentation by Michael Taft</b>	15.30 – 16.00
	State Bodies Motions 32-34	
	Superannuation Motions 35-38	16.00 – 16.20
	Conditions of Service Motions 39-41	
	Communications/Media Motions 42-55	16.20 – 16.35
	Banking Enquiry/Economy Motions 56-67	
	Organisation Union Motions 68-71	16.35 – 16.55
	Tax Reform Motions 72-79	
	Inequity in the Tax System Motion 80-81	
No. 11	Close of Conference	16.55 – 17.00

A motion not reached within its allocated time slot will, if there is time before close of Conference, be taken then.

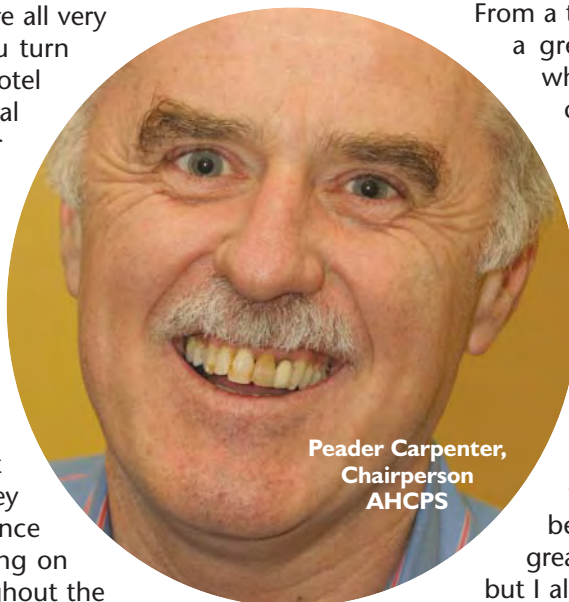
David Denny (Chair)  
 Sheila Hanley  
 Ben Dunne  
 Willie McIntosh  
*Standing Orders Committee*  
 12 April 2010



## ADDRESS OF THE AHCPS CHAIRPERSON PEADER CARPENTER

Colleagues and guests you are all very welcome here today. If you turn right when you leave this hotel you will see St Patrick's Cathedral where Jonathan Swift was Dean for many years. In his Last Will and Testament Swift left money for the establishment of a lunatic asylum as he was of the opinion that the country was in great need of same! The money must have run out recently and the freed lunatics all employed in international and domestic financial institutions. Of course not all these institutions have lost money and some of the smaller finance houses have actually made a killing on the difficulties experienced throughout the world in recent times.

We have today announced the result of our ballot on the recent pay deal and it has been accepted by a large majority of our members. I can fully empathise with the members who voted against the deal but I am satisfied that in the current unprecedented times it is the best deal that we will get. Talking to members of our association and other unions I can understand and share their anger at what has happened. Our members have financial commitments the same as every other group and they have had to endure the highest level of cuts of all public servants. Many colleagues have expressed anger at the lack of political leadership or patriotism displayed by our elected representatives. The whole mess that is Anglo Irish Bank and the Irish Nationwide and the costs to every taxpayer in the country will last for at least a generation. It is just unforgivable that our system of regulation was so light that these institutions were able to wreck such financial and reputational havoc on our economy. I know many of our colleagues, particularly those in other unions, were outraged at the way the Assistant and Deputy Sec Generals performance pay was consolidated back into their basic pay, and announced on the eve of Christmas Eve which gave it the appearance of a stroke, before the most recent cuts were applied. While I fully understand this anger I think it is important not to let our hearts rule our heads and would urge our fellow trade unionists to think strategically and to support this deal. I believe that to accept this deal in the current circumstances is the best strategic option and that as soon as the economy recovers that we will immediately be seeking restoration of our previous pay levels.



Peader Carpenter,  
Chairperson  
AHCPS

From a trade union stance this has not been a great period for the movement as a whole. I know some people will disagree, but the fact is that there was a clear division between the private and public service unions and then the public service unions again subdivided with the creation of a 24/7 alliance. As a movement I think we need to spend some time looking at what our mission is and what services will be demanded by members and potential members to ensure that we remain vibrant organisations that people will see a real value in being members of. I know that there is great anger and disillusionment out there but I also get the sense that the majority of

people understand where the economy is at, this month the NTMA decided not to go to the bond markets due to punitive interest rates, and they therefore do not wish to get in to protracted industrial action which would cost them even more money, alienate the public and in the end not achieve any change for the better. I know that trust is a huge issue for people after the collapse of the talks last December but the Taoiseach said after the negotiations were concluded that the pay issue was settled for the next 4 years and that the necessary cuts would have to be found elsewhere in Government expenditure. Colleagues should remember that further cuts will have to happen over the coming years as the public finances are stabilised.

I believe that unless the unions make a final decision on whether to accept or reject this deal by the end of next month we could find ourselves in a situation where there will not be sufficient time to put all the necessary structural changes in place in order to guarantee the required savings and the Government might be tempted to again go for a crude pay cut which I believe would tip the balance and get a very strong response from the trade union movement, as Dorothy said in the Wizard of Oz *I've a feelin we're not in Kansas anymore*. We need to come to a decision and while I personally strongly support the agreement I am fully conscious of the dangers of drift creeping into the process so let's get on with it and make our decision.

As senior civil servants we have always stayed out of the political arena, I have been a Private Sec to both a Fianna Fáil and Fine Gael Minister. The need for honest impartial advice is vital to protect our national interests now more

than ever. If there is any hint of partiality it would have serious consequences for the future of our service as we have since the foundation of the State always had an excellent reputation for integrity and impartiality. I could never accept that because of the current difficulties that people may somehow begin to become corrupt or that we might accept corrupt practices. This goes for whether you are a Tax Inspector, Passport Officer, Contracts Officer, a Member of An Garda Síochána or whatever public post you hold, as to succumb to corruption would be a betrayal of the long and proud tradition of our public services. In saying this, I would also call on the Government to again establish independent structures for pay determination in the public service or there is a danger that the political and public service will by default become entangled with potentially irreparable damage being inflicted on public services in this State. James Dillon a former Fine Gael leader once said

"If there is one thing we must thank the British for, it is that they left us a Civil Service which is almost incorruptible"

While on the subject I think it would be useful to pause to consider the question of ethics. Under our legislation on ethics in public life, as I understand it, there is no definition of what wrongdoing is actually considered to be as a specified act. The British Public Standards Office has defined the values that should apply to public life and they use the following principles; leadership, accountability, honesty, integrity, openness, objectivity and selflessness. This might be a good benchmark to begin any discussion on this issue.

The most basic service that a society organises is a taxation system. Governments don't have money and generally raise only a fraction of their income from the provision of services. Fairness has to be the cornerstone of any taxation system. Confidence in our taxation legislation has been eroded and hollowed out due to allowances that have been given to various sectors and individuals. The granting of these in some instances to companies and individuals who make donations to political parties brings that link in to sharp focus as it ends up costing all other taxpayers very dearly. The reality in regard to allowances is that wealthy people make far greater use of them and therefore reduce their tax burden and at one level due to use of loopholes tax for the wealthy is now almost a voluntary activity. This is not about begrudgery or envy, we need profitable companies operating in our economy, it is simply about fairness in our society.

The Credit Union movement has come out of this recent turbulence very well, albeit with some concern that a small number may have strayed into commercial lending. The lessons here include that non-profit organisations can compete and give their members solid service without the need for greed around returns. The old idea about mutual societies may have to be looked at again and perhaps some group may look at establishing building societies

and even possibly a bank. Thousands of jobs have been lost over the last couple of years in the banking sector as the endless drive for greater cost savings meant that jobs were continuously being lost. Not all bankers are on high wages or bonuses and just as we get angry at people having generalised attacks on public servants perhaps we should reflect on this when we are talking about the banks! A large part of the banking problem was due to a lack of or weak regulation of the sector and we need to ensure that this isn't allowed to happen again.

In regard to our own Association we have begun a process of ensuring that our governance and financial procedures are all up to the highest standard possible. It is a question of fixing the roof while the sun shines rather than waiting for a problem to arise. Two of our colleagues from the Revenue Branch undertook this task on our behalf and the incoming Executive Committee will consider their report at their first meeting next Friday. There are issues that will need to be addressed but in their report they complimented our current systems of financial control so good news there! The two officers who undertook the task were Niall Mac Suibhne and Tom Fitzpatrick and on your behalf I would wish to thank them most sincerely for their thoroughly professional approach to the task. I may also be approaching some colleagues with expertise on directors and Trustees responsibilities to assist the Executive Committee in regard to best practice, so you've been warned...I intend that the new Executive will get up and running quickly and this evening when we know who have been elected/co-opted I will be giving them a note setting out some of the areas I would wish to see advanced during the coming year.

I will finish shortly but at this point would wish to express my own thanks and I'm certain yours to all of our Head Office officials and staff Dave, John, Ciarán, Jackie, Dorothy and Pat. In particular I would wish to send conference's best wishes to Pat Feeney as he is on the long road to recovery after a serious illness late last year. I would also like to thank our colleagues who resigned from the Executive Committee last year, Joe Allen and Ann Walsh. I would particularly like to thank Ray Lehane who has been a stalwart on our committee over a long number of years but Ray has decided to retire this year and I'd like to wish him a very long and happy retirement. To my fellow Officer's Tom and Mary and the other members who served on the committee I'd like to say a very big thank you as this was again a very difficult year with a considerable amount of meetings. I would also like to thank the many Branch Officers and other members that I have met over the last year for their continued work and interest.

Angie Noonan from the Executive Committee cannot be here today as she is at present in Haiti helping with the rebuilding efforts there. Envelopes are on all the tables here today to enable you to make a donation to the charity that Angie is working with and I would ask that you all contribute to this very worthy cause. Angie's efforts have made me decide that we should consider

having a Chairman's charity where the Chair would select a charity that we would support during the Chair's year in office. The charity I would propose adopting would be the Revenue Partnership's link with a charity in Rwanda. I visited Rwanda in 1994 and saw at first hand the absolutely horrific scenes of mutilated bodies and all the other terrible outcomes of the genocide. When the details of the link are clarified I will write to you all again on this.

Finally could I try to end on a positive note and perhaps encourage us to collectively try to think positively about the future. I've been very lucky in life, very happy childhood, have a great marriage and two kids who I think are very happy. I've worked for over 30 years in the public service and have always enjoyed the work, though that may be stretching it a bit, met some truly

extraordinary and totally dedicated colleagues. I currently work in an area where I can directly help our citizens and their families who may find themselves in serious difficulty abroad, which can be most rewarding on a personal level. I work hard and very long hours, including at night and at weekends, but am happy to do so as I and the vast majority of public servants believe that public service is a great career and ultimately is where we can contribute to a better and fairer society that is proud of what we are as a nation.

Delegates, I hope you all enjoy conference and am looking forward to meeting as many of you as possible either at our reception at the end of conference or at the dinner later tonight.



## ADDRESS OF THE AHCPs GENERAL SECRETARY

### DAVE THOMAS

#### Chairperson, delegates, guests

I welcome the vote yesterday by the members of our Association to accept the terms of the Public Service Agreement 2010-2014 commonly known as the Croke Park Agreement. It is encouraging to see that the Agreement was accepted by a large majority of our membership. 1936 (85.5%) in favour 330 (14.5%) against.

However, one must look at this in the context of what has happened over the last 18 months. After all it is only 18 months ago since we negotiated Module 2 of Towards 2016. This agreement was for 6% pay increase over a 21 month period and included the payment of a 1.1% Benchmarking award for Principal Officers. The ink was not dry on Module 2 when the Government finances went into free fall and the Government announced in its 2009 Budget that it would not be paying the award.

Renegotiations commenced in January 2009 but collapsed in early February when the Government announced that it was going to unilaterally impose a so-called "pension levy" which was a pay cut by another name. The AHCPs Executive Committee decided that the best strategy to adopt was to co-operate with colleague Unions and to join in the Public Services Committee of Congress campaign of opposition to the levy.

All of the unions in the Public Services Committee decided to ballot their members on the taking of industrial action to oppose the levy. The AHCPs Executive decided to ballot its members at that stage and the membership decided by 60% to 40% not to join in this protest.

Over the course of the year it became clear that the Government were considering further cutting public sector pay as a one-dimensional approach to addressing the budget deficit.

The Public Services Committee of Congress therefore decided to mount a campaign to force the Government back into negotiations with the unions as the Government had effectively walked away from National Partnership which had been a feature of Union/Government relations over the previous 22 years. Constituent unions balloted for a series of one day strikes



Dave Thomas,  
General Secretary  
AHCPs

and the Association decided to ballot the membership in relation to a one day strike to be held on the 24<sup>th</sup> of November 2009. This ballot completely reversed the earlier ballot that we had and was carried by 60% to 40% in favour of taking industrial action. This vote in favour of action got substantial media coverage for the Association. Our vote for action underlined for the Government the depth of anger amongst civil and public servants at all levels.

The strike took place and I am glad to say that the our members supported the strike by taking part in picket duty on the day. Later on that day the Government invited the unions into talks to be held on the following day with a view to reaching an agreement within a week.

The unions position going into these talks was for no further pay cuts, no compulsory redundancies and no reduction in the value of public service pensions. It was recognised that the transformation agenda could not deliver the savings in 2010 and that there would have to be "bridging" arrangements to cover 2010. This meant that there would have had to be temporary pay cuts in 2010. After intensive talks agreement was reached with the Official Side. However, in the meantime part of the agreement had been leaked to the Press. The part that dealt with compulsory unpaid leave was portrayed as 12 days extra leave. Certain Government backbenchers in the Dail indicated that they were opposed to any such agreement. When both sides met after lunch on the 4<sup>th</sup> of December the Government stated that they would not be signing up to the agreement and walked out – the rest is history.

The Government announced in Budget 2010 that they would cut pay and that they were introducing a new public service wide pension scheme. They also announced that they were considering increasing pensions in line with the CPI rather than the present method of pay parity.

The cumulative effect of the pay cuts and the pension levy which were imposed on our members through emergency legislation in the Dail when included with the PRSI increases and the income levy meant that our members have suffered a decrease in take home pay of between 15% and 22%.

The ICTU Public Services Committee decided to mount a further campaign commencing in January 2010 with the objection of getting the Government to engage with the unions to reverse the pay cuts, protect the pensions and prevent compulsory redundancies.

The Executive Committee decided to consult with the members and held a Consultative Council on 22 December 2009. That Consultative Council advised that the Association should consult more widely with the membership and that we should advise them of the possible plan of action that could be conducted by our members. The Association wrote out to all the Branches and asked them to bring forward their AGM's in order that the consultation process could commence. John, Ciaran and myself attended between us approximately 38 AGM's. The general consensus from these AGM's was that the members felt that we should engage in some form of industrial action but were not prepared to engage in all out strike. It was generally felt that the industrial action we should engage in should impact on the Government and not on the general public.

The Executive decided to ballot its members again for industrial action and the purpose of the action was to:

- to engage with the Government on pay policy including a guarantee of no further pay cuts and to seek, over time, a reversal of the cuts already imposed
- protection of pensions
- filling or review of vacant posts

The return date for this ballot was 12<sup>th</sup> April, the result was 1312 (65%) in Favour and 699 (35%) Against.

While the ballot was in progress the Government invited the public services committee back into talks. These talks took place in Croke Park. This was the fourth time in 18 months that the Public Services Committee and the Government engaged in intensive talks. This Agreement was finalised on Tuesday 30<sup>th</sup> March 2010. The main points of the Agreement were a commitment to no further pay cuts for four years if the reforms are implemented. The Agreement also provides for a mechanism for the reversal of the pay cuts and levy over time if the reforms deliver savings. It extends the time, which is very important for some of our members, for which 2009 pay rates will be used to calculate pension entitlement from the end of 2010 to end of 2011.

In Budget 2010 the Minister for Finance announced that he was considering linking public service pension increases to the CPI instead of the parity with pay. The Government have clarified that there will be no change during the period of this agreement. It provides for no compulsory redundancies for the lifetime of the proposed agreement and it also provides for an industrial peace clause with an agreed mechanism for resolving disputes.

The initial review as outlined in the Agreement will take place in the Spring 2011. The discussions have already

commenced in relation to the proposed new pension scheme which will be public service wide. This scheme is called a career average pension and is similar to a scheme which was introduced in the UK civil service two years ago.

It is extraordinary when you consider that in 18 months we have had five ballots – three for industrial action and that two were carried by large majorities. We also participated in two public marches organised by ICTU. Nobody in their wildest dreams in 2008 would ever have imagined such a scenario. Hopefully we can now progress to a more normal industrial relations climate. This, however, is very much dependant on the Government adhering to the Agreement.

I must also make reference to the ongoing difficulties the Association has in the Irish Prison Service. With a management that believes in confrontation rather than consultation. The Association has had to ballot its member recently for industrial action. This was endorsed by 70% of members in favour. I would like to acknowledge the role played by the local branch officers in helping to secure such a strong mandate in very difficult circumstances.

However, we need to return to a normal IR environment which involves mutual respect something which is sadly lacking in the Irish Prison Service.

Turning to the semi-state sector.

In An Post the company has seen a drop of 10% in mail volumes and in revenue as a result of the economic downturn. The Company is also gearing up for the arrival of Postal Liberalisation from January 2011. The Company is downsizing by 1,375 employees over a 2-3 year period. For AHCPS grades there are proposals for the reduction of 40 posts. The company are also pleading an inability to pay in relation to Towards 2016 and there is a shortfall of 400 million in the pension fund.

You may see a theme emerging here as in the IAA, discussions are currently taking place under the auspices of the Labour Relations Commission to agree measures to address the deficit in the company's pension scheme. The Association hopes for a favourable outcome to this process. The Labour Court has already recommended that arrears due to employees under Towards 2016 should be paid into the pension scheme.

In FÁS it is still unclear as to what its final shape will be. Its reporting relationship has been moved from Enterprise Trade and Employment. Let me state quite clearly that 99% of staff including AHCPS members in the organisation were not involved in or aware of the practices indulged in by a small number of senior people in the organisation. In this regard the Association was particularly disappointed that the Tánaiste disregarded the policy of her Department when she deliberately refused to make provision for Worker Directors on the new Board. It was as if she was penalising all the employees for the sins of a few. We opposed this decision

at the time and continue to support the policy of having Worker Directors on State Boards.

I would like to thank the Officers, Peadar, Mary and Tom and the Executive Committee for their help and support over the last year.

I want to thank Standing Orders Committee for their customary care and attention to organising Conference business. I want to thank Tom Quigley for his help over the year and Joe Brennan. I also want to thank the people

with whom I work with in the Association, John, Ciaran, Jackie, Dorothy and Pat is recovering from a stroke and he will joining us for dinner this evening.

Finally, I wish to thank Branch Officers and you the delegates for your help this year and hopefully for the years ahead.

I propose the Annual Report to the Conference.

# 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 nine 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 six 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 four 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 men and women 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 may 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 nine 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 16 Executive Committee meetings between 7 May 2010 and 23 March 2011. Attendances were as follows:

Name	Number of meetings eligible to attend	Number attended
Allen Tom	11	11
Bolger Grainne **	8	6
Bourke Declan	11	8
Burke Denis **	8	5
Carney Tom	5	4
Carpenter Peadar	11	10
Crowther Mark *	2	2
Dowling Edna	11	10
Dunne Larry	11	10
Farrell Mary	11	8
Flood Frank	11	7
Glennon John *	10	7
Holleran Noel	11	9
Hughes Eamon	11	8
Hughes John	11	6
McIntosh Willie **	6	5
McKevitt Brian	11	10
O’Gorman Anne	3	1
O’Shea Bernard	11	9
Thompson Billy	11	9

\* members co-opted following ADC

\*\* Grainne Bolger replaced Anne O’Gorman,  
Denis Burke replaced Mark Crowther  
& Willie McIntosh replace Tom Carney



# REPORT OF THE CIVIL SERVICE ARBITRATION BOARD – PRIVILEGE DAYS

## REPORT OF THE CIVIL SERVICE ARBITRATION BOARD ACTING IN AN AD HOC CAPACITY

### In the matter of privilege days in the Civil Service.

#### 1. REFERENCE TO THIS BOARD

- 1.1 This matter comes before the Board pursuant to Section 1.24 of the Public Service Agreement 2010 to 2014, (“PSA 10-14”) which provides, among other provisions, that where parties cannot reach agreement in discussions on any matter under the terms of the PSA 10-14 the matter may be referred, where a conciliation or arbitration scheme applies, to the conciliation machinery under the scheme and if unresolved to the Arbitration Board acting in an ad hoc capacity.
- 1.2 On the 15<sup>th</sup> December, 2010 certain proposals regarding privilege days in the civil service were put to the civil service unions. These proposals are set out in greater detail at appendix 1 hereto.
- 1.3 Neither the Public Service Executive Union, nor the Association of Higher Civil and Public Servants, were in a position to agree the proposal insofar as it would lead to a cut in overall levels of leave for certain categories in the civil service, although both bodies indicated that they were not opposed to the concept of abolishing “*privilege days*” as such and incorporating them into the overall annual leave.
- 1.4 By agreement between all parties IMPACT also attended at the hearing and made a submission.

#### 2. THE HEARING

- 2.1 The hearing took place on Monday 21<sup>st</sup> February, 2011 and submissions were received from the Department of Finance, the AHCPS, the PSEU, and IMPACT.

### 3. PRIVILEGE DAYS

- 3.1 Privilege days have their origin in the British civil service. Prior to the foundation of the State a privilege day was given to civil servants to mark the Kings Birthday and Empire Day. On foundation of the new State those privilege days became, by an agreement, two days to be taken at Easter and at Christmas time. It was welcome in this reference to hear that no side argued for the retention of the concept of privilege days. The concept is archaic and inappropriate to our system of Government. The language itself is confusing. It is therefore in keeping with the transformation agenda of PSA 10-14 that the concept of privilege days will cease to exist and that no one has argued for their retention.

### 4. SUMMARY OF ARGUMENTS FROM THE UNION SIDE

- 4.1 On behalf of the PSEU it was submitted:
- 4.2 The union was not opposed to the concept of abolishing privilege days.
- 4.3 It was not clear why the employer proposed to reduce the number of leave days that certain people may take.
- 4.4 The public service pay bill would not be reduced by the measure.
- 4.5 In the civil service there was a tradition of people being expected to cover for those on leave.
- 4.6 The union had no objection to the privilege days being incorporated formally on annual leave allocations and was quite prepared to co-operate with non-closure of offices etc. that might arise at certain times of year.

- 4.7 As there were no financial savings accruing from the proposal the implementation of the proposal or its non-implementation that no implications for the feasibility of the maintenance of the commitments in PSA 10-14 arose.
- 4.8 The proposal was illogical and probably as a result of public and the media pressure.
- 4.9 The Arbitration Board had already ruled in a previous case (2002) that a slight increase in leave had no major cost implications and therefore the decrease in leave proposed could have no major cost implications either.
- 4.10 The proposal would interfere with established leave differentials
- 4.11 Comparators in the public service showed that arrangements regarding leave and privilege days varied enormously. It was extraordinary to start addressing the issue of privilege days and leave in that particular part of the public service that offered less privilege days than in other parts of the public service and had annual levels of leave that were below those enjoyed elsewhere in the public service that there was no objective justification for this. Anomalies would be created in respect of the position of former higher tax officers.
- 4.12 That the proposal was contrary to the objective of PSA 10-14 to create a more integrated public service.
- 4.13 That the proposal was disproportionate in creating difficulties for the union, which was prepared to co-operate in real change, and yet achieving nothing for the employer.

## 5. SUMMARY OF ARGUMENTS MADE BY ON BEHALF OF AHCPS

- 5.1 The proposal would reduce previously existing differentials.
- 5.2 That the grades represented by the AHCPS (principal officers and assistant principal officers and equivalents) already lagged behind their comparators in the wider public service by a considerable margin.

- 5.3 That the proposals of the official side were contrary to the idea of a seamless public service with extensive re-deployment across the public service. If the official side's proposals were accepted then it is likely that the gap between the leave levels of civil service AP/PO's and equivalents may cause further future industrial relations difficulties.
- 5.4 The AHCPS are grades that work long hours, frequently in excess of their core hours, and they are not overtime grades; they are not entitled to time off in lieu as other grades are, and that the removal of two privilege days would have a disproportionate impact on the grades.
- 5.5 The official side had given no argument as to why they wished to remove these two privilege days. They were not costs savings. The rationale appears to be driven by media comment.
- 5.6 The addition of extra days annual leave was considered to be a minor claim in the context of the civil service conciliation and arbitration scheme in 2003 and consequently the removal of two days cannot be considered a major cost saving.

## 6. IMPACT

- 6.1 IMPACT supported the submissions made on behalf of PSEU and AHCPS.

## 7. SUMMARY OF ARGUMENTS ON BEHALF OF THE OFFICIAL SIDE

### 7.1

Paragraph 4.4 of Public Service Agreement 2010 to 2014 required in the context of the transformation agenda, that issues such as mobility, staffing levels and structures, work practices, office opening and closing hours, shift pattern, attendance etc. would be reviewed and revised. Unnecessary costs and inefficiencies would be eliminated.



- 7.2 The proposal would maximize the utilization of available resources through the achievement of greater productivity and administrative efficiencies over the course of the foreseeable future.
- 7.3 In the context of administrative efficiencies to be achieved under the PSA the issue of privilege days forms, inter alia, an important element in the change process currently being advanced in the public service.
- 7.4 Productivity gains in respect of the changes in privilege days amount to 4.6 million euro on an annual basis which cost will be included in the overall cost savings arising in the civil service sector and will be accounted for accordingly under the financial requirements of the PSA.
- 7.5 The rationale for the proposed change to privilege days is clear and financial savings will be significant and not negligible.
- 7.6 Privilege days are outmoded and an obstacle to the achievement of efficiency and have attracted an amount of adverse public comment.
- 7.7 The proposals are fair and reasonable in circumstances where they take into account the existing annual leave arrangements of certain civil service grades who receive lower annual leave provision.
- 7.8 30/31 day's annual leave is a generous leave allowance and has been the maximum level in the civil service for many years and there is no compelling case to change that limit.
- 7.9 The proposals address the specific circumstances of the civil service and are appropriate to that employment. Issues in relation to leave in certain other public service employments will be addressed as part of the action plans for those areas and therefore comparison with leave allowance in other parts of the public service is disputed.
- 7.10 The cost reduction and productivity requirements of the PSA necessitate the implementation of the proposal on privilege days.



## 8. CONCLUSIONS OF THE BOARD

- 8.1 The purpose of the PSA is to transform the public service. In this context there can be no place for concepts such as "*privilege days*". Both sides are on entire agreement as to this. The issue between the sides concerns whether privilege days should be considered part of the annual leave provision or alternatively simply abolished.
- 8.2 The distinction between privilege days and annual leave days is entirely illogical. The only distinction between privilege days and other leave days was that privilege days were required to be taken at around Christmas and Easter time. There is no basis for any distinction between those days and annual leave days.
- 8.3 The official side have not demonstrated significant savings consistent with the transformation that is required. There was no significant analysis of the fact that while the major costs apparently saved were made at principal officer and assistant principal level, those very grades may be required to work extensive overtime without any remuneration or time off in lieu.
- 8.4 It is difficult to explain why a widening of the gap in leave between the civil service and other parts of the public service would advance the ideal of an integrated civil/public service. Indeed it is hard to reconcile this with para 1.8 of PSA 10-14 which provides for the dismantling of barriers to integration. The proposal would have been easier to understand had it been presented as a first step in a more general transformational reform right across the civil/public service.
- 8.5 There was no clearly reasoned explanation for the change. Although the abolition of privileged days can be seen to be covered in the more general provision of the PSA, it was not something that was specifically alluded to in

the agreement. This omission, in itself, was not a decisive factor in the Board's deliberation. Had it been demonstrated that the reduction in leave days being proposed would lead to significant real savings, that provided enhanced services to the public, the Board would have felt obliged to respond more positively. The difficulty is that no such outcome was demonstrated. On the contrary, it seems that the change would create a sense of grievance disproportionate to any gains which might accrue.

- 8.6 This decision cannot be regarded as a setback for the official side. This decision is made on very narrow grounds in very specific circumstances. It is not to be interpreted as a precedent establishing a floor for annual leave entitlement. Still less is it to be interpreted as deciding that annual leave entitlement is in any way "off the agenda". Indeed the contrary is true: no floor is established here and annual leave right across the civil/public service and/or in specific sectors of it is very much relevant to PSA 10-14 and the goal of transformational change.
- 8.7 Privilege days are not a phenomenon unique to the civil service. Similar staff in other areas of the public service, most notably the Health and Local Authority sectors also benefit from these days.
- 8.8 The parties to the Public Service Agreement 2010-2014 are committed to working towards an integrated public service and to the establishment of standardized terms and conditions of employment to the greatest extent possible.
- 8.9 In order to create a perception of fairness and to create a climate that is conducive to addressing the very challenging transformation agenda ahead it would seem more appropriate to address this issue on a public service wide basis, rather than dealing with it in a piecemeal fashion.

8.10 We therefore make no judgement on the substantive issue of the appropriate amount of leave days in the civil/public service and are therefore in no way precluded from deciding this issue if it ever comes before us again.

11<sup>th</sup> day of March 2011

Turlough O'Donnell.

Turlough O'Donnell.

Tom Wall

Tom Wall.

Gerard Barry

Gerard Barry.

Appendix

PRIVILEGE DAYS IN THE CIVIL SERVICE

1. Departments/Offices will apply a flexible approach to the opening and closing of Departmental buildings at holiday periods or such other periods as may be required with building closures determined by management in respect of each building or functional area having regard to business needs. This will include, where management deem it appropriate and in accordance with section 20 of the Organisation of Working Time Act, 1997, mandating office closure days for which annual leave must be taken by staff e.g. in the Christmas period when private sector businesses are closed.
2. The present two privilege days will be abolished.
3. Staff with a maximum of 30/31 days annual leave will have no addition to their annual leave.
4. Staff on attaining 25 days or more annual leave and up to and including a maximum of 29 days annual leave will have one day added to their normal leave entitlement which will be subject to the normal rules relating to the taking of annual leave.
5. Staff with a maximum of 24 days annual leave or less will have two days added to their normal leave entitlement which will be subject to the normal rules relating to the taking of annual leave

15 December 2010



# GENERAL STAFF PANAL

## ANNUAL REPORT 2010

### 1. Pay

In addition to the Income levy of 1% introduced in January 2009 and the revision of the levy in the April 2009 budget, the December 2009 budget saw the Public Sector again hit with further pay cuts.

Effective from 1<sup>st</sup> January 2010 pay was cut by the following rates:

- 5% on the first €30,000 of salary
- 7.5% on the next €40,000 of salary
- 10% on the next €55,000 of salary

By the end of January 2010 over 300,000 Public Servants were involved in a campaign of industrial action, including work – to – rule, non co-operation, targeting of particular areas etc.

Following an intercession by the Labour Relations Commission (LRC) discussions were opened with Government on 12<sup>th</sup> March 2010. These talks were chaired by Kieran Mulvey of the LRC and took place in Croke Park. After lengthy negotiations, agreement between the parties was reached on 30<sup>th</sup> March 2010. The main provisions of the agreement were as follows.

- A guarantee of no further pay cuts for four years
- A guarantee of no compulsory redundancies
- Annual Pay reviews, commencing in Spring 2011 with priority to be given to the low-paid.
- A commitment to negotiations on the Governments proposed changes to the Pension system.

The Unions balloted their members on the proposed agreement and at a meeting on 15<sup>th</sup> June 2010, by a two to one majority, the ICTU Public Services Committee voted to ratify the Public Service Agreement 2010-2014.

In early July, the membership of the Implementation Body for the Agreement was finalised as follows:

<u>Chair</u>	P.J. Fitzpatrick
<u>Official Side</u>	C. Connolly, B. Duffy (Dept. of Finance) P. Kelly (Dept. of the Taoiseach)
<u>Staff Side</u>	S. Cody (IMPACT), P. King (SIPTU), S. Nunan (INTO), T. Geraghty (PSEU)

A special meeting of the Panel was held on 28<sup>th</sup> July 2010 to discuss a proposed General



### 4.3 Force Majeure Leave

**Circular 5/2010: Force Majeure and Other Urgent Family Reasons Leave** issued in May 2010. This circular set out the statutory entitlements to force Majeure leave as apply to Civil Servants. It also set out the non- statutory entitlements to other forms of leave for urgent family reasons that apply to Civil Servants and superseded all previous circulars and instructions that covered these matters.

### 4.4 Crèches

Crèches are based at Mahon, Cork. Mount Street, Dublin. Marlborough St, Dublin. Backweston, Athlone, Sligo and Ennis. The responsibility for the building and maintenance programme of the Crèches lies with the Office of Public Works. The Department of Finance retains responsibility for policy matters relating to existing crèches, the allocation of licences to operators to run the crèches and has an overall supervisory role in relation to the crèches including the standard of service provided by the operators. Operational Audits are carried out on the crèches on a yearly basis.

### 4.5 Disabilities

The Sub-Committee met on one occasion during the year. The Code of Practice remains on the agenda for both the Sub-Committee and the Disabilities Network who usually meet on a regular basis. There have been some new Disability Liaison Officers trained during the year and an updated list of all DLO's issued in July 2010. Updates are regularly supplied to the website [www.disabilities.gov.ie](http://www.disabilities.gov.ie)

## 5. Health and Safety

5.1 There were no meetings of the sub-committee during 2010.

## 6. Travel and Subsistence Sub-committee

### 6.1 Motor Mileage

There were two meetings of the sub-committee during 2010. In March 2009 the Official Side indicated that the Government had taken the decision to reduce the travel and subsistence rates by 25%. This was part of a package of measures to achieve a saving of €1.4 billion on the public service pay bill. The reductions applied from March 2009. The Staff Side expressed their dissatisfaction with the decision and indicated that such unilateral action was unacceptable and meant that officers were out of pocket. The committee met in September 2009 to discuss a claim put down at General Council by the Staff Side seeking the travel and subsistence rates be reviewed in accordance with the agreed formula under General Council Reports. A General Council Report (No.1520) concerning A Revision in the Travel and subsistence rates for 2009 was signed off on in October 2009. This report recorded disagreement. The Staff Side forwarded a Statement of Case and Terms of Reference in a claim for a review of the motor travel and home

## 6.2 Subsistence

At its meeting in March 2009 the Official Side also indicated its intention to reduce the subsistence rate by 25%. The Staff Side again expressed their dissatisfaction with the Government decision. A claim for a return to the agreed formula for travel and subsistence was made to General Council and following a sub-committee meeting in September 2009 and the disagreed General Council report the Staff Side lodged a case with the Civil Service Arbitration Board. As this report is being written the question of the arrangements for a hearing of the issue by the Arbitration Board is being considered.

Circular 07/2009 covering both Travel and Subsistence was issued in March 2009.

### DOMESTIC SUBSISTENCE RATES FROM 5 MARCH 2009

Overnight rates				Day Rates	
Class of Allowances	Normal Rate	Reduced Rate	Detention Rate	10 hours or more	5 hours but less than 10 hours
A Class	€108.99	€100.48	€54.48	€38.61	€13.71
B Class	€107.69	€92.11	€53.87	€33.61	€13.71

## 6.3 Motor Cycle Allowance

The Motor Cycle Rates were also reduced by 25% in March 2009.

### RATES FROM 5 MARCH 2009

Miles up to	150	151 - 250	251 - 600	601 plus
0-4000 (miles)	23.29 cent	32.34 cent	38.16 cent	46.01 cent
4001 & over (miles)	15.07 cent	21.42 cent	24.61 cent	28.31 cent

### RATES FROM 5 MARCH 2009

Kilometres	up to 150	151 - 250	251 - 600	601 plus
0-6,437 (km)	14.48 cent	20.10 cent	23.72 cent	28.59 cent
6438 & over (km)	9.37 cent	13.31 cent	15.29 cent	17.60 cent

Amendments to these Terms of Reference may be made at that time

## 9 **Arbitration Board/Adjudicator**

### 9.1 **Arbitration Board**

The members of the Arbitration Board who were appointed to 30<sup>th</sup> June 2011 were: Mr. Turlough O'Donnell SC Chairperson, Mr. Gerard Barry, Government nominee, and Mr. Tom Wall Staff Side nominee.

The following Arbitration Case was re- heard in 2010.

- Outsourcing of Revenue State Warehouse. This matter is still not resolved.

### 9.2 **Adjudicator**

The Staff Side agreed to the re-appointment of Mr Kieran Mc Govern as Adjudicator from June 2010 to June 2011.

There were two cases for Adjudication during 2010.

- Department of Social Protection and Public Service Executive Union
- Courts Service and Public Service Executive Union.

The Adjudicator's findings in both cases were in favour of the Staff Side.

## 10 **Civil Service Disciplinary Code Appeals Board**

Ms. Inge Clissman SC was re-appointed as Chairperson of the Civil Service Disciplinary Appeals Board for 2010/2011.

Mr. Tom Fallon was appointed as Deputy Chairperson.

The following are the Staff Side nominees to the Board

Mr. Eoin Roynane 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. John Kelleher AHCPs  
Mr. Ciaran Rohan AHCPs  
Mr. Tom Hoare IMPACT  
Ms. Geraldine O' Brien IMPACT

The Official Side nominees are:\*\*

Mr. Denis Hodson Revenue  
Mr. Vincent Clohissey Dept. Social & Family Affairs  
Mr. Henry Mitchell Dept. Justice Equality & Law Reform



1. *The Official Side and the Staff Side noted the ratification by the Public Services Committee of the Irish Congress of Trade Unions of the Public Service Agreement 2010-2014. It was agreed that the terms of the Agreement applied to civil servants comprehended by the Scheme of Conciliation and Arbitration for the civil service.*
2. *This report, accordingly, records agreement.*
3. *This report was adopted on 28 July 2010.*

#### **Circulars issued by Department of Finance 2010**

No	Title / Content
5/10	Force Majeure and Other Urgent Family Reasons Leave
8/10	Redeployment Scheme
9/10	Management of Sick Leave
11/10	CS Worksharing Scheme – duration, review, modification
13/10	Parental Leave age increase

## **12. 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](http://www.cstwf.ie)

## **13. Civil Service Charities Fund**

The Committee held their Annual General Meeting on 13<sup>th</sup> April 2010. The audited accounts of the Charities Fund for 2009 were presented to the meeting which were adopted. The Committee continued to meet each quarter for the remainder of the year. At the December meeting it was agreed that the Annual General meeting for 2011 will be held on Wednesday 9<sup>th</sup> February 2011 at 1pm in PSEU offices. It was also agreed that the Committee would look at re-launching the Fund during 2011 to celebrate its 20<sup>th</sup> Anniversary. Constituent unions are asked to nominate at least one representative to sit on the committee for 2011.

## **14. Appendix A: Decentralisation Table 1**

# Progress made under the Decentralisation Programme

## Position at end Nov 2010

Location	Organisation	Total Posts	Total Posts deferred	Posts Moved	Posts yet to Move	% moved at end Nov 2010	Property Status
Arklow	NSAI	124	124			0%	Deferred - to be reviewed in 2011
Athlone	Education & Skills	88		88		100%	Complete
Athlone	Higher Education Authority	64	64			0%	Deferred - to be reviewed in 2011
Athy	Office of the Revenue Commissioners	253	180	73		29%	Advance party in place - to be reviewed in 2011
Ballina	Road Safety Authority	62		62		100%	Complete
Ballinasloe	National Roads Authority	110	110			0%	Deferred - to be reviewed in 2011
Birr	FAS	398	378	20		5%	Advance party in place - to be reviewed in 2011
Buncrana	Social Protection	102	100	2		98%	Complete
Carlow	Enterprise Trade & Innovation	257	154	103		40%	Advance party in place - to be reviewed in 2011
Carriack on Shannon (Phase I)	Central Fisheries Board	54	54			0%	Deferred - to be reviewed in 2011
Carriack on Shannon (Phase II)	Social Protection	159		159		100%	Complete
Carriackmacross	Social Protection	90	90			0%	Deferred - to be reviewed in 2011
Cavan	Social Protection	85	85			0%	Deferred - to be reviewed in 2011
Cavan/Portlaoise/Galway	Communications, Energy & Natural Resources	301	244	57		19%	Advance party in place - to be reviewed in 2011
Charlestown	HIQA	80	80			0%	Deferred - to be reviewed in 2011
Claremorris (Phase I)	Community Equality & Gaeltacht Affairs	164	64	100		61%	Advance party in place - to be reviewed in 2011
Claremorris (Phase II)	Office of Public Works	104	73	31		30%	Advance party in place - to be reviewed in 2011
Clifden	Office of Public Works	38	38			0%	Deferred - to be reviewed in 2011
Clonakilty	Pobal	42	17	25		60%	Advance party in place - to be reviewed in 2011
Clonakilty	Agriculture Fisheries & Food	86		85	1	99%	Complete
Clonakilty	BIM	90		20	70	22%	Complete
Clonakilty	Sea Fisheries Protection Authority	47		47		100%	Complete
Cork	HIQA	100		47	53	47%	Complete
Curragh	Defence Forces	413	413			0%	Deferred - to be reviewed in 2011
Donegal	Social Protection	258	258			0%	Deferred - to be reviewed in 2011
Drogheda	Transport	37	37			0%	Deferred - to be reviewed in 2011
Drogheda	Citizens Information Board	49	49			0%	Deferred - to be reviewed in 2011
Drogheda	Local Government Computer Service Board	101	101			0%	Deferred - to be reviewed in 2011
Drogheda	Railway Safety Commission	16	16			0%	Deferred - to be reviewed in 2011
Drogheda	Social Protection	499	499			0%	Deferred - to be reviewed in 2011
Dundalk	Sustainable Energy Ireland	34	23	11		32%	Advance party in place - to be reviewed in 2011
Dungarvan	OSI	206	206			0%	Deferred - to be reviewed in 2011
Edenderry	FETAC	44	44			0%	Deferred - to be reviewed in 2011
Edenderry	HETAC	34	34			0%	Deferred - to be reviewed in 2011
Edenderry	NQAI	18	18			0%	Deferred - to be reviewed in 2011
Enniscorthy	Bord Bia	76	76			0%	Deferred - to be reviewed in 2011



# Progress made under the Decentralisation Programme

## Position at end Nov 2010

Location	Organisation	Total Posts	Total Posts deferred	Posts Moved	Posts yet to Move	% moved at end Nov 2010	Property Status
Fermoy	Agriculture Fisheries & Food	100	100			0%	Deferred - to be reviewed in 2011
Gaoth Dobhair (Phase I)	Foras Na Gaeilge	5	5	5		100%	Approved by Government to proceed
Gaoth Dobhair (Phase II)	I'oras na Gaeilge	25	25			0%	Deferred - to be reviewed in 2011
Kanturk	Office of Public Works	88	88			0%	Deferred - to be reviewed in 2011
Kildare	Office of the Revenue Commissioners	380	380			0%	Deferred - to be reviewed in 2011
Kildare (Naas)	Finance - CMOB	30	30			0%	Deferred - to be reviewed in 2011
Kilkenny	Environment Heritage & Local Government	62	62			0%	Deferred - to be reviewed in 2011
Kilkenny	Arts Council	49	49			0%	Deferred - to be reviewed in 2011
Killarney	Tourism Culture & Sport	103	103	79	24	77%	Complete
Killarney	Irish Sports Council	31	31	57		0%	Deferred - to be reviewed in 2011
Kilrush	Office of the Revenue Commissioners	57	57			100%	Complete
Limerick	Foreign Affairs	134	134	134		100%	Complete
Listowel	Office of the Revenue Commissioners	52	52	52		100%	Complete
Longford	Irish Prison Service	133	133	133		100%	Complete
Loughrea	Road Safety Authority	40	40	40		100%	Complete
Loughrea	Transport	10	10	10		100%	Complete
Macroom	Agriculture Fisheries & Food	100	100			0%	Deferred - to be reviewed in 2011
Mallow	Fáilte Ireland	163	163			0%	Deferred - to be reviewed in 2011
Mitchelstown	CIÉ Group	200	200			0%	Deferred - to be reviewed in 2011
Monaghan	Combat Poverty Agency	25	25			0%	Deferred - to be reviewed in 2011
Mullingar	Education & Science	297	297	7		2%	Deferred - to be reviewed in 2011
Na Forbacha	Community Equality & Gaeltacht Affairs	13	13	12	1	92%	Complete
Naas	IAASA	13	13	12	1	92%	Complete
Naas	Health Service Executive	300	300			0%	Deferred - to be reviewed in 2011
Navan	Coroners Service	4	4	4		100%	Complete
Navan	Garda Civilian HR Division	38	38	38		100%	Complete
Navan	National Property Services Regulatory Authority	9	9	9		100%	Complete
Navan	Office of the Director of Probation Service	15	15	15		100%	Complete
Navan	Office of the Revenue Commissioners	100	100	100		100%	Complete
New Ross	Environment Heritage & Local Government	125	125			0%	Deferred - to be reviewed in 2011
Newbridge	Defence	201	201	162	39	81%	Complete
Newbridge*	Defence Forces HQ*	55	55	55		100%	Complete
Newcastlewest	Office of the Revenue Commissioners	52	52	52		100%	Complete

Progress made under the Decentralisation Programme

Position at end Nov 2010

Location	Organisation	Total Posts	Total Posts deferred	Posts Moved	Posts yet to Move	% moved at end Nov 2010	Property Status
Portlaoise	Data Protection Commissioner	23		23		100%	Advance party in place - to be reviewed in 2011
Portlaoise	Equality Tribunal (civil service)	42	34	8		19%	Deferred - to be reviewed in 2011
Portlaoise	NCCA (civil service)	37	25	12		32%	Deferred - to be reviewed in 2011
Portlaoise	NEWB	14	14			0%	Deferred - to be reviewed in 2011
Portlaoise	Agriculture Fisheries & Food	595		317	278	53%	Approved by Government to proceed
Roscommon	Property Registration Authority	230		77	153	33%	Approved by Government to proceed
Roscommon	Equality Authority	41	25	16		39%	Advance party in place - to be reviewed in 2011
Roscommon	Garda Ombudsman Commission	23	23			0%	Deferred - to be reviewed in 2011
Shannon	Enterprise Ireland 1	292	226	66		23%	Advance party in place - to be reviewed in 2011
Shannon	Irish Aviation Authority	102	102			0%	Deferred - to be reviewed in 2011
Sligo	Social Protection	88		72	16	82%	Complete
Thomastown	Health and Safety Authority	116	83	33		28%	Advance party in place - to be reviewed in 2011
Thurles	Garda HQ - Fixed Charge Processing Section	132	66	66		50%	Advance party in place - to be reviewed in 2011
Thurles	Garda HQ - Garda Central Vetting Office	67		67		100%	Advance party in place - to be reviewed in 2011
Tipperary Town	Private Security Authority	32		32		100%	Complete
Tipperary Town	Justice & Law Reform	186		63	123	34%	Approved by Government to proceed
Trim	Office of Public Works	334		240	94	72%	Complete
Tullamore	Finance	130		122	8	94%	Complete
Waterford	Environment Heritage & Local Government	225	225			0%	Deferred - to be reviewed in 2011
Wexford	National Building Agency	63	63			0%	Deferred - to be reviewed in 2011
Wexford	Environment, Heritage & Local Government	270		189	81	70%	Complete
Youghal	Public Appointments Service	100	100			0%	Deferred - to be reviewed in 2011
Youghal	Valuation Office	100	100			0%	Deferred - to be reviewed in 2011
		10,934	6,583	3,407	944	31%	

\* The Defence Forces have moved an extra 12 staff to Newbridge

1. Includes 40 Shannon Development posts absorbed into E1  
Implementation of Deferred Locations will take account of the Rationalisation of State Agencies



# ANNUAL REPORT OF THE PUBLIC SERVICES COMMITTEE

## 2009-2010

### 1. Minutes and Related Matters

- 1.1 The minutes of the AGM held on 19 May 2009 are enclosed at **Appendix 1 (a)**  
and the minutes of the Extraordinary General Meeting held on 14 July 2009 are enclosed at **Appendix 1(b)**.
- 1.2 The latter meeting approved a change in the Committee's Constitution which was endorsed subsequently by the ICTU Executive Council. The revised Constitution was circulated in advance of the meeting on 4 May 2010.
- 1.3 The Appendix to the Constitution showing the scale of representation appears to have been erroneous for some time. The correct scale, as per the Constitution, is now enclosed at **Appendix 2** to this report.
- 1.4 The current membership and representation figures for affiliated Unions were circulated prior to the meeting on 4 May 2010.

### 2. Finances

- 2.1 Enclosed at **Appendix 3** to this report are details of the campaign expenses and contributions received from affiliates plus up-to-date details of the Committee's Bank Accounts.

### 3. Pay and Related Matters

- 3.1 A measure of the extent to which the Committee has been active in the period since the last AGM is provided in the statistics that show a total of 12 scheduled meetings of the Negotiating Group, **plus** 3 meetings of the Principal representatives **plus** the Extraordinary General Meeting, **plus** 5 scheduled meetings with our employers, all, of course, in addition to the innumerable meetings both of the Negotiating Group and with the employer over the course of two marathon negotiating sessions. It was, by any standards, an astonishing, often frustrating and constantly busy year. Above all, the year was dominated by the issue of pay. Members of the Committee hardly need reminding of the sequence of events. However, in very brief summary, the Committee noted at last year's AGM that there were issues outstanding in respect of the imposition of the Pension Levy and ongoing efforts were being made to achieve, at least, further alleviation of the Levy's impact. In a foretaste of matters to come, it was noted that there were ongoing issues of security of

employment, security of pay, security of pensions (including the potential taxation of lump sums), and in the ongoing efforts to reduce staff numbers.

- 3.2 At the time and for a period well into the summer, discussions between ICTU and the Government continued in an effort to establish if a basis could be found to re-build the architecture of Social Partnership. It became evident that this process was not going to progress in the second half of the year and an orchestrated media campaign for the imposition of further disimprovements in Public Servants' pay, pensions and security of employment began to gather momentum.
- 3.3 The Committee's Negotiating Group in engagements with the employer emphasised that the objectives of the Committee were to prevent further pay cuts, to protect jobs, to preserve pension entitlements and to address issues arising from the imposition of the Pension Levy. For their part, the Government representatives were focussed exclusively on reductions in the cost of providing public services, in light of the economic meltdown that occurred after September 2008, with its drastic consequences for the country's fiscal circumstances.
- 3.4 While at the time of his Supplementary Budget in March 2010, the Minister for Finance had indicated that the 4 Bn in savings that the Government proposed to achieve in 2010 would be achieved through a mix of tax changes and expenditure cuts, by the last few months of the year Government had back-tracked on this and had indicated clearly that the focus would be on cuts and that the cuts would be in the Social Welfare bill and in Public Service pay costs, in particular.
- 3.5 Against this unpromising background the Committee maintained contact with our employer in an effort to identify potential areas of agreement that could avert cuts to Public Service jobs, pay and pensions, while achieving the reductions in the cost of the pay bill sought by Government, stated to be 1.3 Bn. In addition, in the face of a concerted propaganda campaign in favour of pay cuts, the Committee began organising a parallel campaign of resistance, including publicity, advertising and, ultimately, industrial action. At a time when little, if any, progress in discussions was discernible, the Committee decided to have a series of one-day strikes right across the Public

Service, after the affiliated Unions had secured the necessary mandates. The first such strike was fixed for 24 November 2009. Although some more positive noises were made by Government in the lead-up to the strike, nothing tangible emerged that could have averted it and for only the second time ever since the foundation of the State, an all-out Public Service strike took place - the first since 15 October 1985. In organisational terms, the strike was an enormous success with every single branch of Government closed down, except for emergency services. The strike, despite intense media hostility, appeared to have the necessary effect. Within 24 hours, the Government issued an invitation to the Committee for a re-commencement of discussions. On that day also, the Committee announced a further one-day strike for 3 December 2009.

- 3.6 Intensive discussions took place over a period of nine days. These discussions covered 'transformation' proposals from each sector of the Public Service i.e. Health, Local Government, Education, Civil Service and State Bodies. Detailed proposals were worked out in each sector. Simultaneously, discussions on short-time working took place. These talks envisaged 12 days' unpaid leave. Some managements in the different sectors expressed concerns about the feasibility of this proposal. For obvious reasons, this concern was most acute in the Health Sector. After an all night session of negotiations, proposals on the application of the proposal in that sector were worked out. These involved the prospect of the actual taking of the time being spread by up to 6 years, where necessary. Once this hurdle was overcome, the entire process was explained personally to the Taoiseach and he was asked to indicate on behalf of the Government, which was meeting later that morning, if the approach being worked on represented a basis for possible agreement when worked through to a conclusion. Following the Government meeting that day, the officials representing the Government told the PSC negotiators that the Government was satisfied that an agreement could now be reached and that it was willing to continue discussions on this basis with a view to a conclusion. In light of this, the PSC called off a proposed second one-day strike.
- 3.7 The following day, the Irish Independent, ever reliable in its prejudices, declared that the Taoiseach had 'caved in' to the Unions. It is not entirely clear whether Government back-benchers due to their own initiative or due to prompting within the Cabinet were motivated to decry a potential agreement that they did not understand. Either way, it set off an hysteria in the media and, by all accounts, a frightening display of anti Public Service hatred filled the airwaves. In retrospect, there is reason to surmise that the whole circus was

instigated by Cabinet opponents to a possible compromise.

- 3.8 While all of this was happening on the Wednesday, the negotiators had no reason to believe that Government was about to break its word and discussions continued, including a further all night session on the Thursday night for negotiators in the Health Service. By Friday morning, apart from some details, the only issue outstanding was the 'gap' between the value of 12 days' leave and the figure sought by Government in savings for 2010. The PSC, with the help of professional accountancy advice, had identified how this 'gap' could be bridged and had indicated a willingness to meet the Government's monetary requirements. It appears that, at this point, Government became alarmed at the prospect of an agreement and without any clear explanation, they decided to terminate discussions.
- 3.9 This scale of 'welshing' has never before been witnessed of a Government. The level of treachery and bad faith involved is truly breath-taking.
- 3.10 Unfortunately, this treachery was given tangible effect in the subsequent Budget when the Minister announced pay cuts of :  
  
5% on the first €30,000 p.a.  
  
7.5% on pay between €30,000 p.a.  
and €70,000 p.a.  
  
10% on pay from €70,000 p.a. to €120,000 p.a.  
  
He announced also cuts ranging from 8% to 15% for grades above this amount, (rather typically, the "15% cut" for Government Ministers included a previous reduction of 10%, so that the only real cut for them amounted to 5%).
- 3.11 The Minister also announced his intention to make fundamental changes to Public Service Pension arrangements. In particular, he announced that both existing Pensioners and serving Public Servants could, after 2010, be subject to new arrangements in respect of post retirement pension increases which he stated could, henceforth, be based on the movement in prices rather than on the pay of the related grade. He announced that future entrants to the Public Service would be subject to changes in the scheme so that lump sum and pensions would be based on career average earnings rather than on final salary.
- 3.12 The Committee then gave consideration to the appropriate reaction in the light of this behaviour by our employer. A campaign strategy document was prepared and issued in early January 2010. This included specific programmes of industrial action in each of the sectors, Health, Education, Local Government, Civil Service and State Bodies. Over the course of the subsequent months, this action was 'rolled out' at a low level. While there

were some 'pinch-points' and considerable ongoing media hostility to the disruption caused, by and large the action was kept at a minimal level and did not induce an over-reaction from the employer.

- 3.13 By early March, it became apparent that our employer was interested in making an attempt to avoid an escalation of this industrial action. Given the December experience, it was indicated that outside assistance would be required if the Committee was to be enabled to have any faith in a further negotiating process. As a result, Kieran Mulvey and Kevin Foley of the LRC were appointed, in personal capacities, to assist in facilitating negotiations.
- 3.14 After an initial meeting with the Facilitators, meetings at the level of each sector took place over a ten-day period leading up to the week-end commencing on Saturday, 27 March 2010. These sectoral meetings identified areas of possible agreement on the so-called 'transformation' measures sought by Government, in an attempt to identify means of reducing the costs of delivering public services and to deliver them in a fashion that the employer considers to be more effective.
- 3.15 Intensive discussions on all aspects of a possible agreement took place in the venue of the Croke Park Conference Centre, between Saturday 27 March 2010 and the early hours of Tuesday 30 March 2010. The negotiations concluded with a proposed agreement, the imaginatively titled 'Public Service Agreement 2010 - 2014'. As this report is being written, this proposed agreement is still, in many cases, under consideration by affiliated Unions. At the time of writing, the Facilitators have issued some clarifications on issues. This document is enclosed, again, at **Appendix 4** to this report. It would be inappropriate to make any comment in this report on the perceived merits or demerits of the proposals.

#### 4. Pensions

- 4.1 While much of the work of the Committee has been taken up with the ongoing general issues as outlined above, (and with the issue of Public Service pay, in particular), the Minister for Finance announced in his Budget speech in December that it was his intention to make two changes to the Pension system for Public Servants. In respect of future entrants he indicated that it was his intention to move from a final salary system to one which would calculate superannuation entitlements on the basis of career average earnings. Discussions on this proposal, involving a sub-committee of the PSC, commenced early in the New Year and terms of reference for these

discussions were agreed in March, prior to the negotiations in Croke Park. These are enclosed at **Appendix 5** to this report. The proposed Public Service Agreement 2010 – 2014 provides that discussions on this matter will conclude in 2010.

- 4.2 The second statement by the Minister was to the effect that the Minister was considering a review of the system of post retirement increases so that, in future, linkage would no longer be to increases in pay rates but would, rather, be to movements in the cost of living. No discussion has taken place on the substance of this stated intention. The proposed Public Service Agreement 2010 - 2014 provides that the matter will be dealt with in the context of the Pay Review to take place in the Spring of 2011. The clarification provided by the Facilitators, (at **Appendix 4**), states that *"In the prevailing circumstances the Government has clarified that no change in the current arrangements for the indexation of pensions for current public service pensioners and serving public servants will be implemented during the period of the Agreement"*. This clarification goes on to note the acceptance by the Government that the proposed Agreement does not commit the Union Side to any position on the issues and that the Government accepts that the dispute resolution provisions in the proposed Agreement do not apply to the engagement on this issue.

#### 5. Staffing Levels

- 5.1 As part of its ongoing efforts to reduce the cost of providing public services, in 2009 the Government appointed a Body to look at potential reductions. The so-called 'An Bord Snip Nua' under the Chairmanship of Economist, Colm McCarthy, provided its report in July 2009. In a report that recommended sweeping cuts in public service provision, it was suggested that Public Service numbers should be cut by a total of 17,000, that certain activities should be discontinued, that some Public Service organisations should be wound down in their entirety and that others should be scaled back. These measures were proposed in addition to the moratorium that the Government had imposed on the filling of vacancies. For a time, it appeared as if the McCarthy report would represent a blueprint for Government to enable it to cut back on expenditure in order to deal with the country's fiscal difficulties. However, in practice much of the proposals were quietly shelved or adjusted. Rather than reduce the deficit through the sort of cutbacks in programme expenditure advocated by the McCarthy Group, the Government concentrated much, though not all, of its focus in the December Budget on Public Service pay and Social Welfare expenditure, as noted above.



5.2 However, the moratorium remains in place and the Government has adopted an approach of specifying staffing levels in an Employment Control Framework. This appears to be based upon an intention to reduce numbers in the Public Service by about 13,000 in the period up to 2014. The clarification to the proposed Public Service Agreement 2010 – 2014, (at **Appendix 4**), states confirmation that the Government numbers policy is independent of the proposed Agreement. However, the consequences of such a potential reduction in numbers had to be dealt with in the proposed Agreement in the form of commitments to no compulsory redundancies, commitments on out-sourcing and consequential agreement on a system of redeployment.

## 6. Election of Officers/ Retirement of Peter McLoone

6.1 At the 2009 AGM, the following Officers were elected :

**Chair : P. McLoone (IMPACT)**

**Secretary : T. Geraghty (PSEU)**

**Vice-Chair : M. Merrigan (SIPTU).**

At the subsequent Extraordinary General Meeting in July 2009, following the adoption of a rule amendment, **S. Nunan (INTO)**, was elected as a second **Vice-Chair**.

6.2 As the 2009 AGM marked the retirement of Dan Murphy as Secretary of the Committee after 40 years in that role, considerable, and much deserved, tribute was paid to him then.

6.3 The 2010 AGM will mark the last time that the Committee will be chaired by Peter McLoone who has fulfilled that role for 15 years. Therefore, it is appropriate to mark Peter's departure with considerable gratitude to him for his undimmed dedication to the Public Service and for his unquestionable commitment to the people who work within it and, indeed, to his tremendous work on behalf of all Trade Unionists. In addition to his great work on behalf of Public Servants and his commitment to the concept of public service, Peter has, of course, served with distinction as Vice-President and President of ICTU, roles that he performed with his characteristic skill, diligence and wisdom. These attributes were never more evident nor necessary than in the year under review. If his greatest achievement as Chair of the Committee came with the implementation of the much maligned, (by our opponents), recommendations of the first Benchmarking Body, there can be no denying that it was in his last year in the Chair that he faced the greatest challenges to his leadership qualities. All members of the PSC who had the privilege to witness Peter in action will have learned from the experience. His

calmness and ability to rationalise and strategise under the most extreme pressure, while holding the interests of the group together in a spirit of solidarity, provided a master class in leadership to us all. There can be no doubt that all members of the PSC Negotiating Group hold him in the highest regard and wish him every success and happiness in his forthcoming retirement.

## 7. Conclusion

7.1 The year under review has been like no other ever seen before by Public Servants. The cuts in pay imposed in the December Budget, coming, as they did, on top of the imposition of the Pension Levy on Public Servants, resulted in cuts of over 14% in the remuneration of Public Servants within a 12 months period. It is, therefore, hardly surprising that industrial action as outlined in this Report should have followed, as a consequence. It is equally unsurprising that Public Servants should have been frustrated, angered and saddened by the relentless abuse heaped upon them by an astonishingly hostile media. This campaign set the context within which Government felt it possible to single Public Servants out, (along with the poorest in our society who are dependent upon Social Welfare), to bear a disproportionate share of the pain required to resolve our fiscal difficulties. It is a shameful chapter in Irish public life that will come to be viewed by historians with incomprehension at the visceral hatred generated artificially and directed at those whose only 'crime' is to work to provide public services. The ease with which worker was turned against worker is a lesson that requires scrutiny by the entire Trade Union Movement. The success of such a cynically motivated exercise served to obfuscate the deep and continuing inequities and real unfairnesses in our society. There is no doubt either that the PSC must absorb the lessons of our experience and seek to apply them to our future approaches. For this reason, far from being a divisive issue, the debate within and between the affiliated Unions on the proposed Public Service Agreement 2010 - 2014 offers us an opportunity to open up and air our analysis of the steps that we need to take to protect and enhance the future of the people that we represent. That is a healthy way to build on the very considerable solidarity shown in the course of our various travails over the past year. Whatever decision we take now on this proposed Agreement will reflect the outcome of considerable and robust debate. That is as it should be.

7.2 Finally, on a personal note, this year represented a baptism of fire for the undersigned in the new and unaccustomed role as Secretary of the Committee. Obviously, I would like to say that it has been an

unalloyed pleasure but an old fashioned attachment to the truth prevents me! It can be said, however, without fear of repudiation, to have been an experience! As is the case with all Public Servants, the hope must be that it is an unrepeatable experience !

- 7.3 Whatever difficulties that arose in the year, we could not have gotten through them, (and I could not have done my job as Secretary), without the dedication, help and sheer decency of the members of the PSC Negotiating Group. I would like to thank them all very much for their help and patience. Above all, I would like to thank my fellow Officers, Peter McLoone, (whose contribution I attempt to acknowledge above), Sheila Nunan, (who, like myself has found out what it is like to be thrown into the deep end without a buoy to cling to) and Matt Merrigan, (who has come through a particularly difficult year with fortitude and customary good humour and, by so doing, has provided much needed perspective). Particular thanks must go to Liam Berney of Congress for his hard work and patience and, above all, for his bright humour at even the very darkest of times. I would also like to record appreciation to Patricia King and Liam Doran who, along with the Officers

of the Committee and Liam Berney, were part of the small negotiating group that was set up during our ill fated discussions last December. On behalf of the entire PSC Negotiating Group, I would like to wish John Carr and John White every happiness in their well earned retirement. Last but by no means least, thanks are due to the President of ICTU, Jack O' Connor and to ICTU Gen. Sec., David Begg, both of whom made their expertise available to serve the interests of Public Servants at crucial times throughout the year.

**Tom Geraghty, Secretary.**

**Appendices enclosed**

<b>Appendix 1 (a)</b>	Minutes of AGM - see attached
<b>Appendix 1 (b)</b>	Minutes of Extraordinary Meeting
<b>Appendix 2</b>	Scale of Representation
<b>Appendix 3</b>	Finances of PSC
<b>Appendix 4</b>	Clarification
<b>Appendix 5</b>	New Single Public Service Pension Scheme

# APPENDIX 1 (a)

## IRISH CONGRESS OF TRADE UNIONS

### PUBLIC SERVICES COMMITTEE

*Minutes of Annual General Meeting of the Committee  
held on Tuesday, 19 May, 2009*

<b>Present:</b>	P. McLoone	Chair & IMPACT
	M. Merrigan	Vice-Chair & SIPTU
	S. Cody	IMPACT
	K. Callinan	IMPACT
	J. Power	IMPACT
	B. Harbour	IMPACT
	L. O'Donnell	IMPACT
	J. Carr	INTO
	S. Nunan	INTO
	J. White	ASTI
	J. Moran	ASTI
	P. Hurley	ASTI
	A. Dolan	TUI
	D. Ryan	TUI
	B. Judge	TUI
	J. MacGabhan	TUI
	G. Mulvihill	TUI
	D. Glynn	TUI
	P. Whelan	TUI
	M. Jennings	IFUT
	D. Noble	VOA
	J. Clinton	POA
	J. Kelleher	AHCPS
	C. Rohan	AHCPS
	L. Doran	INO
	D. Hughes	INO
	B. Horan	CPSU
	T. Casey	MLSA
	J. Kane	MLSA
	K. Figgis	SIPTU
	F. Murphy	IMO
	T. Geraghty	PSEU
	E. Quinn	PSEU
	P. Behan	PSEU
	V. Behan	PSEU
	G. Maybury	PSEU
	P. Caffrey	PSEU
	L. Berney	ICTU
	D. Murphy	Secretary & PSEU

The Chairperson, Mr. Peter McLoone, took the chair.

## 1. MINUTES

The Minutes of the Meeting of the Committee held on 22 May, 2008 were approved, subject to changing the name of "J. Kelly", MLSA, in the list of attendance, to "J. Kane".

## 2. ANNUAL REPORT

A draft of the Annual Report was before the meeting.

In the context of the discussion on the Annual Report, the meeting discussed the frequency of meetings of the full Committee.

It was noted that the Committee had been working through various committees for some years, particularly, the Negotiating Committee and that this had been found to be satisfactory. It was also pointed out that this had proved to be more satisfactory than regular meetings of the full Committee which had been badly attended and had frequently been abandoned as a result. It was pointed out that, if there were to be full Committee meetings on a regular basis, then it would be important that the people who attended the Negotiating Committee would also attend such meetings.

Following further discussion, it was agreed that the Committee would, on a trial basis, hold full Committee meetings on a quarterly basis in the period to the next AGM and that the experience would be reviewed at the 2010 AGM.

It was also agreed that arrangements for meetings of the Negotiating Committee etc., would continue as before.

The Annual Report was adopted.

## 3. FINANCIAL REPORT

The Financial Report, which showed a balance of €7,430.81, was adopted.

## 4. ELECTION OF OFFICERS

Before the election of Officers was taken, the Chair said that he had had notice of an issue on which John Carr, INTO, wished to speak and invited him to take the floor.

Mr. Carr said that he wished to propose an amendment to the Constitution of the Committee as follows:

Amendment to Section 4 of the Constitution

Delete "Chairman" and "Vice-Chairman" in line two and replace with "Chairperson and two Vice Chairpersons"

The first sentence of Section 4 to read:

"An Annual Meeting of the Committee shall be held each year and shall elect a Chairperson, two Vice-

Chairpersons and Secretary. The election shall be by proportional representation."

The proposal, which was submitted in writing to the Chair was signed by A. Dolan, TUI, J. White, ASTI, M. Jennings, IFUT, and L. Doran, INO, as well as J. Carr, INTO.

A number of speakers took part in a discussion on the matter. Those who spoke in favour indicated that there was no intention of casting any reflection on the current Officers but that there were "perception issues" involved which gave rise to the proposal.

It was pointed out that the Constitution provided for a means of amending the Constitution and that this was as follows:

This constitution shall not be amended except by a special meeting of the Committee called for the purpose.

No resolution for the amendment of this Constitution shall have effect unless such resolution has been approved by the Executive Council of the Irish Congress of Trade Unions.

Eventually, it was agreed that a special meeting of the full Committee would be convened in order to discuss the proposed amendment to the Constitution.

The following were elected without opposition:

Chair: Peter McLoone, IMPACT

Vice-Chair: Matt Merrigan, SIPTU

Secretary: Tom Geraghty, PSEU

## 5. PUBLIC SERVICE PAY

The Chair referred to developments which had been discussed at a meeting of the Negotiation Group the previous week. There had been further discussions between ICTU and the Taoiseach and, subsequently, with the Official Side in the interim. The upshot of the discussions to date was to be discussed by the Executive Council on 20 May.

In the case of the Public Service, it was noted that, in addition to issues surrounding the Pension Levy, there were even more serious problems facing the Public Service in relation to security of employment, security of pay and security of pensions (including the tax status of lump sums). In addition, there were the consequences of the various incentive schemes (retirement, career breaks etc.) designed to reduce numbers announced in the recent budget.

In the event that it was possible to make progress on the outstanding issues in respect of the Private Sector, it would be necessary to for the Negotiating Committee to engage with the Official Side on the position in the Public Service on the issues mentioned above and also to grapple with the Official Side agenda which was likely to centre

around flexibility and redeployment to enable services to be maintained, to some extent at least, in the context of lesser resources.

A meeting of the Negotiating Committee would be held as soon as that was appropriate.

#### 6. OECD REVIEW OF THE PUBLIC SERVICE

The meeting noted that there had not been any particular emphasis on this matter in recent months due to the economic crisis.

#### 7. COMMISSION ON PUBLIC SERVICE PENSIONS

The meeting noted that there was nothing further to be reported on this matter over and above what was contained in the Annual Report.

#### 8. NEXT MEETING

It was agreed to leave arrangements for the next meeting of the Committee to the Officers.

#### 9. RETIREMENT OF THE SECRETARY

The Chair drew attention to the retirement of the Dan Murphy who had been Secretary of the Committee for 40 years. He paid tribute to the work that he had done over the years and wished him well in his retirement. He made a presentation to him on behalf of the Committee

Dan Murphy thanked the meeting for the presentation and the kind words of the Chair. He said that he had enjoyed the role of Secretary. He thanked the Committee for electing him annually for 40 years and wished his successor, Tom Geraghty, every success in his new role as Secretary. He thanked the members of the Committee and the various Officers with whom he had worked for their friendship and co-operation and, in particular, the current Chair, Peter McLoone, whose dedication and commitment to the Public Service was second to none. He also said that, while things were very difficult at the moment, the Committee had had to cope with many times of trouble over his tenure as Secretary of the Committee and that the unity which the Committee had shown when confronted by these problems had been the greatest single factor in enabling it to come through these periods. In wishing the Committee every success, he expressed the hope that the Committee would continue to work together to get over the current problems. Finally, he begged to be excused for any words he might have used over the years that might have hurt any of the delegates. It had never been his intention to hurt anyone.

As there was no further business, the meeting then concluded.

**D. Murphy, Secretary.**



**IRISH CONGRESS OF TRADE UNIONS**  
***PUBLIC SERVICES COMMITTEE***

**Extraordinary General Meeting held on 14 July 2009**

**Present:**

Peter McLoone	Chair/IMPACT
Tom Geraghty	Secretary/PSEU
Matt Merrigan	Vice Chair SIPTU
Bernard Harbour	IMPACT
Liam Berney	ICTU
Mike Jennings	IFUT
Karl Dalton	POA
Jim Mitchell	POA
John Clinton	POA
Gerard P. Craughwell	TUI
Paul Whelan	TUI
John Reilly	TUI
David Hughes	INO
Maureen Parke	INO
Sheila Dickson	INO
Jo Lally	INO
Claire Treacy	INO
Phil Ní Sheaghdha	INO
Helen Buckley	INO
Jennifer Bollard	INO
Madeline Spiers	INO
J.L. Kelly	TUI
Bernie Judge	TUI
Paul McSweeney	TUI
Annette Dolan	TUI
John McGabhann	TUI
Ciarán Rohan	AHCPS
Dave Thomas	AHCPS
Eugene Quinn	PSEU
George Maybury	PSEU
Phyllis Behan	PSEU
Louise O'Reilly	SIPTU
John Carr	INTO
Sheila Nunan	INTO
John White	ASTI
Diarmuid de Paor	ASTI

## 1. Amendment of Constitution

On the proposal of M. Jennings (IFUT), seconded by J. Clinton (POA) it was agreed to amend Section 4 of the Public Services Committee Constitution by the deletion of the first sentence in Section 4 ***“An Annual Meeting of the Committee shall be held each year and shall elect a Chairman, Vice-Chairman and Secretary”*** and its replacement with the following: ***“An Annual Meeting of the committee shall be held each year and shall elect a Chairperson, two-Vice-Chairpersons and a Secretary. The Committee shall have the power to fill any vacant Officer positions between Annual meetings”***.

This was agreed unanimously.

The Secretary of the Committee was requested to seek the approval of the Executive Council of ICTU for this amendment, in accordance with the last sentence of the Constitution.

## 2. Election of Second Vice-Chairperson

In view of the agreed change in the Constitution and in anticipation of the sanction of the Executive Council for this change, the meeting proceeded to elect a second Vice-Chairperson. On the nomination of J. Carr (INTO), seconded by J. White (ASTI), S. Nunan (INTO) was elected unopposed.

## 3. Up-date on discussions with Government

The Officers of the Committee gave an up-date on the on-going discussions with Government and a lengthy discussion ensued. It was agreed that the Negotiating Group would continue to meet as necessary and that there was a need to develop a framework to facilitate engagement with the Official Side at sectoral level.

**Tom Geraghty, Secretary.**

## SCALE OF REPRESENTATION AT THE PUBLIC SERVICES COMMITTEE

Membership		Delegates
From	To	
1	1,000	1
1,001	2,000	2
2,001	5,999	3
6,000	8,999	4
9,000	11,999	5
12,000	14,999	6
15,000	17,999	7
18,000	20,999	8
21,000	23,999	9
24,000	26,999	10
27,000	29,999	11
30,000	32,999	12
33,000	35,999	13
36,000	38,999	14
39,000	41,999	15
42,000	44,999	16
45,000	47,999	17
48,000	50,999	18
51,000	53,999	19
54,000	56,999	20
57,000	59,999	21
60,000	62,999	22
63,000	65,999	23
66,000	68,999	24
69,000	71,999	25
72,000	74,999	26
75,000	77,999	27

# APPENDIX 3

Current Account No. 56149074	
Balance at 20 April, 2009	€62.13
Lodgement	€0.00
Fees	€0.00
<b>Balance at 10 May, 2010</b>	<b>€62.13</b>

Savings Account No. 60423371	
Balance at 20 April, 2009	€7,368.68
Lodgement	€1,347.46
Net Interest March 2010	€0.55
<b>Balance at 10 May, 2010</b>	<b>€8,716.69</b>

Congress Public Sector Committee Campaign 2009			
Payments Received		Payments Made	
	€		€
AHCPS	1493.44	Brian Tracy	2629.55
IFUT	840.06	Mazars	13365.00
IMPACT	27310.95	Public Communications Centre	101009.03
INTO	14607.71	Balance to Congress PSC	1347.46
PSEU	5274.00		
INMO	18201.30		
VOA	140.01		
MLSA	933.40		
ASTI	8447.27		
IMO	2520.18		
TUI	7187.18		
POA	1586.78		
CPSU	5973.76		
SIPTU	22868.30		
UNITE - ATGWU	466.70		
Craft Unions	500.00		
	<b>118,351.04</b>		<b>118,351.04</b>

## DRAFT PUBLIC SECTOR AGREEMENT 2010-2014

### CLARIFICATION (06-05-10)

#### CONTEXT

The overarching intent of the negotiations conducted in March 2010, and which led to the "Draft Public Service Agreement: 2010-2014" was to enhance the country's prospects of recovery, the protection of public services for its citizens in terms of the resources available and bringing a major degree of certainty to public servants in terms of their remuneration, and their terms and security of employment over the immediate future.

It was recognised that these objectives could best be achieved by a centralised negotiated and agreed outcome under an independent third party process.

The facilitators confirm that the Draft Agreement represents the best that can be achieved by negotiation in the current economic and financial circumstances.

The Draft Agreement is intended to achieve a reorganisation of public service delivery to the benefit of the people of Ireland in a manner that recognises both the employment rights of those who work in the public service and their reasonable expectations to be engaged in the process of creating a citizen-centred and performance-focussed Public Service. The Draft Agreement commits public service management to being proactive and ambitious in leading the implementation of the full range of transformation measures set out in this Draft Agreement, to facilitating the full participation of staff and their trade unions, and to seeking the early resolution of any problems arising through agreed third party mechanisms.

A number of issues have arisen since the conclusion of the negotiations on the "Draft Public Service Agreement: 2010-2014".

The facilitators believe that the Draft Agreement would benefit from a further elaboration in a number of areas.

#### Pay

It is the expressed intention and expectation of the Government that there will be no further reductions in the remuneration of employees in the public service for the lifetime of this Draft Agreement subject to compliance with the terms of the Draft Agreement.

The Government has agreed that the terms of paragraph 1.28 of the Draft Agreement which stated, "The implementation of this Agreement is subject to no currently unforeseen budgetary deterioration", will be applied in a *bona fide* manner by the Government side. Similar clauses have applied in previous agreements and it is not envisaged that, on the basis of any currently known facts, that the clause would be utilised. Adoption

of the Draft Agreement will itself give a measure of certainty about policy and spending that will assist in the process of economic recovery. It is confirmed that, in the event that such a situation was to arise, the parties would meet at central level (i.e. Government/ICTU) to discuss the circumstances that had arisen and the implications for the Draft Agreement prior to any decision being taken that would adversely affect the pay provisions of this Agreement.

The Unions have made it clear that in the event of the Government invoking that provision the unions will cease to be bound by the terms of the Draft Agreement.

Savings generated from the implementation of the Agreement and the agreements in each of the sectors will be used, in a manner to be agreed between the parties, to commence the process of addressing the effect on pay rates of the Financial Emergency Measures in the Public Interest Act 2009 and reducing the effect of the pension levy.

The facilitators confirm that, though the parties have agreed that priority will be given in the Spring 2011 review of public service employees with pay rates of €35,000 or less, this does not prevent staff with salaries in excess of that amount from benefiting from this initial or subsequent yearly reviews.

#### No Compulsory Redundancy Protection

The Draft Agreement proposal precludes compulsory redundancy, save where existing exit provisions apply.

The Government have made this commitment on the basis that the redeployment arrangements in the Draft Agreement are utilised as an alternative to redundancy where staff have become surplus for whatever reason in order to fill vacancies that are approved for filling in accordance with Government policy.

#### Redeployment

The Government confirms that the agreed provisions on redeployment in the Draft Agreement will be operated in a reasonable manner and with due regard for the personal circumstances of public servants. There will not be serial or multiple redeployments and the work location from which the first location is proposed/home address of staff will be used to determine the radius for any redeployment.

#### Pensions

The Draft Agreement provides that discussions are due to take place in Spring 2011 in relation to pensions of existing public service pensioners and current public



servants, in the context of the review of pay. The Minister for Finance announced in Budget 2010 that he is reviewing the current arrangements and considering linking public service pensions to increases in the cost of living. In the prevailing circumstances the Government has clarified that no change in the current arrangements for the indexation of pensions for current public service pensioners and serving public servants will be implemented during the period of the Agreement.

The Government acknowledge that nothing in the Draft Agreement commits the Union side to any position on the issues involved. The Government also accept that the dispute resolution provisions set out in the Draft Agreement do not apply to the engagement on pensions in Spring 2011.

A separate process of engagement between the Department of Finance and the Trade Union representatives is underway to discuss pension scheme arrangements for new public servants, which the Government has decided to introduce before the end of 2010. This process is independent of the terms of the Draft Agreement and was in place in any event prior to the engagements which produced the Draft Agreement.

#### Public Service Numbers

The Government has confirmed that its policy on staff numbers in the Public Service is a matter which is independent of the Draft Public Service Agreement.

However, the Government has clarified that the application of the moratorium on recruitment and promotion will be kept under review and will be revisited in each sector as the staffing levels specified (or to be specified) in the Employment Control Framework for the sectors are achieved.

#### Dispute Resolution

The mechanisms to resolve disagreements and ensure a stable industrial relations climate are consistent with arrangements that apply in previous agreements. Additional provisions have been made to provide a more time-limited "fast-track" arrangement for dispute resolution.

#### Outsourcing

The Appendix dealing with Service Delivery Options (outsourcing) has general application across the Public Service.

**Kieran Mulvey**  
**Facilitator**

**Kevin Foley**  
**Facilitator**

6th May 2010

## New single public service pension scheme – Budget 2010

*Consultation between Department of Finance and Public Services Committee of ICTU*

Terms of reference for discussion.

### Introduction

1. In Budget 2010, the Minister for Finance announced that the Government has decided to introduce a single new pension scheme which would apply to all new entrants to the public service from 1 January, 2011.
2. The Minister also said that there would be consultations with the public service unions and public service employers. Accordingly, there will be consultation between the parties, the Department of Finance and the Public Services Committee of ICTU under the terms of reference which are agreed and set out from paragraph 3 below.

### Policy aims of the new scheme

1. The Department of Finance states that the general policy aims behind the new scheme are to
  - [a] bring public service pension terms more into line with those which apply in the private sector,
  - [b] link pension benefits more closely to career earnings,
  - [c] improve the efficiency of pension administration within the public service, and
  - [d] manage the growth of public expenditure on public service pensions over the longer-term.

### Government decisions on the main features of the scheme

4. In the light of the general policy aims at 3 above, the Department states that the Minister's announcement in Budget 2010 was based on Government decisions that the new public service pension scheme will have the following main features:
  - [a] a new minimum public service pension age of 66 years which will be linked henceforth to increases in the state pension age,
  - [b] a maximum retirement age of 70, and
  - [c] pension benefits to be based on "career average" earnings rather than on final salary.

### Consultation process

5. The purpose of the consultation process is to consider the terms and conditions of the new public service pension scheme and, where possible, to agree proposals on the details of the scheme which can then be put to the Minister for Finance and the Government for final decision and incorporation in the forthcoming legislation.
6. Where disagreements emerge in the consultation process, it is agreed that there will be access to a third party for recommendation. The third party will be the Labour Relations Commission/Labour Court.
7. However, the Department of Finance will not agree to the submission to such third party decision or recommendation of those issues which have been decided by the Government, that is, the items listed at 4[a], [b], and [c].
8. On these "reserved" issues, the Department of Finance will record and report without prior commitment to the Minister and the Government any views or alternative proposals put forward in the consultation process by the Public Services Committee of ICTU.
9. The Department of Finance also points out that, in the light of the broad policy aims in paragraph 3 above, and, in particular, the policy aim at 3[d], the Government must, in taking final decisions on the new scheme, also reserve the right to take account of the overall longer-term expenditure implications of any items agreed with the Public Services Committee of ICTU and any third party recommendations which may be made.
10. The Department of Finance points out that the timetable decided by the Minister for the introduction of the new scheme requires legislation to be published by June, 2010 and considers that the consultation process must be concluded before that date. The Department is starting preliminary work on the new scheme in order to meet this timetable.



# OFFICERS' REPORT AND FINANCIAL STATEMENTS



**Association of Higher Civil and Public Servants**

**Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí**

**for year ended  
31st December 2010**

**Friendly Society Registration Number: 591T**

Anne Brady McQuillans DFK, Chartered Accountants & Registered Auditors  
Iveagh Court, Harcourt Road, Dublin 2.

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## Officers and Other Information

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<b>Chairperson</b>	Peadar Carpenter
<b>Vice - Chairperson</b>	Tom Allen
<b>Treasurer</b>	Bernard O' Shea
<b>Trustees</b>	Brian Murnane Margaret Kelly Sean MacDonald
<b>General Secretary</b>	Dave Thomas
<b>Business Address</b>	Fleming's Hall 12 Fleming's Place Dublin 4
<b>Auditors</b>	Anne Brady McQuillans DFK Chartered Accountants & Registered Auditors Iveagh Court Harcourt Road Dublin 2
<b>Bankers</b>	Permanent TSB 70 Grafton Street Dublin 2
<b>Solicitors</b>	McGarr Solicitors 12 City Gate Lower Bridge Street Dublin 8  O' Mara Geraghty McCourt Solicitors 51 Northumberland Road Dublin 4
<b>Friendly Societies Registered Number</b>	591T

## Officers' Report

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The Officers presents their report and audited financial statements for the year ended 31st December 2010.

### **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 €1,418,931 in 2010 from €1,544,572 in 2009.

### **Financial Results**

The result for the year after providing for depreciation and taxation amounted to €172,907 compared to a surplus of €251,450 in 2009.

### **Status of the Association**

The Association of Higher Civil and Public Servants is a Trade Union registered under the Trade Unions 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. The Associations' objective in relation to interest rate management is to minimise the impact of interest rate volatility on interest costs in order to protect recorded surplus. 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 2.

## Officers' Report

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### 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

  
**Peadar Carpenter**  
**Chairperson**

**Date : 23rd March 2011**

  
**Bernard O' Shea**  
**Treasurer**



## Officers' Report

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The Officers' are responsible for preparing the Annual Report and the financial statements in accordance with Generally Accepted Accounting Practice in Ireland including the accounting standards issued by the Accounting Standards Board and published by the Institute of Chartered Accountants in Ireland.


In preparing those financial statements, the Officers' is 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 it has 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. It is 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.

On behalf of the Executive Committee

  
**Peadar Carpenter**  
Chairperson

**Date: 23rd March 2011**

  
**Bernard O' Shea**  
Treasurer

## Officers' Report

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We have audited the financial statements of Association of Higher Civil and Public Servants for the year ended 31st December 2010 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 on page 10.

This report is made solely to the Association's members, as a body 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 including the accounting standards issued by the Accounting Standards board.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

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.



### **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.

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 2010 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.

**Anne Brady McQuillans DFK**  
**Chartered Accountants**  
**& Registered Auditors**  
**Iveagh Court**  
**Harcourt Road**  
**Dublin 2**

**Date: 23rd March 2011**

## Income and Expenditure Report

	Notes	2010 €	2009 €
<b>Income</b>			
Members' subscriptions		1,263,879	1,465,358
VOA associate members subscriptions		59,023	63,586
Deposit interest received (net of DIRT)		82,517	12,628
Miscellaneous income		13,512	3,000
		<u>1,418,931</u>	<u>1,544,572</u>
<b>Expenditure</b>			
Salaries, honoraria and pensions		700,136	792,754
Printing and stationery		15,226	27,097
Postage and telephone		15,752	20,985
Rates and insurance		27,716	28,224
Light, heat and cleaning		11,990	10,292
ADC and executive committee expenses		48,523	40,971
Branch expenses		67,138	68,095
Travel and subsistence		31,855	37,949
Subscriptions to other bodies		54,615	42,232
Publications		3,642	4,741
Premises and equipment expenses		47,085	37,575
Legal and professional fees		94,366	29,125
Depreciation		126,665	151,801
Bank interest and bank charges		503	419
Sundries		589	709
Loss on disposal of investment		270	-
<b>Total Expenditure</b>		<u>(1,246,071)</u>	<u>(1,292,969)</u>
<b>Surplus of Income over Expenditure</b>		<u>172,860</u>	<u>251,603</u>
Increase/(Decrease) in value of Financial Assets		47	(153)
<b>Forward to Accumulated Fund</b>	<b>14</b>	<u>172,907</u>	<u>251,450</u>

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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 10 to 19 form part of these financial statements.

The financial statements were approved by the Executive Committee of Higher Civil and Private Servants on 23rd March 2011 and signed on its behalf by



**Peadar Carpenter**  
Chairperson



**Bernard O' Shea**  
Treasurer



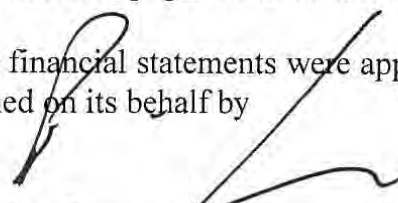
## Balance Sheet


	Note	2010 €	2009 €
<b>Fixed Assets</b>			
Tangible assets	8	4,439,718	4,562,148
Financial assets	9	1,343,239	889,307
Negotiating licence	10	7,618	6,401
		<u>5,790,575</u>	<u>5,457,856</u>
<b>Current Assets</b>			
Stocks	11	6,087	3,547
Debtors	12	197,482	269,287
Cash at bank and in hand		713,560	689,597
		<u>917,129</u>	<u>962,431</u>
<b>Creditors: amounts falling due within one year</b>	13	<u>(302,099)</u>	<u>(187,589)</u>
<b>Net Current Assets</b>		<u>615,030</u>	<u>774,842</u>
<b>Total Assets Less Current Liabilities</b>		<u>6,405,605</u>	<u>6,232,698</u>
<b>Members' Fund</b>			
Accumulated fund	14	<u>6,405,605</u>	<u>6,232,698</u>
<b>Closing Members' Fund</b>	14	<u>6,405,605</u>	<u>6,232,698</u>

The notes on pages 10 to 19 form part of these financial statements.

The financial statements were approved by the Association on  
signed on its behalf by

23rd March 2011 and

  
Peadar Carpenter  
Chairperson

  
Bernard O'Shea  
Treasurer

## Cashflow Statement

	Notes	2010 €	2009 €
<b>Reconciliation of operating surplus to net cash inflow from operating activities</b>			
Operating surplus		172,860	251,603
Depreciation		126,665	151,801
(Increase) in stocks		(2,540)	(1,998)
Decrease in debtors		70,588	90,520
Increase in creditors		14,123	(39,094)
<b>Net cash inflow from operating activities</b>		<b>381,696</b>	<b>452,832</b>

### Cash Flow Statement

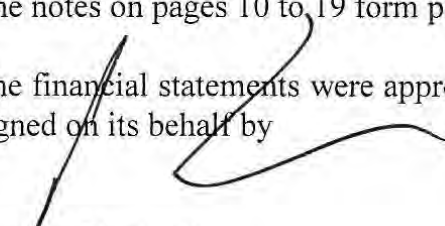
Net cash inflow from operating activities		381,696	452,832
Returns on investments and servicing of finance	15	85,845	-
Taxation	15	-	-
Capital expenditure	15	(4,235)	(30,761)
<b>Increase in cash in the year</b>		<b>463,306</b>	<b>422,071</b>

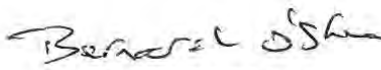
### Reconciliation of net cash flow to movement in net funds (Note 16)

<b>Increase in cash in the year</b>	463,306	422,071
Cash outflow from increase in liquid resources	270	-
Change in net funds resulting from cash flows	463,576	422,071
<b>Net funds at 1 January 2010</b>	<b>1,370,831</b>	<b>948,760</b>
<b>Net funds at 31 December 2010</b>	<b>1,834,407</b>	<b>1,370,831</b>

The notes on pages 10 to 19 form part of these financial statements.

The financial statements were approved by the Executive Committee on 23rd March 2011 and signed on its behalf by

  
**Peadar Carpenter**  
Chairperson

  
**Bernard O' Shea**  
Treasurer



## Notes to the Financial Statement

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### 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 Accounting Standards Board, as promulgated by the Institute of Chartered Accountants in Ireland.

#### 1.2. Members' Subscriptions

Members' subscriptions are accounted for when received 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 in 2011 relating to the year ended 31st December 2010.

#### 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
Fixtures and office equipment	-	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 current value.

#### 1.5. Stock

Stocks are valued at the lower of cost and net realisable value.

## Notes to the Financial Statement

..... continued

### 1.6. Pensions

The Association operates a defined contributions pension scheme for key employees, contributions to which are charged against income and are paid to a separately administered pension fund.

### 1.7. 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.

	2010 €	2009 €
Members' subscriptions	1,254,910	1,457,353
VOA associate members subscriptions	59,023	63,586
Deposit interest received (net of DIRT)	82,517	12,628
Associate membership	8,969	8,005
Miscellaneous income	13,512	3,000
	<u>1,418,931</u>	<u>1,544,572</u>

## 3. Members Information

	2010	2009
Number of members at 1st January	3,358	3,464
Number of members admitted during the year	75	254
Number of members whose membership ceased during the year	(268)	(360)
Number of members at 31st December	<u>3,165</u>	<u>3,358</u>

## Notes to the Financial Statement

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..... continued

### 4. Operating Surplus

	2010	2009
Operating surplus is stated after charging:	€	€
Depreciation of tangible assets	126,665	151,801
Auditors' remuneration (inclusive of VAT)	<u>4,840</u>	<u>5,990</u>

### 5. Income from Investments

	2010	2009
	€	€
Loss on disposal of investments	<u>(270)</u>	<u>-</u>

### 6. Amounts Written-off Investments

	2010	2009
	€	€
Amounts written off fixed asset investments:		
- temporary diminution in value	<u>(47)</u>	<u>153</u>

## Notes to the Financial Statement

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..... continued

<b>7. Employees</b>	<b>2010 Number</b>	<b>2009 Number</b>
<b>Number of employees</b>		
The average monthly numbers of employees (excluding the Officers) during the year were:		
Office and management	<u>5</u>	<u>6</u>
<b>Employment costs</b>	<b>2010</b>	<b>2009</b>
	<b>€</b>	<b>€</b>
Wages and salaries	490,506	519,912
Officers' honoraria	37,973	37,950
Social security costs	12,298	12,192
Other pension costs	159,359	222,700
	<u>700,136</u>	<u>792,754</u>

## Notes to the Financial Statement

..... continued

### 8. Tangible Assets

	Premises	Office equipment & fittings	Computers	Total
	€	€	€	€
<b>Cost</b>				
At 1st January 2010	4,999,098	223,035	49,122	5,271,255
At 31 December 2010	4,999,098	223,035	49,122	5,271,255
<b>Depreciation</b>				
At 1st January 2010	399,623	139,322	28,512	567,457
Charge for the year	99,982	41,668	10,151	151,801
Impairment loss	-	-	-	-
At 31st December 2010	499,605	180,990	38,663	719,258
At 31st December 2010	4,499,493	42,045	10,459	4,551,997
At 31st December 2009	4,599,475	83,713	20,610	4,703,798

There were no assets held under finance lease included in the tangible fixed assets.



## Notes to the Financial Statement

..... continued

### 9. Financial Assets

		2010 €	2009 €
Civil Service Credit Union Shares	(a)	3,207	3,160
Prize bonds	(b)	32	32
Hibernian policy	(c)	-	86,115
Term deposit	(d)	850,000	800,000
An Post Savings	(e)	490,000	-
At 31 December 2010		<u>1,343,239</u>	<u>889,307</u>

(a) The Civil Service Credit Union shares are included at cost.

(b) Prize bonds are included at cost.

(c) The Hibernian policy was encashed on 4th October 2010. The initial cost of the policy amounted to €71,338 (IR£56,000) on 1st February 2000. The policy was encashed for €85,845.

(d) The term deposit in 2009 was invested in permanent TSB and matured on 25th May 2010. The term deposit in 2010 related to three deposits as follows:

- €400,000 was invested in permanent TSB on 6th October 2010 and matures on 1st September 2011.
- €200,000 was invested in Bank of Ireland on 11th November 2010 and matures on 11th August 2011.
- €250,000 was invested in Allied Irish Bank on 14th December 2010 and matures on 21st December 2011.

(e) 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.
- €120,000 was invested in An Post Certificate Bond on 29th November 2010. The savings certificate will earn 3.53% per annum.
- €250,000 was invested in An Post Solidarity Investment on 22nd December 2010. The investment will earn 50% gross over a 10 year period.

## Notes to the Financial Statement

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..... continued

10. Negotiating Licence	2010	2009
	€	€
Deposit - Courts of Justice	<u>7,618</u>	<u>6,401</u>
11. Stocks	2010	2009
	€	€
Stock of stationary	<u>6,087</u>	<u>3,547</u>

The replacement cost of stock did not differ significantly from the figures shown.

12. Debtors	2010	2009
	€	€
Members subscriptions receivable	191,607	263,587
Prepayments	<u>5,875</u>	<u>5,700</u>
	<u>197,482</u>	<u>269,287</u>

## Notes to the Financial Statement

..... continued

### 13. Creditors: Amounts Falling Due within One Year

	2010 €	2009 €
Bank facilities	219,153	118,766
Trade creditors	8,743	7,766
Other taxes and social security costs	20,659	40,453
Accruals	53,544	20,604
	<u>302,099</u>	<u>187,589</u>

Included in other taxes and social security costs are the following:

	2010 €	2009 €
PAYE payable	<u>20,659</u>	<u>40,453</u>

The bank facilities above consisted of the following:

	2010 €	2009 €
Bank balance - Current Account	95,929	19,009
Less: Uncashed cheques	(315,082)	(137,775)
	<u>219,153</u>	<u>118,766</u>

## Notes to the Financial Statement

..... continued

### 14. Closing Reserves

#### Income and expenditure account

	2010 €	2009 €
At 1st January	6,232,698	5,981,248
Surplus for the year	172,907	251,450
At 31st December	<u>6,405,605</u>	<u>6,232,698</u>

### 15. Gross Cash Flows

#### Capital expenditure

Payments to acquire tangible assets

#### Management of Liquid Resources

Receipts from sales of short term investments

	2010 €	2009 €
	(4,235)	(30,761)
	<u>(270)</u>	<u>-</u>

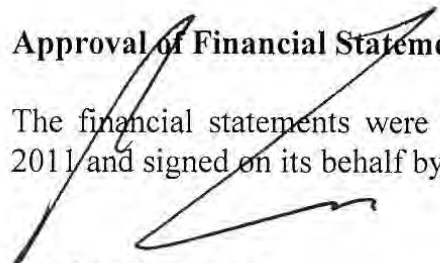
### 16. Analysis of changes in net funds

	Opening balance €	Cash flows €	Closing balance €
Cash at bank and in hand	689,597	23,963	713,560
Overdrafts	(118,766)	(100,387)	(219,153)
Investments	800,000	540,000	1,340,000
Net funds	<u>1,370,831</u>	<u>463,576</u>	<u>1,834,407</u>


..... continued

### 17. Approval of Financial Statements

The financial statements were approved by the Executive Committee on 23rd March 2011 and signed on its behalf by



**Peadar Carpenter**  
Chairperson



**Bernard O' Shea**  
Treasurer



