

CONFIDENTIAL TO MEMBERS



Association of Higher Civil and Public Servants
Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

ANNUAL REPORT
2009/2010



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OFFICERS OF THE ASSOCIATION FROM 1943 - 2010

Year	Chairman	Vice-Chairman	Hon. Secretary	Hon. Treasurer
1943/5	M.J.Kenny		E.O'Connor	E.O'Connor
1945/6	J.Mahony		E.O'Connor	E.O'Connor
1946/7	J.J.Waldron		E.O'Connor	E.O'Connor
1947/9	J.J.Waldron		M.A.O'Connallain	T.O'Brien
1949/51	J.J.Waldron		C.P.O Ceallaigh	J.O'Dwyer
1951/2	J.J.Waldron		B.Carty	C.P.O Ceallaigh
1952/3	J.J.Waldron		T.J.Collins	C.P.O Ceallaigh
1953/5	J.J.Waldron		T.Tobin	S.M.O Miodchain
1955/7	C.P.O'Ceallaigh		T.Tobin	S.M.O Miodchain
1957/8	C.H.Murray	C.P.O'Ceallaigh	T.Tobin	S.M.O Miodchain
1958/9	C.H.Murray *	C.P.O'Ceallaigh	P.A.Terry	S.M.O Miodchain
	T.J.Cahill			
1959/60	T.J.Cahill*	M.B.Lawless	N.MacLiam	N.MacLiam
	M.B.Lawless	W.Drain		
1960/1	P.A.Terry	W.Drain	J.G.Buckmaster	T.O'Sullivan
1961/2	P.A.Terry	P.J.Mulvany	J.G.Buckmaster	T.O'Sullivan
1962/3	R.C.O'Connor	P.J.Mulvany	J.G.Buckmaster	T.O'Sullivan
1963/4	R.C.O'Connor		J.G.Buckmaster	L.O'Laidhin
1964/5	R.C.O'Connor	J.M.McNicholl	L.O'Laidhin	T.J.Mooney
1965/6	R.C.O'Connor	J.M.McNicholl	N.Tobin	T.J.Mooney
1966/8	P.A.Terry	J.M.McNicholl	D.O'Mahony	T.J.Mooney
1968/9	P.A.Terry	J.C.Horgan	D.O'Mahony	T.J.Mooney
1969/73	J.C.Horgan	M.Kilcullen	D.O'Mahony	T.J.Mooney
1973/74	J.C.Horgan	M.Kilcullen	J.O'Dwyer	T.J.Mooney
1974/75	M.Kilcullen	M.Corcoran	M.F.Fahy	T.J.Mooney
1975/76	M.Kilcullen	D.O'Mahony	General Secretary	T.J.Mooney
1976/77	T.J.Mooney	D.O'Mahony	Ralph B. Pares	J.C.Tucker
1977/78	T.J.Mooney	D.O'Mahony*	1975-1980	J.C.Tucker
		M.Corcoran**		
		J.C.Horgan		
1978/79	T.J.Mooney	T.H.Hally		J.C.Tucker
1979/81	J.C.Tucker	M.F.Fahy		T.Tuite
1981/83	M.F.Fahy	T.Tuite	John Dowling	P.J.O'Grady
1983/84	M.F.Fahy	J.P.O'Brien	1980-1987	P.J.O'Grady
1984/86	J.P.O'Brien	Sean Healy ***		P.J.O'Grady
		John Melia		
1986/87	J.P.O'Brien	John Melia		P.Greene
1987/88	J.P.O'Brien	Michael O'Donoghue	Seán Ó Ríordáin	P.Greene
1987/88	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

* 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

Power & Associates

Head Office

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

HONORARY OFFICERS OF THE ASSOCIATION 2009/2010

President Donal O'Mahony

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

The following Officers were elected at the Annual Delegate Conference held on 8 May 2009:

Chairperson	Peadar Carpenter	(Foreign Affairs)
Vice-Chairperson	Tom Allen	(Revenue)
Treasurer	Mary McLoughlin	(Health & Children)

EXECUTIVE COMMITTEE 2009/2010

Allen Joe ***	Environment, Heritage & Local Government
Carney Tom	Education & Science
Dunne Larry	Finance
Holleran Noel	Agriculture, Fisheries & Food
Hughes Eamon	An Post National Lottery
Hughes John *	Enterprise Trade & Employment
Lehane Ray	Social & Family Affairs
McKevitt Brian	Office of the Ombudsman
Noonan Angie *	Health & Children
O'Gorman Anne	Justice, Equality & Law Reform
Walsh Ann**	Revenue
O'Shea Bernard	Arts, Sport & Tourism

* John Hughes (Enterprise Trade & Employment) and Angie Noonan (Health & Children) were co-opted by the Executive Committee under Rule 11 (a)(iii).

** Billy Thompson (Revenue) was co-opted following the resignation of Anne Walsh following retirement.

*** Declan Bourke (Environment Heritage & Local Government) was co-opted following the resignation of Joe Allen during the year.

EXECUTIVE SUB-COMMITTEE 2009/2010

AHCPS Officers are ex-officio members of all Sub Committees

PAY & STRATEGY

Carpenter Peadar (**Chair**)

Carpenter Peadar (**Chair**)

Allen Tom

McLoughlin Mary

Hughes John

Noonan Angie

McKevitt Brian

O'Shea Bernard

Holleran Noel

Carney Tom

Bourke Declan

Glennon John

ORGANISATION & GENERAL PURPOSES

Allen Tom (**Chair**)

McLoughlin Mary

Peadar Carpenter

Lehane Ray

Hughes Eamon

Dunne Larry

Glennon John

McKevitt Brian

Holleran Noel

O'Shea Bernard

Crowther Mark

FINANCE & SERVICES SUB COMMITTEE

McLoughlin Mary (**Chair**)

Carpenter Peadar

Allen Tom

Hughes John

Carney Tom

Crowther Mark

Hughes Eamon

Dunne Larry

EQUALITY & DIVERSITY SUB COMMITTEE

Tom Allen (**Chair**)

Carpenter Peadar

McLoughlin Mary

Lehane Ray

Noonan Angie

Hughes John

Crowther Mark

Consultative Council

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

BRANCH SECRETARIES 2009/2010

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	Angela Denning
County Enterprise Boards	Michael Tunney
Defence	Tadhg O'Doherty
Education and Science	Peter Kelly
Eircom	
Enterprise, Trade & Employment	Sabha Green
Environment, Heritage & Local Government	Carmel Sherry/ Denis Bourke
FÁS	Mark Crowther
Finance	Larry Dunne
Food Safety Authority of Ireland	Pat Farrell
Foreign Affairs	Susan Conlon
Garda HQ	Kieran Downey
Health and Children	Kieran Smyth
Health and Safety Authority	Andrew Allen
Houses of the Oireachtas	Charles Hearne
Irish Aviation Authority	Cathal Casserly
Justice, Equality & 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	Liam Dowling
Public Appointments Commission/Service	
Revenue	Mary Farrell
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

PAY

The last year has been the worst year in economic terms in living memory for public servants. It started with the Government reneging on module 2 of the T2016 pay increase which would have seen pay increase by 6% over a 21 month period and the payment of 1.1% to Principal Officers which was awarded under the Benchmarking exercise. The Government, as I reported last year then introduced unilaterally a public service tax the so called Pension Levy. The Executive Committee of ICTU mounted a campaign including a one day strike on Feb to protect the pay and conditions of public sector workers. The AHCPS membership following a ballot decided by 60% to 40% not to join in this protest.

The ICTU Public Services Committee later on in the year mounted a campaign of industrial action with a view to forcing the government back into talks and embarked on a series of one-day strikes.

The Association balloted it's members to take part in a one-day strike on 24th November 2009. This ballot was carried by 60% for and 40% against. This was a complete reversal of the ballot held earlier in the year. The 24 hour public service strike took place and the membership of the Association played their part in this strike.

Later on the 24th November the Public Services Committee announced that it agreed to re-enter talks with the Government representatives on the following day with a view to reaching agreement within a week. The unions' position was that any agreement would have to include guarantees that there would be no further cuts in pay, no compulsory redundancies and no reduction in the value of public service pensions. The unions entered talks to agree on a transformation agenda for the public service and to agree temporary measures to cut payroll costs in 2010 because the transformation agenda was unlikely to deliver the necessary savings before 2011. An agreement between the unions and the employer's side was reached on the morning of 4th December. However, the government decided not to conclude the agreement and walked away from partnership. The Government announced pay cuts for public servants in the budget for 2010 and also announced that they would be introducing a new public service wide pension for public servants and that they would be looking at linking post retirement increases for existing pensioners and for existing public servants to the CPI.

The ICTU Public Service Committee decided to mount a campaign to reverse the pay cuts, protect pensions and prevent compulsory redundancies. The Executive Committee held a Consultative Council on 22nd December and it was agreed at that Consultative Council that the Association would consult with the wider membership before deciding to join in any campaign.

Branches were asked to bring forward their AGM's to allow this consultation process to take place. Following the consultation process the Executive Committee met on the 1st March 2010 and decided to hold a ballot for industrial action to be co-ordinated with the Public Services Committee Campaign. This ballot which has a closing date of 12th April is in the process of being held as we go to print.

The Taoiseach invited ICTU to re-enter talks in mid March and ICTU accepted this invitation. These talks which were held under the Chairmanship of the LRC concluded at 3am on Tuesday 30th March, 2010. The proposed agreement is now the subject of a ballot of members.

Pensions

Discussions have been initiated in relation to the introduction of a new pension scheme for the public service. These discussions are being held under the umbrella of the Public Services Committee of

Congress and are to address the introduction of a career average pension scheme throughout the whole of the public service which the Government intend to have in place for all new entrants from 2011 on. The Heads of Bill are already agreed and discussions are taking place about the details of the scheme.

The new scheme is modelled on the new *Nuvos* Scheme (Career Average Pension Scheme) that was introduced in the UK civil service three years ago. These discussions will also address the post retirement increases for existing pensioners and serving public servants. It is intended that these discussions will be concluded by July 2010.

Decentralisation

The Government had agreed to defer a number of decentralisation projects namely Enterprise Trade & Employment to Carlow, Defence to Curragh, OPW to Claremorris, Community Rural and Gaeltacht Affairs to Charlestown, Social Family Affairs to Drogheda and Education & Science to Mullingar. They had agreed to proceed with the move of Defence to Newbridge, Environment to Wexford, OPW to Trim and Social & Family Affairs to Buncrana. The only moves that were to proceed were Agriculture to Portlaoise, Justice to Tipperary Town and PRA to Roscommon. The rest of the decentralisation programme is stalled and the Government is to review the process in 2011.

Moratorium

The moratorium on filling of posts in the civil service has had a major effect on staffing levels when coupled with the Incentivised Scheme of Early Retirement and the incentivised career breaks. In March 2009 the number of civil servants stood at 37, 272 and at December 2009 the figure was 35,669 this is a drop of 1,603 (4.5%) in the civil service in nine months. This shows that the civil service is well on line to meet the Bord Snip targets that were set up by the Board headed by Colm McCarthy and which had asked for cuts in and around 2,700 in the civil service over a 3 years period.

Dave Thomas
General Secretary

ORGANISATION

1.1 ANNUAL DELEGATE CONFERENCE

The twenty eight Annual Delegate Conference of the Association took place in The Radisson Blu Hotel, Golden Lane, Dublin on Friday 8 May, 2009. 135 Branch Delegates and 16 Executive Committee members attended.

The Association's guests at the Conference were Mr Philip Cummings and Fiona Stanley, 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 Mary McLoughlin, Department of Health and Children was re-elected as Treasurer.

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

Candidates	Branch	Elected
Allen Joe	Environment Heritage & Local Government	✓
Carney Tom	Education & Science	✓
Crowther Mark	FÁS	✓
Dunne Larry	Finance	✓
Glennon John	Courts Service	✓
Holleran Noel	Agriculture, Fisheries & Food	✓
Hughes Eamon	An Post	✓
Lehane Ray	Social & Family Affairs	✓
McKevitt Brian	Office of the Ombudsman	✓
O'Gorman Anne	Justice, Equality & Law Reform	✓
O'Shea Bernard	Arts, Sport & Tourism	✓
Walsh Ann	Revenue	✓

John Hughes (Enterprise, Trade & Employment) and Angie Noonan (Health & Children) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

Billy Thompson (Revenue) replaced Ann Walsh who resigned from the Executive Committee during the year on retirement.

Declan Bourke (Environment Heritage & Local Government) was co-opted following the resignation of Joe Allen 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:

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

Mr David Denny was subsequently elected Chairperson of the Committee.

1.4 CONFERENCE RESOLUTIONS

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

COMMUNICATIONS

Resolution 6

From the end of this Conference all circulars, magazines and Annual Reports should be sent electronically to Members and made available on the Association's website. This will obviously not apply to ballots etc, where there is a requirement for a paper-based exercise.

Changes to take effect from the end of this Conference i.e. 9 May 2009

Action Taken:

Now been adopted as policy

Resolution 7

Recognising the severe financial crisis Ireland is in and emphasising that the public service did not create that crisis, this Annual Delegate Conference (of the Association of Higher Civil & Public Servants)

1. Notes the willingness of AHCPs members to play their part in contributing to an agreed recovery plan;
2. Stresses that the Government's recent "pension levy" decision was one-sided and inequitable in that it formed the major plank of the Government's first set of measures to redress the fiscal difficulties of Government whilst not being matched by an equal contribution from the other sectors of the economy that did best from the boom years; and

3. calls on the Government to work with the social partners and particularly the ICTU to negotiate an agreed Social Solidarity Pact, so that the burden of contributing to our economic recovery is shared equitably by all sectors of society.

Action Taken:

Talks ongoing with Social Partners. The Association involved through Public Services Committee.

Resolution 8

That Conference calls on the Government to draw up a national recovery plan for the economy covering the next three to five years taking full account of the principles outlined by ICTU in which all sectors of society would play their full part, commensurate with their ability to contribute while ensuring in particular that those who benefited most from the economic, fiscal and regulatory policies of the last decade make a correspondingly larger contribution to the financing of that recovery.

Action Taken:

The Association has written to the Public Services Committee on this matter.

Resolution 9

That Conference notes and supports ICTU's 10 Point Plan as an equitable way of addressing the serious economic problems facing the country and calls on the Government to re-enter talks on the basis of the plan.

Action Taken:

Talks ongoing.

Resolution 10

That Conference calls on the Executive to intensify its efforts, in conjunction with ICTU, to ensure that the Irish trade union movement presents a united front in its response to the current economic situation.

Action Taken:

Talks ongoing.

Resolution 11

This Conference:

Puts on record that Civil and Public Servants:

- [a] Pay taxes on their income;
- [b] Are paying the 1% Income Levy;
- [c] Pay at least 1.5% of salary to cover spouse and children's pension;
- [d] Had a pension related deduction of 12% applied to salaries by the 2007 Public Service Benchmarking Report;
- [e] If recruited pre 1995 have a lower salary for pension reasons and thus a maximum pension of 50% of that lower salary, provided that they have at least 40 years service;

[f] If recruited since 1995 pay full PRSI to cover them for the Retirement Pension like other workers and in addition pay a pension contribution of 5% to cover a pension, which is effectively the difference between 50% of salary and the social welfare pension, subject to having at least 40 years service;

[g] Have their pension reduced pro rata if they have less than 40 years service;

[h] Have to pay very substantial additional pension contributions to purchase any shortfall in years of service.

Notes that:

[a] The so-called "Pension Levy" is simply a discriminatory tax applied only to the income of public sector workers;

[b] Public sector workers and pensioners have had modest agreed pay/pension increases for 2009 and 2010 arbitrarily and indefinitely postponed.

Directs the AHCPs Executive Committee to take all necessary steps in conjunction with other public sector unions and the ICTU to ensure that public sector workers and pensioners are treated fairly and that the burdens of the recession and the government deficit are shared by all sectors of society in a non discriminatory way.

Action Taken:

This is existing Association policy

Resolution 13

That Conference

- (i) notes the dire state of the public finances; agrees that it is imperative that urgent and radical action must be taken to address the position and confirms that the members of the AHCPs are prepared to make a fair and reasonable contribution to any recovery plan designed to address the position.
- (ii) condemns the selective unfair, vindictive manner in which public servants have been targeted as the primary contributors to the Government's recovery plan; and
- (iii) demands that the Government re-balance its recovery plan so that all sectors of society make a fair and reasonable contribution to the recovery plan in accordance with their means.

Action Taken:

This is existing Association policy

Resolution 14

This conference condemns the inequitable, unjust and discriminatory imposition of the "pension levy" and directs the incoming executive to lobby for fair and equitable implementation of this levy or corresponding tax increase across all sectors. •



Action Taken:

This is existing Association policy

Resolution 15

That Conference instructs the incoming Executive Committee to seek to ensure that before any further levies or deductions are imposed on the Public Sector, that, in the interests of promoting social equity, 'contributions' commensurate with 'ability to pay' are shared with all sections of society in accordance with their means.

Action Taken:

This is existing Association policy

Resolution 16

This conference is fully aware of the scale of the current problems faced by the public finances and the general economy and the need for urgent actions to address these problems. Members are prepared to play their part to assist in restoring stability to the public finances and maintaining a vibrant economy but this must be done in the context of a coherent national effort to which all sectors make their due contribution. This conference instructs the AHCPS to take all necessary action to bring about a coherent national effort whereby all sectors make their due contribution.

Action Taken:

This is existing Association policy

Resolution 17

That Conference calls on the Executive to work with the other public sector unions to consider a strategy of industrial action in response to the unilateral action taken by the Government in imposing the iniquitous "pension levy".

Action Taken

This is existing Association policy

Resolution 18

That this conference instructs the Executive Committee to take all necessary measures, in co-ordination with other public service unions through the ICTU, to protect the pay and pension entitlements of public servants. In particular the Executive Committee must, respecting the national economic situation but mindful of the legitimate expectations of individual public servants:

- (a) press for payment at the earliest possible date of the increases, including in respect of benchmarking, agreed in the Towards 2016 framework;
- (b) resist, including by means of industrial action following a ballot of members, the imposition of any levy on the pay or pensions of public servants, other than any such levy or adjustment to the taxation system which may be agreed through the social partnership process and applied across all sectors of society;

- c) defend, including by means of industrial action, the pension entitlements of pensioned and serving public servants in respect of
 - (i) the calculation of pensions and their periodic adjustment by reference to all pay movements of serving staff in the same grade;
 - (ii) the calculation and tax treatment of lump sum payments in the current manner.
- d) established the legal position regarding the foregoing entitlements and seek to ensure that they are fully safeguarded in law, insofar as necessary.

Action Taken

This is existing Association policy

Resolution 19

That Conference instructs the Executive to ensure that no further reductions occur in the pay and conditions of members.

Action Taken:

This is existing Association policy

Resolution 20

This conference notes that the public service is the only sector, which has been asked to take a generalised pay cut in the form of a pension levy, in the interests of addressing the nations current problems. This is in addition to the indefinite postponement of agreed pay awards in 2008, 2009 and 2010. Members are fully prepared to play their part in the national recovery effort but this must be in the context of coherent national effort. Accordingly, this conference directs the AHCPS to vigorously oppose any further unilateral hits on the public service.

Action Taken:

This is existing Association policy

Resolution 22

That Conference instructs the incoming Executive Committee to carry out and publicise research, possibly in conjunction with other public sector unions, to make proposals to contribute to a more realistic vision of national competitiveness. The research should focus on

- (i) identifying the contribution the public sector can make to enhancing competition,
- (ii) considering how taxation policy and in particular shifting taxation to capital, profits and luxury consumption, can support competitiveness and sustainable development
- (iii) exploring the extent to which the current treatment of private property undermines competitiveness
- (iv) the contribution of strengthened corporate and public government and regulation to competitiveness.

Action Taken:

The IPA have been engaged to carry out research

Resolution 23

That this ADC condemns the selective and unwarranted targeting by Government of public servants by the proposed introduction of the so-called public service pensions levy; that it supports the AHCPS Executive in its efforts through ICTU in resisting its unilateral imposition while pursuing a cross-sector approach to seeking a solution to the current economic difficulties and calls on government to protect less well-off and vulnerable sectors of society during this period of economic downturn.

Action Taken:

This is existing Association policy

Resolution 24

That Conference noting that the so-called "pension levy" is nothing more than an unjust tax on employment in the public service, resolves that the Association will refer to it as the Public Service Tax and instructs the incoming Executive Committee to take all steps necessary to bring about its abolition.

Action Taken:

Refer in future to the "pension levy" as the "Public Service Tax"

Resolution 25

That Conference instructs the incoming Executive Committee to request the Public Services Committee of the ICTU to take legal action to have the Public Service tax (the so-called pension levy) declared unconstitutional or otherwise illegal.

Action Taken:

Legal advice has been received by the PSC and the Association to the effect that the so called "pension levy" is constitutional

Resolution 26

That Conference instructs the incoming Executive Committee to challenge the Government to convincingly demonstrate that the burden of the cutbacks and contribution is being applied in an equitable manner particularly on those responsible for the current economic situation and who benefited from the Celtic Tiger and that failure to do so will leave Public Sector workers with no alternative but to reject the pension levy in its entirety.

Action Taken:

This is existing Association policy

Resolution 27

That Conference considers the pension levy unilaterally imposed on public servants is inequitable in its discrimination against the public service and demands that this levy reflects the limit of our contribution to the national effort and calls on the incoming Executive

Committee to ensure that there are no further reductions imposed on the terms and conditions of our members.

Action Taken:

This is existing Association policy

Resolution 28

Conference instructs the incoming Executive Committee to negotiate a package of reductions in the pension levy or increase in salaries to compensate for the reduction in the salaries of members on the introduction of the public service pension levy.

Action Taken:

This is existing Association policy

Resolution 30

That Conference while objecting in principle to the introduction of the so called "pension levy" calls on the Government and ICTU to re-enter talks in an effort to make the levy more equitable. The following amendments should be sought by ICTU as part of such discussions:

- A trebling of the levy for ordinary members of the Oireachtas and a quadrupling of it for Ministers, given that far more generous pension arrangements apply to Oireachtas members and Ministers after serving relatively few years
- The exemption of the first €17,992 of income from the levy (i.e. equivalent to the salary of a full-time worker on the minimum wage)
- An undertaking that the levy will be withdrawn upon certain agreed milestones being reached
- The repayment of the levy and all superannuation payments where a person does not qualify for a civil or public service pension on leaving the service
- An option for those who will receive little or no benefit from a civil or public service pension to opt out of the levy and gain exemption from it.

Action Taken:

The Association has written to the Public Services Committee on this matter.

Resolution 31

The present economic downturn has resulted in an unprecedented reduction in year-on-year tax receipts. This conference believes that it is essential that the Revenue Commissioners continue to tackle tax evasion and tax avoidance and that they collect all outstanding taxes as a priority to fund Government business. This Conference therefore directs the in-coming executive to engage with the Government and Revenue management to ensure that staffing levels within the Revenue Commissioners are maintained at their 2007 level.

Action Taken:

Discussions were held throughout the year with the Revenue Commissioners. Sanction was received from the Department of Finance to fill up to 200 posts. The Association will continue to press to have all vacancies in Departments filled.

Resolution 32

This conference notes that the public record demonstrates that financial institutions were, during their good times, active enablers or participants in various schemes that had the effect of reducing the expected tax yield to the exchequer and during the same period sought ever-reduced regulation from the State. However, their apparent aversion to State intervention disappeared when they needed to be bailed out. Conference calls on the Oireachtas to ensure that sufficient resources are made available so that the monitoring of the activities of financial institutions can be carried out to a more effective level.

Action Taken:

The Regulatory regime was revamped in the past year.

Resolution 33

This conference notes that in the case of those buying added years: 'The minimum amount of contribution to be made is 10% of an officer's annual rate of salary, or if less, the contribution required to purchase the shortfall in service below the maximum reckonable service of 40 years'

Conference requests that there should be greater flexibility to make varying amounts of lump sum payments under the purchased notional service scheme, which currently is too restrictive.

Action Taken:

A claim has been submitted to General Council and a reply is awaited

Resolution 34

Conference requests that the Civil Service Pensions Schemes Modeller take into account payment contributions made under the Civil Service Purchase Notional Service Scheme in order that members availing of this scheme can obtain an on-going calculation of their actuarially reduced pension. Specifically Conference requests that the Modeller include under "additional service" any contributions to date made under the Civil Service Purchased Notional Service Scheme.

Action Taken

A claim has been submitted to General Council and a reply is awaited

Resolution 35

This Conference wishes to highlight that travel & subsistence rates are agreed through the conciliation & arbitration procedure and are calculated by employing a formula that uses actual market costs in

arriving at agreed rates. Market costs have not decreased by 25% and it is unacceptable to expect operational staff to suffer a reduction of this nature. Operational staff in all departments are critical to the economic recovery of the State particularly those in Revenue. The 2007 Annual Report of the Revenue Commissioners lists total yield from audit & assurance activity as €734m with €151m from the Construction Sector Project. Operational staff require all the necessary support to carry out their work especially in a period of recession when compliance levels are severely tested. A 25% reduction in travel & subsistence rates is not rendering support and is a retrograde step particularly when politicians own expenses have been reduced by merely 10%. Conference calls on the AHCPS to take all necessary action to reinstate travel & subsistence rates to original levels that reflect market costs or to ensure that any adjustment at most mirrors the 10% reduction in politicians own expenses.

Action Taken:

A claim has been submitted to General Council and a disagreed report signed. The Staff Side now awaits a date for a hearing of the Arbitration Board

Resolution 36

That Conference supports the broadening of the tax base to ensure a greater contribution being made by those sectors who do not contribute enough to the Exchequer (e.g. wealthy individuals who are not proportionately affected by increases in the general rates of taxation). However, taxing cash benefits paid in respect of young children would not, if introduced in isolation, achieve this, as it would amount to a transfer of resources away from those with dependent children towards those with no such economic duty of care. As such taxpayers generally have lower disposable income relative to their salaries, due to childcare costs and recent mortgages, such a move would be regressive. This Conference therefore calls upon any revenues the Government decides to raise by the taxation of family benefits to be re-allocated in full to services benefiting families, such as childcare, greater state spending in education, and children's services.

Action Taken

The Association has written to the Minister for Finance on this matter.

Resolution 37

That Conference demands that, in dealing with the current economic situation, the Government spreads the burden fairly across all citizens according to their means and applies a tax regime, which ensures that a proportionate contribution towards the national effort is made by all, including so called tax exiles.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 38

That Conference expresses grave concern at the current and future economic prospects for Ireland, and at the consequential impact on the living standards of all tax payers. Accordingly, it instructs ICTU to urge Government to create a more equitable tax system and engage in meaningful negotiations with the Social Partners in order that the Country can move forward with a shared vision and agreement on sharing the burden to achieve it.

Action Taken:

Talks ongoing at present

Resolution 39

“Individualisation” was introduced at a time of near full employment. With the economic downturn and increasing unemployment many families are now reduced to one income. It is no longer appropriate that one spouse, who cannot obtain employment, is unable to transfer their standard rate cut-off point in full to the employed spouse. This conference instructs the AHCPs to call on the Minister for Finance to bring about a reversal of the policy of “Individualisation”.

Action Taken

The Association has written to the Minister for Finance on this matter.

Resolution 40

Conference notes that 4 years have passed since the introduction of a Revenue Court was called for and now demands that the Government introduces one without undue delay.

Taxation legislation can be very complex and the existence of a division of the courts, specialising in Revenue matters, will facilitate a more timely passage of these cases through the legal system.

The introduction of Section 98 Finance Act (No. 2) 2008 will result in Revenue making many applications to the courts for the imposition of both tax geared and fixed penalties and a specialised knowledge of the issues involved will facilitate a just outcome for all involved.

Action Taken:

This motion formed the basis of a motion to the ICTU biennial conference in July 2009 and is now ICTU policy

Resolution 41

Recent media reports and the limited information that has been provided by financial institutions, indicates that some large loans from those institutions to various speculators/developers will not be collectible and those debts will have to be written off by the financial institutions. This conference calls on the government to take legislative steps to ensure that, those who failed to repay debts to any bank subject to Nationalisation or State re-capitalisation never get, or use the benefit of, any tax deduction or tax loss relief, in any past, current or future year, for any of the expenditure that they represent

was funded by the borrowings that will probably never be repaid.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 42

The black economy has been conservatively estimated to be 5% of GDP or • 7.5 billion and would produce at least €2 billion in taxes. This conference directs the executive to robustly remind the Government of this fact and demand that all necessary resources be provided to ensure that the tax burden is shared fairly.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 43

Conference recognises that taxation measures aimed at addressing the economic crisis will be borne exclusively by those who comply with the tax code. Conference calls on the Government to implement a vigorous campaign, along similar lines to that successfully employed by the Insurance industry, encouraging people to provide information to support the Revenue Commissioners in confronting both the evasion and the unacceptable avoidance of tax.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 44

Conference calls on Government to put in place service level agreements between Government Departments and State Agencies and the Revenue Commissioners, supported by any legislative changes necessary, to ensure that any information held by Government Departments or State Agencies which might be of value in challenging evasion or avoidance of tax is given to the Revenue Commissioners”.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 46

This Conference directs the Executive to make clear that the failed Economic and Social policy of favouring capital over labour is no longer an option and that the Trade Union Movement will not allow the proponents of these failed policies to hide behind any Commission on Taxation Report, to attempt to continue these economically discredited and socially divisive policies on taxation.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 47

This conference notes with concern that repeat offenders regularly appear in the Revenue Commissioner’s list of tax defaulters.

This conference directs the incoming executive to engage with Government and the Revenue Commissioners to actively pursue a policy where we move away from a settlement culture to one where greater and effective sanctions apply.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 48

This Conference calls upon the Irish Business and Employers Confederation (IBEC), the Irish Small and Medium Enterprises Association (ISME), the Construction Industry Federation (CIF), the Irish Farmer’s Association (IFA) and other similar bodies in the private sector:

To take special cognisance of the hugely significant contribution that outstanding Fiduciary and Direct Taxes could make towards replenishing reduced Exchequer receipts and which outstanding taxation liabilities combined, based upon the most recent tax returns received, amount to in excess of €1.2bn. as follows :

Fiduciary Taxes	€m	Direct Taxes	€m
PAYE / PRSI	160	Income Tax	350
VAT	480	Corporation Tax	110
RCT	60	Capital Gains Tax	120
Totals •	€700m •		€580m

To urgently remind members in their respective bodies of their statutory obligations in relation to the timely remittance of the taxes that they owe, – including the particular moral obligation that attaches where Fiduciary taxes are concerned – in the hope and expectation that those members will act speedily to satisfy their individual / corporate liabilities, as applicable, and as a tangible and immediate demonstration of their contribution to the programme for national recovery.

Action Taken

This motion formed the basis of a motion to the ICTU biennial conference in July 2009 and is now ICTU policy

Resolution 50

That this Conference calls upon the Minister for Finance to introduce measures whereby TD’s and Senators can only draw upon any pension due from the public purse upon reaching the age of 60 or upon their departure from the Dáil or Senate, whichever falls first.

Action Taken:

The Association has written to the Minister for Finance on this matter.

Resolution 51

That this Conference calls on the Minister for the Environment to immediately introduce measures to bring the ratio of Oireachtas members to our population into line with that pertaining in other countries, such as Germany, Belgium, Holland, Israel, Spain, Portugal and the United Kingdom.

Action Taken:

The Association has written to the Minister for Environment, Heritage & Local Government on this matter.

Resolution 58

That this ADC deplores the unrelenting attacks of recent times on those who work in the public service in Ireland and directs the Officers of the AHCPS to develop an appropriate media strategy with a view to taking more high profile positions in responding to such attacks in a systematic way.

Action Taken:

The Association revamped its media policy over the last 12 months and engaged Q4PR to advise the Association on these matters

Resolution 60

That Conference noting the unfair and unjustified attacks on the public service and the lack of balance in reporting by certain sections of the media and the refusal by some organs of the media to allow a right of reply calls on the incoming Executive to urgently consider these issues, and to report back to the membership with a strategy setting out how it proposes to combat such attacks.

Action Taken

The Association revamped its media policy over the last 12 months and engaged Q4PR to advise the Association on these matters

Resolution 61

This conference is not prepared to accept that Public Servants are the fall guys for the ills of the economy. An unfair but often successful campaign is being waged in some parts of the media to demonise Public Servants. In many instances attacks on Public Servants have gone unchallenged during radio and TV programs. The conference instructs AHCPS, in conjunction with the Public Services Committee of the Irish Congress of Trades Unions, to become a forceful voice and visible presence in this debate in order to highlight the positive contribution of the Public Service to society and the economy and to address the current bias against the Public Service in large sections of the media.

Action Taken:

The Association has written to the Public Services Committee on this matter.

Resolution 62

Conference directs the Incoming Committee to give

specific responsibility to an official for media/ press and public relations. Where inaccurate statements are made in relation to issues affecting our members the Association should respond under the terms of Article I of the Code of Practice of the Press Complaints Commission. Where a correction is not dealt with on a voluntary basis according to the code or a right of reply not afforded under Article 2 of the code, a formal complaint should be lodged.

Action Taken:

The Association revamped its media policy over the last 12 months and engaged Q4PR to advise the Association on these matters. Specific responsibility was given to the General Secretary.

Resolution 63

That Conference instructs the incoming Executive Committee to use its best endeavours to seek to ensure that factually correct information regarding Public Sector pay and conditions, and its contribution to society generally, is disseminated through the media in an appropriate context to offset current frequent misrepresentations and inaccurate/inappropriate comparisons and to update members regularly in this regard.

Action Taken:

The Association revamped its media policy over the last 12 months and engaged Q4PR to advise the Association on these matters

Resolution 64

Conference notes the recent media practice of including anti public sector comment by so-called "independent" commentators. A simple "Google" exercise establishes that many of these carry out consultancy work for the private sector so the question of independence is at least doubtful. Conference calls on the incoming executive to put forward a proposal to the "Press Complaints Commission" that it's "Code of Practice" be revised to provide that all interests of economic commentators be included in published pieces.

Action Taken

The Association has written to the Press Council of Ireland on this matter.

Resolution 66

This conference directs• the Executive Committee to launch a proactive campaign setting out the factual position of the terms and conditions of public and civil servants and reiterate the findings of the OECD report on the quality and value for money of the service delivery of civil and public servants in• Ireland by International standards.

Action Taken

This is existing Association policy

MOTIONS REMITTED BY CONFERENCE

29. That Conference instructs the incoming Executive Committee to seek an undertaking from Government that the pension levy be ring fenced to ensure that it is used solely for pension purposes.

Justice, Equality & Law Reform Branch

Action Taken:

Noted

45. Conference deplores the taxation policies of the last decade, which effectively eliminated large swathes of gains on accumulated capital from taxation by pursuing policies of:

- a. Favourable treatment of Capital over Income, which allowed high net worth individuals to evade tax,
- b. Increases in Agricultural and Business Properties relief which created effective rates of tax at a maximum of 1% on very significant capital, including estates, transferring by gift and or inheritance, a rate of tax far lower than the average effective rate of income tax on salaries and wages.
- c. Significant increases in Capital Acquisitions Tax Thresholds and so called "Retirement relief" for Capital Gains Tax, which effectively reduces that nominal rate of tax of 20% to 0% in many cases.

Revenue Branch

Action Taken:

Noted

52. That Conference instructs the incoming Executive Committee to negotiate an increase in the number of days bereavement leave allowed on the death of a parent from 3 days to 5 days and an increase in the number of days bereavement leave allowed on the death of a spouse or child from 5 days to 7 days.

Legal Aid Board Branch

Action Taken:

A claim has been submitted to General Council and a reply is awaited

53. In light of the Need to curtail public expenditure, that this Annual Delegate Conference recommends that the Executive Committee enter into immediate discussions with the official side with a view to enabling staff to take leave of absence from work at their own expense for periods of up to six months on similar grounds that apply to persons who take term time leave.

Enterprise, Trade & Employment Branch

Action Taken:

Circular has issued on the shorter working year scheme

54. That Conference calls upon the official side to amend administration of the Parental Leave Scheme, to allow foregone salary to be spread over the course of the year,

in a similar manner to the Term Time scheme.

Health and Children Branch

Action Taken:

A claim has been submitted to General Council and a reply is awaited

55. That Conference calls on all Government Departments, Offices and Agencies to facilitate work sharing staff who wish to increase their pattern of attendance in view of the recently introduced pension levy and the current economic climate.

Health and Children Branch

Action Taken:

In many instances the increased hours were being sought out of economic necessity. The Association took up these cases for the individuals concerned and in the majority of situations were successful particularly as the release of staff under the Incentivised Scheme of Early Retirement and Incentivised Career Break Scheme freed up Departments to facilitate individuals

DECENTRALISATION

56. That Conference, in view of the delay in the implementation of the Government's decentralisation programme and given the current adverse economic climate where the housing market has collapsed removing any 'windfall' for those relocating, calls on the Government to allow people who applied for promotion, in good faith, and had decentralisation tags attached to their promotions, the opportunity to review their position and to have the decentralisation tag removed if they so wish. This particularly should apply to those people who were promoted from competitions held or announced before decentralisation plans were announced.

Office of Public Works Branch

Amendment:

To delete all words after "That Conference," and substitute the following:

in view of the excessive and unexpected delays in the implementation of the Government's decentralisation programme and the totally different economic circumstances, where the housing market has collapsed removing any 'windfall' for those relocating, calls on the Government to allow people who applied for promotion, in good faith, to review their position and to have the decentralisation tag removed if they so wish. This particularly should apply to those people who were promoted from competitions held or announced before decentralisation plans were announced.

Office of Public Works Branch

Action Taken:

Noted

57. That Conference instructs the incoming Executive Committee to request that cancellation of the overall

decentralisation programme by Government given the perilous state of the nation's finances other than where a detailed cost benefit analysis indicates a positive economic effect for any individual location.

Justice, Equality & Law Reform Branch

Action Taken:

Noted

59. 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. While fully acknowledging the work of the Executive in recent months it calls on the incoming Executive Committee to examine more effective strategies to defend our members against such attacks. In particular this ADC instructs the Executive Committee to carry out a detailed options appraisal for this Association to put in place a formal strategic alliance with a compatible larger and more powerful union and to report to a Special Delegate Conference on these issues within 6 months.

Health and Children Branch

Action Taken:

Noted

67. This Conference

- i. notes with concern the apparent recklessness and lack of integrity shown by the Directors and Senior Executive Management of Financial Institutions.
- ii. directs the AHCPS Executive Committee to seek,
 - a. in the interest of transparency and equity, the inclusion of a declaration on the Statutory Accounts of Financial Institutions that all relevant transactions (similar to recent revelations) have been disclosed.
 - b. that the salaries and other remunerations and bonuses, of whatsoever nature, of Directors and Senior Executives in Financial Institutions, which have been capitalised, recapitalised, nationalised or otherwise guaranteed by the State, do not exceed €400,000, in line with the cap imposed in other Jurisdictions

Revenue Branch

Action Taken:

Matter has been brought to the attention of the Minister for Finance.

68. Conference directs that the incoming executive ask, through Social Partnership, that IBEC publish a full list of affiliated companies, in the interests of openness and transparency. The names of all Unions affiliated to Congress are in the Public Domain and it is unacceptable that another Social Partner does not practice an equal degree of transparency.

It is also important that this information be available to evaluate the statements of IBEC in relation to taxation, banking and regulatory issues.

Revenue Branch

Action Taken:

Matter has been brought to the attention of IBEC.

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.

Power & Associates Accountants were appointed as the Association's Auditors.

1.6. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS

Donal O'Mahony continues as Honorary President of the Association. The Executive Committee also appointed Brian Ingoldsby and Peter Greene as Vice Presidents in May 2009.

The other 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 21 October 2009 in Radisson Blu and in Head Office on 22 December 2009. The principal issues discussed at the October meeting were the current circumstances relating to pay, industrial action and the engagement of a PR Company Q4PR to assist in promoting the Association's message. The December meeting considered the pay cuts and changes to pensions announced in Budget 2010 and the PSC industrial action strategy.

1.8 MEMBERSHIP

The Association, at 31 December 2009, represented 3,358 members at Principal and Assistant Principal in the Civil Service and equivalent levels in a number of state enterprises. This is a reduction of 106 on the previous year. 257 new applications were received during the year. The gender breakdown of membership is 1036 female (31%) and 2322 male (69%).

One member was expelled from the Association under Rule 6 (b) for having passed the picket during the strike on 24th November 2009.

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

Following a review of the ICP scheme in June 2010 the rate was reduced from 0.9% to 0.65%. 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 2001 members in the Plan.

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. Following a review of the scheme the rate was reduced from 0.66% to 0.53% with effect January 2010.

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 864 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.

Please note there is a charge on every contribution and an ongoing management fee on 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. Telephone 01 6179253
or email AHCPs@aaireland.ie

Glennons Insurance: telephone 01 7075959
or email ahcps@glennons.ie

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

Cornmarket Christchurch Square, Dublin 8
(Telephone 01 4084040).

Travel Insurance

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

Group Mortgage Insurance Scheme

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

Mortgage Scheme

Omega Financial Management, 110 Rock Road
Booterstown, Blackrock, Co Dublin (Tel 01 2884272)

Investment Advice and Portfolio Management Service

Gregan McGuinness (Life & Pensions) Ltd., member of
the Cornmarket Group, Christchurch Square, Dublin 8
(Telephone 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

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

Further information regarding the above schemes is
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.

1.11 STAFF

The staff of the Association are:

General Secretary	Dave Thomas
Deputy General Secretary	John Kelleher
Assistant General Secretary	Ciaran Rohan
Executive Assistant	Jacqueline Lacey
Receptionist	Dorothy Aughey
Revenue Branch Administrator	Pat Feeney

Tom Quigley Honorary Vice-President, Joe Brennan
together with Laura Noonan assisted at the ADC with
recording and writing the minutes of the 2009 ADC. Their
contribution is greatly appreciated.

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



CIVIL SERVICE

2.1 PAY

Civil servants have seen three attacks on their pay in the last twelve months. First was the Government's unilateral announcement in February that the pay terms of T2016, including Benchmarking, would not be paid. Next was the imposition of a new public service tax commonly referred to as the "pension levy" although when the bill to introduce this tax was published it was called "Financial Emergency Measures in the Public Interest Act". This measure alone reduced public servants take home pay by an average of 7%, but was in the region of 7.4% to 8.8% for AHCPs grades. The third attack was contained in the December Budget when a pay cut was introduced. For grades represented by the Association the cut is between 6.3% and 7.9% of salary.

Before the bill enacting the pay cuts was passed into legislation there were threats, by some government ministers, that public servants pay may have to be reduced again next year.

It is now very clear that the Government are pursuing a policy of wage competition. Forcing wages down in the public sector will they believe lead to lower wages in the private sector. However, business representative bodies should reflect on the fact that public servants will now have less disposable income to spend in their members' shops, supermarkets, cafes, cinemas, pubs, hairdressers etc. It is also now clear that the goal of the Minister for Finance was not just to reduce the overall wage bill by €1.3 billion but to reduce the wage rate. The question remains can we deflate our way out of a recession.

The Government by taking pay determination out of the industrial relations forum and using emergency legislation and the budgetary process, is politicising the whole pay determination process. This potentially has far reaching implications for how industrial relations are conducted within the public sector.

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 consider using 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.*

Social Insurance

It was announced in Budget 2010 that it is proposed to introduce in 2011 a new universal social contribution which will replace employee PRSI, the Health Levy and the Income Levy. It will be paid by everyone at a low rate on a wide base as a collective contribution to public services.

Taxation

The Association has articulated the view that the Government needs to address the imbalance in our taxation system and that the emphasis in the budget should have been as much on taxation as on reduction in public sector spending. In 2008 the OECD Report stated that Ireland had a low level of spending on public services compared to our EU counterparts.

2.2 PAY TALKS

The 24-hour public service strike took place on 24th November 2009. Late that afternoon the ICTU Public Services Committee (PSC) announced that it had agreed to re-enter talks with Government representatives on the following day, with a view to reaching agreement within a week.

The PSC agreed to re-enter talks on the basis that it had received a 'vision' document on the transformation of public services from the employers' side, which was the first indication that the government might negotiate an alternative to the imposition of pay cuts.

The unions' position was that any agreement would have to include guarantees that there would be:

1. No further cuts in public service pay rates
2. No compulsory redundancies, and
3. No reduction in the value of public service pensions

However, the unions also recognised that any agreement would have to find alternative payroll savings to meet the Government's requirements in this regard in 2010 and beyond. In a statement issued on 24th November, the PSC said it believed it would be possible to do this. The statement said that a deal could be based on:

1. Transformation of public services to protect – and in some cases expand - vital services over the next three-four years as budgets and staff numbers declined and state agencies were rationalised
2. Agreed temporary measures to cut payroll costs in 2010 because this transformation was unlikely to deliver the necessary savings before 2011.

The unions also sought acknowledgement of the contribution already made by public servants through the so-called pension levy, reductions in staff numbers through the ongoing recruitment embargo, and measures like the incentivised early retirement scheme.

The negotiations commenced on Wednesday 25th November.

Agreement in sectoral negotiations on transformation

Negotiations about the transformation of public services were conducted at sectoral level between unions and senior officials from Government departments and employer bodies in health, local government, education and the civil service/non-commercial semi-state bodies. Over the period 25th November to 4th December progress had reached an advanced stage in each of these sectors, subject to an overall deal being concluded, with talks in health concluding at 7am on Friday 4th December.

The agreed transformation statements, which described

what was to happen in each sector, were underpinned by a robust agreement on the redeployment of staff based on the principle of an integrated public service. The agreement also provided for the establishment of a commission, with independent leadership, to drive the implementation of the reforms to ensure that early and robust outcomes were assured – including mechanisms for binding outcomes where disagreements arose.

Agreement on temporary and exceptional measures for 2010

In late October, the lead negotiator for the employers’ side accepted that any measures agreed for 2010 would only be accepted by the PSC as temporary and exceptional. It was also understood that the unions’ position was that, from 2011 onwards, savings from the transformation agreement would replace – and, indeed, increase – the amount of payroll savings accrued through the 2010 exceptional measures. The unions suggested that the situation should be monitored throughout 2010 and be addressed in further talks at the end of June 2010 if it appeared that the necessary savings were not being achieved.

As early as 25th November, the media was reporting that the introduction of unpaid leave of “perhaps as much as 12 days” could be among the exceptional measures. By Saturday 28th November an *Irish Times* front page article reported that “the introduction of compulsory unpaid leave ... is emerging as the central feature of any alternative deal between the unions and the Government.” This continued to be reported in the press and broadcast media - without any adverse media or political comment – until the evening of Tuesday 1st December, when it emerged that both parties believed it could form the basis of an agreement.

The idea was explored by the parties over the weekend and into Monday 30th November. Both sides agreed that, to be acceptable, it would have to:

1. Generate sufficient payroll savings and/or be supplemented by other measures that would bring the total savings to the required level
2. Be implemented in ways that avoided any adverse impact on services (in ways that might differ from sector to sector)

It was accepted by both sides that the value of the unpaid leave would not be redeemable by staff at any time in the future, and that the measure would not have negatively impacted on those retiring from the public service.

The cabinet discussed the proposal at its meeting on Tuesday 1st December and, following that meeting, the employers’ side confirmed to the unions that, although an overall agreement had not yet been reached, the Government accepted that the unpaid leave proposal

could form the basis of a deal so long as these two issues were resolved.

Both sides agreed to continue negotiations to resolve these matters and, on this basis, the ICTU Public Services Committee decided to suspend the one-day strike proposed for Thursday 3rd December.

Agreement between the unions and the employers’ side was subsequently reached on the application of the unpaid leave in ways that ensured no adverse impact on services. For example, there would be no change to the school year or the amount of classroom contact between teachers and students. Managers would have had control over the timing of the leave and, in cases where it might otherwise have been disruptive, could have spread it over six years while accruing all the savings in 2010.

Agreement on the value of the transitional measures

The final meeting between Government representatives and senior negotiators from the ICTU Public Service Committee (PSC) took place on the afternoon of Friday 4th December. The employers’ side said that they had fully briefed the Government that morning, and that the Government had decided not to proceed to conclude an agreement. The employers’ side did acknowledge that the unpaid leave mechanism could have been constructed so as to yield €986 million in payroll savings in 2010, through an agreed progressive valuation of the unpaid leave.

When combined with the impact of reduced availability of overtime in 2010 (because of the introduction of short term working referred to as unpaid leave) and savings arising from the implementation of the Report of the Review Body on Higher Remuneration the employers’ side accepted that this measure would have enable the Government to comfortably reach its stated target for payroll savings in 2010. This would be in addition to 2010 savings of €2.4 billion through the so-called pension levy, the continuation of the incentivised scheme for early retirement, and the ongoing moratorium on public service recruitment.

The employers’ side also accepted that the Government’s objective on transformation would have been achieved through the sectoral documents, and that the implementation of transformation had been assured through the establishment of an ‘implementation commission’ with independent leadership.

The Government had decided not to conclude the agreement despite the negotiators having:

- Agreed far-reaching transformation measures, which would have achieved billions in savings after 2010 while protecting and, in some cases, extending services as budgets and staff numbers declined in coming years;
- Confirmed that temporary measures to achieve

savings in 2010 would have had no adverse impact on services;

- Agreed that the 2010 temporary measures would have yielded enough savings to ensure that the Government would comfortably reach its stated target for payroll savings in 2010.

New Talks

In mid 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 were 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
- They provide 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. Discussions will conclude by end 2010.
- 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.

At time of writing the Association members are balloting on the proposals.

2.3 TRANSFORMING PUBLIC SERVICES

The review of the Irish public service, "Towards an Integrated Public Service", published in 2008, benchmarked the public service in Ireland against other comparable countries and made recommendations as to the further direction of public service reform. It confirmed the many strengths of the system and identified challenges that needed to be addressed. Transforming public services represents the blueprint for a new type of unified public service focused on common goals, with greater co-operation and reduced boundaries between sectors, organisations and professions, with a much greater integration of services around user needs and far greater efficiency in internal data sharing and administration through shared service models.

A new e-Government strategy for 2010 has been approved by the Cabinet committee on transforming public services. The strategy highlights new approaches to overcome some of the difficulties there are with putting certain services on-line and should thereby help to achieve an improvement in the use of electronic means for delivering public services.

The national public procurement operations unit, established in 2009, continues to leverage the public service's buying power by organising procurement of common goods and services across the public service. Work is also ongoing on specific proposals in the area of shared services on the basis that there are significant potential savings associated with such initiatives. Work is currently being advanced on shared services in a number of sectors, including human resources, pensions administration, payroll and financial management.

Work is progressing in regard to the development of new performance and governance frameworks for State agencies and the greater use of service level agreements in this context.

The transformation agenda is one of the major issues under discussion in the 2010 "pay" talks.

2.4 REPORT OF THE SPECIAL GROUP ON PUBLIC SERVICE NUMBERS AND EXPENDITURE PROGRAMMES (McCARTHY REPORT)

This Group (chaired by Colm McCarthy) was detailed to look at numbers and expenditure in the Public Service. It recommended cuts in Social Welfare payments and child benefit payments. In addition it recommended a cut of 17,358 in Public Sector numbers of which there would be 2,690 in Government Departments/Offices. It also suggested specific programmes for closure and certain agencies to be abolished or amalgamated. Significant redeployment of staff and greater outsourcing of work was also recommended. At this stage very few of the recommendations in the Report have been implemented with most being "parked" at present. Below gives a table

which summarises the proposed job cuts outlined in the Report.

Summary of Staff Reductions outlined (by Department/Office) in An Bord Snip Nua

DEPARTMENT/ OFFICE	DEPARTMENTAL STAFFING REDUCTION		
	PROPOSED	PROPOSED	TOTAL
AGRICULTURE, FISHERIES & FOOD	690	450	1140
ARTS SPORTS AND TOURISM	23	147	170
COMMUNICATIONS, ENERGY AND NATURAL RESOURCES	30	76	106
COMMUNITY, RURAL AND GAELTACHT AFFAIRS	127	69	196
DEFENCE	20	500	520
EDUCATION & SCIENCE	170	6760	6930
ENTERPRISE, TRADE & EMPLOYMENT	135	459	594
ENVIRONMENT, HERITAGE & LOCAL GOVERNMENT	4	26	30
FINANCE	30	0	30
REVENUE COMMISSIONERS	350	0	350
OFFICE OF PUBLIC WORKS	214	0	214
PUBLIC APPOINTMENTS SERVICE/ OFFICE OF THE COMMISSION FOR PUBLIC SERVICE APPOINTMENTS	66	0	66
FOREIGN AFFAIRS	65	0	65
HEALTH & CHILDREN	148	6020	6168
HOUSES OF THE OIREACHTAS COMMISSION	42	0	42
JUSTICE, EQUALITY & LAW REFORM	270	70	340
COURTS SERVICE	130	0	130
PROPERTY REGISTRATION AUTHORITY	70	0	70
NATIONAL TREASURY MANAGEMENT AGENCY	0	40	40
TAOISEACH	15.5	20.5	36
CENTRAL STATISTICS OFFICE	25	0	25
ATTORNEY GENERAL	16	0	16
TRANSPORT	50	30	80
TOTALS	2,690.5	14,667.5	17,358

2.5 REPORT OF THE COMMISSION ON TAXATION

The Association on the 22nd of May 2009 made a submission to the Commission on Taxation. The submission focused primarily on the issue of the threat to tax the pension lump sum. The Commission reported on the 8th of September 2009. In relation to the taxing of the lump sum the Commission recommended "The first €200,000 of that lump sum should be tax-free.. the excess of that lump sum over €200,000 should be taxable at the standard rate". In the December budget the Minister for Finance indicated that he accepted the Commission's recommendation on this matter.

2.6 ORGANISATIONAL REVIEW PROGRAMME

The organisational review programme has been extended in order that all Government Departments and major offices will be reviewed within the next three years. The team, which is based in the Department of the Taoiseach, carries out and publishes assessments of the capacity of individual Departments and major offices to meet their challenges over the coming years. Four organisations were reviewed last year - the Department of Health and Children, the Office of the Revenue Commissioners, the Central Statistics Office and the Property Registration Authority. These reviews are due to be published shortly and will be accompanied by follow-up action plans on the key findings prepared by each of the four organisations. An additional three organisations will be reviewed this year, namely, the Department of Foreign Affairs, the Department of Education and Science and the Department of the Environment, Heritage and Local Government. The Department of the Taoiseach will also be reviewed this year, with this review being led by a senior official from the Department of Finance.

The reviews are being carried out by a team of 3 PO's seconded from their parent departments to the Department of Taoiseach supported by three staff from that department. The ORP is being carried out under the guidance of a Steering Committee which includes external expertise.

2.7 DECENTRALISATION:

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

Carlow (ETE), Curragh (Defence) Clarmorris (OPW) Charlestown (CRAGA) Drogheda (S&FA) Mullingar (Education & Science)

The Government is moving ahead with a number of other locations among which are

Newbridge (Defence) Wexford (Environment) Trim

(OPW) Buncrana (S&FA) Tipperary (Justice)
Roscommon (PRA) Portlaoise (Agriculture)

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

2.8 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 that 2 in 9 of all PO vacancies would be filled from the Open panel.

2.9 TLAC

The following TLAC competitions were held in 2009:

1 Legal Adviser

Foreign Affairs

1 Assistant Secretary

Community Energy, Natural Resources,

2 Assistant Secretary

Agriculture Fisheries & Food,

1 Assistant Secretary

Environment, Heritage & Local Government,

1 Chairman

OPW

1 Secretary General

Transport

1 Commissioner

OPW

1 Director of Met Eireann

Environment, Heritage & Local Government

2.10 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 10 monthly meetings of the General Staff Panel together with numerous meetings of sub committees of General Council. There were 2 agreed reports of the General Council in 2009.

The officers for 2010, elected at the AGM in January 2010 are Chairperson John O'Flanagan IMPACT, Vice

Chairperson Daryl Noble, VOA Gerry Malone PSEU was elected as Secretary to the panel.

The annual report of the Secretary of the General Council Staff Panel for 2009 is available on the full version of the AHCPs Annual Report at www.ahcps.ie. The report includes details on the principal industrial relations issues impacting across the civil service during the past year.

2.11 WORK LIFE BALANCE

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. Following a Value for Money and Policy Review of the Civil Service Childcare Initiative by independent analysts, the composition of the Board was changed.

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.

Work Life Balance Network

The Department of Finance established a network involving representatives from Government Departments who meet to discuss work life balance issues. A report from this Group was expected but has yet to be received.

Parental Leave Circular:

The Unions have been seeking to have the 8 years of age limit for Parental Leave abolished and have raised the matter with ICTU.

Career Breaks:

Problems were experienced by members seeking to return to work at the end of career breaks. The current scheme allows employers up to a year before permitting an employee to return to work. In many instances the urgent returns to work were being sought out of

economic necessity. The Association took up these cases on an individual basis for the individuals concerned and in the majority of situations were successful particularly as the release of staff under the Incentivised Scheme of Early Retirement, the Incentivised Career Break Scheme and the filling of vacancies in the Department of Social and Family Affairs freed up Departments to facilitate individuals.

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.

Compassionate Leave:

A new circular issued by the Department of Finance (22/2009) consolidated the existing provisions in relation to bereavement into one document and extended the facility to cases involving the loss of a son/daughter in law.

Worksharing:

A note to Personnel Officers on the application of the legislation governing public holidays insofar as it applies to worksharers was issued on 6 October 2009.

Problems were experienced by members seeking to increase their hours of attendance in a number of Departments/Offices. In many instances the increased hours were being sought out of economic necessity. The Association took up these cases for the individuals concerned and in the majority of situations were successful particularly as the release of staff under the Incentivised Scheme of Early Retirement and Incentivised

Career Break Scheme freed up Departments to facilitate individuals.

Equality and Diversity Champions

This is an ICTU initiative, in partnership with the Equality Authority, to enable its member trade unions to take action to promote workplace equality generally and to develop specific actions regarding the promotion of integrated workplaces.

2.12 DISABILITY

The Association is represented at the Disability Sub Committee of General Council by the Deputy General Secretary John Kelleher. The Sub Committee met on a number of occasions during the year.

The Civil Service Code of Practice for people with a disability is now being monitored by a sub group. The Work Placement Project which is aimed at providing work experience of up to six months for graduates with a disability continued during 2009. There were 12 placements with a number of departments. The disability unit in the Department of Finance monitors the number of employees with a disability employed in Government departments and agencies. The information is due to be returned by the end of March each year. The most recent information available for the year 2008 shows that all government departments met the 3% target of employing staff with a disability. A conference on mental well being in the workplace took place on 20 January, 2010 in Dublin Castle. There are a number of new Disability Liaison Officers (DLOs) inducted towards the later part of 2009. The DLO network meets every 4-6 weeks. Updates on all disability issues are regularly supplied on the website www.disability.gov.ie



STATE ENTERPRISES

3.1 AN POST AND NATIONAL LOTTERY COMPANY:

Towards 2016

A claim for the payment of the first phase of the T2016 – Review and Transitional Agreement 2008-9 of 3.5% due from 1st May 2009 was lodged at the Joint Conciliation Council (JCC) on 17th February 2009 by the Group of unions and was discussed again at the JCC on 8th June. As no progress was made at the JCC the union side referred the claim to the Labour Relations Commission (LRC).

Both sides (Management and Unions) met at the LRC on two occasions and following presentations, where both sides outlined their positions 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 are claiming partial inability to pay and have suggested a two year pay freeze and then 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 and (iv) new National Pay Agreements, if any.

HAY Market Movement

Staff in the IT unit are on Personal pay contracts where pay movement is linked to market movement in the sector as measured by HAY. There are twelve Level 3 Managers as well as a number of PSEU members at HEO and EO level covered by this arrangement. These staff are due an annual pay review from 1st March each year based on the HAY market movement. The last increase due from March 2009 has not been paid. Following correspondence with the Company, where no progress was made, both the Association and the PSEU jointly referred the issue to the LRC for conciliation. A meeting was held at the LRC on 3 February 2010. The union side were attempting to establish the percentage increase in the HAY market movement for 2008 and to have this increase implemented from 1st March 2009. The Company were unable or unwilling to provide this information at the LRC. The LRC Conciliation Officer adjourned the meeting for one month to allow the Company to seek clarification from HAY on the market movement and to provide the information to the LRC.

National Lottery Company (NLC)

Level 3 staff in the National Lottery Company are on Personal contracts where annual pay increases are linked to market movement as measured by HAY. There are fourteen members in the NLC whose salaries are linked to HAY.

The Association has been in discussions with NLC management in relation to the payment of the market movement from March 2009 based on 2008 HAY figures. The information in relation to HAY market movement for 2008 was only supplied in March 2010 and the Association is in discussion with NLC management in relation to the payment of the market movement increases. If the Company are unforthcoming with the payment the Association will refer the matter to the LRC and if necessary the Labour Court for a resolution.

Pensions

The An Post pension fund has seen a major fall in the value of its assets as a result of the Global Economic crisis. The fund fell from just over €2 billion to €1.4 billion in 2008. With liabilities of €1.8 billion the fund is currently €400k in deficit. The Company arranged for a presentation by the Actuaries to the JCC in October 2009 to outline the background to the present situation and to outline a number of scenarios to restore the fund to solvency. There are to be further meetings between the Company and the group of unions.

Change and Productivity Improvement Agreement

A claim for an increase in the Change and Productivity Improvement Agreement from 10.5% to 12.5% was referred to the LRC last May. No Agreement was reached and the claim has been referred to the Labour Court. All of the other unions have received an increase in the allowance and this is to restore parity for Association members.

Head Count Reduction

The Company is proposing to reduce the number of staff employed in the Company by 1,375 nationwide as a consequence of decreased volumes and revenue and to prepare for Postal Liberalisation. It proposes to achieve this over a two year period. For AHCPs Level 3/APO and IOS/SIO/IO grades the company proposes a reduction of 40 posts from 222.3 to 182.1. The Association is engaging with the Company on the understanding that any reduction in numbers is on a voluntary basis. To date the number of expressions of interest under the VS/VER scheme exceeds the number of posts to be suppressed. The issue of realignment of work with smaller staff numbers has yet to be addressed with the Association.

Travel & Subsistence

The refusal to pay the increase in the T & S from 1st September 2008 and the arbitrary reduction in travel

and subsistence rates by 25% from March 2009 is still under discussion at the JCC. If the issues is not resolved the Association will seek to convince the other unions to refer the matter to the Labour Relations Commission and if necessary to the Labour Court.

Partnership

The Assistant General Secretary Ciaran Rohan represents the Association at the Partnership Steering Group, which is comprised of the CEO and his management team together with the full time trade union representatives. At the Partnership meetings information on the Company's performance is shared with the staff side representatives.

Postal Liberalisation

The European Postal market under the 3rd EU Directive on Postal Liberalisation is due to be open to competition from 1st January 2011. The Deputy General Secretary John Kelleher together with the Branch Chairman Eamon Hughes attended the UNI Europa Posts and Logistics trade union meeting in Luxembourg in November 2009 where the main issue for discussion was the directive. The CWU were also in attendance.

The Deputy General Secretary also attended a Consultation Forum hosted by the Minister for Communication Eamon Ryan TD on liberalisation of the Irish postal market. The purpose of the forum was to discuss the options on various aspects of liberalisation before the legislation is drawn up in the first half of this year. An Post, the Regulators Office, the other An Post unions together with other players in the postal market also attended.

The Association together with the other An Post unions will continue to lobby through UNI to ensure that the Universal Service Obligation (USO) is adequately funded and to protect jobs and prevent social dumping in the postal sector.

3.2 FÁS

Like every other public sector body, the burning issue for members of the FÁS branch has been the cutbacks in pay, with the so-called pension levy, non-implementation of the T2016 payments, and reductions in actual pay scales having an adverse effect on member's pay and conditions. This, combined with the continuous negative publicity about FÁS, and the unfair assumption in the media, followed by the general public, that all of the employees were personally responsible for the actions of a few, has created a very difficult working and industrial relations environment. Following the introduction of the government embargo on recruitment and the early retirement scheme, members had been asked to take on additional roles and workloads. They are asked to double-job and at the same time their salaries are being reduced. The double

jobbing has continued to be a live issue in the branch, and is subject to continuing discussions with FÁS.

Since the appointment of a new Director-General, the organisation has also being undergoing a re-structuring to reflect new workplace priorities, particularly in response to the downturn in the economy and the consequent increase in unemployment. The branch regularly raises the issues of stress and workload on members, all of which are of concern to members.

While decentralisation is still government policy, and is still being officially promoted by FÁS, the general belief among staff is that the decentralisation of FÁS Head Office to Birr is not going to happen anytime soon and is thus no longer on the agenda as an industrial relations issue in the organisation. This issue was previously a cause of difficulty for members.

The branch officers accompanied by the Deputy General Secretary continues to meet on a quarterly basis with FÁS HR/Staff Relations management representatives, and issues that are of concern to members are discussed. These meetings also involve the other Civil Services unions, to cover common concerns, and are usually followed by a separate bi lateral meeting on AHCPs issues. Any urgent issues are raised through direct contact during the intervening periods.

The partnership process in FÁS has been halted, but it is hoped that it will re-commence and that the Association will be involved, although this depends on the then current state of industrial relations. The branch has found that partnership, at our level, can be a worthwhile method of influencing change. FÁS had drafted a Memorandum of Understanding in order to facilitate an environment of harmonious industrial relations. The branch is happy to discuss and it is hoped that it can be re-visited in the future.

3.3 IRISH AVIATION AUTHORITY (IAA):

At the October 2008 Joint Conciliation Council (JCC) meeting, the company informed the Staff Side (AHCPs, ATOA, CPSU, IMPACT and PSEU) that they would not be honouring the pay increases due under Towards 2016. The matter was subsequently referred to the LRC where the company pleaded inability to pay. An independent assessor (Mr Eugene McMahon) was appointed to evaluate this. Mr McMahon's report rejected the company's inability to pay claim. The matter was then referred to the Labour Court and on the 29th of January 2010 the Court recommended **"that the first phase of 3.5% be paid with effect from 1st January 2011 with retrospection to 1st January 2009 and that the second phase of 2.5% be paid from 1st July 2011 with retrospection to 31st December 2009."**

However, having regard to the current deficit in the pension scheme the Court recommends that the retrospection be paid into the pension fund as a once-off cash injection.

The parties should accept this recommendation on the following conditions:

- 1. The Unions and their members commit to full co-operation with normal ongoing change, adaptation and flexibility.**
- 2. That the parties undertake to engage in an intensive process aimed at addressing the current difficulties identified in the Authority's pension scheme. This process should take place over a period not exceeding three months."**

Meanwhile the Company at the JCC meeting in December 2009, announced further unilateral cost saving measures including:

- No pay increases in 2010/11
- Suspending increments on salaries above €34,152
- Graduated pension contributions by all staff (at the same rates as the Public Service so called "pension levy")
- Pension increases capped at CPI or 3%
- Changes to retirement ages

This is the most serious attack ever on the pay and benefits that have been obtained by the staff in the IAA over many years. The Branch passed a ballot for industrial action in February 2010 and this was subsequently approved by the Executive Committee. The ballot provides for the taking of action up to and including strike action. It is hoped that a process of talks to discuss the above issues will commence shortly.

During the course of the year, the Staff Panel was informed that a review of the pension scheme revealed a deficit of €234 million. The deficit has increased by €149 million since the last review was carried out in 2006.

3.4 INJURIES BOARD

A Joint Conciliation Council process has been set up in the Board. The Association is the largest union in the Board and is represented at the JCC.

3.5 COMMISSION FOR ENERGY REGULATION

During the last year a number of new members have joined. The Association recently met with Commissioner Tutty in relation to the unilateral reduction of increments and bonuses. Commission staff are also subject to the so called "pension levy" and pay cuts.

3.6 FOOD SAFETY PROMOTION BOARD (SAFEFOOD)

The Association jointly with the PSEU are pursuing a regrading claim for a small number of staff at APO and

HEO levels in the organisation. The claim has already been before the Labour Relations Commission where the issue remained unsolved. Both parties are now awaiting a date for a Labour Court hearing.

3.7 ROAD SAFETY AUTHORITY

The Association is negotiating with the Authority on the implementation of the PCW 1% upgrades at AP and PO level.

3.8 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 :

- 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.

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 2009 and the Annual Report of PSC is attached as **Appendix F**.

4.1.2 ICTU WOMEN'S COMMITTEE

The Treasurer Mary McLoughlin and John Kelleher, Deputy General Secretary represents the Association at the ICTU Women's Committee Biennial Conference held in March 2010 in Belfast.

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 320 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. The General Secretary Dave Thomas and Executive Committee member Angie Noonan attended the 8th EPSU Congress in Brussels in June, 2009.

4.6 UNION OF FINANCE PERSONNEL IN EUROPE (UFE)

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

The 32nd UFE Customs Committee Meeting was held in Brussels in September 2009. The Association was represented by Ciaran Rohan, Assistant General Secretary, Tom Fitzpatrick and Frank O'Dwyer, 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 Chairman and Executive Committee member Eamon Hughes attended a meeting of the group in Luxembourg in November 2009.

4.8 FIRST DIVISION CIVIL SERVANTS ASSOCIATION (FDA)

The Association was represented at the 2009 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 5 March, 2010.

4.9 INSTITUTE OF PUBLIC ADMINISTRATION

The Association continued in membership of the IPA. The General Secretary, Dave Thomas is a member on the Board.

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 8th MAY 2009

1. Opening of Conference.

The Chairperson, Peadar Carpenter called Conference to order at 13.35

He welcomed the delegates, press and guests Dr. Philip Cummins and Fiona Stanley from the FDA Northern Ireland to the conference. Apologies were received from Jonathan Baume General Secretary FDA London.

2. Adoption of the Minutes of the Annual Conference 2008.

Conference adopted the minutes of the Annual Delegate Conference 2008, following the proposal by Enda Mulvihill (OPW) and seconded by Eamon Corcoran (Health & Children)

3. Appointment of Tellers.

3.1 Conference appointed the following tellers:

Liam Kelly	(Dept. of Finance)
Willie McIntosh	(Enterprise Trade & Employ)
Eamon Corcoran	(Health & Children)

4. Adoption of Standing Orders Committee Report

4.1 Brian Ingoldsby, Chairperson of the Standing Orders Committee was called upon to move the Report.

He outlined the rulings of the Standing Orders Committee contained in their Reports No. 1, 2, 3, & 4.

Two further Reports, Nos. 5 & 6 were put before the meeting in the course of Conference.

Reports 1 to 6 are reproduced at Appendix 1 to these minutes.

Reference however is drawn hereunder to Standing Orders Committee Report No. 3.2.

Eoin Faherty and Terry Agnew, (E.C.) addressed Conference on this section. They voiced their regrets at the departure of Brian Ingoldsby and Peter Greene from the SOC. They expressed the appreciation of the EC for the very substantial contribution that both Brian and Peter had given to the AHCPs.

Peadar Carpenter, Chairperson of the E.C proposed, and was seconded by Tom Allen Vice-Chairperson, that Brian Ingoldsby and Peter Greene to be appointed honorary Vice Presidents of the Association as allowed for under rule 14 of the rules and constitution of the Association. This was unanimously adopted by Conference.

All the Reports of the Standing Orders Committee on being put to Conference were adopted.

5. Chairperson's Address.

The Chairpersons address is reproduced in Appendix II to these minutes.

6. Annual Report 2008/2009

6.1 Dave Thomas, General Secretary presented the Annual Report to Conference.

The full text of the Report is reproduced at Appendix III to these minutes.

6.2 There were no questions raised on the Annual Report and it was adopted unanimously by Conference.

7. The Financial Statement – Treasurer's Report

7.1 The Treasurer, Mary McLoughlin, in her report to Conference, presented an overview of the Association's accounts and investments for 2008, as well as outlining the current membership numbers. She also gave an update on the new web site.

- The main points from her report were:
- The number in membership at the end of December 2008 was 3,464, which was up by 92 on the previous year.
- Income dropped by €148k or 9% in 2008. This was due to the reduction in the rate of members subscriptions from 0.6% to 0.5% of salary from January 2008.
- Investments and savings at the end of 2008 were just in excess of €1 million.
- Expenditure dropped by €50k or 4% on 2007.
- The surplus of income over expenditure amounting to €379k was impacted mainly by two factors. One related to the change in the payment of pensions to monthly rather than annually in advance. This meant that €153k due for payment for pension purposes in 2008 was moved to 2009. The second factor was the fact that the Assistant General Secretary post was not filled until May 2008.

No questions were raised on the Report, and the Financial Statement was unanimously adopted by Conference.

8. The Election of Officers, Executive Committee, and Standing Orders Committee.

8.1 Officers.

Chairperson

Peadar Carpenter Foreign Affairs

Vice-Chairperson

Tom Allen Revenue

Treasurer

Mary McLoughlin Health & Children

8.2 Executive Committee

Joe Allen Environment Heritage & local Gov.

Tom Carney Education & Science

Mark Crowther FÁS

Larry Dunne Finance

John Glennon Courts Service

Noel Holleran Agriculture Fisheries & Food

Eamon Hughes An Post National Lottery

Ray Lehane Social & Family Affairs

Brian McKeivitt Office of the Ombudsman

Anne O’Gorman Justice, Equality & Law Reform

Bernard O’Shea Arts, Sports & Tourism

Ann Walsh Revenue

8.3 Standing Orders Committee.

David Denny Finance

Ben Dunne Social & Family Affairs

Peter Finnegan Houses of the Oireachtas/Taoiseach’s

Sheila Hanley Revenue

Willie McIntosh Enterprise Trade & Employment

MOTIONS

SUBSCRIPTIONS

Motion 4

Sean McLaughlin (Comm, Rural & Gaeltacht Affairs) proposed the following motion that was seconded by John Healy (C. R. & G Affairs)

That Conference instructs the incoming National Executive to reduce the AHCPs union subscriptions. It is recommended that the union subscription fee be set at 0.45% which is a reduction of 10% on the existing level of contribution from June 2009.

Mary McLoughlin, Treasurer addressed the motion and expressed concern for the Union’s finances in the event of the motion being carried.

The motion was put to Conference and was defeated.

Motion 5

Kieran Smyth (Health & Children) proposed, the following motion that was seconded by Eamon Corcoran (Health & Children).

That Conference determines that the membership rate be calculated on gross salary minus the pension levy. The motion was put to Conference and was defeated.

COMMUNICATIONS

Motion 6

Marcella Smyth (Foreign Affairs) proposed the following motion that was seconded by Pat Kelly (Foreign Affairs)

From the end of this Conference all circulars, magazines, Annual Reports and accounts should be sent electronically to Members and made available on the Association’s website. This will obviously not apply to ballots etc. where there is a requirement for a paper-based exercise.

Changes to take effect from the end of this Conference i.e. 9th May 2009.

John Kelleher, Deputy General Secretary on behalf of the Executive Committee proposed the following amendment to this motion:

To delete the words “Annual Reports and accounts” and substitute “and Annual reports”

The amendment was put to Conference and was carried.

The motion as amended was then put to Conference and was carried.

Burden Sharing.

Group A1 (Motions 7-11)

Motion 7.

The following motion was proposed, by Tom Allen, (Executive Committee) and was seconded by Terry Agnew (Executive Committee).

Recognising the severe financial crisis Ireland is in and emphasising that the public service did not create that crisis, this Annual Delegate Conference (of the Association of Higher Civil & Public Servants)

1. Notes the willingness of the AHCPs members to play their part in contributing to an agreed recovery plan;
2. Stresses that the Government’s recent “pension levy” decision was one-sided and inequitable in that it formed the major plank of the Government’s first set of measures to redress the fiscal difficulties of Government whilst not being matched by an equal contribution from the other sectors of the economy that did best from the boom years; and
3. Calls on the Government to work with the social partners and particularly the ICTU to negotiate an agreed Social Solidarity Pact, so that the burden of contributing to our economic recovery is shared equitably by all sectors of society.

The following spoke on the motion: Tom Allen, Terry Agnew (Executive Committee) Frank O’Dwyer (Revenue) Bernard Neary, & John Glennon (Courts)

The motion was put to Conference and was carried.

Motion 8

This motion was proposed by Ed O’Callaghan (Transport) and seconded by John Glennon (Courts)

That Conference calls on the Government to draw up a national recovery plan for the economy covering the next three to five years taking full account of the principles outlined by ICTU in which all sectors of society would play their full part, commensurate with their ability to contribute while ensuring in particular that those who benefited most from the economic fiscal and regulatory policies of the last decade make a correspondingly larger contribution to the financing of that recovery.

The motion on being put to Conference and was carried.

Motion 9

The following motion was proposed by Eamon Corcoran (Health & Children) and seconded by Kieran Smyth (Health & Children)

That Conference notes and supports ICTU’s 10 Point Plan as an equitable way of addressing the serious economic problems facing the country and calls on the Government to re-enter talks on the basis of the plan

The motion was put to Conference and was carried.

Motion 10

This motion from the Health & Children branch was proposed by Eamon Corcoran (Health & Children) and seconded by Kieran Smyth (Health & Children).

That Conference calls on the Executive to intensify its efforts, in conjunction with ICTU, to ensure that the Irish trade union movement presents a united front in its response to the current economic situation.

The motion was put to conference and was carried.

Motion 11

The motion was proposed by Frank O’Dwyer and seconded by Garvan O’Keeffe. (Both from Revenue Branch)

This Conference puts on record that Civil and Public Servants;

- a) Pay taxes on their income like everyone else;
- b) Are paying the 1% Income Levy;
- c) Pay at least 1.5% of salary to cover spouse and children’s pension;
- d) Had a pension related deduction of 12% applied to salaries by the 2007 Public Service Benchmarking Report;
- e) If recruited pre 1995 have a lower salary for pension reasons and thus a maximum pension of 50% of that lower salary, provided that they have at least 40 years service;
- f) If recruited since 1995 pay full PRSI to cover them for the Retirement Pension like other workers and in

addition pay a pension contribution of 5% to cover a pension, which is effectively the difference between 50% of salary and the social welfare pension, subject to having at least 40 years service;

- g) Have their pension reduced pro rata if they have less than 40 years service;
- h) Have to pay very substantial additional pension contributions to purchase any shortfall in years of service.

Notes that;

- a) The so-called “Pension Levy” is simply a discriminatory (and possibly unconstitutional) tax applied only to the income of public service workers;
- b) Public sector workers and pensioners have had modest agreed pay/pension increases for 2009 and 2010 arbitrarily and indefinitely postponed.

Directs the AHCPS Executive Committee to take all necessary steps in conjunction with other public sector unions and the ICTU to ensure that public sector workers and pensioners are treated fairly and that the burdens of the recession and the government deficit are shared by all sectors of society in a non discriminatory way.

The following two amendments to this motion were proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue)

Amendment No. 1

In the first paragraph (a) to delete: “like everyone else”

Amendment No. 2

In the second paragraph (a) to delete “(and possibly unconstitutional)”

Both amendments on being put to Conference were carried.

The amended motion was put to Conference and was carried.

MOTIONS 13 TO 17 (GROUP A II)

Motion 13

The following motion was proposed by Ed O’Callaghan (Transport) and seconded by Eddie Nolan (Enterprise Trade & Employ).

That Conference

- i) notes the dire state of the public finances; agrees that it is imperative that urgent and radical action must be taken to address the position and confirms that the members of the AHCPS are prepared to make a fair and reasonable contribution to any recovery plan designed to address the position.
- ii) condemns the selective unfair, vindictive manner in which public servants have been targeted as the

primary contributors to the Government's recovery plan; and

- iii) demands that the Government re-balance its recovery plan so that all sectors of society make a fair and reasonable contribution to the recovery plan in accordance with their means.

The motion was carried.

Motion 14

The motion was proposed by Frank O'Dwyer (Revenue) and seconded by Garvan O'Keeffe. (Revenue)

This motion condemns the inequitable, unjust and discriminatory imposition of the "pension levy" and directs the incoming executive to lobby for fair and equitable implementation of this levy or corresponding tax increase across all sectors.

The motion was put to Conference and was carried.

Motion 15.

John King (Communication, Energy & Natural Resources) proposed the following motion that was seconded by Michael Goodwin (Communication, Energy & Natural Resources).

That Conference instructs the incoming Executive Committee to seek to ensure that before any further levies or deductions are imposed on the Public Sector, that, in the interests of promoting social equity, 'contributions' commensurate with 'ability to pay' are shared with all sections of society in accordance with their means.

The motion on being put to Conference was carried.

Motion 16

This motion was proposed by Frank O'Dwyer (Revenue) and seconded by Garvan O'Keeffe. (Revenue)

This conference is fully aware of the scale of the current problems faced by the public finances and the general economy and the need for urgent actions to address these problems. Members are prepared to play their part to assist in restoring stability to the public finances and maintaining a vibrant economy but this must be done in the context of a coherent national effort to which all sectors make their due contribution. This conference instructs the AHCPS to take all necessary action to bring about a coherent national effort whereby all sectors make their due contribution.

The motion on being put to Conference was carried.

Motion 17

This motion was proposed by Kieran Smyth (Health & Children) and seconded by Eamon Corcoran (Health & Children).

That Conference calls on the Executive to work with the other public sector unions to consider a strategy of industrial action in response to the unilateral action taken

by the Government in imposing the iniquitous "pension levy".

The motion on being put to Conference was carried.

PROTECTING PAY (GROUP B I)

(MOTIONS 18 TO 20)

Motion 18

This motion was proposed by Feargal O'Coighligh (Environment, Heritage & Local Government) and seconded by Mark Behan. (Environment, Heritage & Local Government).

That this conference instructs the Executive Committee to take all necessary measures, in co-ordination with other with other public service unions through the ICTU, to protect the pay and pension entitlements of public servants. In particular the Executive Committee must, respecting the national economic situation but mindful of the legitimate expectations of individual public servants:

- a) press for payment at the earliest possible date of the increases, including in respect of benchmarking, agreed in the Towards 2016 framework;
- b) resist, including by means of industrial action following a ballot of members, the imposition of any levy on the pay or pensions of public servants, other than any such levy or adjustment to the taxation system which may be agreed through the social partnership process and applied across all sectors of society;
- C) defend, including by means of industrial action, the pension entitlements of pensioned and serving public servants in respect of
 - i) the calculation of pensions and their periodic adjustment by reference to all pay movements of serving staff in the same grade;
 - ii) the calculation and tax treatment of lump sum payments in the current manner.
- d) established the legal position regarding the foregoing entitlements and seek to ensure that they are fully safeguarded in law, insofar as necessary.

A proposal by Ciaran Rohan, Assistant General Secretary on behalf of the Executive Committee to have Motion 18 remitted was defeated

The motion on being put to Conference was carried.

Motion 19

The following motion was proposed by Kieran Smyth (Health & Children) and seconded by Darragh Doherty (Health & Children)

That Conference instructs the Executive to ensure that no further reductions occur in the pay and conditions of members.

The motion on being put to Conference was carried.



Motion 20

The following motion was proposed by Garvan O’Keeffe (Revenue) and seconded by Frank O’Dwyer (Revenue).

This conference notes that the public service is the only sector, which has been asked to take a generalised pay cut in the form of a pension levy, in the interests of addressing the nations current problems. This is in addition to the indefinite postponement of agreed pay awards in 2009 and 2010. Members are fully prepared to play their part in the national recovery effort but this must be in the context of coherent national effort. Accordingly, this conference directs the AHCPS to vigorously oppose any further unilateral hits on the public service.

Amendment proposed at discussion stage by two members from the Revenue Branch.

Insert “2008” before “2009 and 2010”

The amendment was carried.

The amended motion on being put to Conference was carried.

ECONOMY

Motion 21

Breannan O’Suilleabhain (Community, Rural & Gaeltacht Affairs) proposed the following motion which was seconded by John Healy (Community, Rural & Gaeltacht Affairs)

That Conference proposes that as the current economic crisis is mainly fiscal in nature a Government think-tank be convened to assess new and innovative ways of generating income and cash-flow inwards for the country e.g. selling off unrequired government non-fixed and fixed assets, greater generation of online selling (via broadband) in tourism and other business sectors, inviting the Diaspora of Irish abroad to invest their expertise or a financial investment in Ireland.

Larry Dunne, (Executive Committee) outlined reasons why the Executive Committee were of the opinion that this motion should not be carried.

The motion when put to Conference was defeated.

Motion 22

Kathleen Connolly (Justice, Equality & Law Reform) proposed the following motion, and was seconded by Maeve Hogan. (Justice, Equality & Law Reform)

That Conference instructs the incoming Executive Committee to carry out and publicise research, possibly in conjunction with other public sector unions, to make proposals to contribute to a more realistic vision of national competitiveness. The research should focus on

- (i) identifying the contribution the public sector can make to enhancing competitiveness,
- (ii) considering how taxation policy and in particular shifting taxation to capital, profits and luxury

consumption, can support competitiveness and sustainable development

(iii) exploring the extent to which the current treatment of private property undermines competitiveness

(iv) the contribution of strengthened corporate and public governance and regulation to competitiveness.

Garvan O’Keeffe (Revenue) spoke to the motion.

Bernard O’Shea (Executive Committee) proposed that the motion be remitted.

The motion to remit on being put to Conference was defeated.

The motion was put to Conference and was carried.

PENSION LEVY (GROUP B 2)

Motion 23

The following motion was proposed by Willie McIntosh, (Enterprise, Trade & Employment) and was formally seconded.

That this ADC condemns the selective and unwarranted targeting by Government of public servants by the proposed introduction of the so-called public service pensions levy;

that it supports the AHCPS Executive in its efforts through ICTU in resisting its unilateral imposition while pursuing a cross-sector approach to seeking a solution to the current economic difficulties and calls on government to protect less well off and vulnerable sectors of society during this period of economic downturn.

The motion was put to Conference and was carried.

Motion 24

The following motion was proposed by Derek Charles (Ombudsman’s Office) and seconded by Richard Philpott (Ombudsman’s Office)

That Conference noting that the so-called “pension levy” is nothing more than an unjust tax on employment in the public service, resolves that the Association will refer to it as the Public Service Tax and instructs the incoming Executive Committee to take all steps necessary to bring about its abolition.

Derek Charles spoke to the motion.

A motion to remit the motion was proposed by Noel Holleran and seconded by Ann Walsh.

The motion to remit on being put to Conference was defeated.

The motion on being put to Conference was carried.

Motion 25

The following motion was proposed by Richard Philpott (Ombudsman’s Office) and seconded by Derek Charles. (Ombudsman’s Office).

That Conference instructs the incoming Executive Committee to request the Public Services Committee of the ICTU to take legal action to have the Public Service tax (the so-called pension levy) declared unconstitutional or otherwise illegal.

Peadar Ward (Courts) spoke to the motion.

The motion was carried by Conference.

Motion 26

The following motion was proposed by Maeve Hogan and seconded by Seamus Sisk. (Both from Justice, Equality & Law Reform Br.)

That Conference instructs the incoming Executive Committee to challenge the Government to convincingly demonstrate that the burden of the cutbacks and contribution is being applied in an equitable manner particularly on those responsible for the current economic situation and who benefited from the Celtic Tiger and that failure to do so will leave Public Sector workers with no alternative but to reject the pension in its entirety.

A proposal to remit was put by Eoin Faherty (E.C.) but was defeated.

The motion on being put to Conference was carried.

Motion 27

The following motion was proposed by Larry Cashman (Agriculture Fisheries & Food) and seconded by Sean Heneghan. (Agriculture Fisheries & Food).

That Conference considers the pension levy unilaterally imposed on public servants is inequitable in its discrimination against the public service and demands that this levy reflects the limit of our contribution to the national effort and calls on the incoming Executive Committee to ensure that there are no further reductions imposed on the terms and conditions of our members.

The motion on being put to Conference was carried.

Motion 28

The following motion was proposed by Mark Behan (Environment, Heritage & local Government) and seconded by Tom Sheridan. (Environment, Heritage & local Government).

Conference instructs the incoming Executive Committee to negotiate a package of reductions in the pension levy or increase in salaries to compensate for the reduction in the salaries of members on the introduction of the public service pension levy.

The motion was put to Conference and was carried.

Motion 29

The following motion was proposed by Dermot Kilgallon (Justice, Equality & Law Reform) and seconded by Kathleen Connolly. (Justice, Equality & Law Reform)

That Conference instructs the incoming Executive to seek

an undertaking from Government that the pension levy be ring fenced to ensure that it is used solely for Pension purposes

Michael Flynn, (Justice, Equality & Law Reform) spoke to the motion.

A proposal to remit this motion was proposed by Ann Walsh (Executive Committee) and seconded by Terry Agnew (Executive Committee).

The motion to remit on being put to Conference was carried.

Motion 30

Darragh Doherty (Health & Children) proposed the following motion. It was seconded by Kieran Smyth (Health & Children)

That Conference while objecting in principle to the introduction of the so called "pension levy" calls on the Government and ICTU to re-enter talks in an effort to make the levy more equitable. The following amendments should be sought by ICTU as part of such discussions:

- A trebling of the levy for ordinary members of the Oireachtas members and a quadrupling of it for Ministers, given that far more generous pension arrangements apply Oireachtas members and Ministers after serving relatively few years
- The exemption of the first €17,992 of income from the levy (i.e. equivalent to the salary of a full-time worker on the minimum wage)
- An undertaking that the levy will be withdrawn upon certain agreed milestones being reached
- The repayment of the levy and all superannuation payments where a person does not qualify for a civil or public service on leaving the service
- An option for those who will receive little or no benefit from a civil or public service pension to opt out of the levy and gain exemption from it.

A proposal to remit this motion was made by Ann Walsh. (E. C) However following the appointment of tellers to confirm the result the proposal to remit was not carried. The result of the vote was :- In favour 53. - Against 63.

The motion was then put to Conference and was carried.

GROUP C STAFFING MOTIONS 31 & 32

Motion 31

The following motion was proposed by Tom Talbot (Revenue) and seconded by Garvan O'Keeffe (Revenue)

The present economic downturn has resulted in an unprecedented reduction in year-on- year tax receipts. This conference believes that it is essential that the Revenue Commissioners continue to tackle tax evasion

and tax avoidance and that they collect all outstanding taxes as a priority to fund Government business. This Conference therefore directs the in-coming executive to engage with the Government and Revenue management to ensure that staffing levels within the Revenue Commissioners are maintained at their 2007 level.

The motion was put to Conference and was carried.

Motion 32

This motion was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue).

This conference notes that the public record demonstrates that financial institutions were, during their good times, active enablers or participants in various schemes that had the effect of reducing the expected tax yield to the exchequer and during the same period sought ever-reduced regulation from the State. However, their apparent aversion to State intervention disappeared when they needed to be bailed out. Conference calls on the Oireachtas and more particularly the Revenue Commissioners to ensure that sufficient resources are made available so that the monitoring of the activities of financial institutions can be carried out to a more effective level.

John Maher (Revenue) spoke to this motion and he proposed the following amendment to this motion. It was seconded by Garvan O’Keeffe (Revenue)

To delete the words “and more particularly the Revenue Commissioners” after ‘Oireachtas’

The amendment was carried by Conference.

The motion as amended was put to Conference and was carried.

**GROUP D
SUPERANNUATION MOTIONS 33 & 34**

Motion 33

This motion was proposed by Elizabeth McCarthy (Revenue) and was seconded by Mary Farrell (Revenue). This conference notes that in the case of those buying added years: ‘The minimum amount of contribution to be made is 10% of an officer’s annual rate of salary, or if less, the contribution required to purchase the shortfall in service below the maximum reckonable service of 40 years’

Conference requests that there should be greater flexibility to make varying amounts of lump sum payments under the purchased notional service scheme, which currently is too restrictive.

The motion was put to Conference and was carried.

Motion 34

Elizabeth McCarthy (Revenue) proposed the following motion and was seconded by Mary Farrell (Revenue). Conference requests that the Civil Service Pensions

Schemes Modeller take into account payment contributions made under the Civil Service Purchase Notional Service Scheme in order that members availing of this scheme can obtain an on-going calculation of their actuarially reduced pension. Specifically Conference requests that the Modeller include under “additional service” any contributions to date made under the Civil Service Purchased Notional Service Scheme.

The motion on being put to Conference was carried.

TRAVEL & SUBSISTENCE

Motion 35

The following motion was proposed by Mary Farrell (Revenue) proposed this motion, and it was seconded by Frank O’Dwyer (Revenue).

This Conference wishes to highlight that travel & subsistence rates are agreed through the conciliation & arbitration procedure that are calculated by employing a formula that uses actual market costs in arriving at agreed rates. Market costs have not decreased by 25% and it is unacceptable to expect operational staff to suffer a reduction of this nature. Operational staff in all departments are critical to the economic recovery of the State particularly those in Revenue. The 2007 Annual Report of the Revenue Commissioners lists total yield from audit yield from audit & assurance activity as •734m with •151m from the Construction Sector Project. Operational staff require all the necessary support to carry out their work especially in a period of recession when compliance levels are severely tested. A 25% reduction in travel & subsistence rates is not rendering support and is a retrograde step particularly when politicians own expenses have been reduced by merely 10%. Conference calls on the AHCPS to take all necessary action to reinstate travel & subsistence rates to original levels that reflect market costs or to ensure that any adjustment at most mirrors the 10% reduction in politicians own expenses.

The motion on being put to Conference was carried.

EMERGENCY MOTION

In accordance with Standing Order Report No. 3 the following emergency motion was tabled for this point in the proceedings.

That Conference notes with concern

- the introduction of the moratorium to the end of 2010 on recruitment, promotion, and the payment of allowances for the performance of higher duties in the civil and public service and
- the threat to tax civil and public service superannuation lump sums in the future

and instructs the incoming Executive:

- (i) to engage with the official side to ensure that the impact of the implementation of the moratorium and

the measures on career breaks, early retirement and unpaid leave, announced in the supplementary budget, on the provision of public services is minimised and that the already heavy workloads carried by members of this Association are not worsened ;

- (ii) to oppose any proposal to tax the superannuation lump sums of members and
- (iii) to seek to improve the terms of the early retirement scheme announced in the supplementary budget.

It was proposed by Kieran Smyth (Health & Children) and was seconded by Anthony Morris (Health & Children)

Conor Stokes (Justice Equality & Law), Liam Kelly (Finance) and Terry Agnew (Executive Committee) spoke on the motion.

The motion was put to Conference and was carried.

TAX GROUP E MOTIONS 36 - 48

Motion 36

The following motion was proposed by Darragh Doherty (Health & Children) and seconded by Seamus O’Cleary (Health & Children),

That Conference supports the broadening of the tax base to ensure a greater contribution being made by those sectors who do not contribute enough to the Exchequer (e.g. wealthy individuals who are not proportionately affected by increases in the general rate of taxation.) However, taxing cash benefits paid in respect of young children would not, if introduced in isolation, achieve this, as it would amount to a transfer of resources away from those with dependent children towards those with no such economic duty of care. As such taxpayers generally have lower disposable income relative to their salaries, due to childcare costs and recent mortgages, such a move would be regressive. This Conference therefore calls upon any revenues the Government decides to raise by the taxation of family benefits to be re-located in full to services benefiting families, such as childcaae, greater state spending in education, and children’s services.

The motion on being put to Conference was carried.

Motion 37

The following motion was proposed by Sean Heneghan (Agriculture, Fisheries & Food.) and was seconded by Larry Cashman (Agriculture, Fisheries & Food.).

That Conference demands that, in dealing with the current economic situation, the Government spreads the burden fairly across all citizens according to their means and applies a tax regime, which ensures that a proportionate contribution towards the national effort is made by all, including so called tax exiles.

Sean Heneghan (Agriculture, Fisheries & Food) spoke on the motion.

The motion was put to Conference and was carried.

Motion 38

This motion was proposed by Mark Crowther, and was seconded by Jack Horgan (FÁS) Mark Crowther (FÁS).

That Conference expresses grave concern at the current and future economic prospects for Ireland, and at the consequential impact on the living standards of all taxpayers. Accordingly, it instructs ICTU to urge Government to create a more equitable tax system and engage in meaningful negotiations with the Social Partners in order that the Country can move forward with a shared vision and agreement on sharing the burden to achieve it.

The motion was carried by Conference.

Motion 39

This motion was proposed by Larry Monaghan (Revenue) and seconded by Garvan O’Keeffe (Revenue).

Individualisation” was introduced at a time of near full employment. With the economic downturn and increasing unemployment many families are now reduced to one income. It is no longer appropriate that one spouse, who cannot obtain employment, is unable to transfer their standard rate cut-off point in full to the employed spouse. This conference instructs the AHCPS to influence the Irish Congress of Trade Unions to bring about a reversal of the policy of “Individualisation.

The following amendment was also proposed by the Revenue branch. It was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue).

To delete:

“influence the Irish Congress of Trade Unions” and replace with “calls on the Minister for Finance”

The amendment was carried by Conference.

The motion as amended was put to Conference and was carried.

Motion 40

The following motion was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue). Conference notes that 4 years have passed since the introduction of a Revenue Court was called for and now demands that the Government introduces one without undue delay.

Taxation legislation can be very complex and the existence of a division of the courts, specialising in Revenue matters, will facilitate a more timely passage of these cases through the legal system.

The introduction of Section 98 Finance Act (No.2) 2008 will result in Revenue making many applications to the

courts for the imposition of both tax geared and fixed penalties and a specialised knowledge of the issues involved will facilitate a just outcome for all involved. The motion was put to Conference and was carried.

Motion 41

The following motion was proposed by John Maher (Revenue) and seconded by Frank O'Dwyer (Revenue).

Recent media reports and the limited information that has been provided by financial institutions, indicates that some large loans from those institutions to various speculators/developers will not be collectible and those debts will have to be written off by the financial institutions. This conference calls on the government to take legislative steps to ensure that, those who failed to repay debts to any bank subject to Nationalisation or State re-capitalisation never get, or use the benefit of, any tax deduction or tax loss relief, in any past, current or future year, for any of the expenditure that they represent was funded by the borrowings that will probably never be repaid.

The motion was put to Conference and was carried.

Motion 42

The following motion was proposed by Paul Monks (Revenue) and seconded by Frank O'Dwyer (Revenue). The black economy has been conservatively estimated to be 5% of GDP or €7.5 billion and would produce at least €2 billion in taxes. This conference directs the executive to robustly remind the Government and the Revenue Commissioners of this fact and demand that all necessary resources be provided to ensure that the tax burden is shared fairly.

Garvan O'Keeffe (Revenue) proposed the following amendment. It was seconded by Frank O'Dwyer (Revenue).

To delete "and the Revenue Commissioners"

Conference carried the amendment.

The amended motion on being put to Conference was carried.

Motion 43

This motion was proposed by Tom Fanthon, (Revenue) and was seconded by Frank O'Dwyer (Revenue)

Conference recognises that taxation measures aimed at addressing the economic crisis will be borne exclusively by those who comply with the tax code. Conference calls on the Government to implement a vigorous campaign, along similar lines to that successfully employed by the Insurance industry, encouraging people to provide information to support the Revenue Commissioners in confronting both the evasion and the unacceptable avoidance of tax.

The motion on being put to Conference was carried.

Motion 44

The following motion was proposed by Frank O'Dwyer (Revenue) and seconded by Garvan O'Keeffe. (Revenue). Conference calls on Government to put in place service level agreements between Government Departments and State Agencies and the Revenue Commissioners, supported by ant legislative changes necessary, to ensure that any information held by Government Departments or State Agencies which might be of value in challenging evasion or avoidance of tax is given to the Revenue Commissioners.

Speakers to the motion were Peter Dockery and Paul Monks, also from the Revenue branch.

The motion on being put to Conference was carried.

Motion 45

The following motion was proposed by Garvan O'Keeffe,(Revenue) and seconded by Frank O'Dwyer (Revenue).

Conference deplores the taxation policies of the last decade, which effectively eliminated large swathes of gains on accumulated capital from taxation by pursuing policies of:

- a. Favourable treatment of Capital over Income, which allowed high worth individuals to evade tax,
- b. Increases in Agricultural and Business Properties relief which created effective rates of tax at a maximum of 1% on very significant capital, including estates, transferring by gift and or inheritance, a rate of tax far lower than the average effective rate of income tax on salaries and wages.
- c. Significant increases in Capital Acquisition Tax Thresholds and so called "Retirement relief" for Capital Gains Tax, which effectively reduces that nominal rate of tax of 1% to 0% in many cases.

A motion to remit was subsequently proposed by Frank O'Dwyer.

The motion to remit on being put to Conference was carried.

Motion 46

The following motion was proposed by Garvan O'Keeffe (Revenue) and was seconded by Frank O'Dwyer (Revenue).

This Conference directs the Executive to make clear that the failed Economic and Social policy of favouring capital over labour is no longer an option and that the Trade Union Movement will not be allow the proponents of these failed policies to hide behind any Commission on Taxation Report, to attempt to continue these economically discredited and socially divisive policies on taxation.

The motion when put to Conference was carried.

Motion 47

The motion was proposed by Peter Dockery (Revenue) and was seconded by Garvan O’Keeffe. (Revenue). This conference notes with concern that repeat offenders regularly appear in the Revenue Commissioners list of tax defaulters.

This conference directs the incoming executive to engage with Government and the Revenue Commissioners to actively pursue a policy where we move away from a settlement culture to one where greater and effective sanctions apply.

The motion on being put to Conference was carried.

Motion 48

This motion was proposed by Frank O’Dwyer (Revenue) and was seconded by Garvan O’Keeffe (Revenue).

This Conference calls upon the Irish Business and Employers Confederation (IBEC), the Small and Medium Enterprises Association (ISME), the Construction Industry Federation (CIF), the Irish Farmers Association (IFA) and other similar bodies in the private in the private sector:

To take special cognisance of the hugely significant contribution that outstanding Fiduciary and Direct Taxes could make towards replenishing reduced Exchequer receipts and which outstanding taxation liabilities combined, based upon the most recent tax returns received, amount to in excess of €1.2bn as follows:

Fiduciary Taxes	€m	Direct Taxes	€m
PAYE/PRSI	160	Income Tax	350
VAT	480	Corporation Tax	110
RCT	60	Capital Gains Tax	120
Totals	€700m		€580m

To urgently remind members in their respective bodies of their statutory obligations in relation to the timely remittance of the taxes that they owe, – including the particular moral obligation that attaches where Fiduciary taxes are concerned – in the hope and expectation that those members will act speedily to satisfy their individual/corporate liabilities, as applicable, and as a tangible and immediate demonstration of their contribution to the programme for national recovery.

The motion on being put to Conference was carried.

**GROUP F
(MOTIONS 49, 50 & 51) OIREACHTAS**
Motion 49

The following motion was proposed by Bernard Neary (Courts) and seconded by Kevin Murphy (Courts).

That this Conference calls upon the Minister for Finance to introduce procedures whereby any person in employment that is the subject of pay from the public

purse must resign from any such employment upon election to Dail Eireann or upon appointment to or election to Senate Seanad Eireann.

Terry Agnew (Executive Committee) spoke to the motion. The motion was put to Conference and was defeated.

Motion 50

Bernard Neary (Courts Branch) proposed the following motion and was seconded by Kevin Murphy (Courts)

That this Conference calls upon the Minister for Finance to introduce measures whereby TDs and Senators can only draw upon any pension due from the public purse upon reaching the age of 60 or upon their departure from the Dail or Senate, whichever falls first.

Amendment

The following amendment was proposed and seconded and adopted by Conference.

To delete all words after “That this Conference” and substitute the following:

calls on the Executive of the AHCPs to promote Oireachtas reform in all appropriate fora to ensure that:-

- 1) Ministers TDs and Senators and former Ministers, TDs and Senators can only draw upon any pension due from the public purse upon reaching the age of 60 or upon their departure as members of the Dail or Senate, whichever is the latter;
2. the ratio of Oireachtas members to our population is brought into line with that pertaining in other countries such as Germany, Belgium, Holland, Israel, Spain, Portugal and the United Kingdom.

The amended motion on being put to Conference was carried.

Motion 51

The following motion was proposed by Bernard Neary (Courts) and seconded by Kevin Murphy (Courts).

That this Conference calls on the Minister for the Environment to immediately introduce measures to bring the ratio of Oireachtas members to our population into line with that pertaining in other countries, such as Germany, Belgium, Holland, Israel, Spain, Portugal and the United Kingdom.

The motion was carried by Conference.

**MEDIA REPORTING
(GROUP I – MOTIONS 58 - 64)**
Motion 58

The following motion was proposed by Eamon Robinson and seconded by Susan Conlon (Both from Foreign Affairs Br.)

That this ADC deplores the unrelenting attacks of recent

times on those who work in the public service in Ireland and directs the Officers of the AHCPS to develop an appropriate media strategy with a view to taking more high profile positions in responding to such attacks in a systematic way.

The motion on being put to Conference was carried.

Motion 59

This motion was proposed by Tony Morris (Health & Children) and seconded by Kieran Smyth. (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. While fully acknowledging the work of the Executive in recent months it calls on the incoming Executive Committee to examine more effective strategies to defend our members against such attacks. In particular this ADC instructs the Executive Committee to carry out a detailed options appraisal for this Association to put in place a formal strategic alliance with a compatible larger and more powerful union and to report to a Special Delegate Conference on these issues within 6 months.

Terry Agnew (E.C) proposed that the motion be remitted.

Conference agreed that the motion be remitted.

Motion 60

This motion was proposed by Darragh Doherty (Health & Children) and seconded by Seamus O’Cleary (Health & Children).

That Conference noting the unfair and unjustified attacks on the public service and the lack of balance in reporting by certain sections of the media and the refusal by some organs of the media to allow a right of reply calls on the incoming Executive to urgently consider these issues, and to report back to the membership with a strategy setting out how it proposes to combat such attacks.

The motion on being put to Conference was carried.

Motion 61

The following motion was proposed by Frank O’Dwyer and seconded by Garvan O’Keeffe. (Both from Revenue Br.) Mary Farrell, Revenue Branch, spoke to the motion.

This conference is not prepared to accept that Public Servants are the fall guys for the ills of the economy. An unfair but often successful campaign is being waged in some parts of the media to demonise Public Servants. In many instances attacks on Public Servants have gone unchallenged during radio and TV programs. The conference instructs AHCPS, in conjunction with the Public Service Committee of the Irish Congress of Trades Unions, to become a forceful voice and visible presence in this debate in order to highlight the positive contribution of the Public Service to society and the economy and to

address the current bias against the Public Service in large sections of the media.

The motion on being put to Conference was carried.

Motion 62

The following motion was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue).

Conference directs the Incoming Committee to give specific responsibility to an official for media/press and public relations. Where inaccurate statements are made in relation to issues affecting our members the Association should respond under the terms of Article 1 of the Code of Practice of the Press Complaints Commission. Where a correction is not dealt with on a voluntary basis according to the code or a right of reply not afforded under Article 2 of the code, a formal complaint should be lodged.

The motion on being put to Conference was carried.

Motion 63

The following motion was proposed by Michael Goodwin and seconded by John King – Both from Communications, Energy & Natural Resources.

That Conference instructs the incoming executive committee to use its best endeavours to seek to ensure that factually correct information regarding Public Sector pay and conditions, and its contribution to society generally, is disseminated through the media in an appropriate context to offset current frequent misrepresentations and inaccurate/inappropriate comparisons and to update members regularly in this regard.

The motion was carried.

Motion 64

The following motion was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe. (Revenue)

Conference notes the recent media practice of including anti public sector comment by so-called “independent” commentators. A simple “Google” exercise establishes that many of these carry out consultancy work for the private sector so the question of independence is at least doubtful. Conference calls on the incoming executive to put forward a proposal to the “Press Complaints Commission” that its “Code of Practice” be revised to provide that all interests of economic commentators be included in published pieces.

Mary Farrell (Revenue) spoke to the motion.

The motion on being put to Conference was carried.

Motion 66

The following motion was proposed by Frank O’Dwyer (Revenue) and seconded by Garvan O’Keeffe (Revenue).

This conference directs the union to launch a proactive campaign setting out the factual position of the terms

and conditions of public and civil servants and reiterate the findings of the OECD report on the quality and value for money of the service delivery of civil and public servants in Ireland by International standards.

Garvan O’Keeffe proposed and Frank O’Dwyer seconded the following amendment:

To delete “Union” and replace with “Executive Committee”

Conference carried the amendment.

The motion as amended was put to Conference and was carried.

The following motions fell outside the time limits set by Standing Orders Committee for Conference, and were accordingly deemed to be automatically remitted to the incoming Executive Committee for consideration.

Motion 52

That Conference instructs the incoming Executive Committee to negotiate an increase in the number of days bereavement leave allowed on the death of a parent from 3 days to 5 days and an increase in the number of days bereavement leave allowed on the death of a spouse or child from 5 days to 7 days.

Legal Aid Board Branch

Motion 53

In light of the Need to curtail public expenditure, that this Annual Delegate Conference recommends that the Executive Committee enter into immediate discussions with the official side with a view to enabling staff to take leave of absence from work at their own expense for periods of up to six months on similar grounds that apply to persons who take term time leave.

Enterprise, Trade & Employment Branch

Motion 54

That Conference calls upon the official side to amend administration of the Parental Leave Scheme, to allow foregone salary to be spread over the course of the year, in a similar manner to the Term Time scheme.

Health and Children Branch

Motion 55

That Conference calls on all Government Departments, Offices and Agencies to facilitate work sharing staff who wish to increase their pattern of attendance in view of the recently introduced pension levy and the current economic climate.

Health and Children Branch

DECENTRALISATION

Motion 56

That Conference, in view of the delay in the implementation of the Government’s decentralisation

programme and given the current adverse economic climate where the housing market has collapsed removing any ‘windfall’ for those relocating, calls on the Government to allow people who applied for promotion, in good faith, and had decentralisation tags attached to their promotions, the opportunity to review their position and to have the decentralisation tag removed if they so wish. This particularly should apply to those people who were promoted from competitions held or announced before decentralisation plans were announced.

Office of Public Works Branch

Amendment:

To delete all words after “That Conference,” and substitute the following:

in view of the excessive and unexpected delays in the implementation of the Government’s decentralisation programme and the totally different economic circumstances, where the housing market has collapsed removing any ‘windfall’ for those relocating, calls on the Government to allow people who applied for promotion, in good faith, to review their position and to have the decentralisation tag removed if they so wish. This particularly should apply to those people who were promoted from competitions held or announced before decentralisation plans were announced.

Office of Public Works Branch

Motion 57

That Conference instructs the incoming Executive Committee to request that cancellation of the overall decentralisation programme by Government given the perilous state of the nation’s finances other than where a detailed cost benefit analysis indicates a positive economic effect for any individual location.

Justice, Equality & Law Reform Branch

Motion 67

This Conference

- i. notes with concern the apparent recklessness and lack of integrity shown by the Directors and Senior Executive Management of Financial Institutions.
- ii. directs the AHCPs Executive Committee to seek,
 - a. in the interest of transparency and equity, the inclusion of a declaration on the Statutory Accounts of Financial Institutions that all relevant transactions (similar to recent revelations) have been disclosed.
 - b. that the salaries and other remunerations and bonuses, of whatsoever nature, of Directors and Senior Executives in Financial Institutions, which have been capitalised, recapitalised, nationalised or otherwise guaranteed by the State, do not exceed •400,000, in line with the cap imposed in other Jurisdictions

Revenue Branch

Motion 68

Conference directs that the incoming executive ask, through Social Partnership, that IBEC publish a full list of affiliated companies, in the interests of openness and transparency. The names of all Unions affiliated to Congress are in the public domain and it is unacceptable that another Social Partner does not practice an equal degree of transparency.

It is also important that this information be available to evaluate the statements of IBEC in relation to taxation, banking and regulatory issues.

Revenue Branch

STANDING ORDERS REPORTS NOS, 1, 2, 3 & 4

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 14 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 68 motions have been received.

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

Motion 1 (Change to Rule 6(g)) is out of order as, if accepted in its current form it would lead to a defective rule 6 as a whole.

Motion 2 (name change) is out of order as it is not in the form of a motion to amend the relevant rule.

Motions 65 and 66 (media reporting) are out of order as each seeks to direct an unidentifiable entity to take action.

Brian Ingoldsby (Chair)
Peter Finnegan
Sheila Hanley
9 March 2009

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 motions nos. 6, 11, 20, 32, 39, 42 and 66; the amendments are in order.

If the amendment to Motion 50 is accepted, the motion as amended will stand for itself and motion 51.

As we indicated in our Report No. 1, Motion 66 is in its present wording out of order. If the amendment proposed to that motion were accepted, the amended motion would not be out of order. Accordingly, the Standing Orders Committee recommends that the motion be moved only for the purpose of putting the amendment; if the amendment is not accepted, the motion will remain out of order and its substance may not be debated.

The attention of the Committee has been drawn to an error in its Report No.1 which showed motion no. 45 as two separate motions, 45 and 46. That error is corrected in this Report; there is now no motion no. 46 on the agenda.

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 12.30 at the venue. Coffee will be available on a continuous basis immediately outside the conference room.

Debate on groups of motions

7. A number of motions lend themselves to being debated in groups as follows:

Group A: motions 7 to 11 and 13 to 17
(dealing with burden sharing)

Group B: motions 18 to 20 and 23 to 30
(dealing with protecting pay and with the pension levy)

Group C: motions 31 and 32 dealing with staffing

Group D: motions 33 and 34 dealing with superannuation

Group E: motions 36 and 48 dealing with tax

Group F: motions 49 to 51 dealing with Oireachtas

Group G: motions 52 to 55 dealing with work-life balance

Group H: motions 56 and 57 dealing with decentralisation

Group I: motions 58 to 64 dealing with media reporting.

The Standing Orders Committee recommends the following procedure for the better conduct of this Delegate Conference.

- (a) At the commencement of each group of motions, the first motion of that group shall be moved and seconded in the normal way.
- (b) At that point the content of all motions in the group will be open for debate; any amendments to motions in the group will also be open for debate.
- (c) At the conclusion of the debates, the mover of the first motion in the group may exercise a right of reply.
- (d) Following the putting of the question or questions on the first motion, each remaining motion will be proposed and seconded without debate and the question or questions put, in the order in which they appear on the timetable. If there are amendments to any such motions, they will also be moved and seconded without debate in the appropriate order.

8. Conference will commence **13.30 sharp**, and conclude at 17.00. 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	
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	Appointment of Hon. Vice Presidents	
No. 7	Annual Report	
No. 8	Financial Statement	
No. 9	Motions 1 to 6	13.30 – 14.30
	Motions 7 to 17	14.30 – 15.00
	Motions 18 to 20 and 23 to 30	15.00 – 15.30
No. 10	Election of Officers, Executive Committee and Standing Orders Committee	
	Collection of Ballot Papers	15.30
	Motions 36 – 48	15.30 – 16.00
	Motions 58 – 66	16.00 – 16.30
	Motions 21, 22, 31 – 35, 49 – 57, 67 and 68	16.30 – 17.00

A motion not reached within its allocated time slot will, if there is time before close of Conference, be taken after other motions have been disposed of.

Brian Ingoldsby (Chair)
 Sheila Hanley
 David Denny
Standing Orders Committee
 20 April 2009



Standing Orders Report No. 3

1. Emergency motion

The Committee has received the following motion tabled by the Health and Children Branch:

That Conference notes with concern

- the introduction of the moratorium to the end of 2010 on recruitment, promotion, and the payment of allowances for the performance of higher duties in the civil and public service and
- the threat to tax civil and public service superannuation lump sums in the future

and instructs the incoming Executive:

- (i) to engage with the official side to ensure that the impact of the implementation of the moratorium and the measures on career breaks, early retirement and unpaid leave, announced in the supplementary budget, on the provision of public services is minimised and that the already heavy workloads carried by members of this Association are not worsened ;
- (ii) to oppose any proposal to tax the superannuation lump sums of members and
- (iii) to seek to improve the terms of the early retirement scheme announced in the supplementary budget.

Health and Children Branch

The Committee has considered the motion against the criteria set out in Rule 9(e) of the Rules and Constitution. It has formed the view that it meets the criteria of urgency and importance to the members set out there.

Accordingly it proposes to add the motion to the Final Agenda and recommends that it be taken immediately before motion 36 in the time-slot for motions 36 to 48.

2. Appointment of Honorary Vice-Presidents

The Standing Orders Committee takes this opportunity to inform delegates that the Executive's nominations for appointment as Honorary Vice-Presidents are Mr Peter Greene and Mr Brian Ingoldsby.

3. Motion 3: amendment of Standing Orders

The Committee takes this opportunity to inform delegates of the text of the Standing Order which motion no. 3 proposes to amend. The present text is as follows:

"6. Election

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

Brian Ingoldsby
Sheila Hanley
David Denny
Peter Finnegan
1 May 2009

Standing Orders Report No. 4

The Standing Orders Committee has been advised that the following nominees for election to the Executive Committee have withdrawn their nominations:

John Hughes
(Enterprise Trade & Employment Branch)

Angie Noonan
(Health & Children Branch).

This leaves 12 remaining nominees for election to the 12 elective places on the Executive Committee. Accordingly an election will not be necessary and no ballot papers will be issued. The collection of ballot papers signalled for 15:30 in the timetable in Standing Orders Report no. 2 will accordingly be replaced by an announcement by the Chairperson of the appointment of nominees to the elective places on the Executive Committee.

Brian Ingoldsby (Chair)
David Denny
Peter Finnegan
Sheila Hanley
7 May 2009

**STANDING ORDERS REPORTS
NOS, 1, 2, 3 & 4**



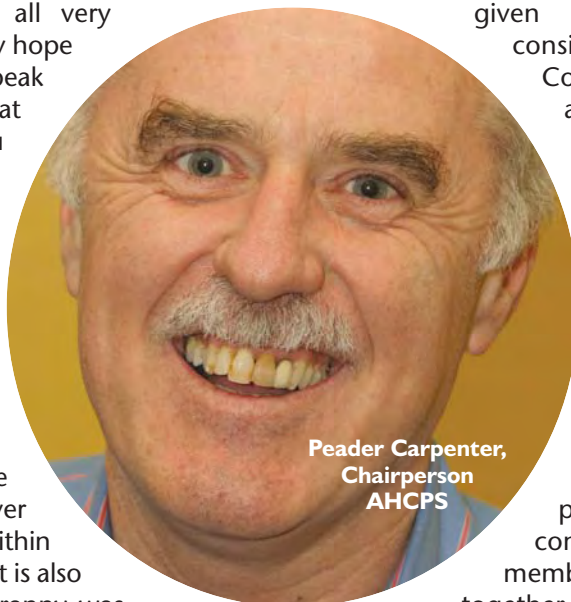
ADDRESS OF THE AHCPs CHAIRPERSON PEADER CARPENTER

Delegates and guests you are all very welcome here today and I sincerely hope that you take this opportunity to speak your minds on the issues that concern you, and the members you represent, as we debate the motions before us.

This is a wonderful location for a conference in the heart of the most historic part of our city. Just over the wall of Dublin Castle beside this hotel is the Castle Garden in which the original black pool that gave Dublin its name is reputed to have been. So much of our history over almost 800 years was played out within and from within these same walls. It is also between Aungier St where my granny was born and raised and the Bride Street where she had a shop in the Iveagh Buildings for many years.

This past year has been a most difficult one for all public servants due at one level to the rapid deterioration in the public finances and the subsequent attack on public service pay and conditions. It was also a year in which the public service was attacked on what seemed a daily basis by many "commentators" and the charge was led by IBEC, the CIF and ISME. IBEC is a somewhat reclusive organisation. They don't publish a list of their members and their website is not the most informative in the world. When Turlough O Sullivan was attacking the pay of public servants I don't recall once where he was questioned on the salary levels in IBEC! You can bet your house on it that he is probably on a salary (and benefits) that would be higher than the highest paid Secretary General in the civil service.

The manner in which the media ran with these stories and failed to balance them with facts is a matter of some concern to us all. I wonder at the independence of some of these commentators' and often felt that they were pursuing an agenda or in some cases just being provocative to get asked on to programmes. Many of the commentators are directly employed by the banks and God knows looking at the mess they got themselves into you would have to ask yourself if these are the people we want to give us advice on how to run the wider economy! The executive had to make a very tough call at this time as to how we might respond to these attacks. We went to a professional PR company and the advice we received was that we would not receive a balanced hearing and in fact we could leave ourselves open to even more attacks



Peader Carpenter,
Chairperson
AHCPs

given our members conditions. We considered the issue at 2 Consultative Councils and though we all felt very angry we reluctantly agreed to continue to seek engagement through ICTU and the partnership process. The incoming Executive will address this issue and will ensure that we take timely and appropriate action on issues as they arise.

These attacks have left a very bitter legacy and I have no doubt that they were calculated to split the trade union movement between public and private sectors and consequently I was pleased that members from both sectors marched together in the ICTU demonstration on 21

February. It was also heartening to see all ministers and many other members of the Oireachtas distancing themselves from the attack by the former junior minister John Mc Guinness on the public service. In fairness to our politicians most of them have acknowledged the contribution and dedication of the overwhelming number of public servants. In any democracy it is right that politicians should continuously review the services delivered to the public and obviously when the public finances deteriorate they would be negligent if they didn't make every effort to maintain the stability of the public finances. We have at all times said that we would be willing to sit down with Government and offer our suggestions on where savings could be made, this is a genuine offer and it remains on the table.

ICTU needs to regroup and devise a strategy that all affiliates can support. There is no doubt that the pensions question for private sector workers will have to be part of any future deal as will what public services the country expects and an acceptance that these will have to be properly funded. All areas of Government expenditure will have to be properly scrutinised and expenditure on non priority areas will have to be cut back until such time as the public finances improve.

Late last year this Association recognised that there was a problem with the public finances and offered to look at all payroll costs to see how the cuts demanded by the Government might be found. Various suggestions came from the Consultative Councils and from branches. This offer was not taken up at the time but I'm pleased that some of our suggestions have since been introduced. Early retirement without actuarial reduction, extension of

term time and incentivised career break scheme were all proposed by this Association. Depending on the take up of these schemes we may find that there will be serious issues in some areas and that some work will now just not get done and it will be important for members to ensure that they and their staff are not put under pressure to take on unreasonable workloads. The committees in all of our branches will play a vital role in monitoring these issues and ensuring that where reductions occur that there is full acceptance by local management of the need for the remaining staff to be fully consulted about what will be expected of them in this new situation.

For a number of years we have been told not to talk ourselves into a recession. Throughout last year we were continually advised by the Financial Regulator and the Central Bank that our banks were well capitalised and that we needn't worry about them. While your Executive Committee may not be economists, we have for the past 2 years kept a close eye on the unfolding economic mess as we had to make decisions on where to invest the Association's reserve funds. In the summer of 2007 we decided that the markets were too volatile and decided to wait until January 2008. Again at that time we decided that the markets were just too volatile and decided to wait until after the summer to make a decision. When the Government announced the deposit guarantee scheme we jumped on that. If we as an Executive could see this happening, and I'm not pretending that we foresaw the effective collapse of our banking system, then I have to ask the question, what was the Government and those charged with regulating and managing the financial systems actually doing?

There is widespread acceptance that successive Governments have eroded our tax base and that urgent action is required to ensure that it is both widened and restructured to ensure that all our citizens pay their fair share of tax. For too long many sectors of the economy have been able to avoid paying little or no tax on substantial earnings. Tax breaks should be closed or there should be a reasonable overall limit on any exemption granted. Exemptions should only be granted in the context of job creation projects where the exemption is only given when the jobs are realised. As a country we need to move away from the position that we always settle cases and there is a need to bring confidence back into our system by way of enforcing and where appropriate jailing offenders. We need to ensure that the Revenue Commissioners are given the resources to ensure that there is reasonable compliance with the tax system and that where loopholes are identified that speedy action is taken to minimise the loss to the exchequer.

In regard to expenditure on social welfare it is vital in debates on this issue that we protect the most vulnerable in our society. There have been many comments about the extent of fraud with the social welfare system and the potential for even greater fraud given that the system is now under such huge pressure. If people are to be expected to tighten their belts then it is not unreasonable

for them to expect that the expenditure will be properly monitored and fraud will not be tolerated. The question of the disincentive to work will also need to be addressed. It is a sad day when some civil servants would be financially better off on the dole. The administrative burden with too many overlapping and complicated schemes needs to be overhauled to ensure that the ever diminishing resources are well spent. Our welfare system was never intended to make it more beneficial to stay on benefits than to work and this must be addressed urgently.

The Minister for Finance in last October's Budget called for patriotism. Mark Twain defined a patriot as one who always supported their country, and the Government when they deserved it. Over the recent past there has been considerable unease (and not only in this jurisdiction) at the remuneration of politicians and this has had a most corrosive effect on how politics is perceived. Politicians should be properly paid for the job and they should not be tied to a Civil Service rate of pay for this. They also quite properly should be compensated when they have to travel to the Dáil. There is no doubt that the current system of allowances, pension arrangements, employing of family members etc has brought the whole system into disrepute and that it is time for an independent commission to provide clear guidelines as to what is appropriate in the nature of pay and allowances for this work. This is a question of leadership and if we are to hear a call to patriotism we are at the very least entitled to ask what leadership is being shown by our political leaders, of all parties in the Oireachtas. You cannot stand over Oireachtas members claiming mileage when they use their free travel passes, when they are paid overnight rates when they live within the commuter belt and even in Co Dublin, We need to have a properly functioning parliament that the citizens can have full confidence in and be proud of. It is unfair on those members of the Oireachtas who are most professional and have a genuine sense of public service to be equated with those who can't seem to take their noses out of the trough. If confidence is not restored very quickly then this will continue to distract us all from the most serious state of the economy and the national effort to work our way out of the current mess.

There will be more difficult times ahead for everyone living in this country until such time as the economy recovers. There is no point in saying that we didn't gain from the Celtic Tiger or that the boom was all wasted, it patently was not and anyone looking at our infrastructure would have to concede this. All sections of this society gained from the Tiger, albeit to different extents. What is required now is a national effort to ensure that we make best use of our current resources and to this end we need a partnership approach now more than ever. In 1987 when the Programme for National Recovery was agreed there was a common understanding that we could not continue giving large wage increases which were immediately lost to high taxes and inflation. We are now

part of the Euro zone and therefore cannot rely on devaluations to make us more competitive. We need a national plan and we need it now. If we make the right decisions now we may be able to shorten our period in recession but if we fail in this we will only prolong it.

In regard to the organisation of the Association we will face a number of issues that we will need to address over the coming year. Early retirements and non filling of posts will affect our membership levels and we will need to keep a close eye on what that will mean for our representation role and also any risks to our financial stability. I had hoped to meet with more Branch Officers and or Committees during the last year but due to pressure on a number of fronts this did not prove possible. I intend making a concerted effort over the coming months to meet as many of you as possible to get your views on how we are operating and any ideas you may have will be most welcome. We all have busy work commitments but it is vital that we have an active branch structure as this is the backbone of the Association. We will continue to try and get the Government to sort out the mess that is decentralisation. They created this mess and it is a classic example of bad governance. They must move fast to bring it to a conclusion as to leave it as is will just not work.

We will continue to push for a fairer taxation system and that our members are not targeted unfairly again. Times will be tough and there is no point pretending that they will be otherwise but it will be our task to see to it that we are treated fairly and equitably. I would hope that the

trade union movement can remain cohesive as in any situation where we are divided we will all be the losers in the long run.

At times during the past year I have heard comments of what is the point in being in a union when the Government can unilaterally reduce our conditions of service? My answer to that is very simple. Think what they would do to you if you weren't in a union. Delegates in tough times it's more vital that we stick together, remain well organised and display a unity of purpose.

In conclusion could I say thanks to a number of people who have helped me over this past year. Firstly I'd like to thank my fellow Officers and members of the Executive Committee for all their hard work over what has been a most demanding 12 months. The number of meetings of not only the Executive Committee but other meetings placed a very high demand on their time and I wish to acknowledge that. I'll be sorry to see Eoin Faherty and Terry Agnew leave the Committee as their experience and insights added greatly to our deliberations. I wish also to thank all of our Head Office staff for their continued work on all our behalf, and they also had to work considerably harder this year with the ballot, day of protest and just the sheer volume of meetings held. I would also like to thank the many Branch Officers and Committees for keeping this Association relevant to our members as without your efforts we could not function.

Delegates, I hope you all enjoy this conference and we will now continue with the Agenda.

ADDRESS TO CONFERENCE BY AHCPS GENERAL SECRETARY, DAVE THOMAS

Introduction, Chairperson, delegates, guests

The past year has been very important in industrial relation terms with the conclusion of the module 2 of Toward 2016 and the subsequent decision by the Government to break the agreement and to cut public servants pay through a pension levy.

Pay

At last year's Conference I reported that the pay talks were in difficulty and that the different constituent unions of ICTU had different agendas and this would cause difficulty in reaching an agreement. However, the talks progressed slowly and resumed after the summer break and agreement was reached in September. The Association as you know voted overwhelming in favour of this new agreement and it was ratified by the Irish Congress of Trade Unions on 17 November 2008. It is strange to note that agreement was reached and signed off by the Government just over six months ago. This agreement was to include a pay pause of eleven months from the expiry of the first module of 2016 and was to award pay increases from September 2009 and June 2010. In addition it included agreement to pay the benchmarking award of 1.1% for Principal Officers from 1 September 2008. This was signed off at the General Council at its meeting of 28 November, 2008.

As we all know the current economic crisis which started early in 2008 picked up speed in the latter part of the year. This provoked the media and economic commentators into focusing almost exclusively on to the public sector pay bill as the cause of the country's economic difficulties. The economic problems were not caused by the Public Service. I would like to reiterate that the Public Service is not the cause of the economic problems facing the country. Talks in relation to addressing the public finances began with the Social Partners in late January 2009 and a draft framework for a Social Solidarity pact on was agreed. However, as everybody is aware events overtook the talks and the government presented its position to the Dail. They announced that the pay agreement would not be paid and that a pension levy would be imposed on public servants. They also decided to cut the domestic rates for travel and subsistence by 25%. Not only did they break



Dave Thomas,
General Secretary
AHCPS

the pay agreement they also breached the C & A Scheme.

The Executive Council of ICTU met and agreed on a 10-point plan associated with the solidarity pact. They offered to engage with government on this plan. As part of the ICTU strategy it also held a major demonstration on Saturday 21st February in Dublin in which over 120,000 people took part, including a large contingent from this Association who marched behind our banner. The Executive Council of Congress reviewed their campaign and invited affiliated unions to conduct ballots for industrial action up to and including strike action. The Executive

Committee decided to hold a ballot for industrial action for a 1 day stoppage on 30 March which was the date set by ICTU. As you are aware the Association voted by 60% to 40% against the taking of industrial action.

The current economic situation is causing real problems for many of our members. The incomes of our members have been severely hit by a combination of measures; the pension levy, the income levy, the increase in PRSI contributions, and the non-payment of national wage increases and the benchmarking awards. The cumulative effect of these measures has had a heavy financial impact on many of our members. In addition the recently announced early retirement scheme contains a veiled threat to tax the pension lump sum in the future. This Association will strongly oppose any attempt to tax the pension lump sum. Some worrying side affects of the current financial situation are the difficulty that some members are having in returning from career breaks. Many members are being forced to wait a full year after the expiry of their career break before being allowed to return to work. Some of these members are in serious monetary trouble because of their changed financial circumstances. Another difficulty that the Association is having is that those members who are currently work-sharing are not being allowed to increase their working hours or return to work. Again some of these members are experiencing financial difficulties because a partner or spouse has lost their job.

Benchmarking

The media and some commentators have been pillorying the benchmarking process without knowing what the

benchmarking process is and without proposing an alternative to replace it. Our policy over the years has been to have public sector pay compared with the pay of equivalent people in the private sector. The Association has never had the policy that the public service should be the leader in pay but should be paid about the median that is paid in the private sector. Over the years we have made submissions to the Higher Review Body, to Arbitration Boards and to both Benchmarking Bodies and this has always been our position when making submissions to these bodies. Our submissions are based on fairness and if you do not have an independent body looking at pay in the public sector the only way that pay will be sorted out is through industrial action on the streets. This is not good either for the public or the public service itself. The problem with benchmarking in the media's eyes is that it awarded money to public servants and this was the award made in 2001. Nobody in the media has been complaining about Benchmarking Mark 2 which reported last year and made zero awards to the majority of people in the public service so seemingly from the media's point of view benchmarking is ok if it makes a zero award but is wrong if it concludes that an award is due to people working in public service.

It must be remembered that benchmarking was set up to try and deal with a problem which had arisen under the arbitration system. The problem under the arbitration system was that there were marker grades and linked grades. Marker grades went and applied for an increase under arbitration and if they were successful the linked grades would then follow suit. This created a leap frogging effect in pay terms. The benchmarking exercise was an attempt to rationalise public sector pay determination. The problem that this creates is that if the benchmarking body makes awards the cost implications are huge for the Government because they are not staggered and everybody gets paid at the same time. Last year at this Conference a delegate pointed out that this was the problem with benchmarking not the benchmarking process itself.

There is now also a new suggestion that we should benchmark public servants pay against international public servants pay. This is something the Association looked at a number of years ago when it was making its submission to the benchmarking body. However, we found that it was very very difficult to compare the pay of a public servant in one country to a public servant in another. Firstly, what countries do you use, do you use the newer entrant countries to the EU, from Eastern Europe or do you use the richer countries like Germany, France, Sweden and the UK? We found that the remuneration packages that are used differ widely from country to country. Some countries provide accommodation as well as pay, some countries provide school fees for children as part of their remuneration package and the range of benefits that are available to the individual citizens in the different states vary significantly. For example, the health and education

services and the cost of living are different from country to country so we concluded that there was little to be gained from trying to compare public service pay with public service pay in another country.

State Enterprises

The Association also represents members in a number of state enterprises. Our members there are also facing difficulties with their pension funds and with pay. In An Post, Irish Aviation Authority and Eircom there are shortfalls in the pension funds. In An Post a decision on the first payment of module 2 of T2016 which was due from 1 May has yet to be made. In the Irish Aviation Authority the group of unions, which include this Association are at the LRC over that companies proposals to defer the payment of module 2. In Eircom where we have a small number of members on individual contracts, they have been "invited" by management to accept a pay cut in the region of 8%.

I want to turn to our members in FAS. They provide a top class service in a range of training and support services to the wider community. It was disappointing to see the entire organisation and workforce pilloried in the media and by commentators for the sins of a few senior managers. The Association does not condone the abuses that took place but neither does it accept that the hard working and dedicated group of public servants in FAS who are innocent of any wrong doing and who are demoralised by recent events should be tarred with the same brush.

Decentralisation

The decentralisation programme which has been of major concern to members of the Association over the last number of years has come to a sudden stop. Some destinations are going ahead, ones that the Government are contractually committed to. The remainder are on hold pending review in 2011. However, we now have difficulties for some of our members who have signed up to decentralise and made commitments to move house and have now found that the area that they were hoping to decentralise to has now been deferred. We also have people who have been promoted to decentralise to a particularly area and have now found that they are in negative equity in their current house and are unable to decentralise because of the cost involved. Some of these members have been told they will have to revert. We do have to address all the concerns and problems that people find themselves in and we will do this on a case by case basis.

Social Partnership

This week we have just seen the collapse of national pay talks. ICTU is now awaiting a response from the Government and this response could put the whole social partnership at risk. Social Partnership has served the country well over the past 20 plus years. It would be a

shame to see it abandoned. This is a major change in industrial relations in this country and we will have to play our part through the Congress and Public Services Committee to see how the industrial relations machinery will operate in the future. The Public Services Committee of ICTU is meeting next week to discuss these issues.

Lastly, I would like to comment on the early retirement package, incentivised career breaks the non filling of posts, and the moratorium on recruitment and promotion. Those of you who remember back to the 1980's when an early retirement package was brought in, despite all the promises that were made Departments found they had to replace people and the cost to the State was quite significant. This time around people will be let go provided that the Secretary General states that the person will not be replaced. This raises problems across the civil service for us in areas such as Social Welfare which is already starved of staff. It also raises problems for us in areas where people are allowed to retire and the remaining staff have to cover their work. This will happen where people are already working to their limits. We have conducted a number of surveys which show that people are under severe pressure in departments because of workload. It is obvious that

increased workloads on staff remaining will increase this pressure. This is something the incoming Executive will have to address.

Conclusion

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 Brian Ingoldsby and Standing Orders Committee for their customary care and attention to organising Conference business and I especially would like to wish Brian well as he is retiring from the civil service. Brian has been a long standing member of Standing Orders. I want to thank Tom Quigley for his help over the year and a special thanks to Laura Noonan for taking the conference minutes with the assistance of Joe Brennan. I also want to thank the people with whom I work with in the Association, John, Ciaran, Jackie, Dorothy and Pat. 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 ten 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 8 May 2009 and 13 April 2010. Attendances were as follows:

Name	Possible Attendances	Attendances
Peadar Carpenter	16	15
Tom Allen	16	14
Mary McLoughlin	16	11
Allen Joe (resigned)	4	2
Bourke Declan **	10	9
Carney Tom	16	15
Crowther Mark	16	13
Dunne Larry	16	12
Glennon John	16	11
Holleran Noel	16	13
Hughes Eamon	16	10
Hughes John *	15	8
Lehane Ray	16	14
McKevitt Brian	16	14
Noonan Angie *	15	12
O’Gorman Ann	16	12
O’Shea Bernard	16	11
Thompson Billy**	14	11
Walsh Ann (retired)	1	1

* members co-opted following ADC

** Declan Bourke replaced Joe Allen
& Billy Thompson replaced Ann Walsh.

GENERAL COUNCIL STAFF PANEL ANNUAL REPORT 2009

1. Pay

January 2009 saw the introduction of a 1 % income levy on all Public Sector workers. This was followed in March with the introduction of a Pension Levy where the following rates were applied

- 3% on first €15,000
- 6% on next €5,000
- 10% on balance

Following a huge outcry from the Public Sector and massive demonstrations the Government in its April budget decided to revise the levy and in May 2009 the following rates were introduced.

- Nothing on the first €15,000
- 5% on next €5,000
- 10% on €20,000 to €60,000
- 10.5% over €60,000

With the economy in crisis the Government invited ICTU back into talks to discuss how savings could be made in the Public Sector budget. These talks broke down in late July but were resumed again in September. Following a further breakdown in November ICTU members took to the streets in a one-day strike on November 24th.

In the December budget the Public Sector were again hit with further pay cuts. Effective from 1st January 2010 pay will be 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

Circular 28/2009 was issued on 22nd December 2009 showing the new rates for 2010.

2. SMI/Partnership/Performance Management System

2.1 PMDS

While the Staff Side had deferred seeking a review of the PMDS in 2008 the Official Side requested that the sub-committee be re-convened in 2009 to discuss issues in relation to PMDS.

The Official Side were anxious to discuss performance targets while the Staff Side had major concerns in relation to the appeal's process particularly in having an independent review.

Due to the Pay Talks further meetings and discussions did not take place.

3. Decentralisation

There were three meetings of the sub-committee on Decentralisation during the year. There is still no agreement on the draft Loss of Earnings paper which was issued last year. At the request of the Staff Side the Official Side produced lists of decentralised locations that were complete and those that were being deferred.

Please see **Appendices E and F**

4. Equal Opportunities

4.1 Work Life Balance

The Work Life Balance Network was set up to address policy issues and in particular issues raised by Departments/Offices in the Work Life Balance Review. The Network is at present finalising its report and it is hoped this will be available early in 2010.

4.2 Career Breaks

The Department of Finance announced details of a Special Civil Service Incentive Career Break in April 2009. (Circular 13/09)

Established and unestablished civil servants who had satisfactorily completed two years continuous service were entitled to apply for the scheme. To avail of the scheme the career break of special leave without pay must be taken for three years. Special Leave under this circular will not count as service and will not reckon for increment or towards qualifying service for annual leave or promotion. Neither the special leave nor the incentive payment will count for superannuation purposes.

4.3 Bereavement Leave

In August 2009 the Department of Finance issued Circular 22/09, which provides details of special leave with pay, which may be allowed to an officer in the event of the death of a relative:

- (a) Five working days in the case of a spouse including a cohabiting partner, child including adopted children and children being cared for on the basis of "in loco parentis" or any person in a relationship of domestic dependency, including same sex partners.
- (b) Three working days in the case of other immediate relatives i.e. father, step father, mother, step-mother, brother, step-brother, half-brother, brother-in-law, sister, step-sister, half-sister, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather, grandmother or grandchild of an officer.

- (c) One working day in the case of an uncle, aunt, niece or nephew.
- (d) Bereavement leave of five days may be granted to fathers in the event of stillborn or pre- natal death of a child after twenty-four weeks pregnancy.
- (e) There are exceptional circumstances where special leave of up to three days may be granted on the death of a more distant relative.
- (f) Where a person has to travel abroad to make funeral arrangements there is discretion for management to increase the leave available.

4.4 Shorter Working Year Scheme.

In April 2009 the department introduced the Shorter Working Year Scheme, which replaces the Term Time Scheme. The purpose of the new scheme is to permit civil servants to balance working arrangements with family and outside commitments. Under the scheme special leave is available as a period of 2, 4, 6, 8,10 or 13 consecutive weeks. The leave may be taken as a continuous period, or as a maximum of 3 separate periods each consisting of not less that 2 weeks and not exceeding 13 weeks in total. The period of leave is unpaid special leave. Further details of the scheme can be found in Circular 14/2009.

4.5 Incentivised Scheme for Early Retirement.

The purpose of the Scheme is to facilitate the permanent, structural reduction in numbers of staff serving in the civil service and other public service bodies. Details of the package are available in Circular 12/09, which was issued in April 2009.

4.6 McKenna Judgement

Following the ruling of the European Court of Justice and the Labour Court determination, amendments to the Civil Service sick leave arrangements were made and became effective from 27th April 2006. These arrangements apply to pregnancy-related sick leave. These amendments can be found in Circular 15/2009.

4.7 Creches

This year saw the opening of the new creche at Mahon in Cork. The creche is being run by Nurture Childcare and Early Learning Centre. This brings the number of creches operated under the Civil Service Childcare Initiative to seven. Creches are based at Mahon, Cork. Mount St. Dublin, Marlborough St. Dublin, Backweston, Athlone, Sligo and Ennis.

From the 1st January 2009 the department transferred responsibility for the building and maintenance programme for the Civil Service Creches to the Office of Public Works. The Department of Finance continues to retain responsibility for policy matters relating to existing creches, the allocation of licences to operators to run the

creches and has an overall supervisory role in relation to the creches including monitoring the standard of service provided by the operators.

The Civil Service Childcare Initiative Board agreed that there would be no increase in fees for 2010.

4.8 Disabilities

The sub-committee met on several occasions during the year. The Code of Practice remains on the agenda for both the sub-committee and the Disabilities Network who meet on a regular basis. A bi-lateral to discuss the role of Visually Impaired Telephonists and the re-opening of the verification process is to take place in the New Year. There have been some new Disability Liaison Officers trained during the year and a new updated list of all DLO's is to be circulated in the New Year. A conference on Mental Wellbeing in the Workplace takes place on 20th January 2010 in Dublin Castle. Updates are regularly supplied to the website www.disabilities.gov.ie

5. Health and Safety

5.1 There were no meetings of the sub-committee during 2009.

6. Travel and Subsistence Sub-committee

6.1 Motor Mileage

There were two meetings of the sub-committee during 2009. At the March meeting 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 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 have now forwarded a Statement of Case and Terms of Reference in a claim for a review of the motor travel and home subsistence rates to the Civil Service Arbitration Board.

Circular 07/2009 - Motor Travel Rates was issued on 5th March 2009

RATES PER MILE AFFECTIVE FROM 5 MARCH 2009

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc and over
Up to 4000 miles	62.94 cent	74.42 cent	95.05 cent
4001 and over	34.13 cent	38.00 cent	45.79 cent

REDUCED MOTOR TRAVEL RATES AFFECTIVE FROM 5 MARCH 2009

	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc and over
	23.55 cent per mile	26.76 cent per mile	31.36 cent per mile

RATES PER KILOMETRE AFFECTIVE FROM 5 MARCH 2009

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc and over
Up to 6437km	39.12 cent	46.25 cent	59.07 cent
6438km and over	21.22 cent	23.62 cent	28.46 cent

REDUCED MOTOR TRAVEL RATES AFFECTIVE FROM 5 MARCH 2009

	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc and over
	14.64 cent per km	16.64 cent per km	19.49 cent per km

6.2 Subsistence

At its meeting in March 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 and the disagreed General Council report the Staff Side have now lodged a case with the Civil Service Arbitration Board.

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

6.4 Cycle to Work Scheme

In May 2009 the Minister for Finance announced the introduction of the cycle to work scheme for the civil service. The scheme allows an employer to purchase a new bicycle and or bicycle safety equipment up to a value of €1,000 once every five years on behalf on an employee. Circular 16/2009 supply's details of the scheme.

7. Public Service Management Bill

7.1 Grievance Procedure

Staff Side met to discuss draft report provided by the Official Side. As the draft was not approved by the Staff Side it was agreed to meet again with the Official Side for discussions. Following a change in personnel on the Official Side a meeting was held and the Official Side agreed to provide a further document for Staff Side discussion early in 2010.

8. Arbitration Board/Adjudicator

8.1 Arbitration Board

The members of the Arbitration Board who were appointed to 30th June 2009 were: Mr. James Connolly Chairperson, Mr. D. Hunter Government nominee, and Mr. Tom Wall Staff Side nominee.

The Staff Side agreed to the re-nomination of the Board from 1st July 2009 to 30th June 2010 but to date the list of nominees has not gone to Government. Mr. James Connolly resigned as Chairperson and a new Chairperson has not been agreed.

The arbitration list is attached at appendix C

8.2 Adjudicator

The Staff Side agreed to the re-appointment of Mr Kieran Me Govern as Adjudicator from June 2009 to June 2010.

9. Civil Service Disciplinary Code Appeals Board

Ms. Inge Clissman SC was re-appointed as Chairperson of the Civil Service Disciplinary Appeals Board for 2009/2010.

Mr. Tom Fallen was appointed as Deputy Chairperson. The following are the Staff Side nominees to the Board

Mr. Eoin Ronayne	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. Ciarán Rohan	AHCPs

The Official Side nominees are:

Mr. Denis Hodson	Revenue
Mr. Vincent Clohisey	Dept. Social & Family Affairs
Mr. Henry Mitchell	Dept. Justice Equality & Law Reform
Mr. Gerry Maloney	Dept. Justice Equality & Law Reform
Mr. Joe Shortall	Dept. Agriculture
Ms. Michelle Shannon	Dept. Justice Equality & Law Reform
Ms. Susan McGrath	Dept. Arts Sports and Tourism
Ms. Patricia Coleman	Dept. Finance
Ms. Ellis O'Connell	Dept. Defence

10. Staff Panel/General Council

10.1 Staff Panel

During the year there were 10 meetings of the General Staff Panel.

10.2 Move from Conciliation and Arbitration Scheme to using State Agencies

Following a meeting in October 2008 a draft document was agreed and sent to the Official Side for their observations. Following a meeting with the Official Side in June they indicated that legal changes would be necessary. Due to changes of staff at the Official Side further meetings did not take place. It is hoped that a meeting will be held in early 2010 to progress the matter.

10.3 General Council

During the year 4 meetings of General Council took place.

11. Third World Fund

The Fund's Committee of Management met quarterly during the year. The Committee presented its Annual Report at the July Staff Panel meeting. The new website for the fund can be viewed at www.cstwf.ie

12. Civil Service Charities Fund

The Committee held their Annual General Meeting on 9th April 2009. The accounts of the Charities Fund along with the Secretary's report were presented to the May Staff Panel meeting. The Panel adopted the accounts for 2008. 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 2009 will be held on Tuesday 2nd March 2010 at 1pm in PSEU

offices. Constituent unions are asked to nominate at least one representative to sit on the committee for 2010.

13. Appendix A

Claims lodged at General Council 2009.

14. Appendix B

List of General Council reports issued during 2009.

15. Appendix C

Cases heard at Arbitration, Ad Hoc Arbitration under sustaining Progress and Adjudication in 2009

16. Appendix D

Circulars issued by the Department in 2009.

17. Appendix E

Decentralisation – Table 1

18. Appendix F

Decentralisation – Table 2

Conclusion

I would like to thank the Chairperson Mr. John Rossiter for his assistance and co-operation during the last year. I would also like to thank the Vice-Chairperson Mr. John O’Flanagan.

To the General Secretary, Officers and Staff of the PSEU, in whose premises the Panel Office is located, thank you for your assistance, courtesy and welcome advice during the year.

I would like to the Official Side Secretary Aengus O’Riain for his assistance and co-operation during 2009. I would also like to thank all our colleagues in the Department of Finance for their contributions throughout the year.

As this is my last year as Secretary to the Staff Panel, I would like to thank all the constituent unions for their kindness, courtesy and support to me over the last five years. It has been my pleasure to work with each one of you. Can I take this opportunity to wish you all every success in the future.

I would also like to take this opportunity to wish my successor Gerry Malone every success at the Staff Panel.

*Joan Byrne, Secretary
January 2010*

CLAIMS LODGED AT GENERAL COUNCIL 2009

STAFF PANEL	That the Travel and Subsistence rates be reviewed in accordance with the agreed formula under General Council Report.
STAFF PANEL	That all staff are provided with at least a minimum personal workstation floor space of 4.65 square metres. This space includes the space occupied by the officer's desk and chair but does not include pedestals, filing cabinets, waste bins, and any other necessary equipment. Shared or common emergency access is not part of an individual workstation.
STAFF PANEL	To strive to ensure that all buildings be equipped with defibrillators and have staff trained in the use of them to minimise the risk of Cardiac Arrest.
STAFF PANEL	That where staff who are required to use their cars for official purposes, are subject to the car parking levy, the cost involved should be recouped by the employing Department.
STAFF PANEL	To provide for the submission of a medical certificate by the fifth day of absence rather than the third day as currently provided for.
STAFF PANEL	To provide flexi-time credit for the time spent travelling to and from official training courses held offsite and at which officers are required to attend
STAFF PANEL	That the flexi-time carry-over be increased from 11.5 hrs to 12.5 hrs with immediate effect.
STAFF PANEL	Seeking to have paid paternity leave for fathers increased.
STAFF PANEL mechanism.	To amend the PMDS Procedure to provide for an "independent reviewer" appeals
CPSU Scales.	To reduce the number of years/increments required to reach the top of the CPSU Grades
CPSU	To provide for automatic progression to the Higher Clerical Officer pay scale after 10 years service as a Clerical Officer.
STAFF PANEL	To introduce a service incentive payment for officers who have completed 40 years service but who continue to work rather than take retirement.

Appendix B

AGREED REPORTS IN 2009

No	Title	Outcome Recorded
1519	That the Annual Leave allowance of Executive Officers be increased by three days	Disagreement
1520	Travel and Subsistence	Disagreement

Appendix C

The following Arbitration case was heard in 2009:

- Grading of the Deputy Chief Appeals officer in the Department of Social and Family Affairs. The Adjudicator’s findings were in favour of the Staff Side.

There were two cases for adjudication during 2009:

- The transfer of decision making from Social Welfare Local Offices to Branch offices. This matter is still not resolved.
- The outsourcing of the Revenue State Warehouse. This is still not resolved.

Appendix D

Circulars issued by Department of Finance in 2009

No.	Title/Content
01/09	Cursai agus Scoilireachtaí Gaeltachta 2009
02/09	Arrangements for IT Expenditure in the Civil and Public Service
03/09	Use of Electronic Payments by the Public Sector
06/09	Arrangements for e- Government
07/09	Travel and Subsistence Rates
08/09	Civil Service Alcohol & Drug Misuse Policy
09/09	Civil Servants and Political Activity
12/09	Incentivised Scheme of Early retirement
13/09	Special Civil Service Incentive Career Break
14/09	Shorter Working Year Scheme
15/09	Pregnancy related Sick Leave
16/09	Civil Service Cycle to work scheme
22/09	Bereavement Leave
25/09	The Public Service Friendly Society
28/09	Revision of Pay of Civil Servants

Decentralisation Projects Already Advanced or Which Will Continue to be Progressed

Location	Organisation	Posts Moved	Posts to Move	Property Status
Athlone	Education & Science	88	5	Complete
BallinaRoad	Safety Authority	62		Complete
Buncrana	Social & Family Affairs	87	31	Complete
Carrick-on -Shannon (Phase 1)	Social & Family Affairs	159		Complete
Clonakilty	Agriculture, Fisheries & Food	85	1	Complete
Clonakilty	BIM-	6	84	Complete
Clonakilty	Sea Fisheries Protection Authority	47		Complete
Cork	HIQA	44	56	Complete
Killarney	Arts Sports & Tourism	79	42	Complete
Kilrush	Office of the Revenue Commissioners	57		Complete
Limerick	Foreign Affairs	13	45	Complete
Listowel	Office of the Revenue Commissionees	52		Complete
Longford	Irish Prison Service	13	39	Complete
Loughrea	Road Safety Authority	40		Complete
Loughrea	Transport	10		Complete
Naas	1AASA	12	3	Complete
Na Forhacha	Community, Rural and Gaeltacht Affairs	12	1	Complete
Navan	Coroners Service	4	2	Complete
Navan	Garda Civilian HR Division	3	8	Complete
Navan	National Property Services Regulatory Authority	9	1	Complete
Navan	Office of the Director of Probation Service	15	3	Complete
Navan	Office of the Revenue Commissioners	100		Complete
Newcastlewest	Office of the Revenue Commissioners	52		Complete
Sligo	Social & Family Affairs	72	16	Complete
Tipperary Town	Private Security Agency	32		Complete
Trim	OPW	166	168	Complete
Tullamore	Finance	122	8	Complete
Gaoth Dohhair	Foras Na Gaeilge		5	Approved by Government to proceed
Newbridge	Defence		201	Approved by Government to proceed
Newbridge	Defence Forces HQ		43	Approved by Government to proceed
Portlaoise HQ	Agriculture, Fisheries & Food	310	285	Approved by Government to proceed
Roscommon	Property Registration Authority	77	153	Approved by Government to proceed
Tipperary Town	Justice, Equality & Law Reform	63	123	Approved by Government to proceed
Wexford	Environment, Heritage & Local Government	128	142	Approved by Government to proceed

Appendix E *continued*

Decentralisation Projects Already Advanced or Which Will Continue to be Progressed

Location	Organisation	Posts Moved	Posts to Move	Property Status
Athy	Office of the Revenue Commissioners	73		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Birr	FAS	20		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Carlow	Enterprise Trade & Employment	103		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Cavan	Communications, Energy & Natural Resources	57		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Charlestown	Community Rural & Gaeltacht	100		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Claremorris	Office of Public Works	31		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Clifden	Pobal	25		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Dundalk	Sustainable Energy Ireland	11		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Millingar	Education & Science	7		Permanent accommodation not currently affordable - to be reviewed in 201 1
Portarlington	Data Protection Commissioner	23		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Portarlington	Equality Tribunal	8		Advance party in place in Portlaoise - Permanent accommodation not currently affordable - to be reviewed in 201 1
Portarlington	NCCA	12		Advance party in place in Portlaoise - Permanent accommodation not currently affordable - to be reviewed in 201 1
Roscrea	Equality Authority ²	16		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Shannon	Enterprise Ireland ¹	66		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Thomastown	Health and Safety Authority	33		Advance party in place in Kilkenny - Permanent accommodation not currently affordable - to be reviewed in 201 1
Thurles	Garda HO - Fixed Charge Processing Section	66		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1
Thurles	Garda HO - Garda Central Vetting Office	67		Advance party in place - Permanent accommodation not currently affordable - to be reviewed in 201 1

Total Posts already decentralised 3013

Additional Posts to decentralise based on Budget 2010 1387

Total Posts 4400

¹ Includes 40 Shannon Development posts absorbed into EI.

² Implementation will take account of the Rationalisation of State Agencies.

Table 2 – Decentralisation Projects Deferred, Pending a Review in 2011

Location	Organisation	Moves Deferred
Arklow	i NSAI	124
Athlone	Higher Education Authority	64
Athy (<i>advance party in place</i>)	Office of Revenue Commissioners	180
Ballinasloe	National Roads Authority	110
Birr (<i>advance party in place</i>)	FAS	378
Carlow (<i>advance party in place</i>)	Enterprise Trade & Employment	154
Carrickmacross	Social & Family Affairs	85
Carrick on Shannon	Central Fisheries Board	54
Carrick on Shannon (Phase II)	Social & Family Affairs	90
Cavan (<i>advance party in place</i>) - HQ	Communications Energy & Natural Resources	244
Cavan/Portlaoise/Galway	HIQA	80
Charlestown (<i>advance party in place</i>) -HQ	Community Rural & Gaeltacht Affairs	64
Claremorris (Phase I) (<i>advance party in place</i>)	Office of Public Works	73
Claremorris (Phase II)	Office of Public Works	38
Clifden (<i>advance party in place</i>)	Pobal	17
Curragh	Defence Forces	413
Donegal	Social & Family Affairs	258
Drogheda	Social & Family Affairs	499
Drogheda	Transport	37
Drogheda	Citizens Information Board	49
Drogheda	Local Government Computer Service Board	101
Drogheda	Railway Safety Commission	16
Dundalk (<i>advance party in place</i>)	Sustainable Energy Ireland	23
Dungarvan	OSI	206
Edenderry	FETAC	44
Edenderry	HETAC	34
Edenderry	NQA1	18
Enniscorthy	Bord Bia	76
Fermoy	Agriculture Fisheries & Food	100
Gaoth	DobhairForas na Gaeilge	25
Kanturk	Office of Public Works	88
Kildare (Naas)	Finance - CMOD	30
Kildare	Office of the Revenue Commissioners	380
Kilkenny	Environment Heritage & Local Government	62
Kilkenny	Arts Council	49
Killarney	Irish Sports Council	31
Macroom	Agriculture Fisheries & Food	100
Mallow	Faille Ireland163MitchelstownCIE Group	200
Monaghan	Combat Poverty Agency	25
Mullingar - HQ	Education & Science	290
Naas	Health Service Executive	300
New Ross	Environment Heritage & Local Government	125
Portarlington (<i>advance party in Portlaoise</i>)	Equality Tribunal (civil service)	34
Portarlington (<i>advance party in Portlaoise</i>)	NCCA (civil service)	25
Portarlington	NEWB	14
Roscrea (<i>advance party in place</i>)	Equality Authority (civil service)	25
Roscrea	Garda Ombudsman Commission	23
Shannon (<i>advance party in place</i>)	Enterprise Ireland	226
Shannon	Irish Aviation Authority	102
Thomastown (<i>advance party in Kilkenny</i>)	Health & Safety Authority	83
Thurles (<i>advance party in place</i>)	Garda Headquarters CGVU & FCPS	66
Waterford	Environment Heritage & Local Government	225
Wexford	National Building Agency	63
Youghal	Public Appointments Service	100
Youghal	Valuation Office	100

Total 6583

IRISH CONGRESS OF TRADE UNIONS PUBLIC SERVICES COMMITTEE

Affiliated Membership and Delegates – 2009

UNION	MEMBERS	DELEGATES
AHCPS	3,200	4
AMICUS	2,100	3
ASTI	18,064	9
ATGWU	1,000	1
BATU	1,000	1
CPSU	12,775	7
IFUT	1,832	2
IMO	5,410	4
IMPACT	58,500	21
INO	39,000	14
INTO	31,346	16
MLSA	1,975	2
OPATSI	350	1
POA	3,441	4
PSEU	11,250	6
SIPTU	49,000	19
TEEU	1,000	1
TUI	15,417	8
UCATT	2,500	3
VOA	325	1
TOTAL	259,485	127

**PUBLIC SERVICES COMMITTEE
ANNUAL REPORT 2008/09**

1. MEETINGS

1.1 As has been the practice in recent years the work of the Public Services Committee was conducted through three Committees who had regular meetings including negotiations with the Official side on Pay, Pensions, Modernisation and Change etc.

2. THE ECONOMIC CRISIS

2.1 Towards 2016 was a National Programme which set a ten year framework covering the period 2006 to 2016. Module I covered 27- Months and was centred around an Agreement on Pay and Workplace Issues. This was to be followed by a Review of the Ten- Year Programme and the negotiation of a further agreement on Pay and Workplace Issues.

2.2 The negotiations on the Review were extremely difficult. The negotiations broke down at the beginning of August, 2009 but were resumed again, as a result of a request by the Taoiseach, in September.

2.3 The results of the negotiations were in two parts - a Review of the General Terms of the Ten-Year Programme and a new Agreement on Pay and Workplace issues for a period of 21 Months.

2.4 In essence, the General Terms of the Programme continued, adjusted, as required, to take account of changed Economic circumstances and, thus, the new Module of the Programme concentrated mainly on a new Agreement on Pay and Employment-Related proposals.

2.5 Module II provided for an agreement covering 21 Months from the end of the Agreement under Module I.

2.6 In the case of the Public Service, the final increase under Module I of Towards 2016 Progress (2.5%) was applied from 1 September, 2008 and the agreement expired on 30 September, 2008.

2.7 Module II of Towards 2016 covered the period 1 October, 2008 to 30 June, 2010 in the Public Service and provided for a pause of 11 Months from the end of the Agreement under Module I of Towards 2016 followed by increases in two phases of 3.5% (9 months), and 2.5% (1 month).

2.8 The application of the increases in the Public Service was due to be as follows:

Phase I	1 September, 2009	3.5%
Phase II	1 June, 2010	2.5%

2.9 The Second Phase of 2.5% was due to be increased to 3% in the case of workers whose weekly pay was at or less than €430.49 per week (€22,463 per annum).

2.10 In July, 2008, it became clear that, as a result of the economic downturn., Tax Revenue was going to fall below the level expected in the Budget for 2008. The expectation was that Revenue would come in at €3 Billion below Budget. The Government announced a number of measures to effect savings in expenditure. In addition to a number of other measures, all Departments, State Agencies and Local Authorities - other than Health and Education - were required to reduce their payroll bill by 3% by the end of 2009. The savings were estimated to deliver €440 million in 2008 and €1,000 million in 2009. The Government stated that, even with these savings, the fiscal position in 2009 would be demanding and that all spending would have to be rigorously controlled.

2.11 Over the Autumn of 2008, increasing pressure came on the Banking System commencing with the Banking Crisis in the United States. Eventually, at the end of September, 2008. the Government decided to put in place a guarantee arrangement to safeguard all deposits, covered bonds, senior debt and dated subordinated debt with the Irish Banks.

2.12 The Government also decided to advance the date of the Budget for 2009 from December to October.

2.13 In the Budget for 2009 introduced into Dail Eireann on 14 October, 2008 announced a series of Spending and Revenue measures. The effect of the Revenue measures was designed to raise almost an additional €2 Billion in 2009. The estimate of Tax Revenue in 2009 was €42.8 Billion. When account was taken of non-tax Revenue of €0.7 Billion, Total Revenue was projected at €43.5 Billion. Total Current Expenditure in 2009 was estimated at €48.2 Billion, giving rise to a current deficit of €4.7 Billion. The Deficit on the Capital Account was estimated at €8.7 Billion so that the Overall Exchequer Deficit was estimated at €13.4 Billion or a General Government (Deficit) Balance of €12,162 or 6.5% of GDP.

2.14 As the remainder of 2008 proceeded, Unemployment, which had been increasing earlier in the year, began to increase at a more rapid pace and the Monthly Exchequer returns showed a continuing, and increasing, fall in Revenue.

2.15 While these developments were unfolding, the media, and some political elements were loud in their demands for cuts in Public Service Pay (which would also, of course, involve cuts in Public Service Pensions as they are tied to pay) and the same held true for suggestions for freezing of increments.

2.16 The Public Services Committee made it plain that, whatever the action to be taken, the Public Service Unions would adamantly oppose cuts in pay, if necessary by industrial action.

2.17 The Government Published figures on 9 January which showed the following projections for the Exchequer Position from 2008 to 2013 if no action were taken:

Year	2008 and Projections to 2013					
	2008	2009	2010	2011	2012	2013
CURRENT ACCOUNT		€Billion				
Tax Revenue•	€40.8•	€37.0•	€36.9•	€38.4•	€40.5•	€42.9
Other Revenue•	€0.8	€0.7•	€0.7•	€0.8•	€0.8•	€0.8
Total Revenue•	€41.6•	€37.7•	€37.6•	€39.2•	€41.2•	€43.7
Current Expenditure•	€44.7•	€49.0•	€52.0•	€54.7•	€56.6•	€59.0
Current Balance	(€3.1)	(€11.3)	(€14.4)	(€15.5)	(€15.4)	(€15.4)
CAPITAL ACCOUNT						
Surplus/(Deficit)	(€9.6)	(€8.7)	(€8.5)	(€8.3)	(€9.7)	(€9.2)
EXCHEQUER BALANCE	(€12.7)	(€20.0)	(€22.9)	(€23.8)	(€25.1)	(€24.6)
Total Borrowings 2008 to 2013						(€129.0)

2.18 As a result, the Government produced a Plan for Stabilisation of the Exchequer over the period 2009 to 2013. This plan involved adjustments to Current Public Expenditure and or Taxes over the years 2009 to 2013 as follows:

Adjustments on Current Budget by reference to 2009 before Adjustment					
	€ Billion				
	2009	2010	2011	2012	2013
2009 Adjustment	€2.0•	€2.0•	€2.0•	€2.0•	€2.0
Plus 2010 Adjustment	•	€4.0•	€4.0•	€4.0	•€4.0
Plus 2011 Adjustment	•		€4.0•	€4.0•	€4.0
Plus 201 2 Adjustment				•€3.5•	€3.5
Plus 201 3 Adjustment	•				€3.0
Total Adjustments	€2.0•	€6.0•	€10.0•	€13.5•	€16.5

2.19 The effects of the Government's Plan on the Current Budget are shown in the following table:

Effect of the Adjustment Plan on Current Budget

€ Billions

Year	2009	2010	2011	2012	2013
Balance before Adjustment	(€11.3)	(€14.4)	(€15.5)	(€15.4)	(€15.4)
Total Adjustment•	€2.0	€•6.0	•€10.0	€13.5•	€16.5
Balance after Adjustment	(€9.3)	(€8.4)	(€5.5)	(€1.9)•	€1.1
GNP•	€149.0•	€148.5•	€154.3•	€162.8•	€171.4
Balance as % of GNP	(6.2%)	(5.6%)	(3.6%)	(1.1%)	0.7%

2.20 The significance of the adjustment is truly enormous. If the total adjustment of €16.5 Billion by 2013 were to be made up half and half by reductions in Expenditure and increases in Taxation, this would mean that, by reference to 2009, taxes would have to increase by over 20% and Expenditure would have to reduce by about 17%.

2.21 An indication of the scale of the changes involved can be gauged from the fact that current expenditure on the Health Service (HSE) came to about €11.7 Billion in 2008 and that the Total Income Tax Receipts for 2008 came to €13.2 Billion.

2.22 The reaction of the ICTU was to seek to develop a Social Solidarity Pact involving the Government and the Social Partners with a view, to seeking to solve the problem as it was recognised that a "No Action" approach was simply untenable.

2.23 The discussions between the Government and the Social Partners on the Economic Crisis commenced on Friday, 23 January, 2009.

2.24 A major complication, from the first, was a letter which the IBEC sent to Congress that day indicating a desire, effectively, to withdraw from the Pay Agreement in respect of the Private Sector which would have serious implications for all workers outside the Public Service.

2.25 Notwithstanding these complications, the Government and the Social Partners reached agreement on a Framework for a Pact for Stabilisation, Social Solidarity and Economic Renewal on 29 January.

2.26 The Framework stated that, in the context of Delivering the Exchequer Stabilisation Framework,

the Government and Social Partners agreed that a credible response to the fiscal situation required a further adjustment at this stage of the order of €2 billion in 2009. In addition to this immediate adjustment required in 2009, the Government and Social Partners agreed to work together under the Pact to support the further adjustments required to reduce the General Government Deficit below 3% over the remainder of the five year period.

2.27 Having agreed the Framework, the ICTU and Government and the other Social Partners engaged in discussions with a view to agreeing measures which would translate the principles of the Framework into practical operational terms – most particularly the measures necessary to achieve the adjustment of the order €2 Billion in 2009.

2.28 There were three essential features of a possible agreement:

- (a) an arrangement which would see IBEC participate fully in the Pay Agreement again;
- (b) fleshing out some of the principles of the Framework for immediate action – most particularly in relation to the following:
 - Use of increased taxation to make up at least some of the €2 Billion adjustment in 2009
 - Action to protect Private Sector Defined Benefit Superannuation Schemes where a large number are likely to collapse this year
 - Action to protect and grow business in order to protect employment where possible
 - Beefing up Training and re-training schemes for the unemployed and people threatened with unemployment
 - Action to protect family homes from repossession where mortgages fall into arrears and where the borrowers are making genuine efforts to cope with the problem
 - Action on control of Executive Remuneration in the Private Sector, including the Banks
- (c) the adjustment of €2 Billion in the Deficit for 2009 agreed in the Framework which is focussed on Public Service Pay Costs.

2.29 The Government indicated that it proposed that Public Service Pay and related costs should make a contribution of €1.4 Billion to the overall adjustment of €2 Billion. The main elements of the measures proposed by the Government Side to reduce public service pay costs in 2009 were as follows:

- (a) non-Payment of the Pay Increases scheduled under Towards 2016, Module II in the 2009 and 2010;

(b) an increased pension contribution on all pay of 3% on the first €15,000 of earnings (including basic pay, allowances overtime, shift etc.) 6% on the next €20,000 and 10% on the Balance;

(c) a 25% reduction in Domestic Travel and Subsistence Rates.

2.30 As it turned out, it was not possible to get to a situation where IBEC committed to participation in the Pay Agreement fully again. There was little progress made on fleshing out the Principles of the Framework for immediate action - albeit mainly because of want of money which is simply not available.

2.31 In addition, there was lack of agreement on the Public Service Pay measures which focussed on a reduction in Public Service Pay and related costs.

2.32 As a result, the negotiations broke down on the morning of Tuesday, 3 February.

2.33 The Government proceeded to take decisions on the €2 Billion reduction in the Deficit later that day which followed the proposals made in the discussions before they broke down, along with certain other reductions in expenditure.

2.34 Arising from Meetings of the Public Services Committee and the ICTU Executive Council, it was decided to adopt a Ten Point Plan to respond to the Economic Crisis and to hold a protest demonstration in support of same on 21 February with the aim of recommencing the discussions which had broken down at the start of February.

2.35 This protest was extremely successful and involved over 120,000 people.

2.36 In the final few days of February, the Oireachtas enacted legislation providing for the implementation of the Pension Levy from 1 March, 2009.

2.37 Unions in the Public Service reacted in different ways to the situation as it developed, including the taking of Ballots on industrial action and the taking of industrial action.

2.38 The ICTU Executive Council decided to call for a strike on 30 March across the economy in support of the ICTU position.

2.39 In the context of the Exchequer Statement for the end of February which was published at the beginning of March, the Government indicated a further revision downward of its Tax Revenue expectations for 2009 to a figure of the order of €34 Billion and, primarily in the context of increasing

unemployment, a revision upwards of Expenditure. In total, the worsening in the projected Exchequer Balance was of the order of €4.5 Billion, *after* taking account of the adjustment of €2 Billion made by the Government at the beginning of February.

2.40 Following contacts between ICTU and the Government during March, the Government invited ICTU and the other Social Partners to further discussions with a view to achieving a Social Partnership agreement. The Executive Council agreed to accept this invitation and deferred the strike proposed for 30 March.

2.41 These discussions are still in progress at the time of writing this report.

3. PAY REVIEWS THROUGH BENCHMARKING

3.1 Under the terms of the agreement on the Second Pay Module of Sustaining Progress, there was an agreement to the effect that a second Benchmarking exercise would take place. The Benchmarking Body was to commence its review by the second half of 2005 and report in the second half of 2007.

3.2 The Benchmarking Body's Report was finalised at the end of December, 2007 and published on 10 January, 2008. With the exception of a small number of grades coming within its remit, the Body concluded that there was no basis recommending an increase in pay. The grades where awards were made and the awards involved were as follows:

Principal Medical Officer	15.0%
Assistant Director of Nursing (Non-Band 1 Hospitals)	10.0%
Director of Nursing Band 3 Hospitals	10.0%
Director of Nursing Band 1 Hospitals	10.0%
Radiography Service Manager II	9.2%
Principal Social Worker	8.0%
Clinical Nurse Manager III	6.8%
Local Authority Senior Executive Officer	5.0%
H.S.E. Functional Officer	5.0%
Emergency Medical Technician (Ambulanceman)	5.0%
School Principals Allowance - Varies - Approx	4.0%
Chief Medical Scientist	2.1%
Civil Service Principal	1.1%
Chief Technical Officer (Universities)	1.0%

3.3 Features of the Report which were noteworthy included:

- (a) The overall cost of the salary increases proposed comes to about 0.3% of public service pay;
- (b) the Body had conducted an analysis of Public Service Pension Provision by comparison with Private Sector Pension Provision and had concluded that that the difference between the two was worth an overall discount amounting to 12% of pay;
- (c) Following application of the discount, the Body compared the weighted average of the remuneration of the public service grades covered by its terms of reference with the weighted average of the remuneration of jobs of comparable size in the private sector.
- (d) Where the comparison between remuneration levels in the public service and the private sector, on the basis showed that the remuneration of a public service grade was below private sector levels, the Body recommended an increase. In other cases no increase was recommended.

3.4 The Public Services Committee of ICTU issued the following statement on 10 January, 2008:

Today's report of the Public Service Benchmarking Body (PSBB) is a lengthy and detailed document, which will require careful study over the coming days and weeks. However, the first reaction of most public servants will be disappointment and many will inevitably be angry.

Even on an initial reading of the report it is clear that its conclusion, that most public servants should receive zero, has been shaped by two PSBB decisions: one to change its methodology from that used in the first exercise and, two, to impose a much higher premium on pensions than was used in the first exercise.

The ICTU Public Services Committee accepts that any increases recommended by the PSBB must be supported by the evidence in its surveys of public and private sector pay and benefits. However, it is inevitable that public servants will conclude that the PSBB's decision to change its approach was influenced by relentless criticism of the first report and of the benchmarking process itself. This despite the fact that one of the main criticisms, the myth that public servants earn 40% more than private sector workers, is utterly dismissed by the PSBB report itself.

The PSBB acknowledged that its change of methodology is "open to criticism" yet it gives no reason for the change. Many will conclude that the change was simply designed to minimise the pay awards.

Pensions

It is clearly unfair that the thousands of public servants on low and middle incomes have had their pensions valued at 12% of salary, almost the same as those on six figure salaries whose pensions were valued at 15%. A departmental secretary general, who will retire on a pension of €150,000 a year, may see this as fair. A low paid special needs assistant with little job security or pension expectations will not.

Implications for pay talks

The Public Services Committee believes that the report presents the Government and employers with a huge challenge going into next month's pay talks, which are now the only mechanism available to protect living standards for all workers – public and private – against a backdrop of higher than expected inflation.

Unions, public and private, will be more united than ever on pay, the growing gap between top managers and ordinary workers, and issues like the exploitation of agency workers.

The benchmarking report covers some 300,000 workers – or a sixth of the total workforce – most of whom have traditionally been supporters of national agreements. The forthcoming pay talks will now have to deliver pay increases significantly above inflation. The Government and employers should be under no illusion. Failure to produce an acceptable deal will create a very real risk of rejection by the workers that have hitherto been the bedrock of social partnership.

Public service modernisation

The benchmarking report also presents the Government with a challenge over the future of public service modernisation. Since benchmarking was established, pay policy has been the main driver of change in public service working practices and working conditions. (This is also true of the private sector where big changes in banking, finance, aviation and other sectors have been oiled by pay settlements above those set out in national agreements).

The Public Services Committee welcomes the PSBB's acknowledgement that there have been significant advances in public service modernisation. The public still expects and deserves better services, but the Government will have to rethink its entire approach to public service modernisation in the aftermath of today's report.

The Public Services Committee will be making more detailed comment on the report in the coming days.

3.5 The Negotiation Committee of the ICTU met on 11 January, 2008 to consider the Report and agreed to consider the matter again at a later meeting when the various Unions had had an opportunity to consider the Report.

3.6 At that subsequent meeting, the reactions of the various Unions to the Report were discussed and the

general consensus reached was that it would be necessary to discuss the future system of Public Service Pay Determination in the context of the then forthcoming discussions on the Second Module of Towards 2016 with a view to coming up with a system which would have general support.

- 3.7 The implementation of the increases recommended by the Body were also to be dealt with in the context of these negotiations.
- 3.8 The agreement under Towards 2016 provided that the essence of the conditions concerning industrial peace, co-operation with modernisation and change and Performance Verification provided for under Sustaining Progress would continue.
- 3.9 In the context of the First Benchmarking Exercise, the rates of pay for the craft grades and the related non-nursing and general operative grades outside of Dublin had been set by a parallel benchmarking process. Under the terms of the agreement on the Second Pay Module under Sustaining Progress, it was agreed that the arrangements in relation to the next parallel benchmarking process would be the subject of discussions between the parties. Such discussions took place and certain areas of disagreement on the processes involved were referred to the Labour Court which issued a recommendation which was accepted by the parties.
- 3.10 The parties did not agree on the outcome of the actual exercise with the result that the matter was referred to the Labour Court. The matter is still before the Court at the time of writing.
- 3.11 Module II of Towards 2016 provided for the payment of these increases up to a limit of 5% from 1 September, 2008. The issue of the payment of any balances was to be discussed between the parties in the context of any successor to the Pay Agreement under Module II.
- 3.12 Given the reaction to the Second Report, the Union Side pressed the need for a fundamental review of the Benchmarking process. Against this background, the Public Service Pay Agreement under Module II provided that, over the course of the agreement, the parties would conduct a joint review of the benchmarking process. It was envisaged that the review would consider the manner in which benchmarking had operated, the terms of reference for future reviews, the methodology to be used and the basis for comparisons between remuneration in the public service and the private sector.
- 3.13 Concerns expressed by the Public Services Committee of the Irish Congress of Trade Unions in

relation to these and other matters relating to benchmarking would be covered in this review. It was intended that these discussions would also focus on the development of a more citizen-centred approach to public services (including the impact of the OECD Report on the Public Services) and consideration of how this might be comprehended as part of the benchmarking process.

- 3.14 Sanction for the payment of the increases awarded in the Second Benchmarking Report up to the limit of 5% provided for in the Second Module of Towards 2016 did not issue before the end of 2008 and the matter was raised in the discussions which took place between ICTU and the Government at the end of January/beginning of February. The Official Side indicated that, in the context of agreement in those discussions, this sanction would issue. However, as mentioned above, agreement was not reached at the time.
- 3.15 It is anticipated that the issue will arise again in the discussions taking place at the time of writing this Report mentioned above.

4. PUBLIC SERVICE MONITORING GROUP

- 4.1 Under the terms of the PPF, it was agreed to establish a Public Service Monitoring Group (PSMG) to oversee implementation of any future public service pay agreements (whether forming part of an overall national programme or otherwise).
- 4.2 The PSMG deals with any overarching issues that arise in implementing these agreements as well as any other issues which both sides agree would help to improve the operation of public service pay and industrial relations arrangements.
- 4.3 Membership of the PSMG comprises an equal number of Employer Side and PSC representatives. The PSMG determines its own procedures and the attendance can be varied to take account of the agenda. It is open to either side to raise issues relevant to its terms of reference.
- 4.4 The PSMG was continued under Towards 2016.

5. REPORT OF THE COMMISSION ON PUBLIC SERVICE PENSIONS

- 5.1 The Report of the Commission on Public Service Pensions was published on 31 January, 2000. (A summary of the Recommendations of the Commission was included in the Annual Report of the Public Services Committee for 2004/05).
- 5.2 The Chairperson of the Commission was Professor Dermot McAleese, TCD. The members included

Senator Joe OToole, General Secretary, INTO; Brendan Hayes, SIPTU and Dan Murphy, General Secretary, PSEU, as well as senior Civil Servants, representatives of industry and experts in the superannuation field. During 1997, Rosheen Callender, SIPTU, replaced Brendan Hayes on the Commission.

5.3 The trade union members of the Commission had reservations on certain aspects of the Report of the Commission.

Establishment of Joint Working Group

5.4 The PPF provided for the establishment of a Working Group of the public service unions, relevant Government Departments and other appropriate parties will be established to advise on the implementation

5.5 In 2001 the Government decided to accept the thrust of the package of reforms recommended by the Commission and to proceed with the establishment of the Working Group provided for in the PPF.

First Report of Joint Working Group

5.6 The Working Group completed its Report in October, 2003. A copy of the Working Group's Report was appended to the Annual Report of the Public Services Committee for 2003/04.

Budget Statement for 2004 and New Legislation

5.7 Following receipt of the Report of the Joint Working Group, the Minister for Finance made a number of announcements in his 2004 Budget Speech in Dail Eireann in December, 2003.

5.8 The most significant announcements were as follows:

- new minimum pension ages for new entrants to the Public Service (65 in most cases)
- abolition of the compulsory retirement age of 65 for new entrants, subject to suitability and health requirements
- the Government had decided not to accept the Commission's recommendations in relation to the introduction of an additional 1% pension contribution or the use of a new index for the purpose of determining pension increases.
- the existing method of determining pension increases remains in place
- Amendment of the existing formula used for integrating public service and social welfare pensions so as to make better provision for

current and future staff on lower pay levels as recommended by the Joint Working Group in its Report of October, 2003

- Introduction of a single Additional Voluntary Contribution type scheme - Scheme for Public Employees Additional Retirement Savings (SPEARS) - for the public service.

5.9 The Minister also indicated that he would examine the feasibility of implementing the Commission's recommendation for the payment of survivor's pensions to non-spousal partners and also the possibility of providing for some form of optional early retirement with payment of actuarially reduced benefits, which would have a cost neutral effect, as recommended by the Commission.

5.10 Arrangements were made to reconvene the Joint Working Group to go into the details involved.

5.11 The Joint Working Group met on several occasions. These meetings overlapped with the introduction of legislation - the Public Service Superannuation (Miscellaneous Provisions) Bill 2004 – on the implementation of the new pension ages for new entrants (on or after 1 April, 2004) and the abolition of the compulsory retirement age of 65 for new entrants.

5.12 The legislation to give effect to these changes was enacted in March, 2004.

Second Report of the Joint Working Group

5.13 Discussions between the Public Services Committee and the Official Side on a range of other recommendations of the Commission continued on the other recommendations of the Commission which were not covered by the legislation.

5.14 As a result, the Working Group came up with a report which divided all of the Recommendations of the Commission into one of four categories:

- (a) Commission recommendations on which agreement was reached at the Joint Working Group
- (b) Commission recommendations requiring further consideration
- (c) Commission recommendations which have been implemented or are in the process of being implemented
- (d) Commission recommendations which do not form part of current pension reform package

(A summary of the Recommendations of the Commission was included in the Annual Report of the Public Services Committee for 2004/05).

5.15 The Report was completed in May 2004 and referred to the Minister and Government for consideration and, as a result, the Government approved the Report for implementation.

Implementation

5.16 The main changes agreed are as follows:

- (a) early retirement on an actuarially reduced basis
- (b) an improved arrangement for dealing with integration with the Social Insurance Scheme for the benefit of low-paid public servants
- (c) Pro-Rata integration with the Social Insurance System for Part- Time Workers, including work-sharers
- (d) A further option to join the Spouses' & Children's Pension Scheme for Teachers who had not had an opportunity of joining the revised scheme
- (e) A new scheme for notional added years of service for new entrants
- (f) Reduction of the Interest Rate in case of refund of marriage gratuities
- (g) Reckoning of the average of best three years of allowances in 10 years preceding retirement.

5.17 It was agreed that circulars would be issued by the Department of Finance to employing bodies implementing these changes. Discussions have been taking place on the detailed texts of the circulars before they are issued.

5.18 Circulars issued on items (a) to (g) above. Issues to be discussed Further

5.19 There were a number of recommendations of the Commission which were to be discussed further. These include:

- The introduction of a single AVC-type scheme called the Scheme for Public Employees' Additional Retirement Savings (SPEARS) for the public service as a whole
- Dependants' Benefits, including the position of partners who are not spouses, the cessation of pension on re-marriage or cohabitation and a nomination system for beneficiaries for death gratuity
- Working at lower levels of responsibility prior to retirement without unduly affecting pension rights ("Step-Down")
- Refunds of contributions in excess of 40 years of contributions (this was not a recommendation of the Commission but was raised by the trade union side in the discussions)

SPEARS

5.20 It has been agreed to establish joint working parties on Dependants' Benefits and SPEARS.

5.21 Progress on the issue of SPEARS has been slower. It has not been possible to devote attention to it over the past year due to the concentration on other issues.

Dependants' Benefits

5.22 The Joint Working Party on Dependants' Benefits finalised its work in 2007/08. The Report of the Joint Working Party was published as an Appendix to the Annual Report of the Committee for last year.

5.23 Unfortunately, at the time of writing, the Recommendations in this Report have not yet been implemented.

"Step Down" Prior to Retirement

5.24 As mentioned above, another recommendation of the Commission Public Service Pensions concerned working at lower levels of responsibility in the lead-up to retirement. The Recommendation was:

Recommendation No 2: *Public servants should be allowed to work at a lower level of responsibility prior to retirement without unduly affecting their pension rights – i.e. benefits accrued prior to change in work pattern should be 'frozen'.*

5.25 The idea here is that a person might, say, have worked in a certain grade (Say Grade 1) for a number of years and then, when approaching retirement, wants to "ease off. He/she has 35 years service at that point. He/she then reverts to being a Grade 2 and retires 5 years later. The pension would then be based on 35 years service based on the Grade 1 Salary and 5 years service based on the Grade 2 salary.

5.26 This has been outstanding for some time in the discussions with Finance. Finance have now indicated that (subject to approval by higher management) they have in mind drafting a circular to put in place arrangements to freeze superannuation benefits accrued at the higher grade for public servants aged over 50/55 years who are permitted to revert to a lower grade. This would be in the form of an "enabling" circular. It would not require public service employers to facilitate voluntary reversion as that might actually be possible in all cases.

5.27 The Public Services Committee received a draft circular from the Official Side on the matter in December and some observations have been submitted to the Official Side on the draft.

Maximum of 40 Years' Contributions

5.28 The issue of refunds of contributions after 40 years contributions have been paid has been under discussion with the Official Side for some time. The matter was discussed with the Official Side on a number of occasions in 2006. Eventually, the Official Side indicated that they were not prepared to accede to the Union Side's position. However, the Union Side asked the Official Side to consider the matter again – at least in respect of contributions paid before the final 40 years of contributions.

5.29 The final response of the Official Side on the issue was negative as set out in the following letter dated 6 August, 2008 from the Department of Finance:

I refer to my letter of 25 October 2006 and subsequent discussions concerning the question of a possible refund of pension contributions after 40 years' service. As agreed, the matter has been given further consideration in this Department. Following this review I regret to say that it has not been found possible to agree to any change in existing practice for a number of reasons.

Most public servants make explicit pension contributions towards their main scheme benefits. Pensionable salary for these public servants is generally 5% higher than for their counterparts who do not make contributions. A refund as sought would have the effect of increasing the differential between the two groups involved and as such would be undesirable and unjustifiable.

The value of superannuation benefits continues to increase beyond the 40 year threshold i.e. increments/promotion/pay increases (occurring after 40 years service) are reflected in the pension and superannuation lump sum ultimately payable on retirement.

Unlike public service Spouses' and Children's Pension Schemes, where the costs are generally shared between the employers and employees, in the Main Scheme the employer contribution represents just a small element in the overall cost of providing benefits. The recent Benchmarking Body Report valued the cost to the employer of public service pensions at 20% of salary with contributory employees paying, on average, around 5% (the employer therefore bears at least some 80% of the cost).

Finally, the claim for refund of contributions has to be placed in the context of the overall imperative of securing long-run sustainability and affordability in pension provision in Ireland, as set out in the recent Green Paper on Pensions. In that context it would not be considered timely or appropriate to implement improvements of the type sought in the absence of a compelling case for change.

6. REPRESENTATION ON VARIOUS GROUPS

6.1 The representation of the Committee on various bodies is as follows:

Negotiating Group

Peter McLoone	Chair & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Blair Horan	CPSU
Dave Thomas	AHCPS
Brendan Hayes	SIPTU
John Carr	INTO
Peter MacMenamin	TUI
Liam Doran	INO
John Clinton	POA
Finbarr Murphy	IMO
Mike Jennings	IFUT
John White	ASTI
Terry Casey	MLSA
Shay Cody	IMPACT
Tom Geraghty	PSEU
Liam Berney	ICTU
Dan Murphy	Secretary & PSEU

Public Service Monitoring Group

Peter McLoone	Chair PSC & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Brendan Hayes	SIPTU
Blair Horan	CPSU
John Carr	INTO
Liam Doran	INO
Peter Nolan	IMPACT
Peter MacMenamin	TUI
Dermot Mahon	MSF
Dan Murphy	Secretary PSC & PSEU

Joint Working Group on Pensions

Peter McLoone	Chair & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Blair Horan	CPSU
Dave Thomas	AHCPS
Brendan Hayes	SIPTU
Billy Noone	INTO
Peter MacMenamin	TUI
Dave Hughes	INO
John Clinton	POA
Finbarr Murphy	IMO
Mike Jennings	IFUT
John White	ASTI

Terry Casey	MLSA
Shay Cody	IMPACT
Tom Geraghty	PSEU
Liam Berney	ICTU
Dan Murphy	Secretary & PSEU

7. OFFICERS OF THE COMMITTEE

7.1 The Officers of the Committee elected at the 2008 Annual General

Meeting were:

- Chair: Peter McLoone (IMPACT)
- Vice-Chair: Matt Merrigan (SIPTU)
- Secretary: Dan Murphy (PSEU)

As Delegates to the Committee will be aware, I am due to retire as General Secretary of the PSEU at the end of April so that this is the final Annual Report I will prepare for the Committee since becoming Secretary (pro tern!) of the Public Services Committee in 1969. In that context, I would like to express my thanks to Peter McLoone and Matt Merrigan as Chair and Vice-Chair of the Committee for making the job of Secretary so much easier than it might otherwise have been. I would also like to thank them, their predecessors and all of the Delegates for their comradeship, co-operation, advice and above all their trust and friendship over the years.

As a Committee, we have travelled through many stages. We have had many successes and made considerable advances for trade union members over the years and also have had to surmount many difficulties.

The one thing that I have learned, above all, is that we have secured these achievements and prevailed over the challenges through working together in a sensible way. While there can be differences between the various sectors of the Public Service as well as differences of emphasis between Unions, there is far more uniting us than dividing us and this fundamental solidarity is what has enabled us to be successful.

We are now confronted by major challenges because of the economic circumstances in which we find ourselves. However, if we continue to work together and build on the solidarity we have constructed over the years, I have no doubt that, while it will be very difficult, we can also come through these trials and I wish the Committee and, in particular, my successor every good fortune with the tasks in hand.

Daniel Murphy, Secretary
April 2009



OFFICERS' REPORT AND FINANCIAL STATEMENTS



Association of Higher Civil and Public Servants

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**for year ended
31st December 2009**

Friendly Society Registration Number: 591T

Power & Associates, Chartered Certified Accountants, Registered Auditors
1 Sussex Street, Dun Laoghaire, Co. Dublin

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Officers and Other Information

OFFICERS

Peadar Carpenter	(Chairperson)
Tom Allen	(Vice - Chairperson)
Mary McLoughlin	(Treasurer)

TRUSTEES

Brian Murnane
Margaret Kelly
Sean MacDonald

GENERAL SECRETARY AND HEAD OFFICE

Dave Thomas	Fleming's Hall, 12 Fleming's Place, Dublin 4.
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AUDITORS

Power & Associates	1 Sussex Street, Dun Laoghaire, Co Dublin.
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SOLICITORS

McGarr Solicitors	12 City Gate, Lower Bridge Street, Dublin 8.
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PRINCIPAL BANKERS

permanent tsb	70 Grafton Street, Dublin 2.
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FRIENDLY SOCIETIES REGISTERED NUMBER

591T


Statement of Officers' Responsibilities

The Officers are required to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Association and of the income and expenditure for that period. In preparing those financial statements, the Officers are required to:

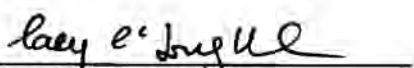
- a) Select suitable accounting policies and then apply them consistently;
- b) Make judgements and estimates that are reasonable and prudent;
- c) Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue.

The Officers are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Association. They are also responsible for safeguarding the assets of the Association and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Signed on Behalf of the Association:



Peadar Carpenter Chairperson



Mary McLoughlin Treasurer

01 March 2010

Independent Auditors' Report

To the members of the ASSOCIATION OF HIGHER CIVIL AND PUBLIC SERVANTS

We have audited the financial statements of the Association of Higher Civil and Public Servants for the year ended 31 December 2009 on pages 7 to 13. These financial statements have been prepared under the accounting policies set out therein and the requirements of the Financial Reporting Standards.

This report is made solely to the Association's members as a body. Our audit work has been undertaken so that we might state to the Association's members those matters that we are required to state to them in an Auditors' 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 opinions we have formed.

Respective Responsibilities of Officers and Auditors

As described in the Statement of Officers' Responsibilities on page 4, the Association's Officers are responsible for the preparation of 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 in accordance with Generally Accepted Accounting Practice in Ireland and are properly prepared. 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 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 misstatement 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 judgments 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.

Independent Auditors' Report

We have undertaken the audit in accordance with the requirements of the APB Ethical Standards - Provisions Available to Small Entities under the circumstances set out in the notes to 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 at 31 December 2009 and of its result for the year then ended.

We have obtained all the information and explanations we considered 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 3 is consistent with the financial statements.



POWER & ASSOCIATES

Chartered Certified Accountants
Registered Auditors
1 Sussex Street
Dun Laoghaire
Co Dublin

01 March 2010

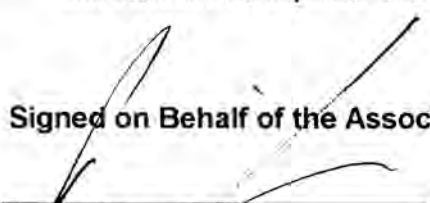
Income and Expenditure Account

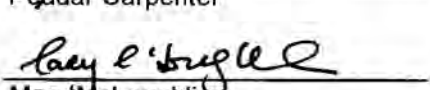
Year ended 31 December

	Notes	2009 €	2008 €
INCOME			
Members' subscriptions		1,465,358	1,393,959
VOA associate members subscriptions		63,586	62,237
Deposit interest received (net of DIRT)		12,628	18,687
Miscellaneous income		3,000	3,150
		<u>1,544,572</u>	<u>1,478,033</u>
EXPENDITURE			
Salaries, honoraria and pensions	3	792,754	583,380
Printing and stationery		27,097	33,334
Postage and telephone		20,985	21,369
Rates and insurance		28,224	28,287
Light, heat and cleaning		10,292	9,289
ADC and executive committee expenses		40,971	50,156
Branch expenses		68,095	78,100
Travel and subsistence		37,949	18,998
Subscriptions to other bodies		42,232	29,352
Publications		4,741	3,679
Premises and equipment expenses		37,575	76,223
Legal and professional fees		29,125	23,542
Depreciation		151,801	141,649
Bank interest and bank charges		419	630
Sundries		709	831
		<u>1,292,969</u>	<u>1,098,819</u>
SURPLUS OF INCOME OVER EXPENDITURE		251,603	379,214
(DECREASE)/INCREASE IN VALUE OF FINANCIAL ASSETS	6	<u>(153)</u>	<u>277</u>
FORWARD TO ACCUMULATED FUND	11	<u>251,450</u>	<u>379,491</u>

- a) All the amounts above relate to continuing operations of the Association.
- b) 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.

Signed on Behalf of the Association:


 Peadar Carpenter Chairperson


 Mary McLoughlin Treasurer

01 March 2010

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Balance Sheet

31 December

	Notes	2009 €	2008 €
FIXED ASSETS			
Tangible assets	5	4,562,148	4,683,188
Financial assets	6	889,307	889,460
Negotiating licence	7	6,401	6,401
		<u>5,457,856</u>	<u>5,579,049</u>
CURRENT ASSETS			
Stocks	8	3,547	1,549
Debtors	9	269,287	359,807
Cash at bank and in hand		<u>570,831</u>	<u>148,760</u>
		843,665	510,116
Creditors (amounts falling due within one year)	10	<u>(68,823)</u>	<u>(107,917)</u>
NET CURRENT ASSETS		<u>774,842</u>	<u>402,199</u>
NET ASSETS		<u>6,232,698</u>	<u>5,981,248</u>
MEMBERS' FUNDS			
Accumulated fund	11	<u>6,232,698</u>	<u>5,981,248</u>

Signed on Behalf of the Association:


 Peadar Carpenter Chairperson


 Mary McLoughlin Treasurer

01 March 2010

Notes to the Financial Statements

1 ACCOUNTING POLICIES

The following accounting policies have been applied consistently in dealing with items which are considered material in relation to the financial statements.

a) Basis of Preparation

The financial statements are prepared in accordance with generally accepted accounting principles under the historical cost convention and comply with the Financial Reporting Standards issued by the Accounting Standards Board.

b) 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 2010 relating to the year ended 31 December 2009.

c) Taxation

Taxation is calculated on non exempt income.

d) Tangible Fixed Assets and Depreciation

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is provided on a straight line basis in order to write off the cost of the tangible fixed assets over their expected useful lives at the following annual rates:

Premises	2%
Fixtures and office equipment	20%
Computers	33%

The carrying value of tangible fixed assets is reviewed for impairment if events or changes in circumstances indicate that the carrying value may not be recoverable.

e) Financial Assets

Financial assets are stated at cost or current value.

f) Stocks

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

g) Pension Costs

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.

Notes to the Financial Statements

2 MEMBERS INFORMATION	2009	2008
Number of members at 01 January	3,464	3,372
Number of members admitted during year	254	255
Number of members whose membership ceased during the year	<u>(360)</u>	<u>(163)</u>
Number of members at 31 December	<u><u>3,358</u></u>	<u><u>3,464</u></u>

3 STAFF NUMBERS AND COSTS

The average number of persons employed by the Association during the year was 6 (2008: 6). The officers receive honoraria and are not classed as employees.

	2009	2008
	€	€
The staff costs are comprised of		
Wages and salaries	519,912	460,088
Officers' honoraria	37,950	37,100
Social welfare costs	12,192	11,801
Pension costs	<u>222,700</u>	<u>74,391</u>
	<u><u>792,754</u></u>	<u><u>583,380</u></u>

Since November 2008 employee pension costs are being paid on a monthly basis. In previous years they were paid on an annual basis in advance.

4 SURPLUS OF INCOME OVER EXPENDITURE	2009	2008
	€	€
is arrived at after charging:		
Auditors' remuneration (inclusive of VAT)	5,990	5,832
Depreciation of tangible fixed assets	<u>151,801</u>	<u>141,649</u>

Notes to the Financial Statements

5 TANGIBLE FIXED ASSETS

Cost	Fixtures and Office Equipment			Total
	Premises	Equipment	Computers	
	€	€	€	€
01 January 2009	4,999,098	223,035	21,486	5,243,619
Additions	-	-	30,761	30,761
Disposals	-	-	(3,125)	(3,125)
31 December 2009	4,999,098	223,035	49,122	5,271,255
Accumulated Depreciation				
01 January 2009	399,623	139,322	21,486	560,431
Charge	99,982	41,668	10,151	151,801
On disposals	-	-	(3,125)	(3,125)
31 December 2009	499,605	180,990	28,512	709,107
Net Book Amount				
31 December 2009	4,499,493	42,045	20,610	4,562,148
31 December 2008	4,599,475	83,713	-	4,683,188

6 FINANCIAL ASSETS

		2009	2008
		€	€
Civil Service Credit Union shares	(a)	3,160	3,096
Prize bonds	(b)	32	32
Hibernian policy	(c)	86,115	86,332
Term deposit	(d)	800,000	800,000
		889,307	889,460

- a) The Civil Service Credit Union shares are included at cost. The increase in value over the previous year represents dividends received, which are added to the cost on an annual basis.
- b) Prize bonds are included at cost.
- c) The Hibernian policy is included at current value.
- d) The term deposit was invested with permanent tsb on 02 October 2008 and matures on 25 May 2010. The deposit will earn a gross interest rate of 10% upon maturity.

The (decrease)/increase in the value of financial assets during the year arises as follows:

	2009	2008
	€	€
Value of financial assets at beginning of year	889,460	89,183
Investment in financial assets during the year	-	800,000
	889,460	889,183
Value of financial assets at end of year	889,307	889,460
(Decrease)increase in value	(153)	277

Notes to the Financial Statements

7 NEGOTIATING LICENCE	2009	2008
	€	€
Deposit - Courts of Justice	<u>6,401</u>	<u>6,401</u>
8 STOCKS	2009	2008
	€	€
Stock of stationery	<u>3,547</u>	<u>1,549</u>
The replacement cost of stock does not differ significantly from the figures shown.		
9 DEBTORS	2009	2008
	€	€
Amounts falling due within one year		
Members subscriptions receivable	263,587	318,573
Insurance claim receivable	-	34,082
Prepayments	<u>5,700</u>	<u>7,152</u>
	<u>269,287</u>	<u>359,807</u>
10 CREDITORS (AMOUNTS FALLING DUE WITHIN ONE YEAR)	2009	2008
	€	€
Creditors and accruals	<u>68,823</u>	<u>107,917</u>
11 ACCUMULATED FUND	2009	2008
	€	€
01 January	5,981,248	5,601,757
Surplus from income and expenditure account	<u>251,450</u>	<u>379,491</u>
31 December	<u>6,232,698</u>	<u>5,981,248</u>

12 APB ETHICAL STANDARDS - PROVISIONS AVAILABLE TO SMALL ENTITIES

As a small entity under the provisions of the APB in relation to Ethical Standards we engage our auditors to provide basis tax compliance and accounts preparation.

13 APPROVAL OF FINANCIAL STATEMENTS

The financial statements for the year ended 31 December 2009 were formally approved by the Executive Committee on 01 March 2010.