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

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

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

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

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

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

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

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

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

Submission of the Department of Public Expenditure and Reform

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

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

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

Finding

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

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

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

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

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

18 I fully accept that certain persons who were based in Ireland during the Presidency, showed considerable commitment and that persons in this category gave significant extra attendance related to the Presidency. In the case of previous Presidencies, the extra attendance given would have attracted additional payment but, as I have already indicated, I consider that the qualifying conditions for payment must be set at a higher level than those
which previously applied. While I acknowledge the considerable contribution of these staff, I
do not consider that additional payment should be made to them.

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Total Number of Days Travelled abroad over the period of the Presidency</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-20 days</td>
<td>€2,250</td>
</tr>
<tr>
<td>21 or more days</td>
<td>€3,750</td>
</tr>
</tbody>
</table>

25 No discretion should be available to management of Departments to exceed these
amounts regardless of individual circumstances. This will ensure that a consistent approach is
taken across Departments and will assist in controlling costs.
In line with previous practice where payments were made to grades represented by the AHCPS, the Official Side proposed a more limited flat rate of payment of €1,000 to certain members of the grades of Administrative Officer and Higher Executive Officer represented by the Public Service Executive Union who were required to undertake significant foreign travel in connection with the Presidency. However, that matter was not the subject of this adjudication.

Brendan Duffy
Adjudicator
2 December 2013