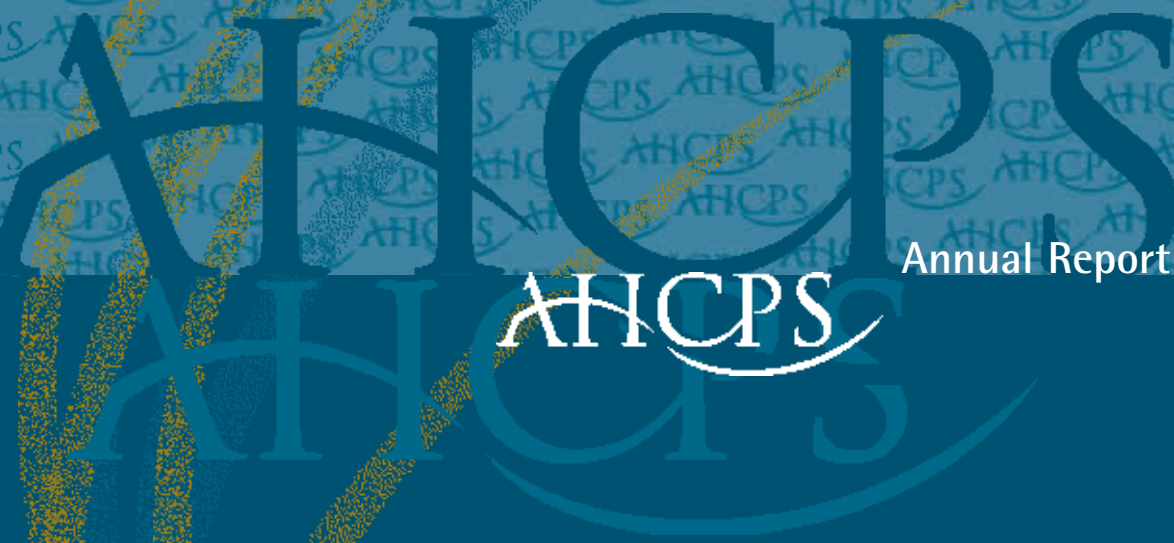


Association of  
Higher Civil and  
Public Servants

Comhlachas na  
Sheirbhíseach  
Uachtarach Stáit  
agus Poiblí



Annual Report

1617

CONFIDENTIAL TO MEMBERS



**Association of Higher Civil and Public Servants**

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**ANNUAL REPORT  
2016/2017**



# CONTENTS

## Officers, Executive Committee and Consultative Council 2016/2017, Sub-Committees

### INTRODUCTION

### PART ONE: ORGANISATION

1.1	Annual Delegate Conference	11
1.2	Executive Committee	11
1.3	Standing Orders Committee	11
1.4	ADC Resolutions 2016 including Motions Remitted	11
1.5	Trustees and Auditor	17
1.6	Honorary President & Vice Presidents	17
1.7	Consultative Council	17
1.8	Membership	17
1.9	Bereavement Grant	17
1.10	ICT Information and Communications Technology	17
1.11	Membership Services	17
1.12	Rules & Constitution	19
1.13	Staff	19

### PART TWO: CIVIL SERVICE

2.1	Lansdowne Road Agreement	21
2.2	Public Service Pay Commission	21
2.3	IPA Pay and Benefits Research Study	22
2.4	Incremental Liability – Expiry of Measures	22
2.5	Civil Service Renewal	22
2.6	Cross Stream Promotion & Reciprocity	23
2.7	Review of the rates of Travel & Subsistence	23
2.8	Foreign Travel & Chairman's Allowance	24
2.9	Mobility Scheme	24
2.10	Principal Officer Promotion Sequence	25
2.11	Open PO Panel	25
2.12	Principal Officer Executive Leadership Programme	25
2.13	Performance Management and Development Scheme	25
2.14	Revised Disciplinary Code	25
2.15	Disciplinary Code for Probationers	26
2.16	Workshop on Employees under Probation	26
2.17	Draft Regulatory Impact Assessment [RIA]	26
2.18	New Civil Service Management of Underperformance Policy	26
2.19	Overpayment Policy	27
2.20	Accommodation	27
2.21	General Council	27
2.22	Bereavement Leave	28
2.23	Equality /Diversity/Work Life Balance	28
2.24	Shorter Working Year/Term Time	28
2.25	Staff with Disabilities	29
2.26	Flexible Working Hours [FWH]	29

2.27	Paternity Leave	29
2.28	Parental Leave	29
2.29	Work sharing	29
2.30	E-working	30
2.31	Merger of Property Registration Authority, Valuation and Ordnance Survey of Ireland	30
2.32	Irish Human Rights and Equality Commission	30
2.33	Meeting with Political Parties	30
2.34	Shared Services	30
2.35	TLAC	31
2.36	Senior Public Service (SPS)	31

### PART THREE: STATE ENTERPRISES

3.1	An Post	33
3.2	Premier Lotteries Ireland (PLI)	34
3.3	Personal Injuries Assessment Board	35
3.4	Irish Aviation Authority	35
3.5	Education Training Boards (ETB) & Solas	35
3.6	Road Safety Authority	35
3.7	Other Agencies	35

### PART FOUR: AFFILIATIONS AND RELATIONS WITH OTHER ORGANISATIONS

4.1	Irish Congress of Trade Unions	37
4.2	Veterinary Officers' Association	37
4.3	Civil Service Unions	37
4.4	Retired Civil & Public Servants' Association	37
4.5	European Federation of Public Service Unions (EPSU)	37
4.6	Union of Finance Personnel in Europe (UFE)	37
4.7	Union Network International (UNI)	37
4.8	FDA UK and ARC UK	37
4.9	Institute of Public Administration	37
4.10	Irish Labour History Society	38
4.11	Hospital Saturday Fund	38
4.12	Combined Service Third World Fund	38
4.13	Civil Service Charities Fund	38

### APPENDICES

Appendix A	Minutes of the Annual Delegate Conference 2016	39
Appendix B	Rules and Constitution	51
Appendix C	Standing Orders of Delegate Conference	61
Appendix D	Executive Committee Attendances 2016/2017	63
Appendix E	Submission of the ICTU Public Services Committee to the PSPC	64
Appendix F	Motor Mileage Adjudication Finding	75
Appendix G	AHCPS "Fair Way to Fair Pay"	77

## OFFICERS OF THE ASSOCIATION FROM 1943/2017

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	<b>General Secretary</b>	T.J. Mooney
1976/77	T.J. Mooney	D. O'Mahony	Ralph B. Pares	J.C. Tucker
1977/78	T.J. Mooney	D. O'Mahony*	1975-1980	J.C. Tucker
		M. Corcoran**		
		J.C. Horgan		
1978/79	T.J. Mooney	T.H. Nally		J.C. Tucker
1979/81	J.C. Tucker	M.F. Fahy		T. Tuite
1981/83	M.F. Fahy	T. Tuite	John Dowling	P.J. O'Grady
1983/84	M.F. Fahy	J.P. O'Brien	1980-1987	P.J. O'Grady
1984/86	J.P. O'Brien	Sean Healy ***		P.J. O'Grady
		John Melia		
1986/87	J.P. O'Brien	John Melia		P. Greene
1987/88	J.P. O'Brien	Michael O'Donoghue	Seán Ó Ríordáin	P. Greene
1987/91	Michael O'Donoghue	Padraig Cullinane	1987-2007	P. Greene
1991/92	Padraig Cullinane	Richard Ryan		P. Greene
1992/95	Richard Ryan	Des Coppins		Benny Kevitt
1995/96	Richard Ryan	Benny Kevitt		Brian Murnane
1996/97	Benny Kevitt	Brian Murnane		Tom Power
1997/98	Brian Murnane	Patrick Dowling		Tom Power
1998/2001	Brian Murnane	Patrick Dowling		Kieran Coyle
2001/2002	Patrick Dowling	Seamus Molloy		Liam Kelly
2002/2003	Patrick Dowling	Seamus Molloy ****		Liam Kelly
		Sean McDonald		
2003/2004	Sean McDonald	Brigitta O'Doherty		Liam Kelly
2004/2005	Brigitta O'Doherty	Philip Crosby		Mary McLoughlin
2005/2007	Philip Crosby	Ciaran Rohan		Mary McLoughlin
2007/2008	Ciaran Rohan	Peadar Carpenter	Dave Thomas	Mary McLoughlin
2008/2010	Peadar Carpenter	Tom Allen	2007-2014	Mary McLoughlin
2010/2011	Peadar Carpenter	Tom Allen		Bernard O'Shea
2011/2012	Peadar Carpenter	Tom Allen		William Thompson
2012/2013	Tom Allen	John Glennon		William Thompson
2013/2014	Tom Allen	John Glennon		William Thompson
2014/2015	Tom Allen	John Glennon	Ciaran Rohan	William Thompson*
			2014-	(Larry Dunne)
2015/2016	John Glennon	Edna Dowling	Ciaran Rohan	Larry Dunne
2016/2017	John Glennon	Edna Dowling	Ciaran Rohan , Gen Sec	Larry Dunne

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

\*\*\* Resigned on posting to London as Labour Attache ♦ Resigned on appointment as AHCPS AGS

\*\*\*\* Deceased

## HONORARY OFFICERS OF THE ASSOCIATION 2016/2017

<b>President</b>	Tom Quigley
<b>Vice-Presidents</b>	Paddy A. Terry Mary McGuire Padraig Cullinane * Benny Kevitt Richard Ryan Con Ryan Pat Dowling Seán O Ríordain Brian Ingoldsby Peter Greene Dave Thomas Mary McLoughlin Brian Murnane

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### Obituary

\* Mr Padraig Cullinane, Vice President and former Chairperson of the Association died in February 2017. Padraig served as Vice Chairperson from 1987 to 1991 and Chairperson from 1991 to 1992. The Association conveyed sympathies to Padraig's family.

Ar neamh dé go raibh siad.

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### The following Officers were elected at the Annual Delegate Conference held on 6 May 2016:

<b>Chairperson</b>	John Glennon	(Courts)
<b>Vice-Chairperson</b>	Edna Dowling	(Social Protection)
<b>Treasurer</b>	Larry Dunne	(Public Expenditure & Reform)

## EXECUTIVE COMMITTEE 2016/2017

Allen Tom	<b>Revenue</b>
Fanthom Tom	<b>Revenue</b>
Hickey Eddie	<b>An Post</b>
Hicks Billy	<b>Social Protection</b>
Holleran Noel	<b>Agriculture Food &amp; the Marine</b>
Jeffrey Val	<b>Revenue</b>
O'Halloran Jackie	<b>Foreign Affairs &amp; Trade</b>
McIntosh Willie	<b>Education &amp; Skills</b>
Moran Eltin	<b>Social Protection</b>
Noonan Angie	<b>Health</b>
Noonan Trevor	<b>Justice &amp; Law Reform</b>
McNamara Clare**	<b>Finance</b>
O'Connor Mark*	<b>ETB</b>
Walker Alan *	<b>Injuries Board</b>

\* Mark O'Connor and Alan Walker were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

\*\*Marianne Nolan was co-opted in place of Clare McNamara who resigned on promotion.

## **Trustees**

Billy Carrie  
Brigitta O'Doherty  
Brian McKeivitt

## **Auditor**

Ann Brady McQuillians DFK reappointed as Auditor by the Trustees in January 2016.

## **Head Office**

The Association's Head Office is:

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



## Consultative Council

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

### BRANCH SECRETARIES 2016/2017

Agriculture, Foods & the Marine	Mairead Broderick
An Post	Eddie Hickey
Arts, Heritage & Gaeltacht	Colm Lundberg
Attorney General	Brian Scannell
Chief State Solicitors Office	Michael Fallon
Central Statistics Office	John O'Reilly
Communications, Energy & Natural Resources	Derek Byrne
Comptroller & Auditor General	Olive Somers
Commission for Energy Regulation	vacant
Courts Service	John Glennon
Children & Youth Affairs	Ann Marie Kilkenny
Defence	Fred Bradley
Education and Skills	Jerome Kelly
Jobs, Enterprise & Innovation	Michael Davitt
Housing Planning Community Local Government	Paris Beausang
Solas / ETB's	Charlie Notley
Finance	Deirdre Donaghy
Public Expenditure and Reform	Larry Dunne
Food Safety Authority of Ireland	Pat Farrell
Foreign Affairs & Trade	Frank Power
Garda Civilian	Kieran Downey
Health	Michael Murchan
Health and Safety Authority	Gavin Lonergan
Houses of the Oireachtas	Eugene Ó Cruadhlaioich
Irish Aviation Authority	Pat Herbert
Injuries Board	Alan Walker
Justice & Equality	Trevor Noonan
Legal Aid Board	Graham Hopkins
Property Registration Authority	Tom Haveran
National Centre for Partnership & Performance	Edna Jordan
National Council Special Education	Niall Feeney
National Museum of Ireland	vacant
National Library of Ireland	Geraldine Wilson
Office of Public Works	Marian O'Dwyer
Office of the Ombudsman	Derek Charles
Ordnance Survey Ireland	Jennifer Gilmartin
Pensions Authority	Andrew Nugent
Policing Authority	Clare Kelly
Prison Governors	Pat Dawson
Public Appointments Commission/Service	vacant
Revenue	Greg Whelan
Social Protection	Des Stone
Taoiseach's	Jerry Kelleher
Transport, Tourism & Sport	vacant





## INTRODUCTION

**A**fter 8 long years without any pay increase and three pay cuts, the past year did, at least, mark a defining moment for Public Servants. In accordance with the terms of the Lansdowne Road Agreement (LRA), increases in pay, of a combined value of 1,000 for every Public Servant, were paid on 1 January 2016 and 1 January 2017 by way of an adjustment in the pension levy.

The terms of Lansdowne Road Agreement also confirmed the Haddington Road commitment to restore the third pay cut in two phases (2.75% approx. on the 1<sup>st</sup> of April 2017 and 2.75% approx. on the 1<sup>st</sup> of January, 2018). It further provided for an increase in salary scales of 1,000 on 1 September 2017. This payment of 1000 was brought forward to 1 April 2017. However, those earning over 65,000 were excluded from this latter element.

The Programme for Government agreed between the two largest parties in the Dáil, re-stated a commitment to the terms of the Lansdowne Road Agreement and provided for the establishment of a Public Service Pay Commission (PSPC)

A consequence of all of the above is that 2017 promises to be a very active year on the pay front.

An issue that generated much media hype in the last year is that of Public Service pensions.

The two major achievements of Public Service Unions in the recession period were the protection against compulsory redundancies for permanent staff, despite economic and fiscal collapse, and the preservation of the superannuation structure for serving staff. This required acceptance of new, less favourable, superannuation terms for post 2013 recruits. It is also worthy of note that the employer has a legal basis for changing the formula for post-retirement pension increases by de-linking them from pay movements and relating them to movements in the Consumer Price Index (CPI). These powers have not been used to date as to do so would have benefited pensioners and cost the exchequer. Nonetheless, the power is there and will, presumably, be implemented by the employer when it is deemed appropriate.

The Public Service Unions for their part, have engaged professional advice on actuarial matters regarding the cost of Public Service pensions and the outcome has been shared with the Pay Commission.

As part of the Executive Committee's pay strategy, the Institute of Public Administration (IPA) were commissioned to carry out a pay and benefits research study. It is expected that this report will be available for the Annual Delegate Conference in May 2017.

Over the course of the recession, it became customary to refer to the outgoing year in momentous terms. In all cases this was meant in a negative way. The outgoing year of 2016 was, at least, momentous in marking a turning of fortunes. The welcome announcement of pay restoration and the return of decent career prospects for members were undoubtedly, welcome. However, they mark only the start of the challenges that all public service unions face in seeing the restoration of what has been lost. There is still a long way to travel on the road to full restoration but the Executive is determined to follow its path to a conclusion.

As ever, new threats to conditions will have to be faced in the coming years, possibly attempts to attack superannuation entitlements. However, as the more favourable economic conditions of 2016 have shown, it is possible for us to make progress in seeking restoration and, going forward, to seek to have that restoration accelerated and to protect the conditions of our members.

The task of the Association is not one that ceases at a point in time. It is a constant endeavour that requires membership engagement and the dedication of activists, through bad times and good. To members, the Executive Committee sends thanks for keeping the faith through the bad times.

To all activists, at all levels of the Association, the Executive Committee sends its thanks and appreciation for keeping the Association going. We have been through the worst of times and the immediate objective has to be to utilise the improved circumstances in which we find ourselves to maximise advantage for all members.

**Ciaran Rohan**  
***General Secretary***

# ORGANISATION

## 1.1 ANNUAL DELEGATE CONFERENCE

The 35th Annual Delegate Conference of the Association took place in The Radisson Blu Hotel, Golden Lane, Dublin on Friday 6 May, 2016. 139 Branch Delegates and 17 Executive Committee members attended.

The Association's guests at the Conference were, Dave Penman, FDA General Secretary, Allan Sampson FDA London, Philip Cummings, and Robbie Davis FDA Northern Ireland.

## 1.2 EXECUTIVE COMMITTEE

John Glennon (Courts), Edna Dowling (Social Protection) and Larry Dunne (Public Expenditure & Reform) were elected unopposed to the office of Chairperson, Vice Chair and Treasurer.

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

### Executive Committee

Allen Tom	Revenue
Fanthom Tom	Revenue
Hickey Eddie	An Post
Hicks Billy	Social Protection
Holleran Noel	Agriculture Food & the Marine
Jeffrey Val	Revenue Commissioners
Moran Eltin	Social Protection
McIntosh Willie	Education & Skills
McNamara Clare	Finance
Noonan Angie	Health
Noonan Trevor	Justice & Law Reform
O'Halloran Jackie	Foreign Affairs & Trade

Mark O'Connor (Solas/ETB) and Alan Walker (Injuries Board) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association. During the year Marianne Nolan (Finance) was co-opted in place of Clare McNamara (Finance) who resigned due to promotion.

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:

Casey Fiona	Social Protection
Cashman Larry	Agriculture, Food & the Marine
O'Connell Denise	Finance
Greene Michael	Jobs, Enterprise & Innovation
Hanley Sheila	Revenue
Lenihan Ronan	Houses of the Oireachtas

Larry Cashman was 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.

The following motions were passed at the 2016 ADC.

### Action on ADC Motions 2016

#### Section 1

#### ADC Motions 2016 – Motions passed

### PAY

#### Motion 1

Conference welcomes the support from the majority of political parties for the Association's call for an Independent Pay Determination Mechanism to measure Public Sector Pay. Conference calls for arrangements to be made by the Government to ensure that this mechanism is put in place without further delay.

#### Executive Committee

**ACTION:** The Association has welcomed the Governments' Commission on Public Service Pay and the appointment of Kevin Duffy as Chairman.

#### Motion 2

Conference notes the manner in which TDs' pay is linked to that of the Principal Officer Standard Scale and calls for this link to be broken as part of an independent pay determination system.

#### Executive Committee

**ACTION:** The matter has been raised with the Minister

and the Executive Committee will continue to insist that this link be broken. This matter was also raised with political parties as part of the process of engagement with them.

### Motion 3

That Conference calls on the incoming Executive Committee to pursue with Government a clear timetable for full restoration of all cuts to our members take home pay in recent years, including both pay cuts and pension levy and to obtain from Government a commitment to end the FEMPI legislation as it is no longer justified by Ireland's economic statistics.

#### **Agriculture, Food & the Marine Branch**

**ACTION:** This is the Policy of the Public Services Committee who have written to the Minister for Public Expenditure & Reform on the matter. The terms of reference of the Public Service Pay Commission require the Commission to provide direction on how the unwinding of the FEMPI legislation should proceed. Following this, pay talks are scheduled for June to be completed in the Summer as part of the successor to the Lansdowne Road Agreement.

### Motion 4

Now that Ireland has successfully exited the corrective arm of the Stability & Growth Pact, this Conference instructs the incoming Executive to

Take any such action as is required to remove all FEMPI legislation from current legislation

Seek a definitive timeframe from Government in relation to the complete restoration of pay as was reduced by all FEMPI legislation, In addition to Haddington Road restoration dates of 31 March 2017 & 31 December 2017.

This Conference also calls on the incoming Executive to pursue not only an independent pay mechanism but also alternative actions to reverse all such pay cuts, with a view to reflecting the increased productivity achieved by more efficient & effective use of reduced staff resources, which has contributed to the State's improved economic performance.

#### **Revenue Branch**

**ACTION:** This is the Policy of the Public Services Committee who have written to the Minister for Public Expenditure & Reform on the matter. The terms of reference of the Public Service Pay Commission require the Commission to provide direction on how the unwinding of the FEMPI legislation should proceed. Following this, pay talks are scheduled for June to be completed in the Summer as part of the successor to the Lansdowne Road Agreement.

### Motion 5

That Conference instructs the incoming Executive to seek assurances from the Public Service Committee of ICTU

that they are committed to seek the restoration of pay reduced by all FEMPI legislation and the restoration of pay differentials that existed before the Croke Park Agreement.

#### **Revenue Branch**

**ACTION:** This is the Policy of the Public Services Committee who have written to the Minister for Public Expenditure & Reform on the matter. The terms of reference of the Public Service Pay Commission require the Commission to provide direction on how the unwinding of the FEMPI legislation should proceed. Following this, pay talks are scheduled for June to be completed in the Summer as part of the successor to the Lansdowne Road Agreement.

### Motion 6

AHCPs members who are waiting on a Long Service increment for longer than 18 months and who are subsequently moved to a new pay scale are suffering discrimination as, under the Lansdowne Road Agreement, they are then obliged to wait for a further 18 months before receiving their first increment on the new pay scale. Conference instructs the Executive to seek clarification from DPER on this matter and to seek to have this discriminatory practice overturned.

#### **Revenue Branch**

**ACTION:** The Association has raised this with DPER and notes the intended expiry of increment deferral from 1st July 2017.

### Motion 7

It is now recognised and acknowledged by the Department of Public Expenditure and Reform that highly skilled civil servants are being lured into the private sector by better pay and conditions as the economy improves. This will have a significant impact on recently recruited AHCPs members. Conference calls on the Executive to address this matter.

#### **Revenue Branch**

**ACTION:** The Executive Committee continues to address this issue as already done in the Position Paper on Pay as presented to ADC 2016. In addition, the Association is significantly highlighting this issue in the IPA Report on Pay & Benefits Research Study commissioned by the Executive Committee.

## **PENSION LEVY/SUPERANNUATION**

### Motion 8

Conference notes that the Single Pension Scheme, which applies to all entrants to the Civil Service from 1 January 2013, accrues pension benefits over life of the members' employment in the Civil Service. A member's lowest salary points and earliest years in the Civil Service are therefore included in the calculation of their final pension benefits which can result in a significantly lower pensionable salary as compared to pre 2013 civil servants.

Conference therefore calls on the incoming Executive Committee to seek a review of the scheme, in how it relates to Civil Servants recruited after 2013, with a view to providing Civil Servants recruited after 2013 with equivalent pension benefits to those recruited before 2013.

**Revenue Branch**

**ACTION:** *The Association has raised this matter with DPER but there are no plans to alter the new Single Pension Scheme.*

**Motion 9**

That Conference notes that the Minister for Public Expenditure and Reform has yet to make regulations to allow members of the Single Public Service Pension Scheme to purchase additional service and instructs the Executive Committee to press the Department of Public Expenditure and Reform to ensure that the necessary regulations are implemented without delay.

**Finance Branch**

**ACTION:** *This has been raised with the Official Side. We are advised that work is progressing and draft regulations are subject to detailed legal consideration and sign off by Revenue. Definite timeline not available but appears to be a priority issue.*

**Motion 10**

That Conference instructs the Executive to pursue employers in relation to the completion of their legal obligations regarding the provision of annual benefit statements to members of the Single Public Service Pension Scheme. Furthermore, to ensure that statements in respect of 2013 and 2014 are issued without delay and that statements for 2015 be issued on time, i.e. before the end of June 2016.

**Finance Branch**

**ACTION:** *The Association has raised this matter with DPER. PeoplePoint have advised that a project of work is scheduled for 2017 to issue benefit statements.*

**Motion 11**

That Conference instructs the Executive to press the Department of Public Expenditure and Reform for the immediate development and implementation of a pension modeller for members of the single pension scheme, similar to that available for members' other public service pension schemes.

**Finance Branch**

**ACTION:** *The Association has raised this matter with DPER. Indications are that due to the complexities of the scheme it may not be possible to design a functional modeller. If a modeller can be designed, we are advised that it will be some time before it can be delivered.*

## FOREIGN TRAVEL, TRAVEL & SUBSISTENCE AND ALLOWANCES

**Emergency Motion**

That Conference directs the Executive to enter into negotiations with the Department of Public Expenditure and Reform to address real concerns and dangers associated with the high risk faced by officers travelling abroad on official business in the light of recent terrorist atrocities in Europe and elsewhere.

**Jobs, Enterprise & Innovation**

**ACTION:** *The Association has raised this matter with DPER.*

**Motion 12**

That Conference calls on the incoming Executive Committee to enter into discussions with the official side about increasing the subsistence rates which are wholly inadequate to cover ever increasing accommodation costs.

**Agriculture Food & the Marine Branch**

**ACTION:** *Discussions between the Staff Side and DPER have concluded and increases to the subsistence rates have been agreed effective from 1st April 2017.*

## FAMILY FRIENDLY MEASURES

**Motion 15**

Conference deplores the fact that newly appointed Assistant Principal Officers continue to be excluded from the Flexible Working Hours system [FWH] where this facility exists in departments. Conference wishes to highlight the anti-family nature of this restriction that was imposed under the Haddington Road Agreement. Conference supports the Executive in calling for a revision of the policy and an extension of the facility to all APs currently so excluded in departments where this facility currently exists.

**Executive Committee**

**ACTION:** *The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.*

**Motion 16**

**(stands for itself and Motions 17, 18, 19 & 20)**

That Conference instructs the Executive to campaign for the full restoration/introduction of flexible working hours for all members who wish to avail of it, regardless of grade or appointment date.

**Finance Branch**

**ACTION:** *The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.*



### Motion 17

That Conference calls on the Executive Committee, in recognition of the need to promote family friendly policies, to engage with the Official Side with a view towards over-turning the provision in the current Agreements (Croke Park/Lansdowne Road) that prevents the introduction of optional flexi-time working arrangements for all grades represented by the Association.

#### **Transport Tourism & Sport Branch**

**ACTION:** The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.

### Motion 18

That Conference directs the Executive to enter into negotiations with the Department of Public Expenditure and Reform to ensure the availability of Flexible Working Hours for all Assistant Principal Officers.

#### **Jobs, Enterprise & Innovation Branch**

**ACTION:** The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.

### Motion 19

That Conference instructs the incoming Executive Committee to pursue with the Department of Public Expenditure & Reform the extension of flexi-time to all staff at Assistant Principal Officer level who wish to avail of flexi-time and where flexi-time already exists for this grade in Government Departments.

#### **Arts Heritage and Gaeltacht Branch**

**ACTION:** The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.

### Motion 20

That Conference call on the government to recognise that the removal of flexi leave for grades above HEO is anti-family, will serve only as a disincentive to staff to build a career within the public/civil services and as flexi leave is cost neutral, no savings or efficiencies were created by its removal. We call for an introduction of parity for newly appointed APs to work under the same terms and conditions as existing APs.

#### **Injuries Board Branch**

**ACTION:** The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave.

### Motion 21

That Conference notes that the provision in the Haddington Road Agreement that prohibits newly-

appointed APs from access to flexible working hours & work-sharing patterns of less than 50% of full time working hours. Conference further notes that these measure discriminates against members balancing work/life responsibilities and instructs the incoming Executive Committee to seek to have these provisions reversed.

#### **D/PER Branch**

**ACTION:** The Association lodged a claim at General Council and discussions have taken place with DPER. Talks are progressing that may lead to flexible hours without the taking of flexi leave. The Association continues to draw attention at meetings of the General Council Equality Sub-Committee to the anti-family nature of work sharing restrictions and the absence of direct evidence that these restrictions aided departments in the management of staff numbers.

### Motion 22

That Conference calls on the Executive Committee to engage with the Official Side to ensure, in the interests of fairness, flexibility and equity, that redeployment and employment opportunities are offered to staff who are work-sharing, not just those on full time hours.

#### **Transport Tourism & Sport Branch**

**ACTION:** The Association has raised this matter with DPER and is awaiting a response.

## PROMOTION

### Motion 23

That Conference calls on the Executive Committee to engage with the Official Side to ensure that a competition for promotion to Principal Officer Higher Scale is launched in 2016.

#### **Transport Tourism & Sport Branch**

**ACTION:** Following discussions with DPER, the Association understands that an Interdepartmental PO1 competition will shortly be held.

### Motion 24

That Conference directs the Executive to request the Department of Public Expenditure and Reform in conjunction with the Public Appointments Service, to conduct a review of the effectiveness of the recruitment process for the external Assistant Principal and Principal Officer grades and report on same to the Executive.

#### **Jobs, Enterprise & Innovation Branch**

**ACTION:** The Association has requested DPER to have this review completed for the PO recruitment process. We have received a commitment that this will be done on the expiry of the current Open PO Panel.

### Motion 25

That Conference instructs the incoming Executive Committee to ensure that the Department of Public Expenditure and Reform enforce the arbitration board ruling in terms of the sequencing of the filling of Principal



Officer posts so that two-thirds are filled from the open Principal Officer panel, and one-third from internal panels. Furthermore, this Conference instructs the incoming Executive Committee to ensure that the Department of Public Expenditure and Reform insist that all liabilities by Departments to the open Principal Officer panel be addressed without undue delay.

**Finance Branch**

**ACTION:** *This matter was raised with the Official Side. The Association was instrumental in ensuring that the first appointments were made from the panel and will continue to monitor the situation. It is understood that a new open PO Competition is being held in 2017.*

**CONFERENCE UPDATE**

**Motion 26**

That Conference instructs the Executive to provide 6 monthly reports to all members on the progress towards implementing/completing all motions agreed by this Conference and subsequent Conferences, where those motions are still outstanding or applicable.

**Finance Branch**

**ACTION:** *The Executive Committee will ensure that the 'Action Reports' on motions are regularly updated and published on the website to meet this requirement.*

**MOBILITY**

**Motion 27**

That Conference instructs the incoming Executive Committee to undertake discussions with the official side to establish a central transfer scheme for PO and APO level.

**Agriculture Food & the Marine Branch**

**ACTION:** *The Association raised this matter at the Sub Committee of General Council set up to deal with the proposed Service Wide Mobility Programme. A pilot Service Wide Mobility Scheme is now operational at CO & EO grades. The intention is to widen the grade of participants to include in time the AP grade following consultation and the examination of insights from the pilot scheme. A PO mobility scheme is already in operation – 25 positions have been advertised with 13 filled via PO mobility.*

**Motion 28**

Conference supports the plan to extend mobility to provide additional development opportunities and enable greater mobility across the Public Service.

**Revenue**

**ACTION:** *The Association supports the PO Mobility Scheme where 25 positions have been advertised and 13 filled. The Association has raised the matter of AP mobility at such forums as the Sub-Committee of General Council set up to deal with the Service Wide Mobility Programme.*

**OVERSEAS POSTINGS**

**Motion 30**

That Conference insists on a speedy resolution of the difficulties which have arisen in regard to the application of the Health Insurance Community Rating provisions which is currently creating uncertainty for officers abroad and their spouses in regard to the cost of future health care in Ireland, and the provision of written undertakings that the State will cover any additional costs arising from officers taking up postings abroad. It further instructs the Executive to lodge an immediate claim at General Council to ensure that there will be no cost to any officer arising from the changes made by Government.

**Foreign Affairs & Trade Branch**

**ACTION:** *In conjunction with other Staff Side Unions the Association continues to raise this matter centrally with DPER. Legal advice has also been obtained by the Association. In addition, the Staff Side in DAFM has made a submission to the Health Insurance Authority who are examining this issue.*

**ACCOMMODATION**

**Motion 31**

That Conference calls on the Executive Committee to ensure that any future changes to members' office accommodation does not result in any members having less favourable terms and conditions than they currently have in regard to their present accommodation with particular reference to the need to ensure that those members who are currently in single occupancy offices continue to have such accommodation on the grounds of organisational efficiency and productivity.

**Transport Tourism & Sports Branch**

**ACTION:** *The Association has engaged on the issue with management in the relevant departments and the relevant Ministers and directly with the OPW. In addition, the Association has engaged its own Architect to evaluate design plans.*

**LEAVE**

**Motion 32**

Conference directs the Executive to secure an amendment to the rules relating to the carry-over of leave so as to allow individuals to carry over up to three days leave no matter what year of the annual leave cycle it happens to be.

**Revenue Branch**

**ACTION:** *A claim has been lodged with General Council. DPER has agreed to consider the claim as part of a proposed general review of the annual leave circular.*

## PMDS

### Motion 34

Conference instructs the incoming executive to pursue a number of service developments with PeoplePoint namely the improvement of the ePMDS system to allow simplified use including the ability to print from forms and carry forward ongoing tasks and the publication of agreed customer service standards and metrics.

**Revenue Branch**

**ACTION:** This has been raised with the Sub Committee of General Council dealing with People Point.

## NEW UNION PROJECT

### Motion 35

Conference applauds the decision of the AHCPs to withdraw from the New Union Project on the basis that it offered no clear benefits to our members.

**Revenue Branch**

**ACTION:** No action is required.

## GENERAL TAXATION ISSUES

### Motion 36

That Conference directs the Executive to ask the Nevin Institute to examine the advisability of further extending and broadening the tax base, including additional sources of revenue and new revenue streams, with a view to creating a sustainable tax base for the future development of the country over the longer term and providing a strong platform from which to withstand future economic shocks.

**Revenue Branch**

**ACTION:** The Association has raised this matter with the Nevin Institute and it is the existing policy of the Irish Congress of Trade Unions.

### Section 2

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

## FOREIGN TRAVEL, TRAVEL & SUBSISTENCE AND ALLOWANCES

### Motion 13 (stands for itself and Motion 14)

That Conference instructs the incoming Executive Committee to pursue with the Department of Public Expenditure and Reform the introduction of distinct Domestic Subsistence Overnight rates for Dublin City given the high comparative cost of hotel accommodation in Dublin and given feedback from members of the Association that the existing national rates do not cover the actual costs.

## Arts Heritage and Gaeltacht Branch

**ACTION:** The Association was successful in having an increase applied to the overnight rate effective from 1st April 2017 so it now stands at 133.73. In addition, Circular 05/2017 confirms a vouched expense option for Dublin only of 133.73 plus the 10-hour rate of 33.61 to provide a maximum overnight allowance of 167.34 for Dublin.

### Motion 14

That Conference calls on the incoming Executive Committee to enter into discussions with the official side about introducing a higher domestic subsistence rate for staff staying overnight in Dublin as the present rate does not even cover hotel costs in Dublin.

**Agriculture Food & the Marine Branch**

**ACTION:** The Association was successful in having an increase applied to the overnight rate effective from 1st April 2017 so it now stands at €133.73. In addition, Circular 05/2017 confirms a vouched expense option for Dublin only of €133.73 plus the 10-hour rate of €33.61 to provide a maximum overnight allowance of €167.34 for Dublin.

## OVERSEAS POSTINGS

### Motion 29

That Conference directs the Executive Committee to take measures to ensure that a legislative provision which would give effective Irish residency status to individuals posted to an Irish Governmental position overseas [during which the individual and any family members residing with them continue to be tax resident in Ireland] should be put in place as a matter of urgency.

**Foreign Affairs & Trade Branch**

**ACTION:** The Executive Committee will examine with Revenue Branch how this request can best be progressed within existing legislation.

## PMDS

### Motion 33

Conference considers that the performance management, development and reporting links between a jobholder and line manager are cornerstones of the PMDS system. Within the PMDS system the expectation is that the Line Manager of the Jobholder is the next grade above the Jobholder, thereby each grade is reporting to the next grade level. Conference considers that the structures and systems within the PMDS system must be upheld and not eroded.

**Revenue Branch**

**ACTION:** The Association will keep this matter under review.

### Section 3

#### *Motions Defeated, Withdrawn, Out of Order or covered by another motion*

##### **Motion 37**

Conference rejects any notion that the USC is a bad tax and thereby instructs the incoming executive to seek to have it retained and amended to lessen the tax burden on low to middle income earners.

**Revenue Branch**

##### **Motion 38**

Conference notes the media coverage of Revenue tax settlements. It particularly notes and welcomes the coverage and exposure of the Revenue probe into the tax tactics of some medical consultants reporting that:

- a significant percentage of medical consultants were involved in the tax planning strategy, and that
- the additional tax yield from the particular programme focused on medical consultants was in excess of €30 million.

Conference condemns the use of aggressive, artificial tax tactics being promoted by advisory firms and the beneficiaries of such schemes.

Conference commends the commitment and dedication of AHCPS members and colleagues involved in this long-running investigation, during a period of time when members have been experiencing savage pay cuts. Conference considers that the energy, drive and commitment of AHCPS members in carrying out their functions and duties are a vital asset of the State.

**Revenue Branch**

### **1.5. TRUSTEES AND AUDITOR**

The Association's Trustees are, Mr Billy Carrie, Ms Brigitta O'Doherty and Mr Brian McKeivitt.

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

### **1.6. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS**

Mr Tom Quigley remains Honorary President of the Association. Honorary Vice Presidents continue to be as set out in the list of Honorary Officers of the Association.

### **1.7 CONSULTATIVE COUNCIL**

A Consultative Council was held in AHCPS Head Office on 1 December 2016 guest speaker at the Consultative Council was Prof John Fitzgerald.

### **1.8 MEMBERSHIP**

The Association represents members at Principal and Assistant Principal in the Civil Service and equivalent levels in a number of state enterprises.

The downward trend has finally reversed and membership is increasing. Membership now stands at 3129 at 31 December 2016. This is an increase of 125 on the previous year. 224 new applications were received during the year. The gender breakdown of membership is 1231 female (39%) and 1898 male (61%). This upward trend is ongoing.

Officials have attended induction courses in various Departments to attract new members. This is a priority area for the Executive Committee and officials have also met groups of non-members in specific departments to outline the benefits of membership. The Association intends to hold as many lunch time meetings of this nature as is possible to enhance the membership. In addition, the Association has agreed to participate in a Staff Panel membership drive that will target particular departments to attract new members.

### **1.9 BEREAVEMENT GRANT**

The Association introduced a bereavement grant for members or the spouse/co-habiting partner of a member with effect from 1st August 2016. The grant is introduced initially for a 12-month pilot period and will be reviewed later this year. A grant of €5,000 is payable on the death of the member or on the death of the member's spouse/co-habiting partner. The rules governing the payment of the grant can be obtained from head office.

### **1.10 ICT INFORMATION AND COMMUNICATIONS TECHNOLOGY**

The Association's website was revamped in 2015. The member's area was removed, a blog was introduced, a banner headline now scrolls across the homepage, news updates and circulars are made readily available, and regular Ezines enhance the information provided to members. In addition, links are regularly checked to ensure they are accurate. A twitter account was also introduced during the year the address is @ahcps.ie

Direct communications to members are usually by email, and are normally distributed through Branch Secretaries.

### **1.11 MEMBERSHIP SERVICES**

#### **LEGAL DISCLAIMER**

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

**The Association operates the following schemes.**

#### **Income Continuance Plan – Covering Long-Term Disability**

The Plan is administered by Cornmarket and underwritten by New Ireland. It provides a guaranteed source of income in the event of: (a) total disability or (b) partial

disability following total disability as defined in the Plan and explanatory Booklet available to members. There is a 62% take up of the Plan by members. The scheme was reviewed in August 2014 and following negotiations the scheme was renewed at a reduction in cost from 0.65% to 0.60% of salary for members. The net cost is only 0.35% after tax relief is applied at source assuming income tax at 41%. This is the cheapest of any of the Income Continuance Schemes run by any of the unions.

### Group Life Assurance Scheme

The Scheme is administered by Cornmarket and underwritten by New Ireland. It provides supplementary Death in Service cover of twice salary at a cost of 0.48% of salary with effect from 1 April 2015. The Scheme is under the umbrella of the existing AHCPs Additional Voluntary Contribution Plan and the deduction qualifies for Income Tax/PRSI Relief. There is a 27% take up of the scheme by members.

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

### Additional Voluntary Contributions

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

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

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

Members may be able to avail of this option.

The benefits of investing in a Last Minute AVC include:

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

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

### Car /House Insurance

The providers are as follows:

Cornmarket, Christchurch Square, Dublin 8  
(Tel: 01 408 4040).

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

### Travel Insurance

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

Abbey have confirmed the cost of AHCPs scheme will not be changed from 2016 terms. All members should enjoy the auto renew on their policies so they will automatically receive their documentation via email and will be automatically renewed unless the member emails to advise they do not want the policy this year.

New members may apply by logging onto the website [www.abbeyunionstar.ie](http://www.abbeyunionstar.ie) to obtain quote and buy online and receive documents within minutes.

1. Annual Platinum Cover – Comprehensive  
*Premiums Family/Couple €76.00 Individual €66.00*

2. Annual Gold Cover  
*Premiums Family/Couple €66.00 Individual €56.00*

3. Single trip policy now also available.

There are further discounts available if client has private health insurance to cover them abroad.

Details of the benefits may be found at [www.abbeyunionstar.ie](http://www.abbeyunionstar.ie)

### Health & Dental Insurance Advice Service

Lyons Financial Services, Office 1, Dunboyne Business Park, Dunboyne, Co Meath Tel: 01 8015808  
[www.lyonsfinancial.ie](http://www.lyonsfinancial.ie)

### Dental Insurance Scheme

This Dental Insurance Scheme is administered by Lyons Financial Services, Tel: 01 801 5808 [www.lyonsfinancial.ie](http://www.lyonsfinancial.ie)  
The Scheme is underwritten by DeCare Dental.

### Membership Plus Card

The Executive Committee renewed the Membership Plus discount card for members. The current Membership Plus card is valid for a two-year period up to end of 2018. The Membership Plus discount card will enable members to avail of discounts at a wide range of shops, restaurants, services, etc. This will be at no extra cost to members. Once you receive your card register it at [www.membershipplus.ie](http://www.membershipplus.ie)

### Mortgage Advisors / Insurance Group Scheme provided by:

Rockwell Financial Management provide a Group Mortgage Scheme to AHCPs Members and their families. Contact details 01 296 6120, [ahcps@rockwellfinancial.ie](mailto:ahcps@rockwellfinancial.ie), [Rockwellfinancial.ie/ahcps](http://Rockwellfinancial.ie/ahcps)

### Investment Advice and Portfolio Management Service

Cornmarket Group, Christchurch Square, Dublin 8  
(Tel: 01 408 4000),



## Legal Advice Service

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

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

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

## 1.12 RULES AND CONSTITUTION

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

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

## 1.13 STAFF

The staff of the Association are:

General Secretary	<b>Ciaran Rohan</b>
Deputy General Secretary	<b>John Kelleher</b>
Assistant General Secretary	<b>Billy Thompson</b>
Executive Assistant	<b>Jackie Lacey</b>
Receptionists (work-sharing)	<b>Dorothy Aughey/ Jennifer Farrelly Clarke</b>

Mark Crowther also assisted with recording and writing of the minutes of the 2016 ADC. Tom Quigley Honorary President and Joe Brennan also assisted at the ADC. Their contribution is greatly appreciated.

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



**Standing Orders**  
**Larry Cashman, Sheila Hanley, David Denny and Michael Greene.**

## CIVIL SERVICE

### 2. PAY – GENERAL

#### 2.1 LANSDOWNE ROAD AGREEMENT

In accordance with the Lansdowne Road Agreement, the Pension Related Deduction, (PRD), or ‘Pension Levy’, was reduced by €732 on 1 January 2016. A further reduction of €268 took place on 1 January 2017.

The terms of Lansdowne Road Agreement also confirmed the Haddington Road commitment to restore the third pay cut in two phases (2.75% approx. was restored on the 1st of April 2017 and 2.75% approx. will be restored on the 1st of January, 2018). It further provided for an increase in salary scales of €1,000 on 1 September 2017. However, those earning over €65,000 were excluded from this latter element.

It is important to note that even after the minor adjustment in the pension levy and the partial restoration of the third pay cut, members are still between 15% and 19% behind the salaries they were receiving in 2008.

#### 2.2 PUBLIC SERVICE PAY COMMISSION

During the last year the Public Service Unions warned the Government that unless they took steps to address the frustration of Public Servants at the pace of pay restoration, they faced potential industrial relations difficulties that would make an orderly restoration process difficult to maintain. Subsequently, the Government appointed a Public Service Pay Commission, chaired by Mr. Kevin Duffy, former Chairperson of the Labour Court.

The Minister for Public Expenditure and Reform has said that three principles have informed the setting up of the new Pay Commission:

1. A collective approach which delivers mutual benefits and industrial peace is preferable.
2. Analytical work from the Public Service Pay Commission will be treated as an input to the negotiation process rather than an end point.
3. Benchmarking was undermined by the first report’s failure to publish its evidence base and explicitly address pensions.

#### Terms of Reference

These terms of reference provide that the Commission will be advisory in nature and will report initially in the second quarter of 2017. For its initial report the Commission will be asked to provide inputs on how the unwinding of the FEMPI legislation should proceed having regard to:

- The evolution of pay trends in the public and private sectors based on published data;
- A comparison of pay rates for identifiable groups within the public service with prevailing non-public sector market rates;
- International rates and comparisons where possible; and
- The state of the national finances.

The initial report will also have regard to any particular labour market challenges the Commission identifies and to other conditions of service, including tenure and pension.

It should be emphasised that the terms of reference for the Commission include the production of an initial report designed to assist with the unwinding of FEMPI Legislation.

The Minister for Public Expenditure and Reform has said that the Commission will not duplicate the work of the State’s existing industrial relations bodies - the Workplace Relations Commission and the Labour Court.

Nor will the Commission displace the work and responsibilities of the Department of Public Expenditure and Reform. Its role will be to provide evidence based analysis on pay matters to assist DPER officials in discharging their negotiation function on behalf of Government.

The Minister also confirmed that once this report is available, the Government intends to initiate negotiations on a successor Collective Agreement ahead of Budget 2018 considerations. These negotiations will deal with the full range of issues including productivity, reform and the issue of affordable increases in pay.

The Association believes that when comparing public and private sectors, such comparisons should be with a representative cross sample of large employers in the middle to upper quartile of employment benefits. This traditional point of comparison (which was abandoned inexplicably in the report of the Public Service Benchmarking Body in 2007) is the mid-point of the relevant pay scales.

It is entirely conceivable that the talks could be concluded in June. In any event they will have to be concluded in time to frame the 2018 budget, which will be announced in October.

Either way, the hopes of the Government and the Association will be to have pay restoration signed off by October of next year, which would presage the



normalisation of pay negotiations in the public service in a post-FEMPI cuts era.

The Public Services Committee (PSC) of the Irish Congress of Trade Unions (ICTU) made a submission to the PSC, which are enclosed as Appendix X to this report.

In November 2016 a Labour Court recommendation awarded members of the Garda associations significantly more than the terms of the Lansdowne Road Agreement (LRA). The Public Services Committee, (PSC), of the ICTU, declared that it was unacceptable that a group outside of the agreement should be treated more favourably than those within the agreement. The Government was advised that the choice available to them was to engage with the PSC collectively or, alternatively, to face the prospect of individual disputes.

The Government responded by confirming that they would engage with the PSC in talks on a successor to the LRA after the presentation of the Public Service Pay Commission's initial report in the second quarter of 2017.

In the meantime, they confirmed a willingness to engage in discussions in January 2017 on addressing the 'anomaly' created by the Labour Court recommendation in respect of the Garda associations. These discussions resulted in the date at which annual pay scales (up to €65,000) were to increase by €1,000 brought forward from 1st September 2017 to 1st April 2017. This agreement benefitted a small number of Association members who earn under €65,000.

## 2.3 IPA PAY AND BENEFITS RESEARCH STUDY

As part of the Association's pay strategy the Executive Committee has commissioned the Institute of Public Administration to carry out a pay and benefits research study.

The Association is confident that the pay of APs, POs and Prison Governor grades have fallen significantly behind private sector comparators even when full pay restoration is factored in.

The submission of the Department of Public Expenditure and Reform to the Public Service Pay Commission indicates that there are some roles where PAS is finding it more challenging to source candidates, primarily in HR, IT and Finance at a senior level in Government Departments and the broader Civil Service.

Their submission goes on to say that feedback from their executive search function suggests that candidates have been very interested in these roles, particularly given the opportunity to make a difference at a senior level in large scale organisations, such as Government Departments. However, the challenge has been that the remuneration (salary and benefits) the candidates currently earn is at least 30% higher than that on offer in the Civil Service.

Remuneration has become more of a competitive issue in public service recruitment as private sector organisations

use remuneration as part of their overall approach to develop, attract and retain talent. This has now become a real disincentive to potential candidates from the private sector who are interested in working in the public service.

A review of Senior Executive Campaigns completed by PAS in 2015 found that the average number of applications for senior positions had declined from 29 in 2014 to 25 in 2015 and that private sector applications had declined from 45% to 22% overall. The number of appointments from outside the Civil Service continued to fall somewhat from previous years with 20% of appointees being non-Civil Service candidates, compared with 23% of appointments in 2014 and 24% of appointments in 2013.

The Association has sought from the IPA:

1. An objective evaluation of the work performed by the grades it represents in order to provide a solid basis to carry out a comparison with similar sized jobs in the private sector; and,
2. A report setting out the comparison of the pay and benefits of the grades in question with the private sector comparators.

It is expected that this report will be available for the Annual Delegate Conference in May 2017.

## 2.4 INCREMENTAL LIABILITY – EXPIRY OF MEASURES

This is set out in detail under Circular 20/2015. The Public Service Stability Agreement 2013-2016/Haddington Road Agreement was effective up to the 30th June 2016 and the increment measures contained in the Agreement continued until that date. No increment measures were provided for under the terms of the Lansdowne Road Agreement effective from 1st July 2016. Consequently, it is set out in the circular that no increment can be deferred beyond 1st July 2017.

The 1st July 2017 was considered the earliest time new civil servants appointed on the 1st July 2016, after the expiry of the Haddington Road Agreement on 30th June 2016, would otherwise have been faced with incremental delays. Stopping incremental delays for existing civil and public servants at 1st July 2017 aligned the position of existing and newly appointed civil and public servants. The Association has also clarified that an incremental delay cannot span the 1st July 2017 therefore members anticipating say a long service award 1st May 2017 but facing a second six-month delay will not experience that delay.

It is also the position that incremental delays do not apply in the calculation of lump sum and pensions since the introduction of the Lansdowne Road Agreement.

## 2.5 CIVIL SERVICE RENEWAL

The Civil Service Renewal Document was published by the Minister for Public Expenditure and Reform on 9

January 2014 and is available on our Website under 'Civil Service Renewal'. The Renewal Plan has reached the final year of its three-year timeline 2014-17.

The Association welcomed the introduction of the Civil Service Accountability Board and Civil Service Management Board but continues to stress that any perception that the civil service is somehow unaccountable or is underachieving is in our view very much misplaced and does not reflect the reality of our members work and commitment to public service. Irish civil servants are already held to account through a range of legislative provisions, conventions and forums and the Association's members are keenly aware of the high level of public accountability expected of them in the conduct of their duties and the use of public resources.

The Association continues to call for an independent Head of the Civil Service and we have been publicly critical of the Government's failure to make such an appointment. While it is acknowledged that the appointment of the Secretary General of PER as a spokesperson for the Civil Service is a step forward, further developments are necessary in this area. It is common for the media to turn to Staff Associations for comment in the absence of an independent Head of the Civil Service when issues arise.

## 2.6 CROSS STREAM PROMOTION & RECIPROCITY

It is worthwhile reminding ourselves of the wording contained in the July 2011 report issued by the Commission for Public Service Appointments (CPSA) regarding eligibility criteria for promotion of staff in the civil service. The report recommended that:

*'in establishing eligibility criteria for promotion to positions in the Civil Service, the Minister for Public Expenditure and Reform should remove any criteria that may prevent civil servants with the requisite skills, experience and attributes for applying for promotion positions'.*

Consequently, eligibility for promotion is no longer based on a defined period of service in the grade directly below that of the post to be filled. Rather appropriate job descriptions and person specifications are to be set out detailing necessary experience, knowledge and skills and deliverables required for relevant positions or grades. This is interpreted as meaning all promotional posts are open to all grades and it provides for cross stream promotion. This is the position since 14th January 2014 when the Staff Side of Unions reached agreement with DPER on the application of the new rules. 'Reciprocity' was acknowledged as an issue that would need to be addressed.

DPER raised the matter of reciprocity with Heads of HR & Personnel Officers in 2015 and again in early 2016 following meetings with the Staff Side. We are currently waiting on relevant stats as to the number of professional and technical positions identified by departments where

a professional or technical qualification is not required to fulfil the role. The Executive Committee will continue to monitor the position to ensure that reciprocity opportunities are extended to our grades.

## 2.7 REVIEW OF THE RATES OF TRAVEL AND SUBSISTENCE

The Haddington Road Agreement stated:

*"The Parties note that the Government intends to review travel and subsistence arrangements. There will be full co-operation by the Parties with the review and the implementation of a standardised system of travel and subsistence across the Public Service."*

### Travel Rates

The travel rates were increased from 1st April 2017, having last been revised from 5th March 2009. The Kilometre ranges have been increased from two to four. There was disagreement at General Council in relation to aspects of the changes and this went to adjudication. A hearing was held in December 2016 and the outcome on the ranges and cents per kilometre is as below. The adjudication finding was accepted by the Government and is effective from 1st April 2017. Mileage accumulated by officers between 1st January and 31st March 2017 should be claimed at the old rate but the mileage accumulated will be carried forward to the new rates from 1st April. The adjudication report is at **Appendix F**.

### Domestic Subsistence Rates

#### Overnight Domestic Subsistence Rate

In 2015 it was agreed that the Domestic Overnight Subsistence Rate would be increased from the rate of €108.99 to €125.00 from 1 July 2015. Changes were made to the distance requirements also.

It was also agreed that the overnight rate would be reviewed annually from 2016 by using the "eating out" and "accommodation" element of the Consumer Price Index (CPI).

Adjustments are to be applied to the overnight rate where the annual increase/decrease exceeds 5% – where this adjustment does not exceed 5% it is brought forward to the next review and added to the outcome of that review (i.e. cumulative).

### Subsistence Rates

Following discussions at General Council during 2016 new subsistence rates were agreed, effective from 1st April 2017. The overnight rate increases from €125 to €133.73. The 5 hour and 10 hour rates remain unchanged. In recognising the difficulties in securing suitable overnight accommodation in Dublin, within the standard rate, it has been agreed that a separate Vouched Accommodation (VA) rate may apply where officers are claiming an overnight allowance in Dublin. The rate consists of the vouched costs of accommodation up to a

limit of the standard overnight (€133.73) plus the appropriate day rate for the officer's meals may be claimed. The rates are as follows:

Overnight rates	
Class of Allowances	A Class
Normal Rate	€133.73
Reduced Rate	€120.36
Detention Rate	€66.87

Day Rates	
Class of Allowances	A Class
10 hours or more	€33.61
5 hours but less than 10 hours	€14.01

#### Vouched Accommodation ("VA") Domestic Subsistence Rates (for use in Dublin only)

Vouched Accommodation ("VA" Rate)	Accommodation	Meals
VA Rate	Vouched cost of Accommodation up to €133.73 <b>plus</b>	€33.61

#### Subsistence Allowance Abroad

Revised subsistence allowances payable to civil servants in respect of absences abroad on official business became effective from 1st April 2017. The class B rate for foreign subsistence will no longer be used. The Conference Rate has been renamed the Vouched Accommodation (VA) rate. It consists of the vouched cost of accommodation plus the rate listed in the VA column of circular 7/2017. In most cases the Overnight Rate in respect of accommodation and three meals will apply. However the use of the Vouched Accommodation Rate may be justified in certain circumstances.

## 2.8 FOREIGN TRAVEL & CHAIRMAN'S ALLOWANCE

A composite claim was filed at General Council seeking a 'Foreign Travel' allowance and due recognition for the onerous work attached to some chairperson duties. In a detailed submission to General Council the Association put forward that a 'Chairman's Allowance' should be paid on a scaled or measurement basis. In addressing the foreign travel element of the claim the Association differentiated between some foreign travel and the more regular or frequent travel by grounding the claim on the Arbitration Award for the Presidency Allowance. Under this award, and as detailed in circular DPE071/12/13, the

first six days of travel are discounted and different levels of payment are applied depending on the extent of foreign travel.

The Association met DPER to discuss all aspects of the claim and while there is a complete understanding of the basis for the claim and recognition that it is well grounded in the Arbitration Award for the Presidency Allowance, DPER nonetheless has ruled that this was a "cost increasing claim" not allowed under the Haddington Road Agreement and by extension the Lansdowne Road Agreement.

It is the Association's intention to raise this matter during the forthcoming Pay Talks as part of housekeeping issues raised by the participant unions. We believe that those that take on regular or frequent foreign travel as part of fulfilling duties abroad should be paid a reasonable level of compensation. Members are merely looking for due regard for the onerous duties fulfilled abroad on behalf of the Irish State that regularly involves weekend travel and the notorious 'red eyed' flights. The Staff Panel of General Council fully supported the claims.

## 2.9 MOBILITY

### Service Wide Mobility Scheme

Following consultation with the Staff Side of unions a pilot scheme is currently operating in Cork, Waterford & Wexford. This involves Clerical Officer and Executive Officer grades. The intention is to widen the grade of participants following further consultation and the examination of insights gained from Pilot Scheme.

The Association is broadly in support of the Scheme if it leads to opportunities for Assistant Principals like the emerging PO mobility scheme. Currently the head-to-head transfer option that requires the agreement of both departments and both candidates is the only external type opportunity afforded to members at AP grades and is often complicated by departments unable to release individuals due to the business needs of a department.

### Internal Transfer Lists

Concerns existed around internal transfer lists in departments but these will continue to be used to initially fill vacancies and it is only after departments are satisfied that no internal candidates exist that posts are offered to the Service Wide Scheme.

### PO Mobility Scheme

The Association fully supports the PO Mobility Scheme under which 25 positions have been advertised with 13 filled. In our submission to the Arbitration Board, that introduced the two in three sequence from the Open PO Panel, the Association pointed to the under-utilization of such schemes as that of PO Mobility in matching needs with skills to better address the business needs of departments. The Scheme is a major opportunity for departments to address such business needs while



allowing our Principal Officer to enhance their career opportunities with experience in a range of departments.

The PO Executive Leadership Programme, now in place and managed by the Senior Public Service Management Committee, is directly linked to the PO Mobility Scheme.

## 2.10 PRINCIPAL OFFICER PROMOTION SEQUENCE

The Arbitration Board ruled on 7th July 2015 that Principal Officers are to be appointed in a sequence requiring the first two in every three to be from the Open PO Panel followed by one internal appointment.

The Board's chairman, John Doherty indicated that the new arrangements would be reviewed after two years in operation.

This review is now imminent. The Association and many departments would favor a modification of the sequence. This would allow more emphasis on specific open competitions for specific posts in departments to more scientifically match skills with the specific business needs of a department.

## 2.11 OPEN PO PANEL

The Open PO panel was established on 18th June 2015. Of the original 1,458 applicants, 334 candidates were invited to the final stage and 161 candidates were successful in getting placed on the panel. Three-quarters of those who got to the panel are from within the civil service; 15% from the private sector and 10% from the broader public service.

There was no movement off the panel until after the Association first met DPER on the subject in September 2015 to press the matter of the lack of appointments. The first appointments were in Oct/Nov 2015. Currently PAS has cleared down to number 85 and appointed roughly 51 people. The difference is made up of individuals successful in internal competitions and people looking for provincial locations where there are less offers and refusals. It is our understanding that at least 5 people from the private sector did not take up job offers re-enforcing our argument that the pay of our grades and other senior grades in the Civil & Public Service is not attractive to the private sector. This is further re-enforced by the proportion of applicants of merely 15% from the private sector.

DPER has advised that a new Open PO Competition will be run 2017 and that the existing panel will close as the new one is put in place. The Association asked several times about the holding of a PO1 competition. We have been advised that DPER are examining the issue of holding an Inter-departmental PO1 Competition in 2017.

## 2.12 PRINCIPAL OFFICER EXECUTIVE LEADERSHIP PROGRAMME

The Association met the Official Side on 27th March 2017

and were briefed on plans for a PO Executive Leadership Programme. The purpose of the Programme is to encourage, support and develop those at senior management levels interested in progression to a higher level across the Public Service. The Programme will be open to all Principal Officers & equivalents subject to a minimum of two years-experience at PO level at the end of March 2017. The Programme is managed by the SPS Management Committee and is similar to that in place for progression from Assistant Secretary to Secretary General level. It is a critical component of the process that applicants not nominated by Line Managers receive full feedback including development opportunities to address development areas.

The Association welcomed the initiative and regard it as a progressive development. We have been assured that an integral part of the Programme is access to support and feedback to applicants put forward to Management Boards but not nominated to the SPS Management Committee. Again, this includes a requirement to have development opportunities identified for such applicants.

## 2.13 PERFORMANCE MANAGEMENT AND DEVELOPMENT SYSTEM

A new two-point rating system is now in operation and was used for the first time at the end-of-year-reviews for 2016. This is a simplified system to replace the temporary descriptors of 'Unsatisfactory', 'Needs to Improve', 'Fully Achieved Expectations', 'High Standard' and 'Exceptional Performance'. Individuals are now rated as *Satisfactory* or *Unsatisfactory* and if an unsatisfactory rating is given the individual will immediately be involved in a Personal Improvement Plan or PIP. The Association continues to emphasise the importance of any necessary training, support and mentoring that must be provided to an individual as part of the PIP.

No other change is involved and an individual continues to hold the right to seek a review of his/her rating and if necessary seek referral to an external reviewer where there is disagreement concerning the rating. DPER have yet to appoint a panel of external reviewers.

Feedback from managers has been very positive and the consensus is that this new rating system is a welcome development. This is part of the Civil Service Renewal Programme. That programme strives to introduce a new model of performance management and to professionalise and reform HR management.

## 2.14 REVISED DISCIPLINARY CODE

The revised code came into effect from 1st September 2016 under Circular 19/2016. In addition to the Code a new manager's handbook is available to provide greater clarity on the content of the Code. The content of the manager's handbook was not discussed in any detail with the Staff Side and was not the subject of agreement. Rather it is a 'guide' that has been introduced

by DPER at their own initiative. The Code itself is the prescriptive document.

Disciplinary cases that were commenced under Circular 14/2006 continued under that circular until reaching completion. Any new disciplinary cases that were commenced after 1st September 2016 fall under the new Code. The new Code introduces the title 'relevant manager'. This is noted as meaning the line manager, a more senior manager or a HR manager as appropriate to the specific situation. Each department or office may determine who the relevant manager is in respect of disciplinary matters and may issue appropriate guidance on such matters. It is generally expected that the line manager will administer level one verbal warnings and level two written warnings. A senior manager, with the advice of the HR Unit may administer a final warning and more serious sanctions where appropriate.

The application of fair procedures was central to the discussions and agreement on the new Code. It is notable that emphasis has been placed in the document on ensuring that decisions are fair and consistent. In addition, civil servants have a right to appeal any of the disciplinary actions set out in the new Code and as well as internal appeal options there is provision for an appeal to an External Appeals Officer. For specified sanctions, there is provision for appeal to the Disciplinary Appeals Board.

## 2.15 DISCIPLINARY CODE FOR PROBATIONERS

A draft document titled 'Disciplinary Procedures for New Entrants Serving in a Probationary Capacity' was circulated to unions on the Staff Side and nominations were sought from the Staff Side Secretary for a Sub-Committee of General Council to examine the document. The initial meeting of the Sub-Committee has yet to take place. The proposed document is an extension of the work completed that put the new Disciplinary Code in place. The Staff Side had expressed concerns at that time at a lack of direction and clarity around disciplinary procedures for those on probation. This was not addressed within the main document.

## 2.16 WORKSHOP ON EMPLOYEES UNDER PROBATION

This was held with the Staff Side in November 2016 at the request of DPER. The 30th September 2016 letter from DPER to HR Managers was discussed that set out directions for an appeal of a recommendation to terminate a probationary appointment. This had been circulated by DPER before consultation with the Staff Side due to the urgency around the necessary direction. The Staff Side agreed to examine the document and revert with any concerns.

The intention of the workshop was to examine and address different practices in place for employees under probation. The work is on-going and as stated in the September 2016 letter to HR Managers, other than the

new directions around the appeal of a termination of appointment, the existing *Guidelines on Probation* (<http://hr.per.gov.ie/probation-guidelines-2/>) remain in place.

## 2.17 DRAFT REGULATORY IMPACT ASSESSMENT [RIA]

On 14th September 2016 DPER circulated a document titled Draft RIA or Regulatory Impact Assessment. Prior to this the Government had approved a proposal to amend the Civil Service Regulation Acts 1956 – 2005 and the Public Service Management Act 1997 to provide that disciplinary action up to and including dismissal could be devolved below the level of the Head of an Organisation. DPER considered that this decision facilitated the achievement of Action 11.3 of the Civil Service Renewal Plan to "strengthen the disciplinary code to enable managers to take more effective and decisive action as required to tackle under-performance, including exits."

DPER drafted the RIA and concluded that legislative change was required. The Staff Side met DPER on 1st December 2016. The Staff Side raised concerns around the proposal that power of dismissal would rest with POs for all grades up to and including APs. It was envisaged that Assistant Secretaries would have the power to dismiss POs. The Staff Side stated this raised many issues including those of fair procedure & objectivity and requested a revised document. DPER later responded that the RIA was a consultation document that formed the basis of their consultation process with both HR Managers and Unions but would remain as drafted.

The Official Side offered to represent the Unions' concerns in a new section in the draft before submitting it to Government for decision and later proposed to exclude the reference to specific grades at that point in time. This was unacceptable to the Staff Side who tabled the matter for inclusion on the agenda of General Council.

Discussions took place at the Council's meeting of 25th January 2017. The Staff Side stated that issues in dispute were always referred to Third Party. The Staff Side pointed out that it was proposed to send draft legislation to Government and later to return to talk to the Unions on what the Staff Side regarded as a substantive issue. At minimum, this would leave the Staff Side having to refer the matter to the Oversight Body for direction. A further meeting took place with DPER on 14th February 2017 but the matter remains unresolved.

## 2.18 NEW CIVIL SERVICE MANAGEMENT OF UNDERPERFORMANCE POLICY:

This was issued under Circular 24/2016 in November 2016. The Policy came into effect on 1st January 2017 and is part of strengthening the performance management process under Action 11 of the Civil Service Renewal Plan. Linked to this is the new simplified two-point PMDS rating system of 'Satisfactory' or 'Unsatisfactory'.

It was necessary for the Policy to go before the Civil Service Arbitration Board on 8th April 2016 as agreement could not be reached on the matter of warnings issued under the Underperformance Policy constituting disciplinary warnings. Prior to this the Association participated in meetings between unions on the staff side and a combination of Personnel Officers from various departments and representatives of DPER to examine a draft policy document put forward by DPER. Agreement was reached on some amendments to the document but not to the central point of written warnings. It was the position of the Official Side that these warnings issued in the timeframe of a personal improvement plan [PIP] should also stand for warnings of a verbal or written nature under the Disciplinary Code.

The Staff Side considered that an Underperformance Policy, incorporating a PIP, should aid staff development and apply in a positive working environment. The Staff Side was very concerned at the direct connectivity between the proposed Underperformance Policy and the Disciplinary Code in the manner where underperformance warnings would constitute disciplinary warnings.

The AHCPS Executive played a lead role in the adoption of the Staff Side position having rejected the proposed Underperformance Policy at its December 2015 meeting. A Disagreed Report was produced at the end of February 2016 with the matter as set out above referred for hearing before the Arbitration Board on 8th April 2016. Unfortunately, the decision of the Board was that they believed the proposals advanced by the Official Side for managing underperformance was compatible with good HR practice. It went on to rule that the manner of the introduction was equally important to gain maximum practical support, credibility and their perceived equity in purpose. Consequently, the Board deferred the introduction of the new process until 1st January 2017 – effectively after the first use of the new PMDS ratings.

## 2.19 OVERPAYMENT POLICY

A revised Overpayment policy has been agreed effective from 1st May 2017. The revised policy is more prescriptive and allows additional flexibilities in repayments including hardship cases and allows for an appeal under the grievance procedure. Circular 10/2017 refers and replaces circular 1/2015.

The main changes to the Circular are briefly outlined below:

- Arrears will automatically be offset against overpayments
- Existing repayment plans will remain in place but will be reviewed if a new overpayment is discovered or if there is a material change in circumstances
- 3 categories of Delayed Pay Adjustment (formerly

“auto recoupment”) i.e. adjustments will automatically be made

- 5 days or less overpaid to be recouped over 1 month period
- 10 days or less sick leave overpaid to be recouped over 1 month period
- Unpaid leave or exceeding access to self-certified sick leave to be recouped in full
- Deductions from gross salary/pension for those on payroll
- Steps to address multiple overpayments and/or overpayments exceeding €2,500
- Exceptional/Hardship provisions:
  - Provision for application form and supporting documentation
  - Designated officer cannot normally reduce repayment below 3% of gross
  - Potentially subject to review every 6 months
  - Overpayments on foot of unpaid leave will not qualify
  - Grievance Procedures will apply.

## 2.20 ACCOMMODATION

The OPW policy in relation to new buildings is that they should be open plan. This is causing major concern in those departments which are moving to new accommodation. Since ADC 2016 the Department of Transport has moved from Kildare Street to the Nurses home in Leeson Lane. The Department of Health and the Department of Children are due to move to the Miesian Plaza (formerly Bank of Ireland in Baggot Street). Part of the Department of Social Protection are due to move to Smithfield and the Courts Service will be due to relocate with the next few years. In all these moves, there is no provision for cellular offices for the AP grade. In the case of the Miesian Plaza the Association is concerned that the space available in the open plan office for the staff is insufficient to allow for the quality of work that is required to be performed and that it will resemble a call centre layout.

The Association has engaged with OPW and with the relevant Secretary Generals in relation to the issues. The General Secretary and Deputy General Secretary together with the Health branch officers met with the Minister to outline their specific concerns. The Association has also engaged our Architect to study the floor plans and to provide feed-back. However to date the OPW are not for changing in relation to the open plan layout in the various buildings.

## 2.21 GENERAL COUNCIL

### 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 and conditions of employment are discussed with the Official Side in accordance with the terms of the Conciliation and Arbitration machinery for the Civil Service.

The officers for 2017 elected at the AGM in January 2017 are Chairperson Niall McGuirk (PSEU), Vice Chairperson Ann McGee (CPSU). Eugene Dunne (Impact) replaced Gerry Malone (PSEU) during 2016 upon Gerry's retirement.

## 2.22 BEREAVEMENT LEAVE

Bereavement leave for Civil Servants whose spouse or partner has passed away is increased from 5 to 20 days. The 20 days leave also applies following the death of a civil partner, child or adopted child. Leave for the death of an immediate relative e.g. father, mother, father-in-law, mother-in-law, grandfather, grandmother is increased from 3 to 5 days. Ten days leave will apply for the stillbirth or pre-natal death of a child after 24 weeks pregnancy and will be available to the father, partner or co-habitant of the mother.

The death of an uncle, aunt, niece or nephew will be 1 day. However, if the civil servant has been living with the deceased or has to make funeral arrangements, that leave will be increased to 5 days, though this is at the discretion of the relevant HR unit.

## 2.23 EQUALITY/DIVERSITY/ WORK LIFE BALANCE:

The Association is represented at the Equality Sub-Committee of General Council by Assistant General Secretary [AGS], Billy Thompson. The Executive Committee is assisted in its decisions on work life balance & diversity issues by a Sub-Committee of the Executive in which the full-time officials and the officers of the Association participate.

At the September 2016 meeting of the Sub-Committee it was agreed that the Staff Panel would submit a Scoping Paper to DPER outlining the areas of equality and diversity that it wanted reviewed and discussed as part of a general evaluation of issues. This was compiled and shared with the full Staff Panel at a workshop in Kilkenny in November before being sent across to DPER.

The issues identified included: '*Recruitment*' – examination of data on successful candidates in competitions, training for interview boards & details of equality proofing measures; '*Disability*' – request for full data on numbers employed, training & career opportunities and accessibility of workplaces; '*Gender*' – examination of data on pay rates, equal pay audits, atypical working arrangements & promoting advancement to senior & high profile roles; '*Equality & Diversity Action Plan*' – to bring together all the different policy strands, standards & targets. Other headings covered were

*'Nationality/Race/Ethnicity', 'Health & Safety at Work', 'Pay Systems' and 'Equality & Diversity Training'.*

A full discussion is to take place with DPER on the full content of the Paper in the context of a review of Equality & Diversity policies as required under Civil Service Renewal. It is understood that work on a comprehensive employment strategy is already on-going under the leadership of the Department of Justice & Equality.

The Association was due to attend the Congress Joint Women's Committee Seminar scheduled for 2nd March 2017 but this has been postponed until 7/8 September in Portlaoise.

## 2.24 SHORTER WORKING YEAR/TERM TIME

The Civil Service Staff Panel raised the matter of the Shorter Working Year Scheme several times with DPER expressing concern that there was no appeal mechanism or a method for redress where issues arose. It was the view of the Official Side that the granting of the Shorter Working Year is dependent on the business needs of an organisation and as such must be left within each operational unit of a department/office to approve. The matter was referred to the LRC for facilitation at the request of the Staff Panel. The outcome of the meeting was that DPER would carry out a comprehensive review of the Scheme. This report was presented at the June 2016 meeting of the Equality Sub-Committee. The review of the Scheme involved a questionnaire issued to 21 Government Departments/Offices and a workshop was held with 11 representatives from these locations. The questionnaire dealt with all aspects of the Scheme posing questions relating to each section of the Circular. In addition, a meeting was held with representatives of the Staff Panel where concerns were expressed by the Staff side about the overall operation of the Scheme. It has been the position that some departments or divisions within departments were unable or unwilling to allow staff avail of the full 13-weeks option due to staff shortages. Given that the moratorium on posts has been lifted that should no longer be an issue.

The outcome of the DPER review of the Scheme was that there was general satisfaction amongst Civil Service Departments about the way the Scheme operates. It was the majority view that it is not necessary to have an appeal system as access to the Shorter Working Year Scheme is dependent of the business requirements of a unit therefore the best person placed to assess the business requirement is the Line Manager who is making the decision. This was not acceptable to the Staff Side that expressed concern that in the last number of years there was evidence that some departments had implemented the Scheme with very narrow options offering 2, 10 or 13 weeks.

It was agreed that DPER would write to departments recommending that where appeal mechanisms are currently not in place provision should be made to provide that the refusal of an application for the Scheme



can be reviewed at a more senior level in business units. DPER was also to recommend the listing of Shorter Working Year Schemes in a timely fashion on the agenda of Departmental Councils. AHCPs attendees at Departmental Councils are therefore asked to ensure that this is an annual agenda item.

## 2.25 STAFF WITH DISABILITIES

DPER maintains a website on disability issues. It can be accessed at <http://hr.per.gov.ie/disability/>.

## 2.26 FLEXIBLE WORKING HOURS [FWH]

There are currently over 400 members availing of flexitime. The Haddington Road Agreement [of which the Lansdowne Road Agreement was an extension] impacted on all these members by the restrictions in flexi-time outlined in the agreement.

Newly-appointed APs are not allowed to access flexible working hours where the facility already exists in departments. Given that this flexibility is mainly sought for family reasons it is not progressive when withheld and mitigates against members balancing work life responsibilities. This was highlighted at ADC 2016 by a considerable amount of similar motions led by an Executive Committee motion on the subject.

The Association lodged a claim at General Council seeking the reversal of the policy on the basis that it is also inequitable where existing APs have the facility but newly appointed APs do not. Positive discussions took place with DPER where it was noted that many Personnel Officers and Managers also want this issue addressed. The Executive will continue to pursue this issue.

It is the Association position that once flexible hours are allowed on an optional basis for newly appointed APs that we will engage with departments where no members have FWH to have a like option introduced. Some departments have already signalled an interest of this nature once the general restriction is removed. These departments recognise the progressive nature of such schemes.

## 2.27 PATERNITY LEAVE

It was agreed with DPER that the existing scheme for paternity leave would be extended to address EU changes and amendments in the Government's paternity leave legislation set out in the Paternity Leave and Benefit Act 2016. Circular 18/2016 'Paternity Leave in the Civil Service' sets out the changes effective from 1st September 2016. Eligibility is now extended to all "relevant parents" as defined in the Act and provides for a single period of 2 weeks leave with pay. In general, a person on paternity leave in the Civil Service is entitled to normal pay subject to conditions set down in the Circular.

## 2.28 PARENTAL LEAVE

Finance circular 13/2010 outlines the provisions of this scheme. The D-PER website sets out any subsequent changes or restrictions. This includes the 2013 EU directive granting longer leave periods of 4 months transposed into Irish Law on 8th March 2013. That directive strengthened the protection for workers applying for parental leave.

The matter of how parental leave is calculated over weekend periods has been the subject of discussion for some time with DPER. This concerns superannuation and the treatment of parental leave in circumstances where the leave is taken in individual days and spans a weekend.

The outcome of these discussions has been positive and a review of the superannuation scheme concluded in mid-2016 with the recommendation that Saturdays and Sundays would be pensionable days. However, a formal decision on the subject is still awaited.

DPER continues to stress the importance of giving six weeks-notice prior to the taking of Parental Leave.

## 2.29 WORK-SHARING

The Association continues to highlight the anti-family nature of work sharing restrictions and the way, along with the current policy on FWH, it curtails members managing work life balances. The Association has no direct evidence of where these restrictions aided departments in the management of staff numbers. It is entirely questionable if any such benefit arose but the continued application of a practice that requires not less than a 50% work sharing pattern is highly questionable given the moratorium on staff numbers has been lifted.

The Haddington Road Agreement committed both sides to reviewing the work-sharing scheme including the patterns that should be available. It is set out in Circular 12/2013 that management has the discretion to alter or change an individual's work-sharing arrangements on the giving of three-month's notice with management reserving the right, on reasonable business grounds and with reasonable notice to require a person to vary his/her work-sharing arrangements or to require a person to resume full time work. It is up to managers/organisations, while taking account of the personal responsibilities and obligations of the other officer, to agree an appropriate work sharing arrangement that meets the needs of the business and that this may or may not be the same as an individual's pre-Haddington Road hours.

It is specified in Circular 12/2013 that no individual is allowed retain an arrangement that results in a work-sharing pattern of less than 50% in accordance with Section 18 (Work-sharing) of Appendix 4 of the Haddington Road Agreement. It is specified in paragraph 5 of Circular 12/2013 that work-sharing arrangements must be formally reviewed on **an annual basis** or earlier if required and again sets out that management has the

discretion to alter or change an individual's work-sharing arrangements on the giving of three months' notice.

Members should also take cognisance of a letter to Personnel Officers on 7th December 2016 about the Civil Service Work Sharing Scheme. This addressed advice sought by departments as to whether workshare examples cited in Circular 31/2001 were exhaustive. Departments were advised that this issue was addressed at the Equality Sub-Committee of General Council and that the terms of Circular 31/2001 are not intended to be exclusive. Patterns specifically mentioned are merely examples that may be used in Category I, Category II, etc. Consequently, variations can be agreed at a local level. The Circular itself states that it is important that both management and those participating in the scheme adopt a flexible approach. DPER has confirmed that this remains the position except for the new provisions in Circular 12/2013 precluding work sharing patterns of less than 50%.

### 2.30 E-WORKING

DPER's position is that Departments already have scope to operate e-working under the existing circular and it is a matter for consideration by each department within the context of their own business needs.

### 2.31 MERGER OF PROPERTY REGISTRATION AUTHORITY, VALUATION OFFICE AND ORDNANCE SURVEY OF IRELAND

The draft legislation to merge the Property Registration Authority, Valuation Office and Ordnance Survey of Ireland was published in January 2015. The new organisation is called Tailte Éireann. Mr John O'Sullivan, the current Commissioner of the Valuation Office was appointed as Chief Executive Designate.

The Transfer of Functions Orders to authorise the move of the Valuation Office and OSI under the aegis of the Department of Justice and Equality was approved by the Government and is effective from 1st January 2016. The Project Board established to oversee the merger meets roughly every two months. The January 2017 Staff Communiqué from the Project Board notes progress made by the Legislation Working Group assisting in the drafting of the Tailte Éireann Bill through which the new body will be established. It was noted that considerable progress had recently been made but several issues regarding the transfer of functions remain outstanding. An update was provided on various Working Groups. In relation to the Finance Working Group formal budget sanction from the Department of Justice is awaited before the project can commence that will take 18 weeks to complete.

Vesting day for Tailte Éireann is still in doubt as legislation was not brought before the outgoing Dáil and there is no indication as to the priority status of the matter for the current Government.

### 2.32 IRISH HUMAN RIGHTS AND EQUALITY COMMISSION

The Irish Human Rights and Equality Commission Act 2014 dissolved the Equality Authority and the Irish Human Rights Commission and transferred their functions to the Irish Human Rights and Equality Commission (the "IHREC"). The IHREC, an independent statutory body, was established under the Act on 1 November 2014. The AHCPs, together with representatives from the other unions participated in negotiations that have resulted in the establishment of an Industrial Relations Council that now meets on a regular basis.

### 2.33 MEETING WITH POLITICAL PARTIES

As outlined in last years' annual report the Association's officials met with representatives of a number of the political parties. This is part of the Association's "Communication Strategy". The Association continues to meet with representatives of the various political parties and met with Stephen Lynam (Adviser to Minister Donoghue) Dara Calleary TD Fianna Fail Spokesman on Public Expenditure and Reform, Sean Sherlock TD Labour party Spokesperson on Public Expenditure and Reform and David Cullinane TD Sinn Féin. Further meetings with the other political parties are planned during 2017. The issues discussed include the commitment to honour the restoration commitments in the Haddington Road and Lansdowne Road Agreements, breaking the link between the pay of the PO and the TD, and the lag between the remuneration levels at AHCPs grades with comparable grades in the private sector.

### 2.34 SHARED SERVICES

The Public Service Reform Plans published in November 2011 contained a range of ambitious actions relating to shared services. The establishment of a Shared Service for HR and Pensions (known as Peoplepoint) in the Civil service was prioritised and its development was led by the Department of Public Expenditure and Reform.

#### Peoplepoint

The union continues to meet representatives and the Head of Peoplepoint under an arrangement by General Council where a sub-committee of General council was set up to address issues of concern raised by members of the various unions. Difficulties continue to arise particularly with overpayments, time delays and the increasing workload within Peoplepoint as further departments and agencies are taken in to Peoplepoint. There has been progress on many issues but new ones arise on a continual basis.

The Staff Panel decided that individual cases will be referred by the unions to the parent departments. Unions continue to take this approach as the duty of care rests with the department and not Peoplepoint.

The Executive continues to keep the matter under review but is concerned that some members are still encountering difficulties.

PeoplePoint is providing HR and pensions administration shared services for 34,500 employees across 39 Government Departments and Public Service Bodies (PSBs).

Further to a meeting with the Oireachtas HR Team, it has been agreed to defer the transition of Oireachtas to PeoplePoint until later in 2017.

### **Payroll Shared Service Centre (PSSC)**

The PSSC continues to make payments to approximately 102,000 payees, including 57,000 pensioners.

Wave 5 of the payroll shared service project is complete, with the transition of Department of Health and the Department of Agriculture payrolls to the Payroll Shared Services Centre. Preparatory work is continuing for Wave 6 migrations.

### **Financial Management Shared Services (FMSS) Project**

The Financial Management Shared Services Project continues to progress detailed planning for the Design Phase with its System Implementation (SI) Partner, Accenture. This includes follow-up actions from the Conference Room Pilots (CRPs) and a decision on optimal dates for the next CRP.

Wave 1 PSB Project Managers met on 18th January 2017 to receive a detailed project update, details on their role and responsibilities, and guidance on change management tools and activities and transition planning. This was the first in a series of regular meetings.

The FMSS Project team continues to provide regular updates to the project sponsors, senior stakeholders, finance officers and finance team members through the NSSO Interim Board, FMSS Programme Board, the FMSS Finance Officer Forum, Process Design Advisory Group (PDAG), Technical Advisory Group (TAG), Process Design Working Groups, Wave 1 Project Manager Forum and the FMSS Project bulletin.

Recruitment to the FMSS Project team continues. A Civil

Servant Change Workstream Manager (AP) started on 23rd January 2017. Further roles will be advertised over the coming weeks/months.

### **2.35 TLAC**

18 TLAC type competitions were held during 2016 – 3 at Secretary General level, 1 at Deputy Commissioner in An Garda Síochána and 14 at Assistant Secretary level. 18 appointments were made from these competitions – all the competitions were open.

### **2.36 SENIOR PUBLIC SERVICE (SPS)**

The Senior Public Service has been established to further enhance the leadership skills and performance of senior civil servants. A vacancy that arises at Deputy/Assistant Secretary General level in the Civil Service must first be offered to the Senior Public Service. Mobility is overseen by the Mobility Subgroup of the SPS Management Committee. The subgroup is chaired by the Secretary General, PER. Its membership comprises the Secretary General, Department of the Taoiseach and the Secretary General, Department of Social Protection. When the Department of Public Expenditure and Reform approves the filling of a vacancy at Deputy/Assistant Secretary level, it is notified in the first instance to the SPS secretariat. The Mobility subgroup then considers, in conjunction with the Secretary General of the Department in which the vacancy arises, how the vacancy should be filled.

This decision should be made no later than a week after receipt of the job description. If it is decided that the post should be filled by open competition, the TLAC secretariat will be notified and the normal TLAC process will apply. If it is decided that the vacancy should be filled by lateral mobility, all SPS members at that level will be notified by email and the vacancy will be advertised on the SPS website. The Mobility subgroup, together with the Secretary General of the sponsoring Department, will make a decision on the most suitable candidate for the position, based on the information submitted in respect of each applicant. In the event that there are no suitable applications through mobility for the post, it will be filled through open competition by TLAC. Nineteen positions have been filled since the protocol was introduced including 4 in 2016.





**Officers Larry Dunne, Treasurer, Edna Dowling, Vice-Chairperson and John Glennon, Chairperson.**

# STATE ENTERPRISES

### 3.1.1 AN POST

An Post's finances continue to be a cause for concern. Mails Revenue continues to fall with the decline in mails volume. Email and on-line shopping has changed the way people communicate and buy goods and An Post must adapt in order to survive. The Universal Services Obligation is a requirement met by An Post but it means continued use of cash reserves to pay for this essential service. The impact of pricing on An Post was recognised by the Labour Court during pay negotiations that took place from 2014 into 2016. The Court highlighted the need for engagement between the Company, its shareholder and the regulator on this issue. The Minister approved a pricing increase in early 2017 but delays have arisen in the final application of the increase. The Association highlighted the urgency around this issue in a March 2017 press release.

### 3.1.2 PRESS RELEASE

The press release of 8th March 2017 stated that an increase in the price of stamps was critical to ensure the future viability of our national postal service. The Association recognised the importance of the on-going company review, and potential restructuring as An Post moved to secure the future of the company, but stressed the importance of active and meaningful communication between the company and staff representative groups.

General Secretary Ciaran Rohan stated that An Post delivers essential services in communities right across Ireland. He went on to say that in European terms the cost of the Irish service compare extremely well and the proposed increase is a step towards the 'right' pricing model. He emphasised though, that in any process of change, staff consultation is paramount.

### 3.1.3 APPOINTMENT OF NEW CEO

Mr David McRedmond was appointed as Group Chief Executive of An Post in September 2016 on the retirement of Mr Donal Connell. The appointment is for a fixed seven-year term.

### 3.1.4 COMPANY REVIEW

This is being conducted by McKinsey Consultants and was initiated by Mr McRedmond following his appointment. The Association had a preliminary meeting with McKinseys on 25th January 2017 emphasising the important role of our grades as senior managers in any change management process. The need for full and active consultation and communication was again stressed by the Association and acknowledged by representatives

from McKinseys. The Association pointed to the Senior Manager Forum as an opportunity for further dialogue when the consultants have the initial shape of a report around their proposals that will be presented to the Board.

The Association met the CEO along with the other unions at two separate meetings where the full extent of the challenges facing the company were detailed by Mr McRedmond, the absolute importance of growth areas, increased revenue from the awaited increase in the price of stamps and the necessary cost saving measures in a detailed 5-year projection.

### 3.1.5 FIRST PAY AWARD SINCE 2008

Labour Court Recommendation No LRC21206 of 14th April 2016 provided for a pay increase with effect from 1st May 2016 in line with private sector increases. A pay freeze remained in place to 30th April 2016. A process followed of identification and agreement on cost saving measures that were subsequently verified by the Monitoring Group. This allowed agreement to follow on the application of Hay Market Movement for our members in that category also effective from 1st May 2016.

Prior to issuing its final recommendation of 14th April 2016 the Labour Court facilitated a number of meetings between An Post and the unions and crucially stipulated in Oct 2015 that while recognising the financial constraints within the company it was of the view that the continuance of the current pay freeze, in place since 2008, was not "a viable proposition". The Court asked all the parties involved to engage on the "range of additional efficiency measures" and to "reach agreement on as many of these as possible". Prior to this the Company had remained opposed to any pay increase quoting inability to pay at all stages of discussions.

It is clear any future development on pay are intrinsically linked to the McKinsey review and recommendations on restructuring and growth areas.

### 3.1.6 RESTRUCTURING OF MAIL OPERATIONS AREA

Difficulties arose at the end of 2016 with a restructuring of Mail Operations. There was no prior engagement with the Association. The company conceded this should have been communicated in advance but contended that minor change arose not subject to prior negotiation. The Association considered the restructuring constituted major change and it was linked to the setting up of a new business unit for parcels and packets. The Association has

always supported and engaged with change management programmes in An Post but cannot bring added value to a change or restructuring process when full consultation does not take place.

The Association quickly produced a position paper on the matter and sought a postponement of the changes due to occur in the busy Christmas period. Correspondence was exchanged with the company requesting that such restructuring was more appropriate following the full company review. The Association also pointed to a need for the replacement of the dated 'Change and Productivity Agreement'. The company however proceeded with the changes.

The Association met HR on the matter in early 2017 and has had two regional meetings with our members involved. It has been agreed that full engagement on the subject will take place on foot of the McKinsey report and the wider change recommendations it will contain. The Association sees a role for the Senior Management Forum in the process.

### **3.1.7 PENSION ISSUE**

The Association is awaiting a disagreed report on the matter of the application of CPI changes to pensions for our members covered by Hay Market Movement. The position of the company is that CPI increases to pensionable pay should apply only to the median point rather than the max of salary scales. The Association appreciates the HR rationale involved but considers that this position mitigates against high performers and intends referring the matter to the Workplace Relations Commission for direction and likely arbitration.

### **3.1.8 UNI GLOBAL UNION POST & LOGISTICS WORLD CONFERENCE**

This was held in the Croke Park Conference Centre in Dublin from the 13-14 September 2016. The Irish delegation comprised the AHCPS and Communications Workers Union [CWU] with the CWU having taken a considerable part in the organisation of the event and the UNI E-Commerce Forum held in the CWU conference centre during the previous two days. Both events were a considerable success and the large number of attendees were given presentations on key changes in the world of postal delivery with an emphasis on the growth of on-line trade.

### **3.1.9 ON CALL ALLOWANCE FOR OPERATION MANAGERS RETAIL**

A claim for Operation Managers Retail was lodged at JCC and was the subject of discussions with HR. However, due to the ongoing Company Review being carried out by McKinsey Consultants it has not been possible to reach agreement on the payment. The Association considers it is necessary to refer the claim to the Workplace Relations Commission for direction.

### **3.1.10 IOS ANNUAL LEAVE**

The Association lodged a claim at the January 2015 JCC meeting on behalf of Inspector of Services 2 (pre-agreement) for an increase in annual leave to align with that of HEO and Superintendant 1. This amounted to one additional annual leave day. It took some time to finalise the claim but agreement was recorded at the November 2016 JCC meeting.

### **3.1.11 WITNESS HISTORY PROJECT**

A small "inconvenience" payment for the construction work on the Witness History Project was agreed and paid in early 2017 with some slightly larger amounts awarded under a draw scheme. This involved our members and other staff sited near the construction area.

## **3.2 PREMIER LOTTERIES IRELAND [PLI]**

Premier Lotteries Ireland [PLI] came into existence on 30/11/14 with the transition of staff, functions and assets from An Post National Lottery.

PLI is owned by Ontario Teachers' Pension Trust (77% approx.) and An Post (23% approx.). During 2013 & 2014 the group of unions inclusive of the AHCPS negotiated the transition over to PLI. This was facilitated via the then Labour Relations Commission [now the Workplace Relations Commission] and the Labour Court to ensure there were several safeguards in place for staff. These related to EU Protection of Employees on Transfer of Undertaking Legislation (TUPE), provision of a Pension Scheme no less favourable than the An Post Pension Scheme, union recognition, collective bargaining rights and retention of particular staff rights.

The Association set up a separate AHCPS Branch in PLI in 2015 to address industrial relations matters and represent members within the new company. Since that time the Association has attended all meetings of the Industrial Relations Forum in the company.

The Association has developed a very good working relationship with HR in PLI and reached agreement during 2016 on several IR issues. Currently the Association has only one open issue relating to performance payments and this is nearing conclusion. Since transition day, members have dealt with considerable change in systems, functions and procedures that together with a broad restructuring programme has brought extensive added value to the trading position of PLI. This was acknowledged by the company in the award of pay increases in both 2016 and 2017 as negotiated by the Association.

The AHCPS has a very active branch committee in PLI that is regularly supported by AHCPS HQ. The Association has representative rights for Level 3 managers in the company that are equivalent to Assistant Principal Grades. The Association has individual representative rights for Level 2 managers that are equivalent to Principal Officer Grades.



### 3.3 PERSONAL INJURIES ASSESSMENT BOARD [PIAB]

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

The Association attended all meetings of the Joint Consultative Committee or JCC during the course of the year. PIAB has maintained its workforce at 80 staff since it received delegated sanction and the acceptance of the self-financing principle. PIAB charges a moderate fee for its services but this provides an income stream for the Board to meet all running costs as set out in its accounts published on the PIAB website. The Association was successful in early 2016 in having the AHCPS driven business case for two additional Assistant Principal Officers accepted as part of the general increase of staff numbers. The Association is currently reviewing with HR the roles and responsibilities of AP, AP Higher and PO grades within the Board and the extend of numbers at our grades.

### 3.4 IRISH AVIATION AUTHORITY

A ballot of members was carried out in November 2015 to vote on new pay proposals effective for four years from 1/1/16. The proposals were favourably accepted by members and this was formally notified to the Authority in January 2016 following the AGM of the Branch. The 2016 increase was then applied to salary scales and in January 2017 the second phase of the increase was paid.

The Association continues to actively attend and contribute to the work of the Joint Conciliation Forum [JCF] that is the industrial relations forum within the Authority. This comprises unions from IMPACT, PSEU, CPSU, ATOA & AHCPS. In addition, the Association attends all Staff Panel meetings where consensus is reached on items brought before the JCF.

The Association played a lead role in a challenge to the Alcohol & Drugs Testing Policy in the Authority that does not exclude non-safety critical roles from random testing. It was necessary to refer the matter to the Disputes Resolution Board and currently a process is underway to



Ciaran Rohan, General Secretary, John Glennon, Chairperson and John Kelleher, Deputy General Secretary.



identify such roles for exclusion from future testing. The Association wishes to acknowledge the broad support extended by the Staff Panel to bring this about. The Staff Panel fully supports the IAA Protocol in existence around 'Managing Workplace Intoxicants' but took a position in alignment with case law that recognises that only staff in safety critical job roles should be subject to random testing in accordance with the Safety Health & Welfare at Work Act 2005.

The Association is currently managing a claim for Domain Managers who did not benefit from a payment award to a specific linked grade that is in place for some time under a long-standing agreement.

### 3.5 SOLAS/ETB'S

#### Solas

The Association has been successful in having a number of posts at Manager (Grade 6) and Assistant Manager (Grade 7) filled in recent months.

#### Education and Training Boards (ETBs)

The Association was successful in negotiating that the new management structure in the 16 ETBs would have a Director level for each of the three pillars. 1) Director of Schools, 2) Director of Further Education and Training and 3) Director of Organisation Support and Development. The initial proposals were that 8 of the 16 ETBs would only have two Director level posts. Following a successful campaign the Association was successful in negotiating that all ETBs would have Director level posts for each of the three pillars.

As part of the assimilation process when FAS was merged with the VECs to form the ETB sector the assistant manager grade for new appointees was to be similar to the ETB AEO grade. This created an anomaly whereby the Former FAS Grade 7 (Assistant Managers) posts are on a lower pay scale than those who are recently appointed to the grade. A claim to address the anomaly was lodged at the Industrial Relations Forum and is subject to ongoing negotiations.

### 3.6 ROAD SAFETY AUTHORITY

The Industrial Relations Council (IRC) was re-established after it was suspended in 2014 due to disagreements between the staff side and management in relation to the way business was conducted by management. Regular IRC meetings are again taking place. The Association is separately pursuing the payment of the PCW 1% for the AP and PO grades.

### 3.7 OTHER AGENCIES

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

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

## AFFILIATIONS AND RELATIONS WITH OTHER ORGANISATIONS

### 4.1 IRISH CONGRESS OF TRADE UNIONS

The Association continued its membership of ICTU during the year. Ciaran Rohan General Secretary was elected to the Executive Committee of the ICTU at the Biennial Conference held in Ennis Co Clare in July 2015 for a two year term.

#### 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.

#### 4.1.2 ICTU WOMEN'S COMMITTEE

The Association continues to be represented at the ICTU Women's Committee by Edna Dowling AHCPs Vice Chairperson. The Association was due to attend the Congress Joint Women's Committee Seminar scheduled for 2/3 March 2017 but this has been postponed until 7/8 September in Portlaoise.

#### 4.1.3 NERI

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

#### 4.1.4 ICTU PEOPLES COLLEGE

The Associate is affiliated to the ICTU Peoples College.

#### 4.1.5 ICTU RETIRED WORKERS' COMMITTEE

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

### 4.2 VETERINARY OFFICERS' ASSOCIATION (VOA)

The AHCPs continues to provide negotiating and representational facilities to the Veterinary Officers' Association. The AHCPs General Secretary also acts as Negotiating Secretary of the VOA.

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

### 4.3 CIVIL SERVICE UNIONS

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

### 4.4 RETIRED CIVIL AND PUBLIC SERVANTS ASSOCIATION

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

### 4.5 EUROPEAN FEDERATION OF PUBLIC SERVICE UNIONS (EPSU)

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

### 4.6 UNION OF FINANCE PERSONNEL IN EUROPE (UFE)

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

The 48th UFE Meeting was held in Brussels in November 2016. The Association was represented by Val Jeffrey, Revenue Branch Chair, Dermot Brown Revenue Branch Committee and Ciaran Rohan, General Secretary AHCPs. Dermot Brown was unanimously elected UFE Vice President.

### 4.7 UNION NETWORK INTERNATIONAL [UNI]

The Association is affiliated to UNI in respect of its An Post membership.

### 4.8 FDA UK AND ARC UK

The Association was represented at the 2016 FDA Annual Delegate Conference by Chairperson John Glennon, Ciaran Rohan General Secretary, John Kelleher Deputy General Secretary and Jackie Lacey, Executive Assistant. The Association also maintained close contact with the FDA (Northern Ireland) and the Deputy General Secretary attended their Annual General Meeting on 10 March 2017.

The AHCPs Revenue Branch also maintains close relations with FDA ARC (Association of Revenue and Customs).

### 4.9 INSTITUTE OF PUBLIC ADMINISTRATION

The Association continued in membership of the IPA. The General Secretary was in attendance at the AGM of the Institute.

#### 4.10 IRISH LABOUR HISTORY SOCIETY

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

#### 4.11 HOSPITAL SATURDAY FUND

The General Secretary Ciaran Rohan was invited to become an Association Member of the HSF Health Plan during the year.

#### 4.12 COMBINED SERVICES THIRD WORLD FUND

The website for the fund can be viewed at [www.cstwf.ie](http://www.cstwf.ie)

#### 4.13 CIVIL SERVICE CHARITIES FUND

The Association is represented on the Civil Service Charities Fund by Larry Dunne PER.

In addition Ciaran Rohan, General Secretary is a Trustee of the Fund.

# MINUTES OF THE ANNUAL DELEGATE CONFERENCE HELD ON 6th MAY 2016

## 1 Opening of Conference

- 1.1 The Chairperson, John Glennon, called Conference to order at 13.35
- 1.2 He welcomed the delegates, press and guests to the conference. In particular, he welcomed Dave Penman (General Sec) and Alan Sampson from the FDA London and Philip Cummins, Robbie Davis and Harry Baird from the FDA Northern Ireland. He told delegates that they would be informed if there was news of the formation of a new government in Dail Eireann.

## 2 Adoption of the minutes of the Annual Conference 2015

- 2.1 The minutes of the Annual Delegate Conference 2015 were adopted unanimously by Conference.  
Proposed by John Condon (An Post) and seconded by Larry Dunne (Exec/DPER).

## 3 Appointment of Tellers

- 3.1 The following delegates were appointed as tellers:

<b>Billy Carrie</b>	C&AG
<b>John King</b>	CENR
<b>Enda Rafferty</b>	Revenue
<b>Bernard Fitzpatrick</b>	DSP

## 4 Adoption of Standing Orders Committee Report

- 4.1 David Denny (Chairperson of Standing Orders Committee) proposed the adoption of Standing Orders Reports No.1 and 2, covering the order of business at Conference. This includes the introduction of time limits for blocks of business. He reminded delegates that proposers on motions have up to 5 minutes, with subsequent speakers having up to 3 minutes. It would not be necessary to read out motions. Motions with similar sentiments can stand for other motions. The Chairperson also stated that David was standing down after many years as Chair of Standing Orders. The report was adopted by Conference.

## 5 Chairperson's Address

Edna Dowling (Vice Chairperson) then called on the Chairperson, John Glennon, to give his address to

Conference. This Address is reproduced at **Appendix 1** to these minutes

## 6 The Financial Statement – Treasurer's Report

- 6.1 The Treasurer, Larry Dunne, introduced the Financial Accounts.
- 6.2 The Financial Secretary went through the Income and Expenditure Account. He outlined that income was up by €34k or 3% on 2014 and expenditure was up by €4k. This is the first increase on income since 2009. Income exceeds expenditure, giving a surplus of €154,175, which is an increase of €31k. There are a number of expenses facing us this year, including a report being commissioned on the major report on comparisons on pay in the public and private sector. Also, the head office building is 20 years old and needs upgrading. Close on €3m in investments, with low return. Executive are looking at investing in our membership, with other services planned. Membership numbers are growing, 2165 more this year, which is the first increase since 2008. Members are asked to encourage colleagues to join, particularly those who have come in to the civil service from outside. One new initiative for members is a bereavement grant of €5000, which is being introduced this year on a pilot basis.
- 6.3 The Financial Statement was adopted by Conference

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

## 8 General Secretary's Address

- 8.1 The General Secretary asked conference to remember members who had passed away in the previous year, in particular Patricia Cannon, former Branch Secretary in Agriculture Food & the Marine.
- 8.2 The text of the General Secretary's Address, introducing the Annual Report for 2015/2016, is reproduced at **Appendix 2** of these minutes.
- 8.3 Conor O'Mahony (Jobs Enterprise & Innovation) asked a question re motion 7 on page 12 of the Annual Report, in relation to on last year's ADC, as to whether legal action was being pursued in relation to the pay cuts. He had reviewed the legal advice and was not convinced that it was correct.

He asked that the Executive re-visited this and seek fresh legal advice. The General Secretary replied that they had a three hour consultation on this, and that the advice was that a legal action would not succeed. He said that the Executive will re-visit this.

8.4 Parts I and II were then approved by Conference.

## 9 MOTIONS

### Motions 1 and 2

Proposed by Edna Dowling (Vice-Chair/DSP) and seconded by Tom Fanthom (Exec/Revenue).

The motion was carried.

### Motion 3

Proposed by Damien Clarke (Agriculture) and seconded by Brid Farrell (Agriculture).

The motion was carried.

### Motions 4 and 5

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

The motions were carried.

### Motion 6

Proposed by Geraldine Keegan-Power (Revenue) and seconded by Greg Whelan (Revenue).

The motion was carried.

### Motion 7

Proposed by Margaret Duggan (Revenue) and seconded by Greg Whelan (Revenue).

At this point, the General Secretary introduced the paper "A Fair Way to Fair Pay" to the Conference. Appendix 3 to these Minutes.

Acceptance of this was proposed by Willie McIntosh (Exec/Education) and seconded by Billy Hicks (Exec/DSP).

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

The motion was carried and the paper was adopted.

**Ballot papers were then collected by the tellers.**

### Motion 8

Proposed by Aidan O'Connor (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

### Motions 9 to 11

Proposed by Timmy Hennessy (Finance) and seconded by Denise O'Connor (Finance).

The motions were carried.

### Emergency Motion

Proposed by Padraig Hennessy (Jobs, Enterprise & Innovation) and seconded by Jackie O'Halloran (Executive/Foreign Affairs).

The motion was carried.

### Motion 12.

Proposed by Damien Clarke (Agriculture Food & the Marine) and seconded by Paul McKiernan (Agriculture Food & the Marine).

The motion was carried.

### Motions 13 and 14.

Proposed by Brian Lucas (Arts, Heritage and Gaeltacht) and seconded by Marek Bohan (Arts, Heritage and Gaeltacht).

Proposal to remit from John Kelleher (Deputy General Secretary) and Tom Fanthom (Executive/Revenue).

Speakers on the motions were Orla Corrigan (Transport) and Padraig Hennessy (Jobs, Enterprise & Innovation).

Right of reply was exercised by Brian Lucas (Arts, Heritage and Gaeltacht).

The motions were remitted.

### Motion 15

Proposed by Edna Dowling (Vice-Chair/Social Protection) and seconded by Larry Dunne (Executive/DPER).

The motion was carried.

### Motions 16 to 20

Proposed by Seamus Milne (Finance) and seconded by Clare McNamara (Finance).

The motions were carried.

### Motion 21

Proposed by Paddy Howard (DPER) and seconded by Paddy Martin (DPER)

The motion was carried.

### Motion 22

Proposed by Orla Corrigan (Transport, Tourism & Sport) and seconded by Derek Rafferty (Transport, Tourism & Sport).

Speakers on the motions were Billy Thompson (Asst. General Secretary), Fergal Cullen (Jobs, Enterprise & Innovation) and

Alan Walker (Executive/Injuries Board).

The motion was carried.

### Presentation

A presentation was made by Margaret Fagan of the Employee Assistance Service.



### Motions 23 to 25

Motion 23 proposed by Derek Rafferty (Transport, Tourism & Sport) and seconded by Orla Corrigan (Transport, Tourism & Sport).

Motion 24 proposed by Orla O'Brien (Jobs, Enterprise & Innovation) and seconded by Jackie O'Halloran (Executive/Foreign Affairs).

Motion 25 proposed by Clare McNamara (Finance) and seconded by Denise O'Connor (Finance).

Speaker on the motions was Ciaran Rohan (General Secretary).

The motions were carried.

### Motion 26

Proposed by Seamus Milne (Finance) and seconded by Clare McNamara (Finance).

The motion was carried.

### Motion 27

Proposed by Ashling Cronin (Agriculture Food & the Marine) and seconded by Paul McKiernan (Agriculture Food & the Marine).

The motion was carried.

### Motion 28

Proposed by Jerry Kelly (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

### Motion 29

Proposed by Iseult Fitzgerald (Foreign Affairs) and seconded by Fiona Flood (Jobs, Enterprise & Innovation). Speaker on the motion was Garvan O'Keeffe (Revenue), proposing remittance of the motion.

Iseult Fitzgerald (Foreign Affairs) replied, agreeing to remittance.

The motion was remitted.

### Motion 30

Proposed by Conor Long (Foreign Affairs) and seconded by Denise O'Connor (Finance).

The motion was carried.

### Motion 31

Proposed by Orla Corrigan (Transport Tourism & Sport) and seconded by Derek Rafferty (Transport Tourism & Sport).

Amendment proposed by Denise O'Connor (Finance), seconded by Orla Corrigan (Transport Tourism & Sport). Speakers on the motion were Billy Thompson (Asst. General Secretary) and Orla Ryan (Communications Energy Natural Resources).

The motion, as amended, was carried.

### Motion 32

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

Speakers on the motion were Tom Fanthom (Exec/Revenue) and Conor O'Mahony (Jobs),

The motion was carried.

### Motion 33

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

Speaker on the motion was Denise O'Connell (Executive/Finance).

The motion was remitted.

### Motion 34

Proposed by Greg Whelan (Revenue) and seconded by Garvan O'Keeffe (Revenue).

The motion was carried.

### Motion 35

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

Speakers on the motion were Tom Allen (Executive/Revenue) and Larry Dunne (Executive/DPER),

The motion was carried.



Ciaran Rohan, General Secretary

### Motion 36

Proposed by Michael Hickey (Revenue) and seconded by Margaret Duggan (Revenue).

The motion was carried.

### Motion 37

Proposed by Garvan O'Keeffe (Revenue) and seconded by Greg Whelan (Revenue).

Speakers on the motion were Seamus Milne (Finance) and Brian Lucas (Arts Heritage Gaeltacht),

Right of reply was exercised by Garvan O'Keeffe (Revenue).

Tellers were used to count the votes and the motion was lost.

### Motion 38

Proposed by Paula Curran (Revenue) and seconded by Val Jeffrey (Executive/Revenue).

Speakers on the motion were Orla Corrigan (Transport), Garvan O'Keeffe (Revenue), Aidan O'Connor (Revenue), Brigitta Doherty (Defence), Conor O'Mahony (Jobs Enterprise & Innovation) and Denise O'Connor (Finance).

The motion was lost.

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

**Conference was then declared closed.**

# STANDING ORDERS REPORTS

## NUMBERS 1 & 2

### STANDING ORDERS REPORT NO. 1

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

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

There are two nominations for the post of Vice Chairperson; it will therefore 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 17 nominations for the 12 elective places on the Executive Committee; it will therefore be necessary to have an election.

As two nominees for the Executive are also nominees for officership positions. When the election for Chairperson, Vice-Chairperson and Treasurer are completed one nomination for Executive Committee will lapse leaving 16 for election.

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

It will not be necessary to have an election.

In all 38 motions have been received.

**Amendments** to motions by branches should be submitted to the General Secretary on or before 12 noon on Friday **15 April 2016**.

**Final Agenda and documents will issue to delegates from Friday 22 April.**

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

Motion 3 (stands for itself and Motion 4)

Motion 13 (stands for itself and Motion 14)

Motion 16 (stands for itself and Motion 17,18, 19, 20)

David Denny (Chair)  
Fiona Casey  
Michael Greene  
21 March 2016

### 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. If a section finishes before the time allocated at the discretion of the Chairperson the Conference may

move to the next order of business. Motions falling outside these time lines will be taken at the end of motions if time allows.

#### Motions

2. The Committee reminds delegates of the contents of Report No. 1 as they relate to motions standing for others.
  - Motion 3 stands for itself and Motion 4.
  - Motion 13 stands for itself and Motion 14
  - Motion 16 stands for itself and Motion 17,18,19 and 20)

#### Annual Report

3. It is recommended that the Annual Report will be presented following the General Secretary's address.

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

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

#### Amendment to Motions

4. An amendment has been submitted to Motion 31 as indicated in the list of motions. Amendment to Motion 31 is in order.

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

#### Emergency Motion

5. An Emergency motion received from Department of Jobs Enterprise & Innovation will be taken after Motion 11 and before Motion 12 on the order paper.

#### Election of Officers

6. Willie McIntosh has notified the Committee of the withdrawal of his nomination for Vice Chairperson. Accordingly, an election for this post is now unnecessary as Edna Dowling will be deemed elected to that post her name will not appear on the list of candidates for the Executive Committee.

#### Catering arrangements

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

# Timetable

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

The following timetable is recommended.

AGENDA		TIME
No. 1	Opening of Conference and Introduction of Guests	13.30
No. 2	Adoption of the Minutes	
No. 3	Appointment of Tellers	
No. 4	Adoption of Standing Orders Reports Nos.1 & 2	
No. 5	Chairperson's Address	
No. 6	Financial Statement	
No. 7	Appointment of Hon. President & Vice Presidents	
No. 8	General Secretary's Address and adoption of Annual Report	
No. 9	<b>Motions</b> Discussion Paper on Pay and Motion 1-7	14.30-15.15
No. 10	Presentation by Civil Service Employee Assistant Service	15.15-15.25
No. 11	Election of Officers, Standing Orders Committee and collection of Executive Committee Ballot Papers	15.25-15.30
No. 12	Motions 8-22 including <b>Emergency Motion</b> ` to be taken before Motion 12	15.30-16.15
No. 13	Motions 23-38	16.15-16.55
No. 14	Close of Conference	16.55-17.00

David Denny (Chair)  
 Larry Cashman  
 Michael Greene  
 Sheila Hanley  
 Ronan Lenihan  
*Standing Orders Committee*  
 19 April 2016

# ADDRESS OF THE AHCPs CHAIRPERSON JOHN GLENNON ANNUAL DELEGATE CONFERENCE – 6th MAY 2016

**W**elcome to the AHCPs Annual Delegate Conference 2016.

I address delegates today with a sense of pride. I am proud to lead this Association and proud that you, my peers and colleagues from across the Civil Service have chosen me as your Chairman. I hope that over the course of my chairmanship that I will justify your faith in me.

I would like to thank at the outset my fellow Executive Committee members and the full time officials of the AHCPs for their support, their commitment and their hard work throughout the last year. A special thanks to Jackie who has had to soldier through the year largely on her own and has, as always, risen to the challenge. I would also like to send our best wishes to Dorothy who is recovering from illness.

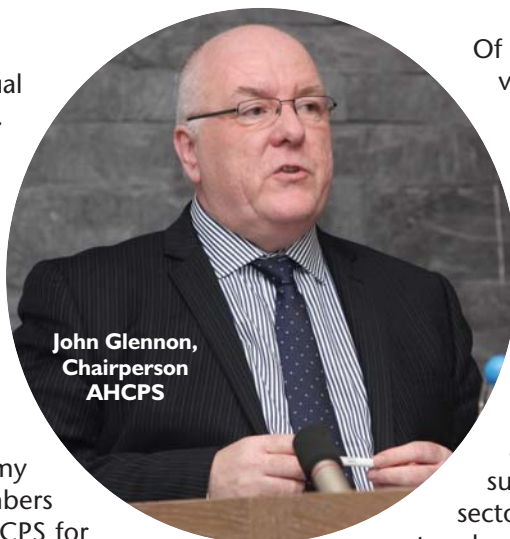
It won't come as a surprise to any of our members when I say that pay restoration is one of the key issues for this Association in the coming year. The issues of pay restoration, pay determination and breaking the link with the pay of politicians will be discussed in full during this Conference and I hope many of you will contribute to that debate.

In advance of that discussion I would like to set the overall context for our demands regarding pay restoration.

During the economic crisis public servants, and in particular, our members suffered significant cuts in salary, were burdened with ever increasing workloads as a result of the overall drop in public service numbers and had their terms and conditions shredded. As I speak to you today our earnings are on a par with what members earned in 2002. There hasn't been an increase in pay in over eight years.

Without the sacrifices of public servants there would be no economic recovery. Earlier this week the Exchequer returns showed that we are now heading rapidly towards a balanced budget. The role of public servants in achieving this milestone should be publicly acknowledged.

On a benign view you could chalk all of this down as the contribution of public servants to the economic recovery which is now taking place. To date a meek, hollow and mean spirited acknowledgement of this contribution has only been begrudgingly given by our employer.



Of course, this contribution was not voluntary in nature. These contributions were unilaterally taken by our employer, the various governments of the day. I believe that we, as employees, were sacrificed for not just economic reasons but for reasons of political expediency.

If any of you thought that we were in some way special or our employment was more in the nature of a devotion you will by now have had a rude awakening. Public servants suffered the same fate as many private sector employees suffer when the going gets tough on the economic front namely reductions in wages, reduced terms and conditions and cuts in the size of the workforce. How many times have we heard politicians tell public servants we need to modernise and align ourselves more closely with the private sector. We now know what that means. For this reason alone our pay should never be linked to the pay of politicians. Politicians in this context are our employers and as such there should be no connection between our two separate and distinct pay arrangements.

In my opinion public servants were sacrificed to demonstrate to the citizens how tough the various governments were and how successfully they were dealing with the public finances. Our members received particularly harsh treatment in that regard. The citizens of the state have been led to believe that in some way this was done by consent. Just to be clear all of the steps taken against the interests of public servants were supported by the use of threats and eventually the use of the largest majority in the Dail to pass legislation giving effect to decisions that were unilaterally taken. There were no choices on offer.

It's important that the unfairness and unjust nature of the attacks on our pay and conditions becomes a cornerstone of our efforts to restore pay. As the General Secretary constantly reminds us we are seeking pay restoration not pay increases. We want back what was taken from us. This is a matter of fairness and justice. What was done to our members, was done without any element of fairness or justice.

It is my belief that some of the unfairness and injustice could have been avoided had the members of this Association received even a modicum of support from our trade union colleagues. Even when it came to the most recent Haddington Road Agreement our members heads



were put on a plate for the presiding Minister. During all of the discussions on the New Union Project I couldn't forget the image of the trade union leadership standing up and applauding Minister Howlin when he entered the room at the conclusion of the so called negotiations under Haddington Road. It's hard to believe in a year when we are celebrating the sacrifice of people who gave their lives for a cause they believed in that the trade union leadership couldn't even leave a room and thus make a stand. I for one could never countenance a situation where those same trade union leaders would ever represent me in any capacity. The notion that a larger trade union would better represent our interests is self defeating when you see what happened to our fellow trade unionists in some of the other larger trade unions. Our decision to leave the discussions was in my opinion the only option in addition to being the right option.

The other area of injustice which I must address is the vilification and downright denegration of public servants engaged in by various sections of the media. No other group of employees, bar maybe Luas workers, have been subjected to the unjust, undeserved and hostile commentary which public servants have received in the media. Employees in the construction industry, the banks or those working for developers were not subjected to the same vilification nor should they have been when their employers brought this country to the brink of economic extinction. Why should public servants have been subjected to this type of negative and ultimately futile commentary? I am not looking for an answer as that would require a level of integrity which has been missing from the commentary on this topic for a very long time. If our employers were at fault then put the blame where it belongs.

I have already referred to the enormous contribution made by public servants to the economic recovery. It should also be borne in mind that services did not collapse as they did in some of the other EU countries during the economic crisis. In fact demand increased across the public sector and with less resources than have ever being made available by the State those services continued to be provided during the worst economic crisis the State has ever experienced. It should be noted that it was trade unionists who have made the case for investment and improvements in public services over the past eight years long before politicians or the media. Our members have witnessed first hand the near disintegration of some public services during the economic crisis. We were treated like the boy who cried wolf !

The argument has been made that nobody in the public service lost their job as a result of the crisis. That is factually correct but takes no account of the reduction of 30,000 in the number of public servants. It also takes no account of the fact that services must still be delivered in an economic crisis. It also does not factor in the number of our colleagues who felt forced or compelled to retire in order to ameliorate the impact of the significant pay cuts.

The suggestion that public servants should have been made redundant and thus provide no public services or greatly reduced public services is self evidently insane. It is not even an argument to suggest that the government should have chosen to close down schools, hospitals, embassies, Garda stations and fire stations. That no passports issue, that courts didn't sit, that the agribusiness sector of the economy closes down, that no regulatory activity take place in the economy, that tax goes uncollected, that social payments cease. If the citizens want to see how that type of austerity works then there are many parts of the world which demonstrate the consequences of such policies. All of our members live in communities where jobs have been lost. Family members, close relatives and friends of members lost their jobs. It's hard to see how making more employees redundant would in any way alleviate the level of suffering endured by our fellow citizens.

I used to think growing up that the media were the good guys, the ones who told you the truth and exposed injustice. I must have watched too many films in my youth! I cannot think of any group of employees who have had to read and listen to uninformed and untruthful commentary on what public servants do and what their terms and conditions consist of in return for their work. Lurid headlines might sell more newspapers and therefore more advertising but ultimately there must be some balance and fairness to the coverage of the issue of public service pay. Given the manner in which my public service has been depicted I could be excused from doubting anything else I might read or hear from the media. The depiction of some moral battleground between the private and public sector displays a lack of awareness and understanding of how a modern Western Democracy works. We are two sides of the same coin interdependent and interlinked. One cannot exist without the other

I began this address by referring to the context in which our demands are being made. Our case is based on fairness and equity. We made our contribution during the crisis, we contributed to the recovery and continue to do so and we now seek fairness and justice during this recovery period.

But be under no illusions the path to justice is a very lonely and long road. From Nelson Mandela to the Hillsborough victims we have seen that you must first make a stand, often on your own and without any support. We have already seen that for ourselves. But if you have a just case and you are willing to make a stand and show solidarity you substantially increase your chances of succeeding. We showed leadership by voting against the two most recent so called agreements. I was proud of the stance we took even though our voice was drowned out by the roars of other trade unionists. That was a first step on the path to achieving fairness and justice.

We demonstrated courage in the face of adversity. We did not lie down. We are still standing now and in a

position to move forward once again. We should be confident. The AHCPS are you the members and delegates, the Executive and the full time staff of the Association. If we stick together, present the fairness of our case in the strongest terms and show solidarity we will put ourselves in the best position to succeed.

I believe our stance will over time become the stance taken by our colleagues in other public sector trade unions. Although we are no longer involved in the New Union Project I believe we will see greater co-operation among public sector trade unions. After all we have the same employer which should focus all our minds. I believe

that the justice in our case can be mirrored across the public sector. I believe that we should ignore the attempts to divide public servants by classifying some as front line or low paid or new entrants. We are first and foremost public servants with a common employer and we should stand together in solidarity and attain the justice and fairness that our cause demands.

In conclusion I would like to remind you all that after the conclusion of the formal business of today we will have the opportunity to relax and socialise as peers and colleagues. I hope you take full advantage of this opportunity.



Larry Dunne, Treasurer

# ADDRESS OF THE AHCPs GENERAL SECRETARY CIARAN ROHAN

### Chairman, Delegates and Guests

The last number of years have been very difficult for this country and for Public Servants. However, in 2015 the economy started to pick up and in late Spring 2015 the Public Services Committee of the Irish Congress of Trade Unions accepted an invitation to engage in discussions on an early successor to the 'Haddington Road Agreement'.

This culminated in intensive discussions in May last year that led to the Lansdowne Road Agreement. The Agreement confirmed the Haddington Road commitment to restore the third of our three pay cuts in two phases (half on the 1st of April 2017 and half on the 1st of January, 2018). The Agreement also allowed for an adjustment of 1,000 in the pension levy. It further provided for an increase in salary scales of 1,000 in 2017. However, those earning over 65,000 were excluded from this latter element. Consequently, the Association recommended a "No" vote in a ballot of members. The membership subsequently voted No by a margin of 87% to 13%. The Association had previously expressed its dissatisfaction with how its members were treated during 2013 Croke Park 2/HRA talks – which saw pay cuts applied to those on salaries over 65,000 only. So the Association's members were hit hardest on the way down and hit hardest on the way back up.

### Engagement with Political Parties

In the last year the Association has continued its engagement with the political parties. As part of this process a pre-election political "hustings" event was held on 2nd of February last.

It was attended by representatives of Fine Gael, Labour, Fianna Fáil, Sinn Féin, the Green Party and Renua. It was chaired by Harry McGee of the Irish Times and was well attended by members.

There were a number of issues discussed at the Hustings event but I wish to focus on one specific aspect. That is the link between the pay of TDs and that of the Principal Officer Standard Scale.



Ciaran Rohan, AHCPs General Secretary

We drew attention, on the night, to the manner in which our grades were excluded from the September 2017 1,000 flat rate payment under the Lansdowne Road Agreement, thereby targeting those on pay scales above 65,000. We highlighted that the evidence indicates that this was done specifically for political reasons because the pay of a TD is linked to that of Principal Officer. In that situation we explained we are compelled to call for the link to be broken as it disadvantages our grades. Let's see what happens when the Government is up and running and the inappropriateness of this link is further highlighted.

The Executive Committee notes the commitment of the incoming

Government to set up a Commission to look at Public Service Pay. We welcome this. We also note the Government's intentions to and I quote "Support the gradual, negotiated repeal of the Financial Emergency Measures in the Public Interest Acts having due regard to the priority to improve public services and in recognition of the essential role played by public servants." We now call on the incoming Government to set out a clear and accelerated timetable for the reversal of all of the FEMPI cuts.

I will deal with the issue of PAY in greater detail during the presentation of the paper on pay: A FAIR WAY TO FAIR PAY. **Appendix G.**

There was a welcome increase in the number of promotions in Departments in the last year. Under the Civil Service Renewal Plan, there were proposals to open up our members' traditional promotion outlets to open, public competition. The Official Side proposed that all promotions to Principal Officer should be by way of open competition. The Association fundamentally disagreed with this and referred the matter to the Civil Service Arbitration Board. The Arbitration Board determined that one-third of promotions to PO should take place internally in Departments and two-thirds should be by open competition, with a review after two years. However, more needs to be done in Civil Service recruitment to address serious staffing shortages in many areas.



Discussions with the other unions continued in the last year on the New Union Project. Consultation with members also occurred during the course of the last year. It became very clear to the Executive Committee that there was no appetite amongst the membership to continue with these discussions. Therefore the Executive Committee at its January 2016 meeting decided to withdraw from the discussions with immediate effect. The process will continue with the remaining Unions: CPSU, IMPACT and the PSEU. The withdrawal of the Association was conducted in a very amicable manner. There is an 'open door' for us, should we decide to re-engage with the discussions, at any stage.

Turning to the Semi-State area, in An Post the company continues to have difficult financial circumstances but a recent Labour Court recommendation recommended an increase in pay of 2.5% for staff effective from May 2016. This recommendation was balloted on by the members in the Company. The result was announced on Wednesday last with the members voting by 83% to 17% in favour of the recommendation. In addition the proposals were accepted by an aggregate vote of the Association, the PSEU and the Communications Workers Union.

Following motions passed at last year's Annual Delegate Conference the Association filed claims at the General Council on the reinstatement of the 'Foreign Travel' and 'Chairman's/Delegates Allowance'. It should be noted that ordinary travel & subsistence payments do not take account of the infringement on personal time connected with regular foreign travel which very frequently involve 'red eye' flights etc. In addition, there is an intrusion into family life and the private responsibilities of individuals. We are aware of cases where members have responsibilities as carers or there are complicated family circumstances that do not make the management of foreign travel an easy task for such members.

At a time when members are tasked with additional workloads and responsibilities, we believe that those that take on regular or frequent foreign travel as part of fulfilling duties abroad should be paid a reasonable level of compensation.

The Association also met DPER to discuss all aspects of the claim and while there is a complete understanding of the basis for the claim and recognition that it is well grounded, they, nonetheless have ruled that it is a "cost increasing claim" not allowed under the Lansdowne Road Agreement.

The Association intends to continue to fight this issue.

In relation to the Performance Management and Development System, a new two-point rating system has been agreed that will be used for the first time at the end-of -year-reviews for 2016. This is a simplified system

where individuals will be rated *Satisfactory* or *Unsatisfactory* and in the event that an unsatisfactory rating is given the individual will immediately be involved in a Personal Improvement Plan. Following discussions with DPER the new documentation now in circulation was agreed including new guidelines for managers. No other change is involved and an individual continues to hold the right to seek an internal review of their rating and if necessary seek referral to an external appeal.

Most members are aware that there was a very clear anti-family-friendly theme running through the Haddington Road and Lansdowne Road agreements. This particularly impacted on the grades that the Association represents.

There are currently over 400 members availing of flexitime. The Haddington Road Agreement [of which the Lansdowne Road Agreement was an extension] impacted on all these members by the restrictions in flexi-time.

Newly-appointed APs are not allowed to access flexible working hours in those departments and agencies that have flexi time at the AP grade. This flexibility is mainly sought for family reasons and mitigates against members balancing work life responsibilities. There is also very strong anecdotal evidence that the flexitime issue allied with the pay cuts is providing a disincentive to promotion for the HEO grade. This is of central concern to the Association and we continue to raise the issue with DPER.

In conclusion I could not have done the job without the support of some key people whom I would like to thank.

I want to thank the Officers, Larry, Edna and John and the Executive Committee for their help and support over the past year.

I want to thank the Standing Orders Committee for their customary care and attention to organising conference business. I would like to particularly thank David Denny who steps down as Chairman of Standing Orders after a number of years in that role. I also want to thank Tom Quigley, Mark Crowther and Joe Brennan for helping out today.

I want especially to thank the people with whom I work on a day to day basis in the Association, Dorothy (to whom we continue to wish a speedy recovery), Jennifer, Jackie, Billy and John.

Finally, I want to thank the branch officers and you, the members, for your help this year. It is an honour and privilege to work with you all as General Secretary and I wish you well for the forthcoming year.

I wish to formally put the Annual Report to the conference.

Thank you.

# ADDRESS ON PAY BY AHCPs GENERAL SECRETARY CIARAN ROHAN

You have in front of you a paper on Pay called “A Fair Way To Fair Pay” produced by the Executive Committee for today’s conference.

I want to briefly highlight the main points of the Paper and commend the report to Conference. I also wish to speak to motions 1 to 7 on the Conference Agenda.

Members of the Association have had to bear pay reductions of up to 23 per cent over the last eight years. Over the same period the cost of living, as measured by the Consumer Price Index, has increased by over 25%. In addition, income tax has been increased, USC has been introduced along with Property Tax, Water charges amongst other measures. At the same time, staffing levels have reduced by 10 per cent.

To give some background, Social partnership was initiated in 1987, following a period of high inflation and weak economic growth which led to increased emigration and unsustainable government borrowing and national debt. Prior to this agreement bargaining had been on a local level since 1981; in the previous decade national employer-union deals and ‘National Understandings’ were the norm but came under increased pressure in later years.

In 2002 the Public Service Benchmarking Body reported. It should be noted that the Benchmarking exercise started out as a serious attempt to secure reform. Before that the system was characterised by multiple pay linkages and consequent knock on claims. The rationale behind the findings, remains a mystery, as private sector firms, who took part in the exercise, would not allow their data to be published.

While accepting it had flaws, that concept remains valid: benchmarking repositioned all categories of workers such that relativities were ended.

One of the many casualties of the economic crash was Social Partnership. Many of the commentators, of course, would have you believe that Social Partnership was the CAUSE of the economic crash. Now three pay cuts later we find ourselves beginning the process of pay restoration.

Government economic projections and those of the Nevin Economic Research Institute are broadly similar.

Government projects growth of almost 5% for 2016 while NERI projects 4.4%. In those circumstances it is simply not tenable for the issue of the reversal of the Financial Emergency Measures in the Public Interest legislation not to be completed.

We note from the recent talks between Fine Gael and Fianna Fáil that they are committed to and I quote “gradual negotiated repeal” of FEMPI. However, what we need now is a clear and accelerated timetable from the incoming Government as to when this will happen. The Executive Committee has also agreed to obtain further legal advice on the legality of the FEMPI legislation. As we exit the corrective arm of the Stability and Growth pact, there can no longer be a case for justifying an emergency.

We also note, from the recent negotiations on the formation of a Government, that the parties have agreed on a Commission to examine pay levels across the public sector, including for new entrants.

This Commission must also address the issue of the link between the pay of the Principal Officer Standard Scale and that of TDs. The pay of the Principal Officer (Standard) is directly and intrinsically linked to that of politicians, and what’s more, is determined by the same politicians. The Lansdowne Road discussions of 2015 were the most recent example of the disadvantage that this causes members. Those discussions took a wrong turn near the end as Fine Gael political advisers were concerned that paying TDs the 1,000 in 2017 could have repercussions on the doorsteps during a general election campaign.

This link must be broken. It is unjust, inequitable and totally inappropriate.

The Commission on Public Service Pay is to be established within six months. Having called, over the last number of months, for an independent pay evaluation mechanism, we welcome this proposed initiative. Consultation must play a central role in the setting up of the Commission and it must be robust, inclusive and independent in nature in order for it to be successful.

I wish to formally put “A Fair Way to Fair Pay” to the conference.

Thank you.



# RULES AND CONSTITUTION

## 1. NAME

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

## 2. OFFICE

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

## 3. OBJECTS

The Objects of the Association are:

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

## 4. POWERS

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

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

## 5. MEMBERSHIP

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

## 6. CESSATION OF MEMBERSHIP

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

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

## 7. ASSOCIATE MEMBERSHIP

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

these Rules.

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

## 8. MANAGEMENT

The management of the Association is vested in

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

in accordance with the provisions of the Rules and Constitution.

## 9. DELEGATE CONFERENCE

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

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

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

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

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

showing credentials cards and the members of the Executive Committee.

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

## 10. CONSULTATIVE COUNCIL

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

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

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

## 11. THE EXECUTIVE COMMITTEE

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



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

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

## 12. STANDING ORDERS COMMITTEE

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

## 13. ELECTED OFFICERS

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

conferences shall be filled by the Executive Committee.

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

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

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

(B) to preside at delegate Conferences;

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

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

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

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

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

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

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

#### **14. HONORARY PRESIDENT AND HONORARY VICE PRESIDENTS**

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

#### **15. TRUSTEES**

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

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

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

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

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

#### **16. GENERAL SECRETARY AND OTHER EMPLOYEES**

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

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

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

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

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

## 17. INDEMNITY

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

## 18. STRIKES AND INDUSTRIAL ACTION

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

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

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

## 19. GENERAL BALLOT

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

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

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

## 20. FINANCE

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

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

## 21. MEMBERSHIP SUBSCRIPTIONS

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

## 22. BRANCH ORGANISATION

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



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

whenever the Branch Committee deems it necessary, or in accordance with the directions embodied in a resolution passed by a majority of the members present at a previous Branch general meeting, or on a request signed by not less than one fifth of the members of the Branch or on the instruction of the Executive Committee.

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

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



proposal to change from Branch General Meetings to Branch delegate meetings as set out in this Rule.

### 23. REVISION

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

### 24. DISSOLUTION

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



(Left to right): **Billy Thompson, Assistant General Secretary;**  
**Edna Dowling, Vice-Chairperson;**  
**John Glennon, Chairperson;**  
**Ciaran Rohan, General Secretary;**  
**John Kelleher, Deputy General Secretary and**  
**Larry Dunne, Treasurer.**

# 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 9(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 11 Executive Committee meetings between  
16 May 2016 and 10 April 2017.  
Attendances were as follows:

Name	Possible Attendances	Attendances
Glennon John	10	9
Dowling Edna	10	10
Dunne Larry	10	10
Allen Tom	10	8
Fanthom Tom	10	10
Hickey Eddie	10	9
Hicks Billy	10	9
Holleran Noel	10	8
Jeffrey Val	10	9
O'Halloran Jackie	10	4
McIntosh Willie	10	8
Moran Eltin	10	9
Noonan Angie	10	5
Noonan Trevor	10	6
McNamara Clare **	2	1
Nolan Marianne ***	8	7
O'Connor Mark *	10	7
Walker Alan *	10	5

\* members co-opted following ADC

\*\* member resigned on promotion

\*\*\* member co-opted during the year

## **SUBMISSION TO PUBLIC SERVICE TO PAY COMMISSION**



**Submission of the ICTU Public Services  
Committee to the Public Service Pay  
Commission regarding the initial report  
of the Commission**



## Introduction

1. The Public Services Committee (PSC) of the Irish Congress of Trade Unions (ICTU) comprises 20 unions representing the overwhelming majority of the 300,000 workers in the public service.
2. On behalf of the 300,000 people concerned, the PSC welcomes the opportunity to make a submission to the Public Service Pay Commission (PSPC) in advance of its initial report. The PSC notes that this initial report arises in the context of the Financial Emergency Measures in the Public Interest (FEMPI) Acts 2009-2015.
3. There is considerable variety in the types of work carried out by the diverse grades and categories represented by the PSC's 20 affiliates. Therefore, this submission is not intended to be, and should not be interpreted as, a comprehensive account of the issues that arise for all public service grades and categories arising from the events since the economic difficulties after 2009. Indeed, the PSC would urge the PSPC to invite submissions from individual affiliated unions in order to gain a complete account of all such difficulties. This submission addresses the terms of reference of the PSPC, and deals with the broad, general issues raised for public servants by the FEMPI legislation and the related agreements reached during the economic crisis: The 'Croke Park Agreement (CPA), the Haddington Road Agreement (HRA), and the Lansdowne Road Agreement (LRA).

## FEMPI legislation

4. The FEMPI legislation is a suite of acts that imposed deductions from, and reductions in, the remuneration of public servants. Two such acts were enacted in 2009, one in 2010, one in 2013, and one in 2015. Other related legislation includes the Workplace Relations Act of 2015, which amended section 2B of the 2009 FEMPI (No.2) Act, and the Ministers and Secretaries (Amendment) Act 2011, which was amended by the 2015 FEMPI Act.
5. For the purposes of this submission, the suite of legislation is referred to by the generic 'FEMPI' title.
6. In brief summary, it is worth recalling some of the principal features of this suite of legislation.

The first FEMPI Act of 2009 imposed the pension related deduction (PRD), known more commonly as the 'pension levy.' In fact, this levy was a pay cut. It varied in its severity but was, on average, about 7% across all public servants. It is unrelated to pension and applies to non-pensionable remuneration.

The second FEMPI Act of 2009 imposed a straight pay cut of more than 6% on average, on all public servants. As with the 'pension levy,' its effect increased with increasing income levels.

The 2010 FEMPI Act reduced pensions in payment.

The 2013 Act made a slight modification to the point at which the pension levy became payable, made provision for a lengthening of incremental periods, and provided for further temporary pay cuts, averaging about 6%, for the small number (about 13%) of public servants earning above €65,000 a year.

Other emergency measures of continuing concern to public servants were implemented in the same period, although they are not specifically provided for in this suite of legislation. They are:

- **Starting pay for new entrants:** the then Minister for Finance determined in 2010 unilaterally and without the necessity of legislation, to reduce pay scales for all new entrants by 10% on all points of the scale. He also decreed that public service employers should no longer have latitude in respect of entry to a scale other than on the first point of an incremental scale. This position was modified when the PSC had a first chance to negotiate on the matter in the 2013 negotiations that led to the Haddington Road Agreement. The outcome was to merge the pre-existing scales with those imposed from 2011. This ensured that all public servants accessed the pre-existing scales, albeit with the addition of extra (ie, lower) scale points at the bottom of incremental scales. The effect is that those entering the public service from 2011 onwards enter their pay scales at least two points below those that applied to their pre-2011 colleagues, before proceeding along scales that eventually reach the same maxima. The people concerned are, therefore, behind where they would otherwise have been on the scales while progressing through their increments, though they reach the same maxima as their colleagues eventually.

This effect was compounded for some groups in 2012 by the unilateral abolition of universal allowances for new entrants. Because these allowances applied to all members of the relevant grade or category, they were, in effect, a part of basic pay. For example, a prison officer or fire fighter recruited from 2011, would not only have been placed on a scale that was longer than that of their colleagues but would also have lost a significant universal allowance that their colleagues retained. This issue has been addressed and, to a large extent, resolved through negotiations under the auspices of the LRA. However, the post-2013 solution to the 2010 alteration of scales for new (post-2011) entrants to the public service means that they remain on scale points behind those that applied previously.

- **Working hours:** In 2013, the HRA cut the pay of public servants earning above €65,000 a year. To protect against the potential for a third, significant cut to the basic pay of those earning below that amount, the HRA provided for additional, unremunerated, working hours. On average, an additional 2.5 working hours were added to the working week. While the agreement made provision for the restoration of income lost due to the third reduction in pay for those earning above €65,000 a year, the enormously contentious issue of additional, unremunerated working time remains unresolved and will have to be addressed. While the effect of this increase varies depending on pre-existing working hours, all public servants who worked less than 39 hours a week experienced an unpaid increase in their working time. In the case of many clerical and administrative staff, the increase in working time was more than 7%. This unremunerated additional time had a financial or service value to the employer, which needs to be taken into account when evaluating the changes to public service pay and working conditions in recent years.
- **Overtime and premium payments:** Some grades and categories lost premium payments, either in part or whole, as a result of the 2012 review of allowances or the 2013 HRA. It would be appropriate for the individual unions whose members were affected by such changes to have an opportunity to raise these issues directly with the PSC. However, the HRA also introduced significant disimprovements in overtime arrangements across the public service, most particularly a reduction in the premium rate to time and a quarter and a requirement for some staff to work an hour of unpaid overtime each week.

7. Section six above is a brief summary of the main impositions on public servants since 2009. As well as substantial cuts to their incomes and significant increases in their working time, public servants have experienced disimprovements in other terms and conditions not provided for explicitly in the terms of reference of the PSC, including sick leave and annual leave. New (post-2013) entrants have also been subject to significant disimprovements in their superannuation arrangements through the introduction of a career average scheme to replace the final salary scheme. Furthermore, a number of awards made or recommended by third party bodies were not implemented during the emergency period and remain unresolved.

While public servants are fully aware that most citizens suffered during the economic crash, unwarranted and sometimes extreme criticism of public servants (by some politicians, and by sections of the media, academia and the commentariat) have added to a considerable sense of betrayal and anger. The PSC has worked to manage the crisis of recent years by maintaining stability in industrial relations through engagement and negotiation. This approach has been informed by a belief that the economic recovery will yield benefits for all citizens, including public servants, and that the impositions on public servants can and will be unwound as the economic recovery and exchequer position strengthens.

## Next steps

8. The PSC believes that a comprehensive analysis, which includes fair and appropriate comparisons with private sector and overseas rates of remuneration, would be a valuable exercise. However, such comparisons will not be credible or acceptable unless they are conducted on a genuine like-for-like comparison basis. We believe this type of comprehensive analysis could provide a long-term basis for public service pay determination. However, the PSC agrees that the immediate initial priority is to provide recommendations in the context of the FEMPI acts and related developments, in accordance with the PSC terms of reference.
9. In the short term, the PSC believes that the PSC can establish a road map out of the FEMPI legislation (and related matters), which would be acceptable to public servants and the country at large and which would ensure continued orderly industrial relations in the sector.
10. The PSC has a determined ambition to see the complete unwinding of FEMPI impositions and related disimprovements on public servants as quickly as possible. As can be seen from the table below, this is a more complex challenge than simply “removing the FEMPI legislation,” and it requires an orderly, rational and negotiated outcome. This table shows the amounts outstanding, due to FEMPI pay reductions, after the application of HRA and LRA increases.

Salary	Levy	Pay	Total
22000	0	+392	+392
30000	-125	-322	-447
40000	-1125	-1432	-2557
50000	-2125	-2243	-4368
60000	-3125	-3054	-6179
65000	-3625	-3550	-7175
100000* (After HRA restoration)	-7825	-7500	-14825
125000* (After HRA restoration)	-9950	-10000	-19950

11. Furthermore, and as the accompanying table illustrates, the simple removal of the FEMPI legislation without any other actions would be of little or no benefit to those public servants on the lowest incomes, while delivering substantial benefits to the small number of highly paid public servants. The PSC firmly believes that an approach is required that brings significant benefits to all public servants, including those on lower incomes. We propose an early engagement with a view to negotiating a pay round with the objective of unwinding the FEMPI provisions, while providing increases in remuneration for lower paid workers for whom FEMPI is no longer applicable. As with the LRA, we believe that this can be achieved through a combination of pension levy reductions and pay restorations. It will also allow the parties to engage on issues such as the pay of new entrants, increased working hours, reduced premium payments and disimproved overtime arrangements.
12. The thoughts of the PSPC on the mechanics of such an approach would be helpful and welcome.
13. Any engagement with our employer will have to go beyond the issue of basic pay (see point six above). We recognise that this is challenging in the context of limitations on what the employer is capable of doing in any given time frame. However, it is necessary to achieve an agreed outcome that is acceptable to public servants in the context of economic and exchequer conditions that are significantly better than envisaged when the LRA was agreed.

## International comparisons

14. We believe that fair and appropriate international comparisons of public service pay could inform a long-term basis for pay determination in Ireland. However, the PSC agrees that the immediate initial priority is to provide recommendations in the context of the FEMPI acts and related developments, in accordance with the PSPC terms of reference.
15. The PSC believes strongly that any international comparisons must be comparisons of equivalent jobs or work of equal value, and must take account of the cost of living in the countries being reviewed. Commentators who claim that Irish public servants are highly paid by international and EU comparison tend not to take account of the cost of living in the states compared.



The idea that it is acceptable to compare the income of a public servant in Ireland with counterparts in many of the emerging countries of the EU, within which the cost of living is significantly below that of Ireland, is absurd.

16. No comprehensive inter-country comparison of public servants' earnings, that compares 'like work' takes full and proper account of the relative costs of living in the countries compared, has been undertaken. It is, therefore, difficult to be overly prescriptive about the methodology to be used. However, it does seem logical to follow the well-established principles of fair comparison that have underpinned the setting of public service salaries within Ireland. In the international context, it would be logical for comparisons be made with countries within the Eurozone that are at similar levels of economic development. Comparisons outside the Eurozone are prone to the distorting impact of currency fluctuation. Eurostat publishes regular comparative information on the costs of living in the countries, with whom the Irish experience can be compared validly.

## Private sector comparisons

17. The PSC believes that comparisons of the pay of equivalent jobs, or work of equal value, in the public and private sectors should continue to inform public service pay determination. However, while a further comprehensive analysis could provide a basis for public service pay determination, the PSC agrees that the immediate initial priority is to provide recommendations in the context of the FEMPI acts and related developments, in accordance with the PSPC terms of reference.
18. We repeat the point made in our submission on the PSPC's terms of reference that any comparison of public and private sector pay must be on a true like-for-like basis if it is to have credibility. Therefore, the only comparison that is valid in the determination of pay is one that looks at the work of a grade in the public service and the work of an exact equivalent, or work of equal value, in the private sector and then makes a comparison. Generalised, comparative analyses are useless for the purpose of determining appropriate pay rates for specific jobs. They may have other uses in providing broad data for the purposes of public policy but they have no role in respect of determining appropriate pay rates. Like-for-like comparison ensures that public servants are paid in line with private sector workers doing like work or work of equivalent value. This is fair for public servants and for those who pay for public services. It is the traditional basis for determining pay for the public service, as is the longstanding principle of the public service as a good employer. To this end, public-private comparisons have always been tempered to avoid the excesses of the private sector, where we have seen widening and unjustifiable gaps between the incomes of the lowest and the highest paid in recent years, both in discrete organisations and across the economy as a whole. In the case of low paid public service workers in particular, comparisons with sections of the private sector where remuneration levels are unjustifiably low would not be acceptable.
19. The principles for fair comparison between public and private employment benefits are well established. Such comparisons should be with a representative cross sample of large employers (because the public service is a large employer) in the middle to upper quartile of employment benefits. The traditional point of comparison, (abandoned inexplicably in the report of the Public Service Benchmarking Body in 2007), is the mid-point of relevant pay scales. In cases of individual grades or categories, the comparisons should not be with crude averages across the entire private sector but, rather, with workers in the employments described above who do equivalent work or work of an equivalent value.

20. For example, the pay of an engineer in the public service should be compared with that of engineers, in the middle to upper quartile of employment benefits, in large private sector organisations, and not to an average pay rate across the private sector, calculated simply by dividing earnings in the entire sector by the number of employees in the sector. Likewise for other grades and professions. To engage in comparisons with a crude average in the private sector is not just absurd, it is harmful to public discourse as it creates a false narrative about comparative pay arrangements. Potentially, it also generates recruitment and retention problems.
21. While it is essential that the PSC carries out its own detailed research on earnings in the private sector for comparison purposes, it is an established fact that, for competitiveness reasons, private sector employers are wary of sharing such information if they believe it is likely to be published. This creates tensions between the objectives of transparency and accurate comparison of data from the public and private sector. This genuine difficulty was used to denigrate the work of the first Benchmarking Body, because the thorough research undertaken on a true 'like-for-like' basis did not result in the outcome that many would have wished. Yet, it remains a fact that the two benchmarking exercises mark the only occasions in recent years when comprehensive 'like-for-like' comparisons were carried out between identified public service grades and private sector comparators doing like work or work of equivalent value. It is our view that accuracy in making fair comparison must be given priority over other considerations. However, we stress the point that, under no circumstances, should it be deemed acceptable for comparisons to be made with some of the deplorable practices in the private sector.

## Pensions

22. Since 2010, public service pensioners have been subjected to reductions in their pensions. Based on figures for the civil service, almost 50% of public service pensioners are in receipt of pensions of less than €20,000 a year. For this reason, as part of the LRA process, the PSC was happy to lend its support to the Alliance of Public Service Pensioners in its attempt to undo the cuts to public service pensions at a faster rate than pay for serving workers. The PSC continues to support that principle and urges the PSC to assist in its progression.
23. The PSC recognises that the PSC's terms of reference require that superannuation benefits be taken into account in reaching any findings. In this regard, a 12% discount was applied by the 2007 Benchmarking Body.
24. Traditionally, comparisons for marker grades in the public service with their private sector counterparts applied a 5% 'discount' to public service pay rates in recognition of the value of public service pension arrangements. We believe that the Benchmarking Body's decision to increase this to 12% was excessive.
25. In any event, the situation has changed significantly and the value of public service pension arrangements has declined substantially in recent years. All staff appointed since 2004 – obviously a much higher number and greater percentage of staff overall than in 2007 – have a raised minimum retirement age of 65. All staff appointed since 2013 are in a career average scheme, with an effective minimum retirement age of 68.
26. In the civil service alone, 17% of staff are post-2004 employees and 10% of staff are covered by the 2013 'career average scheme'. While we do not have figures for all other parts of the public service, it is likely that the percentage is significantly higher in health and education given the scale of staff turnover and essential recruitment in certain professions, during the period of the public service recruitment moratorium.

## Security of tenure

27. All the concessions made by the PSC in the course of the recent crisis were motivated primarily by an overwhelming desire to protect employment and to prevent any permanent public servant from being made redundant on a compulsory basis. Each agreement reached since the 2010 Croke Park agreement recognised this and it would be unacceptable to use this against public servants when considering the value of security of tenure. Had public servants not made the concessions in remuneration and working conditions that they did, effectively in exchange for job protection, the question of 'security of tenure' would be unlikely to feature now as an issue in any consideration by the PSC.
28. The PSC will also want to consider that fact that many non-permanent staff in the public service were not protected from redundancy in the crisis period. The significant numbers involved highlight the fact that tenure is a considerably less significant factor in any external comparison than it was in the past.

## Public service reform

29. Agreement to specific and general productivity measures, as well as 'ongoing change' in work practices, has been a consistent feature of pay agreements in the public service. The issue of reform is not, therefore, of major consequence in terms of the remuneration of public servants. However, given the huge variety of tasks and functions performed in the public service, this is a matter best left for negotiation and implementation, where necessary and agreed, at local level. Obviously, any general agreement to cooperation with reform is subject to discussion, variation and local agreement on details of implementation.

## Recruitment and retention

30. The issue of new entrants' pay referred to in point six above (and, in many cases, pay rates generally) impacts upon the ability of public service organisations to recruit staff and requires consideration by the PSC. The exact consequences vary from grade to grade and from category to category. While there is an issue of principle involved, it is also the case that there is difficulty in recruiting into many grades and categories. The exact implications for each grade and category are best dealt with by individual submissions to the PSC from the unions involved directly.
31. For obvious reasons, retention has not been a huge matter of consequence in recent years. However, as the labour market becomes more positive, the imperative to ensure that the remuneration of public servants does not fall behind their private sector counterparts will become more pressing. This matter can only be advanced by the PSC by a re-statement of the necessity for 'like-for-like' comparisons as set out in this submission.

## Competitiveness, national finance and equity

32. The PSC's terms of reference provide that remuneration have regard to national competitiveness, sustainable national finances and equity considerations. These need to be considered in turn.

- **National competitiveness**

The concept of competitiveness is often confused in public discourse with ‘inexpensive labour’. In this context, it is interesting to note that salary levels do not feature in the 12 ‘pillars’ used in the evaluation used to calculate the Global Competitiveness Index. Indeed, most of the 12 pillars are related to the effectiveness of the public sector, either directly in areas like institutions, infrastructure, health, education and training, or indirectly in areas like technological readiness and macro environment, which are outcomes of public policy.

Added to this, a state that is unable to recruit and to retain its fair share of the ‘brightest and the best’ will not be in a position to ensure the infrastructure and public service support that a competitive economy requires. Indeed, if the cost of public service pay is viewed as the only valid marker of competitiveness, one might be tempted to wonder why countries in the developing world are unable to attract the sort of inward investment that Ireland, often referred to by the same commentators as a ‘high wage’ economy, can attract with comparative ease. The truth is that a state which aspires to compete in the developed world requires a strong public service. Scandinavian countries feature highly in all international competitiveness tables, despite high salaries commensurate with high living costs, because they have highly developed public sectors which contribute to strong economic and social performance. Indeed, the world leader in competitiveness is Switzerland, which is a high wage economy.

A competitive economy depends on an effective public sector. This requires that our public service is in a position to recruit and to retain, at the very least, its share of the ‘brightest and best’. This cannot be achieved if competitiveness is viewed solely in the narrow sense of labour costs and if, as a consequence, labour costs in the public service are seen as no more than an overhead to be driven down. That course will make Ireland less competitive.

- **Sustainable national finances**

Fiscal conditions cannot be ignored when looking at public service pay levels and determination. While the PSC recognises that the PSC must consider the ability of the State to pay its employees, there is no single objective figure or set of figures that can be said to mark the point of sustainability. The ability of the State to pay its employees is dependent upon its ability to raise revenue and a growing economy generates additional revenue. All current predictions foresee a growth in revenue outturns in the coming years and it is our contention that a fair proportion of this should be allocated to the restoration of pay that was reduced in what was defined legally as an ‘emergency’.

The level of available revenue is also dependent on the State’s willingness to raise revenue, which is a matter of choice. Likewise, the amount of state revenue allocated to pay the people who deliver public services is a matter of choice.

There can be no dispute that we faced a fiscal crisis in 2009. The then Government made what were, no doubt, difficult choices at that time. One of them was to target public servants’ pay for a very substantial amount of the fiscal correction that was demanded. Other countries faced with fiscal collapse made different choices. Iceland worked its way out of fiscal crisis mainly through additional taxation. Portugal’s Supreme Court blocked its Government from targeting public servants’ pay because they acknowledged that hitting the incomes of one part of the workforce, rather than spreading the cost of adjustment across the entire population, was fundamentally unfair.



The public service pay bill is determined not just by the rates of pay but also the numbers employed. This is ultimately a matter for Government. However, it is neither fair nor tenable to suggest that the cost of additional public employees (or other investment in public services) should be borne by public servants, through the suppression of their wages, rather than through taxation which is paid by public servants and all other citizens and users of public services.

In summary, if the PSPC is to consider the question of sustainability, as it is required to do so, when considering the issue of public service pay rates, it cannot do so in any form of absolutism. We suggest that the most important criterion for a fair determination of pay rates is that which involves the sort of fair comparison referred to elsewhere in this submission. That is fair to public servants, it is fair to those who pay for public services and, by ensuring that public servants' pay rates never exceed those of their private sector counterparts, it assists with both sustainability and acceptability.

- **Equity**

Equity between the pay of public servants and their private sector counterparts is a consequence of a fair comparison exercise. Equity also implies that all citizens fund the cost of public services according to their ability to pay through taxation and that no additional burden is placed on public servants by the imposition of suppressed levels of income.

It is also the firm view of the PSC that equity demands that all groups of public servants are treated fairly and equally in the process of income recovery.

Equity within the public service requires that the pay determination system should be flexible enough to facilitate the resolution of anomalies and to deal with the consequences of changed circumstances. This requires a means of processing claims through negotiating machinery in such situations. It also requires that a means be provided for job evaluations to take place, where issues of grading of work arise, to allow the knowledge, skills and responsibilities of particular jobs to be assessed (where necessary) and rewarded appropriately. Such a system exists in Local Government and needs to be extended to the rest of the public service.

## Definition of remuneration

33. It is the declared intention of the PSC to seek to have all disimprovements in remuneration rolled back as quickly as possible. This includes not just disimprovements in basic pay but also other disimprovements including starting pay for new entrants, additional unremunerated working time, changes in overtime rates and other more specific measures. We are aware that this has a financial cost and can, therefore, only happen as increased exchequer resources become available, as is now happening. However, in any discussions that follow the publication of the PSPC's initial report, it will be our intention to list all matters for negotiation. All such matters fall within the definition of remuneration and we welcome any assistance that the PSPC can offer to assist with a positive outcome.

## Conclusion

34. Like other sections of the workforce, public servants have come through a very difficult time during the greatest economic and fiscal crisis that the State has ever faced. Most public servants accept that the loss of income, and disimprovements in working conditions, that they experienced in this period cannot be put right in one fell swoop or in a very short timeframe. However, the country's economic and fiscal position is improving. In 2017 the Government had an additional €1.2 billion of 'fiscal space' available. In 2018, 2019 and 2020 the Government's 'fiscal space' is expected to be even greater. In short, there is, and will be, significant capacity to tackle the consequences of FEMPI legislation and related measures in the coming period. The issue to be determined is the willingness of the state as an employer to do this, rather than its capacity to act.
35. The PSC believes the Government (as the employer of public servants) must act in the interest of fairness and to underpin industrial relations stability in the sector. This requires a timely negotiation of the pace and quantum of public service pay recovery. While the PSC will, as always, be constructive in such negotiations, it is our firm view that the focus of negotiations must be the acceleration of the unwinding of FEMPI and related measures. Our objective will be to reach an agreement that will establish when the overwhelming bulk of public servants will cease to be subject to FEMPI impositions.

Other issues related to FEMPI, which are addressed in this submission, will also be part of our agenda and progress will be sought in respect of them. We understand that all negotiations involve a balance between the interests of the parties and that Government, in considering issues of public expenditure, has a range of factors and responsibilities to take into account. However, all employers – including the Government – have an obligation to treat their employees in a fair way and this demands that account be taken of the fact that public servants were subjected to two, (and, in some cases, three), income cuts over the past seven years. All public servants have also been obliged to work additional unremunerated hours, and all public servants have seen disimprovements in working conditions which, in many cases, involved further reductions in income. These impositions took place in what was defined legally as an 'emergency'; an emergency from which we are emerging at a faster rate than expected when the LRA was signed. It is now time for structured, orderly, timely and negotiated income restoration. The PSC has a role in this regard and we very much welcome its assistance.

36. The PSC is happy to take up this invitation to meet the PSC and we look forward to expanding on the points outlined in this submission. We would welcome an invitation to make further submissions, subsequent to the PSC's initial report. Finally, we would like to reiterate the request that individual unions affiliated to the PSC be afforded the opportunity to make submissions to, and meet, the PSC on some of the detailed issues that are referred to briefly in this submission.

# CIVIL SERVICE ADJUDICATION FINDING

## Parties:

General Council Staff Panel and Department of Public Expenditure and Reform

## Issue:

Motor Travel Expenses

The hearing took place on 9 December, 2016

## Background

1. The Haddington Road Agreement stated:

*"The Parties note that the Government intends to review travel and subsistence arrangements. There will be full co-operation by the Parties with the review and the implementation of a standardised system of travel and subsistence across the Public Service."*

2. Agreement was subsequently reached on subsistence rates.
3. Following from this, a review of the methodology used to calculate motor travel rates was carried out. The revised methodology takes account of both overhead and running costs of an officer using his/her own vehicle for official purposes. It also provides a methodology that can be updated easily with new data and is intended to create a more transparent method for the review of motor travel rates in future.
4. The Government's National Policy on Climate Action, which is committed to the development of a cost effective policy for reducing carbon emissions and increasing efficiency in the transport sector, was also taken into account. In this context, the importance of encouraging officers to choose more environmentally-friendly vehicles and methods of travel was recognised. The Official Side intends to move progressively in this direction in subsequent revisions of the formula for determining motor travel rates.
5. Against this background, the parties have had several meetings in an effort to reach agreement on a revised formula and revised rates of compensation for the use of private cars on official business.
6. As a result, the Parties have reached agreement on the majority of the elements of the revised formula including:
  - (a) A replacement rate that assumes that an officer's car is replaced every four years;

- (b) Insurance costs based on a 35 year old Civil Servant, driving a Volkswagen Golf with a two year no claims bonus;
- (c) Car costs calculated with reference to the top 10 best-selling cars;
- (d) Car tax costs based on the CO2 emissions of the top 10 best-selling cars;
- (e) Servicing and repair costs based on the figures given in the AA Cost of Motoring report each year;

7. The Parties have agreed that the formula would be "locked in" for a period of three years.
8. They have agreed that compensation should be expressed, as heretofore, on the basis of stated amounts per kilometre travelled on Official Business and, in addition, that the amount per kilometre should vary with the total number of kilometres travelled in a year and the size of the car engine.
9. The Parties have also agreed on the use of four distance bands of motor travel rates, compared with the current two bands. These bands provide a different rate per kilometre based on the apportionment of the Overhead Costs of running a car.
10. However, they have disagreed on the change point between the initial band and the second band and this has implications for the kilometre ranges in the second and third bands as well as the rate of compensation per kilometre in the case of the third range band.
11. The Positions of the two sides on the four bands are as follows:

Band	Official Side	Staff Side
1	0 - 2,000 km	0 - 1,000 km
2	2,000 - 6,000 km	1,000 - 5,000 km
3	6,000 - 25,000 km	5,000 - 25,000 km
4	Over 25,000 km	Over 25,000 km

## Official Side Case

12. The Official Side accepted that, where officers engaged in significant amount of travel for official business, this impacted on the running costs of their

private cars and that the rate of compensation per kilometre should take account of this in a clear and transparent way taking account of both running costs and capital factors. The Official Side's proposed methodology provided for a lesser rate per kilometre for officers who travelled less than 2,000 kilometres per annum. This was based on the principle that "casual travelling" officers should not receive the full recoupment of their overhead costs for relatively minor official travel. The Official Side's position was that officers who used their own car for infrequent travel were not purchasing their vehicle primarily for this purpose. It was not disputed that many officers required the use of a car in their personal life and so would purchase a car regardless of whether or not it was required infrequently for their job. While an argument could be made for a figure in the 2,000 km to 3,000 km range, the Official Side was satisfied that 2,000 km was a reasonable upper threshold for "occasional travel".

### Staff Side Case

13. The Staff Side stated that officers who travelled less than 2,000 km per annum would see a decrease in the amount of travel expenses they could claim under the new system. The Staff Side contended that the first distance band should be capped at 1,000 km per annum. In particular, the Staff Side believed that cognisance had to be taken of officers whose annual travel required repeated short journeys every day. (Staff in Libraries, Community Health Care etc.). The Staff Side considered that cognisance also needed to be taken of the fact that the rates currently being applied were not, in fact, agreed rates. In 2009, the Agreed rates had been reduced unilaterally by 25%. In that respect, they set out a comparison of the agreed rates which had applied in 2008, the current rates incorporating the 2009 unilateral reduction and the proposed rates.

### Finding

14. It is clear from the discussion at the hearing that the parties have made significant strides towards agreement and have been significantly influenced in this regard by the need to take account of the Climate Change issue and the need to reduce CO2 emissions.

15. However, they have also had to cope with considerable practical problems.

16. Under the existing regime, there are two distance bands – one for the first 6,347 km and the other for amounts in excess of this. The first band involves a rate of compensation per kilometre almost twice the rate of the second band. Thus, staff who use their cars on official business to a limited extent have sizeable amount of a car's overheads as well running costs covered by the motor travel compensation arrangement.

17. Under the revised formula, there are four bands. The first band is lower than the second band and, also, lower than the first band under the existing regime.
18. As a result, staff who travel a relatively low number of kilometres on official business would have their total compensation reduced under the new system by comparison with the existing regime.
19. While this could be held to be reasonable for occasional users of private cars for long trips on official business (two return trips from Dublin to Cork would amount to just over 1,000 km), it would also impact on officers whose annual travel required repeated short journeys every day or seasonally such as staff in Libraries, Community Health Care, etc.
20. It could be argued that an initial band of 1,000 km would be unnecessarily favourable to the former group while it could also be also argued that an initial band of 2,000 km would impact unduly and unfavourably on the latter category of staff.
21. This is the background to the issue for adjudication which is a narrow one. It is concerned primarily with the upper distance limit on the first range band of kilometres covered by an officer using his/her private car on official business.
22. This has some implications for the change points for the second and third range bands as well as the rate of compensation per kilometre in the case of the third range band.
23. The arguments put forward by the two sides each have considerable merit in their own respects.
24. Having considered all of the arguments by both sides, my finding is that the structure of the four rate bands in terms of the kilometre range in each band and the rate of compensation per kilometre should be as follows:

Engine Size		0 – 1200cc	1200 – 1500 cc	1500cc and over
Band	Km Range	Cents per Kilometre		
1	0 to 1,500	37.95	39.86	44.79
2	1,501 to 5,500	70.00	73.21	83.53
3	5,501 to 25,000	27.55	29.03	32.21
4	Over 25,000	21.36	22.23	25.85

**Daniel Murphy,**  
**Adjudicator.**

12 December, 2016



## FAIR WAY TO FAIR PAY



Association  
of  
Higher Civil and Public Servants

Paper on Pay

**“A FAIR WAY TO FAIR PAY”**

by AHCPS Executive Committee

6 May 2016

# CONTENTS

	<b>Page</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. Background to Pay Determination</b>	<b>4</b>
2.1 History of Pay Determination	4
2.2 Benchmarking	5
2.3 Benchmarking 2	5
<b>3. The Economic Crash and the Government Response</b>	<b>5</b>
3.1 The Crash	5
3.2 Towards 2016 (Phase 2)	6
3.3 FEMPI 1	6
3.4 One-Day Strike	6
3.5 FEMPI 2	6
3.6 Croke Park Agreement	6
3.7 "Croke Park 2"	6
3.8 Haddington Road Agreement	7
3.9 Lansdowne Road Agreement	7
3.10 FEMPI 2015	8
<b>4. Economic Outlook</b>	<b>8</b>
4.1 Government Projections	8
4.2 NERI Projections	9
<b>5. The Future</b>	<b>9</b>
5.1 Pay Disparity	9
5.2 Measuring Pay in the UK and Europe	10
5.2.1 United Kingdom	10
5.2.2 Europe	10
5.3 Pay in the Private Sector	11
5.4 Outgoing Government	12
5.5 Engagement with Political Parties	12
5.6 Rising Expectations	12
5.7 Agreement between Fine Gael and Fianna Fáil	12
5.7.1 Commission to Examine Pay Levels in the Public Service	12
5.7.2 Other elements of the FG/FF Agreement	13
5.8 Position of IBEC	13
5.9 Transparency and Fairness	13
<b>6. Conclusion</b>	<b>13</b>
6.1 Independent Pay Determination Mechanism	13
6.2 Reversal of FEMPI Legislation	14
6.3 Break the Link	15
6.4 Research on Pay	15
6.5 Summary	15
<b>Appendix 1 Outline of Pay Cuts suffered to date</b>	<b>16</b>

## 1 INTRODUCTION

The economic trauma of recent years has done immense damage to the fabric of our society. No segment of our community or walk of life has been untouched by the events of the last nine years. Much of the fabric of social solidarity that was an asset to us as a nation was torn asunder. Pillorying the public sector in general, and the civil service in particular was part of this corrosive dialogue.

Certain types of lazy and glib analysis became par for the course. This reductive approach may have garnered some cheap headlines but has contributed little to the process of reform and mature dialogue.

The fact is that members of the Association have had to bear pay reductions of up to 23 per cent. Over the same period the cost of living has increased. In addition, income tax has been increased, USC has been introduced along with Property Tax, Water charges amongst other measures. At the same time, staffing levels have reduced by 10 per cent since 2008. Civil and Public servants have had to juggle an increasingly onerous workload, in an infrastructure that has been cut to the bone. Civil and Public servants working in Government Departments and Public Bodies have seen their workload increase substantially while seeing their resources shrink. Notwithstanding these challenges they have continued to provide strong support to the State, in the best traditions of public service. It is also important to note that, unlike the private sector, which in a recession sees falls in demand, the demands on public services increase considerably during the recession.

Now, thanks to the collective efforts and sacrifices of our citizens, including the specific contribution of public servants, the country's economic situation has improved.

The Irish Civil and Public Service is highly skilled and effectual. It is comparatively small in European terms, yet our record, reputation and reliability is on record as being among the best in Europe.

The delivery of high quality, sustainable public services is at the core of our economic recovery. The vying of public sector against private sector that we see waged in the media all too frequently attempts to create an unnecessary divide in our society, a "them and us" mentality that does a disservice to both sectors and will not assist or contribute to the delivery of high quality and sustainable public services which are a basic fundamental requirement of any well-functioning economy.

We, in the Association, are certainly not looking for special treatment but we are looking to be treated fairly. A disproportionate amount of the burden of adjustment in the public finances had fallen on public servants during the recession and it is now time to redress this and restore some balance.

There is no doubt that rising expectations at almost all levels of society will shape the industrial relations scene in Ireland over the next 12 months, driven by economic growth and better Exchequer figures.

While the Lansdowne Road Agreement set down the template for members, this deal, even though it starts to restore pay and not curtail it like its predecessors, will have to be revisited.



The incoming Government will feel they have in place an agreement with about two and half years 'life' in it, allowing them plan pay and pensions policy with a great deal of certainty, as well as a system that has ensured considerable industrial peace.

Ironically, however, this peace may be tested more in better economic times than it was in the crisis years.

## 2 Background to Pay Determination

### 2.1 History of Pay Determination

The problems of public service pay determination not only pre-date benchmarking, they pre-date social partnership. Social partnership was initiated in 1987, following a period of high inflation and weak economic growth which led to increased emigration and unsustainable government borrowing and national debt. Prior to this agreement bargaining had been on a local level since 1981; in the previous decade national employer-union deals and 'National Understandings' were the norm but came under increased pressure.

Social Partnership agreements were agreed between the Government, main employer groups Irish Business and Employers Confederation (IBEC) and the Construction Industry Federation and the Irish Congress of Trade Unions. Since 1997 voluntary/community organisations have taken part in the general policy discussions but not in the key wage bargaining element. The model was a trade-off of modest wage increases in exchange for a lighter income tax burden.

The previous agreements were as follows:

Year	Programme
1987–1990	Programme for National Recovery (PNR)
1991–1994	Programme for Economic and Social Progress (PESP)
1994–1996	Programme for Competitiveness and Work (PCW)
1997–2000	Partnership 2000, for Inclusion, Employment and Competitiveness (P2000)
2000–2003	Programme for Prosperity and Fairness (PPF)
2002	Public Service <b>Benchmarking</b> Body
2003–2005	Sustaining Progress (SP)
2006–2008	<b>Towards 2016</b>

Before the current 'crisis' period, pay in the public service was decided in two ways.

Firstly, as was seen under social partnership, through direct negotiations between all ICTU unions and Government. This resulted in public servants generally getting the same cost of living pay rises that applied in the private sector.



Secondly, there were separate pay review systems for the generality of public servants and for higher (top) public servants.

The most recent of these reviews were the much derided benchmarking exercise for the majority, and the lesser known higher remuneration review for top people.

## 2.2 Benchmarking

In case it is forgotten, in regard to the vast majority of public servants outside the top echelon, the benchmarking process started out as a serious attempt to secure reform.

It was, in effect, a bid to rescue a previous failed attempt at change known as ‘grade restructuring’. This grade restructuring exercise of the early to mid-1990s ultimately ended with a nurses strike. It ended up costing more than the previous and long established system of pay linkages, because of knock-on claims.

The grade restructuring exercise was an effort to reform a previous and more longstanding system, which had been marked by a pattern of relativities and linkages based on what were known as ‘marker grades’. One of the key marker grades, for example, was the EO grade.

So benchmarking was actually the second reform attempt within ten years to rationalise a system that had been in need of change for decades. The problem was that it fell foul of two powerful forces: expectations and politics.

Benchmarking One was hugely influenced by a political need to award something to over 300,000 public servants who had fallen behind their private sector counterparts in the early phase of the Celtic Tiger. It was also intended to tidy up anomalies left behind by the ‘grade restructuring’ system.

Therefore, benchmarking was seen as a sort of ‘catch up’ exercise, but the foundations on which the awards were made were never revealed. The rationale behind the findings, remains a mystery, as private sector firms, who took part in the exercise, would not allow their data to be published.

While accepting it had flaws, that concept remains valid: benchmarking repositioned all categories of workers such that relativities were ended.

## 2.3 Benchmarking 2

The great irony is that the second follow-on Benchmarking Two report of 2007 (it was never implemented) arrived just before the recent crisis. It recommended a freeze for the vast majority and a mere €50m or so in increases, largely due to accepted anomalies. This was well down on the €1.2 billion or so awarded under the ‘Benchmarking One’ report of 2002. One of the increases recommended was an award of 1.1% for the Principal Officer grade. Benchmarking Two ended up being the sort of transparent exercise that the first report could and should have been.

# 3 The Economic Crash and the Government response

## 3.1 The Crash

The extremely sharp downturn that hit the Irish economy from 2007 to 2010 in particular – a peak-to-trough decline in annual GDP was 9 per cent in real terms. Concern at exchequer deficits of over €20 billion, resulting from the collapse of the construction speculative bubble,

dominated political discourse and there was continued questioning as to the appropriateness of over two decades of social partnership and its effect on the public finances.

It should also be noted that, between 2000 and 2008, the Irish economy had experienced a significant loss in competitiveness, reflecting domestic cost and price developments. This resulted in a sharp moderation in export growth and a decline in global export share. During that period, pay increases exceeded productivity growth on an economy-wide basis.

However, there is no doubt that this loss of competitiveness has now been almost reversed.

### 3.2 Towards 2016 (Phase 2)

The second stage of "Towards 2016" pay terms were agreed in September 2008 and accepted in an ICTU ballot in November. The second stage pay terms provided a **6% pay increase over a 21-month period, payable in two stages, following a three-month pay freeze in the private sector and an 11-month pay freeze in the public service.**

### 3.3 FEMPI 1

Phase 2 of Towards 2016 was subsequently, unilaterally, withdrawn by the Government and the first Financial Emergency Measures in the Public Interest (FEMPI) Act was introduced in February 2009.

This was the Pension-Related Deduction (FEMPI Act 2009) and provided for deductions of between 8.1% and 8.7% for members. This was an effectively exchequer tax and bore no relationship to pension.

### 3.4 One-day strike

On the 24<sup>th</sup> of November, 2009, as part of the ICTU-led campaign of industrial action, the Association took part in a one-day stoppage in protest at the unfairness of the legislation.

### 3.5 FEMPI 2

Subsequently the 2010 budget in late 2009 introduced the 2010 pay cuts and 2010-2012 'grace-period' (FEMPI (No. 2) Act 2009). This provided for deductions of between 6.4% and 7.8% for members.

### 3.6 Croke Park Agreement

Then the Government and the Public Service Unions in May 2010 negotiated the Public Service Agreement 2010 - 2014 the "Croke Park Agreement". This provided guarantees of no further reductions in pay and no compulsory redundancies provided savings were met. This was accepted in a ballot of members.

### 3.7 "Croke Park 2"

In March 2010, the Government invited the Public Service Unions to talks on an addendum to the Croke Park Agreement. The subsequent "Croke Park 2" proposals were rejected by the membership in a ballot and by the Public Service Unions.



### 3.8 Haddington Road Agreement

The Unions then negotiated the Haddington Road Agreement that was voted on and accepted by the Association's members. The HRA provided for cuts between of 5.5% and 6.2%. The 2013 pay cuts and 2013-2019 'grace-period' were the basis for the FEMPI Act 2013.

### 3.9 Lansdowne Road Agreement

In late Spring 2015 the Public Services Committee, (PSC), of the ICTU accepted an invitation to engage in discussions on an early successor to the 'Haddington Road Agreement'.

This culminated in intensive discussions in May 2015 that led to the Lansdowne Road Agreement (LRA). The LRA is an extension of the Haddington Road Agreement.

The proposals were to:

- Continue the change and reform agenda (sections 1-3)
- Continue the dispute resolutions mechanism contained in the Croke Park and Haddington Road Agreements (section 4)
- Commence to unwind the FEMPI legislation
- Provide a reduction in the Pension Related Deduction (PRD) of €1,000 during 2016.
- Provide a €1,000 pay increase for those on salaries below €65,000. (This proposal excluded all AHCPS grades except those on points 1 and 2 of the AP standard scale pre 95) It should be noted that, at the LRA talks, a plan to give those earning more than €65,000 with rises worth €1,000 in 2017 disappeared off the table due to a Fine Gael intervention. This came about after consultations between Public Expenditure Minister, Brendan Howlin, and Taoiseach, Enda Kenny (and his advisers).
- Provide for an extension of the grace period for those retiring.
- The restoration of the Haddington Road pay cuts due on 1 April 2017 (2.75% approx.) and 1 January 2018 (2.75% approx.) were part of the Haddington Road Agreement and consequently form part of this agreement.

The Government indicated that it would accept the aggregate vote of the PSC as applying to all public service unions.

The Executive Committee of the Association consulted widely with the membership with a series of branch general meetings and with a Consultative Council meeting on 22 June 2015. The unanimous view of the Executive Committee was that the proposals should be rejected by the membership and the Executive accordingly urged all members to vote NO. The membership subsequently voted No by a margin of 87% to 13%. The Association had previously expressed its dissatisfaction with how its members were treated during 2013 Croke Park 2/HRA talks – which saw pay cuts applied to those over €65,000 salaries only (which at the time was about 13% of public servants) – with the view that we were effectively sacrificed by the larger unions. So members of the Association were hit hardest on the way down and hit hardest on the way back up.

The Agreement unfairly (yet again) targeted a specific group of public service employees i.e. those on salary scales over €65,000. The vast majority of AHCPS members were excluded from benefiting from the €1,000 pay restoration awarded to other staff from 1<sup>st</sup> September 2017.



At a meeting of the PSC on 16 September 2015, the constituent unions voted on the proposals, in accordance with the mandate received from their members. Each union had a number of votes to reflect the size of their membership. The vote was to accept the proposals by 2,344 votes to 207 with the Association voting against the proposals.

The PSC wrote to the Minister to indicate formal acceptance of the terms on offer.

### **3.10 FEMPI 2015**

The Minister was then required to enact the Part-reversal of pay and pension reductions, commencing 2016 (Financial Emergency Measures in the Public Interest Act 2015).

Mr Howlin formally signed the Commencement Order bringing into law the FEMPI Act 2015, which gives effect to the provisions of the Lansdowne Road Agreement (LRA) and amends previous FEMPI legislation. This, according to the Minister, commences the unwinding of the financial emergency legislation.

## **4 Economic Outlook**

### **4.1 Government Projections**

The Department of Finance is forecasting the economy to grow by almost 5% this year, higher than forecast on Budget day.

The expected growth rate of 4.9% of GDP compares with a forecast of 4.3% on Budget day.

In cash terms, it projects output will be €231 billion, an increase of €16 billion over last year's figure. It also says that GNP growth should be 4.1% this year.

The number of people in work is expected to grow by 2.6% to more than two million - the highest number since early 2009. It forecasts unemployment to average 8.4% for the year, with a year-end figure of 8%.

The growing numbers in work, along with modest wage rises and the tax cuts in Budget 2016 is expected to lead to further growth in consumer spending.

The Department of Finance forecasts this will rise by 3.9% this year, after growth of 3.5% in 2015 - the highest rate of growth since 2007.

They also expect exports will grow by 8% this year, a strong performance, but well below the 16% growth rate achieved last year. Weaker sterling and a slowing of the global economy are the main headwinds confronting Irish exporters.

However, it warns that the risks to its baseline projections are "tilted to the downside" as a result of growing concerns about the state of emerging market economies, and the risk of a vote to leave the EU in the forthcoming British referendum.

On the danger of a Brexit to the public finances, they ran a sensitivity test on the impact of a five percentage point sterling depreciation, estimating it would reduce forecast growth and revenue by 0.6% of GDP this year, increasing spending, the deficit and government debt.



## 4.2 NERI Projections

According to the Nevin Economic Research Institute (NERI), progress and uncertainty dominate the economic outlook. The economy continues to improve although vulnerabilities remain given the weakness of the broader European and International economies, the forthcoming UK Brexit referendum and the sustainability of positive benefits associated with low interest rates, low oil prices, accommodative ECB monetary policy and favourable exchange rates. Domestically, differences persist in the pace of recovery across the country. NERI's current projections include:

- Strong GDP growth of 4.4% in 2016, declining to 3.5% in 2017.
- Consumption will continue its recovery driven by rising real disposable incomes, improving household balance sheets and a strengthening labour market while investment will grow strongly from its currently low base.
- The improvements in the economy will impact positively on the exchequers finances with the General Government Balance falling to -0.6% in 2016 and moving to balance in 2017.
- A steady decrease in unemployment out to 2017, with the 2016 figure falling to 8.3%. By 2017 unemployment is expected to fall to 7.8%.
- Further employment growth of 2.2% in 2016 and 1.8% in 2017. It is expected that the numbers employed will exceed 2 million during this year.
- A steady recovery in average earnings which is expected to rise by 2.0% in 2016 and 2.2% in 2017.
- Domestic political uncertainty may have some short-term impact on government bond yields and financing costs but it is expected the effect of this uncertainty on growth to be marginal and temporary. The overall fiscal stance is unlikely to be meaningfully altered even if the detail of fiscal policy may change.

## 5 The Future

### 5.1 Pay Disparity

There is no doubt that the growing disparity between public and private sector pay is slowly decimating our Civil and Public Service

Our pay cannot be left to significantly lag behind if the public service is to attract and hold the best people. The age profile of the Civil and Public Service is rising and, as we have been contending for quite some time now, successful recruitment into the service will be an issue if our working conditions continue to be eroded. Our members have embraced reform and continue to produce significant efficiencies across the Civil and Public Service. They discharge their duties with professionalism and, on a day-to-day basis, they are charged with some of the most strategically important work in our Government Departments and Public Bodies. According to the Secretary General of the Department of Public Expenditure & Reform, potential recruits to the top levels of the civil service “do not want to take on public roles in which they have to deal with the Committee of Public Accounts and other committees”. Nor do they like the “treatment meted out by the media on a regular basis”, he recently told the Public Accounts Committee. He told the Committee that people from the private sector, in the main, are not interested in taking on public roles “because they believe the risks for them are too great”. He said he did not know how to deal with this, adding that the pay is “too low and the risks are too great for senior people from the private sector”.



One part of the Lansdowne Road Agreement that will prove to be important in the future is the provision for a joint review of pay determination for the Public Service. The Public Service Committee of ICTU has looked at systems in other EU countries. What is hugely significant is that, notwithstanding the shift of political thinking, collective bargaining remains a central part of pay determination across Europe. This occurs against a background of falling union density in Public Services, including Ireland.

## 5.2 Measuring Pay in the UK and Europe

### 5.2.1 United Kingdom

A Public Sector Pay Review Body in the United Kingdom is a government mechanism to replace collective bargaining for certain groups of employees in the public sector. A Review Body makes independent recommendations on pay after considering evidence from the relevant parties (typically government, employers and unions), before the Government decides whether it will honour the recommendations. While the unions have the option to take industrial action in order to either improve on or secure the implementation of the recommendations, forthcoming Conservative Government legislation will place significant legal obstacles in the way of securing a mandate for lawful industrial action.

While time-served arrangements are still common in the UK Public Sector, not every public sector group has automatic incremental progression arrangements in place. Similar to the private sector, there has been some evidence of a shift towards including performance, skills acquisition or contribution measures in addition to service, with the concept of ‘bars’ or ‘gateways’ that employees must pass through in order to progress.

Many civil service departments now have hybrid progression schemes in place. Most of these were put in place in the mid-1990s in order to bring paybills under control. For example, some departments operate a dual progression arrangement system where there is still an element of automatic incremental progression for those on the lowest pay bands, but for those on higher pay bands, progression is based on individual performance. The progression model at HM Treasury even has an element of a forced distribution (a system broadly viewed by employees as being unfair and also difficult for line managers to administer) where 25 per cent of the workforce must be deemed ‘excellent’ performers and between 5 and 10 per cent in any year will be deemed as displaying ‘significant shortcomings’.

### 5.2.2 Europe

The European (Federation) of Public Service Unions (EPSU) has put together a report on **Austria, Belgium, Denmark, Finland, Germany, the Netherlands, Norway and Sweden**. This study, amongst other issues, looks at collective bargaining, pay reviews and job evaluation.

The first point to make clear is that the vast majority of public service workers in all eight countries are covered by collective bargaining.

Apart from the different structures there are also differences in the collective bargaining processes and the main elements that influence these processes.



In the four Nordic countries, the main determining factor in public sector pay bargaining is the trend in private sector pay. Specifically, in the case of Norway and Sweden, the determining trend is the private sector subject to international competition. In Denmark it is more broadly the private sector. The two public sector agreements covering central government and local and regional government apply a formula that keeps public sector pay moving very closely in parallel with the private sector.

This public-private link has been the subject of some debate in recent years. The formula in Denmark has been called into question by the employers but defended by the trade unions. However, some unions are concerned that the formula is too restrictive.

In Finland, sector agreements in the public sector tend to follow the framework agreements agreed by the employer organisations and the three trade union confederations at national, cross-sector level. Meanwhile, in Belgium there are also cross-sector negotiations in the private sector that influence the public sector along with the pay indexation formula that guarantees a pay increase in line with inflation for all workers.

In the three other countries there are arrangements where the unions and/or confederations set a framework or recommended target rate for pay developments. This is done by the confederations in the Netherlands while in Austria and Germany there tends to be a going rate, traditionally set by the main metal sector agreements.

In terms of actual pay trends most parts of the public sector in these countries have escaped the pay cuts or multi-year pay freezes imposed in countries that suffered the worst effects of the crisis and the austerity that followed. However, there have been one or two years of very low or zero pay increases, with the longest being the four years of effective pay freeze in central government in the Netherlands when the trade unions were unable to secure a new collective agreement. In Austria in 2013 central government didn't negotiate an increase and it was left to separate negotiations with regional government employers while in Denmark the public sector did face one year of pay freeze as pay was adjusted to stay in line with the private sector.

The main contrast in pay reviews is the extent to which job descriptions are prescribed in detail in the national legislation (for example, Austria) or the main collective agreements (for example, Germany and Finland).

**In all these cases there is a role for unions in negotiating changes. The Association contends that we have reached that stage in Ireland and it is timely to introduce such change i.e. implementing an independent wage evaluation mechanism.**

### 5.3 Pay in the Private Sector

Pay in the private sector has been marked in recent years by a steady, managed approach. This started in the 'high end' exporting sectors, but has long since moved into retail and other areas, including banking. The ICTU private sector committee has suggested a 2.5% to 5% pay range. This is to be expected, but increases that touch on 3% are likely to be the higher end, with the average perhaps settling at around 2.5%.

While IBEC has rejected pay demands of 5%, the body forecasted that 67% of firms would award some increase this year.

In an analysis of recorded pay settlements by Industrial Relations News (IRN), shows that the 2% per annum average remained the central pay benchmark in 2015. But more prosperous



firms have moved up to the 2-3% range. Overall the range this year is expected to be between 1-3%. There is also evidence of an increasing number of cases where fringe benefits are in play.

The IRN-CIPD pay survey (of 650 private sector employers), projects increases averaging 2.8% in 2016.

## **5.4 Outgoing Government**

The outgoing Government confirmed that it will engage with the unions during the lifetime of the agreement “in advance of it deciding on any alternative pay determination structure”. This is the only signal in the deal that the Government may look to establish some form of scientific assessment of public service pay generally.

## **5.5 Engagement with the Political Parties**

In the last year the Association has continued its engagement with the political parties. As part of this process a pre-election political “hustings” event was held on 2 February 2016.

This event was held in the Mont Clare Hotel, Dublin and attended by Eoghan Murphy TD of Fine Gael, Pat Rabbitte TD of Labour, Sean Fleming TD of Fianna Fáil, Eoin Ó Broin of Sinn Féin, Eamon Ryan of the Green Party and Michael Gargan of Renua. It was chaired by Harry McGee of the Irish Times and was well attended by members.

On the matter of restoration of the 2013 third pay cut, all parties including Sinn Féin indicated support for this and the Lansdowne Road Agreement although Sinn Féin said their focus was on the lower paid.

On our policy of having an independent pay mechanism all parties were again in support except Eamon Ryan who said the broad budget is set by Cabinet and to disconnect this from an independent pay assessment was not feasible.

On the matter of the link with TDs’ pay the General Secretary drew attention to the manner in which our grades were excluded from the September 2017 €1,000 flat rate payment under the Lansdowne Road Agreement thereby targeting those on pay scales above €65,000. He said the Association had specifically identified that this was for political reasons because the TD pay was linked to that of Principal Officer. In that situation he said the Association was compelled to call for the link to be broken as it disadvantaged our grades. He also reiterated the point that our pay scales need to be brought to a level where the best people would be attracted to the Civil Service.

## **5.6 Rising Expectations**

The question that arises for the Association is: How will the next administration handle rising expectations on public sector pay?

## **5.7 Agreement between Fine Gael and Fianna Fáil**

### **5.7.1 Commission to Examine Pay Levels in the Public Service**

As part of the recently-concluded talks on the formation of a Fine Gael led minority Government, Fine Gael and Fianna Fáil have agreed on a Commission to examine pay levels across the public sector, including for new entrants.



The commission, to be established within six months, is cast by sources as a mechanism for preventing strikes across the public sector, which would have the potential to cripple a minority government reliant on opposition co-operation. Consultation must play a central role in the Commission, in order for it to be successful.

### **5.7.2 Other elements of the FG/FF Agreement**

Recognise full implementation of the Lansdowne Road Agreement in accordance with the timelines agreed and recognise that the recruitment issues in the public service must be addressed as part of this Agreement.

Support the gradual, negotiated repeal the Financial Emergency Measures in the Public Interest Acts having due regard to the priority to improve public services and in recognition of the essential role played by public servants.

**While awaiting the detail of this Commission, this is the type of exercise that the Association has been suggesting for some time.**

## **5.8 Position of IBEC**

IBEC have said that calls for the Lansdowne Road Agreement to be renegotiated don't stack up. IBEC is concerned that there is a heightened industrial relations tension after what it describes as a period of relative calm.

An IBEC spokesperson has said, while this is not surprising given the “pent up frustrations that have built up”, expectations need to reflect economic reality. While most companies are in a position to award modest pay rises, she warned that “if costs spiral ... we will pay for it in jobs”.

## **5.9 Transparency and Fairness**

From the perspective of the Association, transparency and fairness should be the qualifying factors in the establishment of salary levels. Pay in the public sector has always been transparent as the salary, aligned with respective grades, are used in public advertisements. The pay attributed to these roles is out of kilter with similar roles in the private sector. Research by the ESRI verifies this.

## **6. Conclusion**

### **6.1 Independent Pay Determination Mechanism**

It is recognised by Government that the public service is considerably smaller, less expensive and more productive than it was seven years ago.

The Association is calling on Government to introduce an Independent Pay Mechanism which would ensure, in a very transparent way that the pay associated with senior civil and public servants and managers is in line with the pay for a similar position in the private sector. The recently announced Commission on Public Service pay, agreed as part of the discussions on the formation of a minority Fine Gael led Government must address these issues.

Our net pay is back to that of 2002 and we continue to emphasise the Assistant Principal Officer is 20% and the Principal Officer 30% behind current pay levels in the private sector according



to research we have had carried out. **Appendix 1** sets out the level of pay cuts suffered by members over the last number of years.

## 6.2 Reversal of FEMPI legislation

We have taken legal advice on FEMPI which is being considered by the Executive Committee. As the economy continues to improve and we exit the corrective arm of the Stability and Growth pact, we will again seek advice on the FEMPI legislation and continue to monitor the position. It is a priority for the Executive to reverse the pay cuts suffered under the FEMPI legislation. If economic growth rates of 7 percent are sustained, the Government won't be able to justify continuing with the financial emergency legislation that was used to cut the wages of public servants.

While the Lansdowne Road Agreement had secured the first element of pay restoration, this was no more than the first step on the journey. The FEMPI legislation was by its nature emergency legislation - and if the emergency is now over, FEMPI should be over.

There needs to be a clear and accelerated timetable for the restoration of ALL the cuts under the FEMPI legislation.

This Association cannot sit and wait for Lansdowne Road to end [in September 2018], in the context of public finances continuing to grow. All public servants, regardless of grade, category or profession who suffered hardship and contributed significantly during the crisis, must now benefit in any accelerated restoration agreement.

Given that all of the recent public service (post-partnership) agreements failed to last their full 'term', there is plenty of precedent for advanced negotiations on what might follow the Lansdowne Road deal.

The Haddington Road Agreement (HRA) was negotiated well in advance of its expiry because the scale of retrenchment (from the Government's perspective) under the Croke Park Agreement wasn't sufficient. Talks on the LRA were also advanced by almost a year due to concern about the continued legality of FEMPI legislation in a fast emerging non-crisis context. This all suggests there is no reason why the LRA can't be 'renegotiated', or replaced, in advance of its September 2018 termination date.

In the background, however, is the current period of political instability and the potential problem this could trigger around the renewal of FEMPI. The relevant Minister must make a report to the Dáil on an annual basis (by June) and set out the case for the retention of the emergency legislation.

The question that we have to ask ourselves is, will there be a Dáil majority to back the line taken by a minority government, given that Fianna Fail has said it wants to abolish the legislation altogether? This means that a minority Government led by Fine Gael would have to secure an assurance from the other large party that it would agree to the current policy of a more staged elimination of the legislation.

At the time of writing it seems we are likely to have a Fine Gael led minority Government. It could well be that, at this juncture, political instability is inevitable and this is never the best backdrop in regard to public service pay.

The best outcome when it comes to public service pay formation is a continuation of the current system of national-level agreements, with their warts and all, rather than a chaotic breakdown.

### 6.3 Break the link

It is time to break the traditional link between the pay of members and that of politicians, due to the reluctance, for political reasons, to increase the pay of Oireachtas members in the wake of the crisis.

The pay of the Principal Officer (Standard) is directly and intrinsically linked to that of politicians, and what's more, is determined by the same politicians.

Given the public appetite, or lack thereof, for political representatives receiving any type of pay increase, our members continue to be disproportionately disadvantaged in pay agreements and pay restoration measures. This is unjust, inequitable and totally inappropriate.

### 6.4 Research on Pay

To advance the position the Executive Committee has agreed to commission a major piece of research on pay to fully evaluate the work performed by our grades and link this to private sector comparators. This will require the participation of members and we believe will provide the necessary independent verification of the extent of the gap in pay with the private sector. This will be an evidence based approach for full publication.

### 6.5 Summary

In Summary the Association is calling for:

- ***An Independent Pay Determination Mechanism*** which uses pay trends from the private sector as a comparator. The Association welcomes the proposal for a Commission to Examine Public Service Pay which has emerged following the discussions between Fine Gael and Fianna Fáil. However, more detail on the proposed mechanism is required and ultimately consultation will be critical to its success.
- ***As a result of the Independent Pay Determination Mechanism / Commission, the link between the pay of members of the AHCPS and that of politicians must be broken.*** In support of this proposal, we are engaging independent research of our own to support our case.
- ***A clear and accelerated timetable for the complete reversal of all FEMPI cuts*** through an immediate engagement with the incoming Government.

Executive Committee

6 May 2016

## Appendix 1

### Outline of Pay Cuts suffered to date



	Current Salary Scales Post FEMPI* 2013 [01/07/2013]	30/06/2013 Salary Scales	01/09/2008 Salary Scales [last pay increase]	Current Shortfall 01/07/13 on 01/09/08 [Excl. Pen Levy]		2016 Benefit Pension Levy Reduction Gross Subject to tax	2017		2017 Flat Rate Payment on Salaries <€65k 01/09/2017	2018 Partially Restored Salary [50% FEMPI 2013]	Remaining Shortfall 2018 on 2008 10 Years later		Plus Remaining Pension Levy on 2018 Salary € Percentage
				€	Percentage		Partially Restored Salary [50% FEMPI 2013]	€			Percentage		
AP - Pre 95													
1	€61,966	€61,966	66,179	4,213	6.37%	€733	Same	€1,000	€62,966	3,213	4.86%	€3,436	5.55%
2	€64,257	€64,257	68,656	4,399	6.41%	€733	Same	€1,000	€65,257	3,399	4.95%	€3,677	5.72%
3	€65,000	€66,519	71,132	6,132	8.62%	€733	€65,760	nil	€66,519	4,613	6.49%	€3,809	5.86%
4	€65,000	€68,748	73,609	8,609	11.70%	€733	€66,874	nil	€68,748	4,861	6.60%	€4,044	6.22%
5	€67,074	€70,978	76,087	9,013	11.85%	€733	€69,026	nil	€70,978	5,109	6.71%	€4,278	6.03%
6	€68,293	€72,268	77,520	9,227	11.90%	€733	€70,280	nil	€72,268	5,252	6.78%	€4,413	6.11%
LS1	€70,416	€74,514	80,016	9,600	12.00%	€733	€72,465	nil	€74,514	5,502	6.88%	€4,649	6.24%
LSI 2	€72,546	€76,768	82,520	9,974	12.09%	€733	€74,657	nil	€76,768	5,752	6.97%	€4,886	6.36%
AP(H) - Pre 95													
1	€65,000	€67,913	72,681	7,681	10.57%	€733	€66,868	nil	€68,735	7,681	10.57%	€4,042	6.22%
2	€66,531	€70,404	75,448	8,917	11.82%	€733	€68,467	nil	€70,403	5,045	6.69%	€4,217	5.99%
3	€68,893	€72,903	78,226	9,333	11.93%	€733	€70,898	nil	€72,903	5,323	6.81%	€4,480	6.14%
4	€71,244	€75,390	80,989	9,745	12.03%	€733	€73,317	nil	€75,390	5,599	6.91%	€4,741	6.29%
5	€73,600	€77,884	83,760	10,160	12.13%	€733	€75,742	nil	€77,884	5,876	7.02%	€5,003	6.42%
6	€74,973	€79,337	85,375	10,402	12.18%	€733	€77,155	nil	€79,337	6,038	7.07%	€5,155	6.50%
LSI 1	€77,275	€81,821	88,135	10,860	12.32%	€733	€79,548	nil	€81,821	6,314	7.16%	€5,416	6.62%
LSI 2	€79,552	€84,296	90,884	11,332	12.47%	€733	€81,924	nil	€84,296	6,588	7.25%	€5,676	6.73%
PO - Pre 95													
1	€75,647	€80,051	86,168	10,521	12.21%	€733	€77,849	nil	€80,051	6,117	7.10%	€5,230	6.53%
2	€78,670	€83,337	89,819	11,149	12.41%	€733	€81,003	nil	€83,337	6,482	7.22%	€5,575	6.69%
3	€81,676	€86,604	93,449	11,773	12.60%	€733	€84,140	nil	€86,604	6,845	7.32%	€5,918	6.83%
4	€84,706	€89,898	97,109	12,403	12.77%	€733	€87,302	nil	€89,898	7,211	7.43%	€6,264	6.97%
5	€87,258	€92,672	100,191	12,933	12.91%	€733	€89,965	nil	€92,672	7,519	7.50%	€6,556	7.07%
LSI 1	€89,906	€95,550	103,389	13,483	13.04%	€733	€92,728	nil	€95,550	7,839	7.58%	€6,858	7.18%
LSI 2	€92,550	€98,424	106,582	14,032	13.17%	€733	€95,487	nil	€98,424	8,158	7.65%	€7,160	7.27%
PO(H) - Pre 95													
1	€81,080	€85,957	92,730	11,650	12.56%	€733	€83,518	nil	€85,957	6,773	7.30%	€5,850	6.81%
2	€84,247	€89,399	96,555	12,308	12.75%	€733	€86,823	nil	€89,399	7,156	7.41%	€6,212	6.95%
3	€87,425	€92,853	100,392	12,967	12.92%	€733	€90,139	nil	€92,853	7,539	7.51%	€6,575	7.08%
4	€90,591	€96,295	104,217	13,626	13.07%	€733	€93,443	nil	€96,295	7,922	7.60%	€6,936	7.20%
5	€93,297	€99,236	107,485	14,188	13.20%	€733	€96,266	nil	€99,236	8,249	7.67%	€7,245	7.30%
LSI 1	€96,148	€102,335	110,928	14,780	13.32%	€733	€99,241	nil	€102,335	8,593	7.75%	€7,570	7.40%
LSI 2	€98,995	€105,429	114,366	15,371	13.44%	€733	€102,212	nil	€105,429	8,937	7.81%	€7,895	7.49%
*FEMPI = 'Financial Emergency Measures in the Public Interest' FEMPI 1 = Pension Levy 8.1% to 8.7% FEMPI 2; 1/1/10 Pay Reduction 6.37% to 7.81% FEMPI 3; 1/7/13 Pay Reduction 5.5% to 6.2%													
												E&OE	



Current	30/06/2013	01/09/2008		Current Shortfall		2016 Benefit Pension Levy Reduction Gross Subject to tax	2017		2018		Remaining Shortfall		Plus Remaining	
		Salary	Scales	01/07/13 on 01/09/08 [Excl. Pen Levy]	Percentage		Partially Restored Salary [50% FEMPI 2013]	Partially Restored Salary [50% FEMPI 2013]	2018 on 2008 [10 -Years later]	€	Percentage	€	Percentage	
Post FEMPI* 2013	Post FEMPI* 2013	Salary	Scales	€	Percentage									
[01/07/2013]	[01/07/2013]	[last pay increase]												
<b>AP - Post 95</b>														
1	€65,000	€69,659		4,659	6.69%	€733	€65,185	€65,185	€65,185		4,474	6.42%	€3,669	5.63%
2	€65,000	€72,268		7,268	6.45%	€733	€66,271	€66,271	€67,541		4,727	6.54%	€3,917	5.80%
3	€66,040	€74,871		8,831	9.71%	€733	€67,962	€67,962	€69,884		4,987	6.66%	€4,163	5.96%
4	€68,262	€77,483		9,221	11.40%	€733	€70,248	€70,248	€72,235		5,248	6.77%	€4,410	6.10%
5	€70,479	€80,090		9,611	11.51%	€733	€72,530	€72,530	€74,581		5,509	6.88%	€4,656	6.24%
6	€71,758	€81,593		9,835	11.78%	€733	€73,846	€73,846	€75,934		5,659	6.94%	€4,798	6.32%
LSI 1	€73,995	€84,225		10,230	11.68%	€733	€76,148	€76,148	€78,302		5,923	7.03%	€5,047	6.45%
LSI 2	€76,224	€86,865		10,641	11.78%	€733	€78,451	€78,451	€80,678		6,187	7.12%	€5,296	6.56%
<b>API(H) - Post 95</b>														
1	€67,434	€76,510		9,076	0.00%	€733	€69,397	€69,397	€71,359		5,151	6.73%	€4,318	6.05%
2	€69,910	€79,421		9,511	11.43%	€733	€71,944	€71,944	€73,979		5,442	6.85%	€4,593	6.21%
3	€72,391	€82,338		9,947	11.55%	€733	€74,498	€74,498	€76,604		5,734	6.96%	€4,868	6.36%
4	€74,870	€85,253		10,383	11.67%	€733	€77,049	€77,049	€79,228		6,025	7.07%	€5,144	6.49%
5	€77,304	€88,169		10,865	11.78%	€733	€79,578	€79,578	€81,852		6,317	7.16%	€5,419	6.62%
6	€78,714	€89,872		11,158	12.09%	€733	€81,049	€81,049	€83,385		6,487	7.22%	€5,580	6.69%
LSI 1	€81,109	€92,765		11,656	12.03%	€733	€83,549	€83,549	€85,988		6,777	7.31%	€5,854	6.81%
LSI 2	€83,510	€95,665		12,155	12.18%	€733	€86,054	€86,054	€88,598		7,067	7.39%	€6,128	6.92%
<b>PO - Post 95</b>														
1	€79,401	€90,702		11,301	0.00%	€733	€81,766	€81,766	€84,132		6,570	7.24%	€5,659	6.73%
2	€82,587	€94,550		11,963	11.95%	€733	€85,091	€85,091	€87,595		6,955	7.36%	€6,022	6.88%
3	€85,750	€98,370		12,620	12.16%	€733	€88,391	€88,391	€91,033		7,337	7.46%	€6,383	7.01%
4	€88,936	€102,218		13,282	12.35%	€733	€91,716	€91,716	€94,496		7,722	7.55%	€6,747	7.14%
5	€91,624	€105,463		13,839	12.59%	€733	€94,521	€94,521	€97,417		8,046	7.63%	€7,054	7.24%
LSI 1	€94,410	€108,829		14,419	12.72%	€733	€97,428	€97,428	€100,446		8,383	7.70%	€7,372	7.34%
LSI 2	€97,194	€112,191		14,997	12.85%	€733	€100,333	€100,333	€103,472		8,719	7.77%	€7,690	7.43%
<b>PO(H) - Post 95</b>														
1	€85,127	€97,617		12,490	0.00%	€733	€87,741	€87,741	€90,355		7,262	7.44%	€6,312	6.99%
2	€88,454	€101,636		13,182	12.29%	€733	€91,213	€91,213	€93,972		7,664	7.54%	€6,692	7.12%
3	€91,798	€105,675		13,877	12.47%	€733	€94,702	€94,702	€97,607		8,068	7.64%	€7,074	7.25%
4	€95,135	€109,705		14,570	12.65%	€733	€98,184	€98,184	€101,234		8,471	7.72%	€7,455	7.36%
5	€97,981	€113,141		15,160	12.88%	€733	€101,154	€101,154	€104,327		8,814	7.79%	€7,779	7.46%
LSI 1	€100,977	€116,760		15,783	12.98%	€733	€104,280	€104,280	€107,584		9,176	7.86%	€8,121	7.55%
LSI 2	€103,976	€120,382		16,406	13.11%	€733	€107,410	€107,410	€110,844		9,538	7.92%	€8,464	7.64%
<b>*FEMPI = 'Financial Emergency Measures in the Public Interest' FEMPI 1 = Pension Levy 8.1% to 8.7% FEMPI 2; 1/1/10 Pay Reduction 6.37% to 7.81% FEMPI 3; 1/7/13 Pay Reduction 5.5% to 6.2%</b>														
<b>F&amp;OE</b>														

# OFFICERS' REPORT AND FINANCIAL STATEMENTS



**Association of Higher Civil and Public Servants**

Comhlachas na Sheirbhíseach Uachtarach Stáit agus Poiblí

**for year ended  
31st December 2016**

**Friendly Society Registration Number: 591T**

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

## Officers and Other Information

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<b>Chairperson</b>	John Glennon
<b>Vice - Chairperson</b>	Edna Dowling
<b>Treasurer</b>	Larry Dunne
<b>Trustees</b>	Billy Carrie Brian McKevitt Brigitta O'Doherty
<b>General Secretary</b>	Ciaran Rohan
<b>Friendly Societies Registered Number</b>	591T
<b>Business Address</b>	Fleming's Hall 12 Fleming's Place Dublin 4
<b>Auditors</b>	Anne Brady McQuillans DFK Chartered Accountants & Registered Auditors Iveagh Court Harcourt Road Dublin 2
<b>Bankers</b>	Permanent TSB 70 Grafton Street Dublin 2
<b>Solicitors</b>	O' Mara Geraghty McCourt Solicitors 51 Northumberland Road Dublin 4

## Contents

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	<b>Page</b>
Officers' Report	<b>1 - 2</b>
Statement of Officers' Responsibilities	<b>3</b>
Independent Auditors' Report	<b>4 - 5</b>
Income and Expenditure Account	<b>6 - 7</b>
Balance Sheet	<b>8</b>
Cash Flow Statement	<b>9</b>
Notes to the Financial Statements	<b>10 - 17</b>



The Officers present their report and audited financial statements for the year ended 31st December 2016.

### **Principal Activities, Business Review and Future Developments**

The principal activity of the Association of Higher Civil and Public Servants (AHCPS) is to provide effective negotiation, representation and support services to its members in relation to government, employer and industrial relations issues. Income has decreased to €1,105,882 in 2016 from €1,135,854 in 2015.

### **Financial Results**

The surplus for the year (including investment income) after providing for depreciation amounted to €130,001 compared to a surplus (including investment income) of €154,175 in 2015.

### **Status of the Association**

The Association of Higher Civil and Public Servants is a Trade Union registered under the Trade Union Acts 1871 to 1975.

### **Principal Risks and Uncertainties**

The Association operates solely in the Republic of Ireland and therefore is not subject to currency risks. The Association has a policy of diversifying its cash balances into a number of different funds.

The Association is in a strong liquid position and does not foresee any cash flow risk in the near future. The Associations' policy is to ensure that sufficient resources are available either from cash balances or cash flows to ensure all obligations can be met when they fall due.

### **Officers'**

The current Officers' of the Association are set out on the information page of the financial statements.

### **Books of Account**

The Treasurer is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Association. The Treasurer is also responsible for safeguarding the assets of the Association hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. The books of account of the Association are maintained at Fleming's Hall, 12 Fleming's Place, Dublin 4.

## Officers' Report

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### Auditors

The auditor's Anne Brady McQuillans DFK were re-appointed and they have expressed their willingness to continue in office.

### Events after the Balance Sheet Date

There have been no other circumstances or events subsequent to the year end, which require adjustment to, or disclosure in the financial statements or in the notes thereto.

### Payment of Creditors

The Officers acknowledge their responsibility for ensuring compliance with the provisions of the EC (Late Payment) Regulation 2002. It is the Association's policy to agree payment terms with all suppliers and to adhere to those payment terms.

### Research and Development

The Association did not engage in any research and development activity during the year.

On behalf of the Executive Committee



**John Glennon**  
Chairperson



**Larry Dunne**  
Treasurer

**Date:** 10 April 2017

## Statement of the Officers' Responsibilities

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The Officers are responsible for preparing the Annual Report and the financial statements in accordance with Irish Generally Accepted Accounting Practice (accounting standards issued by the Financial Reporting Council)

In preparing those financial statements, the Officers are required to:

- select suitable accounting policies and then apply them consistently
- make judgements and estimates that are reasonable and prudent
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in business.

The Officers are responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Association and to enable it to ensure the financial statements comply with the Generally Accepted Accounting Practice in Ireland. They are also responsible for safeguarding the assets of the Association and hence, for taking reasonable steps for the prevention and detection of fraud and other irregularities.

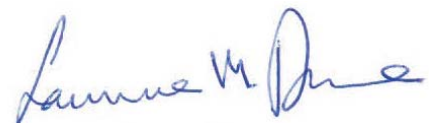
In so far as they are aware:

- there is no relevant audit information (information needed by the Association's auditors in connection with preparing their report) of which the Association's auditors are unaware, and
- the Officers have taken all the steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the Association's auditor is aware of that information.

On behalf of the Executive Committee



**John Glennon**  
**Chairperson**



**Larry Dunne**  
**Treasurer**

Date : 10 April 2017

## **Independent Auditors' Report to the Members of AHCPs**

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We have audited the financial statements of the Association of Higher Civil and Public Servants for the year ended 31st December 2016 which comprise the Income and Expenditure account, the Balance Sheet, cashflow statement and the related notes. The financial reporting framework that has been applied in their presentation is Irish Law and accounting standards issued by the Financial Reporting Council and promulgated by the Institute of Chartered Accountants Ireland (Generally Accepted Accounting Practice in Ireland).

This report is made solely to the Association's members, in accordance with Generally Accepted Accounting Practice in Ireland. Our audit work has been undertaken so that we might state to the Association's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Association and the Association's members as a body, for our audit work, for this report, or for the opinion we have formed.

### **Respective responsibilities of officers and auditors**

As described in the Statement of Officers' Responsibilities, the Association's Officers are responsible for preparing the financial statements and for being satisfied they give a true and fair view.

Our responsibility is to audit and express an opinion on the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practice Board's Ethical Standards for Auditors.

### **Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Association's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Officers; and the overall presentation of the financial statements and to identify any information that is apparently materially incorrect based on, or materially incorrect with, the knowledge acquired by us in the course of performing the audit.

In addition, we read all the financial and non-financial information in the Officers' Report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.



## **Independent Auditors' Report to the Members of AHCPs**

---

We read the Officers' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

### **Opinion**

In our opinion the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Association's affairs as at the 31st December 2016 and of its results for the year ended.

We have obtained all the information and explanations we consider necessary for the purposes of our audit. In our opinion proper books of account have been kept by the Association. The financial statements are in agreement with the books of account.

In our opinion the information given in the Officers' Report on page 1 - 2 is consistent with the financial statements.

### **Emphasis of Matter**

In forming our opinion, which is not qualified, we have considered the adequacy of the disclosures made in note 6 to the financial statements concerning the value of the Association's premises. The Executive Committee have decided not to obtain an independent professional valuation for the premises as they believe it will not give an accurate valuation given the current market. In addition, the carrying value of the premises is in excess of its current value in use. However the Executive Committee believe that the current carrying value of the premises as stated in the financial statements accurately reflects the true value of the premises to the Association. The financial statements do not include the adjustments that would result if the property was included at the amount per the value in use calculation.

**Natalie Kelly**  
**Anne Brady McQuillans DFK**  
**Chartered Accountants**  
**& Registered Auditors**  
**Iveagh Court**  
**Harcourt Road**  
**Dublin 2**  
**Date: 10th April 2017**

## Income and Expenditure Account

	Notes	2016 €	2015 €
<b>Income</b>			
Members' subscriptions		1,047,231	1,077,468
VOA associate members' subscriptions		42,935	43,000
Associate members' subscriptions		12,716	12,138
Miscellaneous income		3,000	3,248
		<u>1,105,882</u>	<u>1,135,854</u>
<b>Expenditure</b>			
Salaries, honoraria and pensions		494,914	545,683
Printing and stationery		12,418	21,812
Postage and telephone		7,350	8,558
Rates and insurance		31,965	33,572
Light, heat and cleaning		17,676	13,545
ADC and executive committee expenses		65,045	68,561
Branch expenses		105,022	70,888
Travel and subsistence		28,660	33,691
Subscriptions to other bodies		49,436	26,873
Publications		1,592	1,652
Premises and equipment expenses		42,054	42,088
Legal and professional fees		101,355	99,276
Depreciation		100,644	110,371
Bank interest and bank charges		121	202
Sundries		1,232	2,447
<b>Total Expenditure</b>		<u>(1,059,484)</u>	<u>(1,079,219)</u>
<b>Surplus of Income over Expenditure</b>		<u>46,398</u>	<u>56,635</u>
Investment Income		83,603	97,540
<b>Forward to Accumulated Fund</b>	<b>11</b>	<u><u>130,001</u></u>	<u><u>154,175</u></u>

## Income and Expenditure Account

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The Association has no recognised gains or losses other than those included in the results above and therefore no separate statement of total recognised gains and losses has been presented.

The notes on pages 10 to 17 form part of these financial statements.

The financial statements were approved by the Executive Committee on 10/4/17 and signed on its behalf by



**John Glennon**  
**Chairperson**



**Larry Dunne**  
**Treasurer**

## Balance Sheet

### Balance Sheet as at 31st December 2016

		2016	2015
	Note	€	€
<b>Fixed Assets</b>			
Tangible assets	6	3,799,619	3,900,263
Financial assets	7	2,874,384	2,693,650
Negotiating licence	8	7,618	7,618
		<u>6,681,621</u>	<u>6,601,531</u>
<b>Current Assets</b>			
Debtors	9	171,644	207,100
Cash at bank and in hand		232,453	189,657
		<u>404,097</u>	<u>396,757</u>
<b>Creditors: amounts falling due within one year</b>	10	<u>(26,438)</u>	<u>(69,009)</u>
<b>Net Current Assets</b>		<u>377,659</u>	<u>327,748</u>
<b>Total Assets Less Current Liabilities</b>		<u>7,059,280</u>	<u>6,929,279</u>
<b>Members' Fund</b>			
Accumulated fund	11	7,059,280	6,929,279
<b>Closing Members' Fund</b>	11	<u>7,059,280</u>	<u>6,929,279</u>

The notes on pages 10 to 17 form part of these financial statements.

The financial statements were approved by the Executive Committee on 10/4/2017 and signed on its behalf by



**John Glennon**  
Chairperson



**Larry Dunne**  
Treasurer



## Cash Flow Statement

	Notes	2016 €	2015 €
<b>Reconciliation of operating surplus / (deficit) to net cash inflow / (outflow) from operating activities</b>			
Operating surplus / (deficit)		46,398	56,635
Depreciation		100,644	110,371
Decrease / (Increase) in debtors		35,456	(35,795)
(Decrease) / Increase in creditors		(42,571)	45,389
<b>Net cash inflow / (outflow) from operating activities</b>		<u>139,927</u>	<u>176,600</u>

### Cash Flow Statement

<b>Net cash inflow / (outflow) from operating activities</b>	139,927	176,600
Returns on investments and servicing of finance	83,603	97,540
Taxation	-	-
Capital expenditure	-	-
<b>Increase / (Decrease) in cash in the year</b>	<u>223,530</u>	<u>274,140</u>

### Reconciliation of net cash flow to movement in net funds (Note 12)

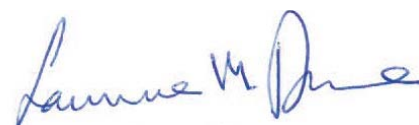
<b>Increase / (Decrease) in cash in the year</b>	223,530	274,140
<b>Net funds at 1 January</b>	<u>2,883,307</u>	<u>2,609,167</u>
<b>Net funds at 31 December</b>	<u>3,106,837</u>	<u>2,883,307</u>

The notes on pages 10 to 17 form part of these financial statements.

The financial statements were approved by the Executive Committee on 10/4/17 and signed on its behalf by



**John Glennon**  
Chairperson



**Larry Dunne**  
Treasurer

### 1. Accounting Policies

#### 1.1. Accounting Convention

The financial statements are prepared in accordance with generally accepted accounting principles under the historical cost convention and comply with the Financial Reporting Standards of the Financial Reporting Council including FRS 102.

#### 1.2. Members' Subscriptions

Members' subscriptions are accounted for when they are receivable into the Association's accounting system. The figure in the income and expenditure account for members' subscriptions refer to subscriptions received in the year together with subscriptions received up until the end of January 2017 relating to the year ended 31st December 2016.

#### 1.3. Tangible Fixed Assets

Tangible fixed assets are stated at historic cost less accumulated depreciation.

##### Depreciation

Depreciation is provided on all tangible fixed assets, other than freehold land and investment properties, at rates calculated to write off the cost or valuation, less estimated residual value, of each asset systematically over its expected useful life, as follows:

Premises	- 2% Straight line
Office equipment and fittings	- 20% Straight line
Computer equipment	- 33% Straight line

The carrying values of tangible fixed assets are reviewed annually for impairment in periods if events or changes in circumstances indicate the carrying value may not be recoverable.

#### 1.4. Financial Assets

Financial assets are stated at cost.

Investment Income is recognised in the financial statements in the year in which the income relates to.

#### 1.5. Pensions

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

## Notes to the Financial Statement

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### 1.6. Taxation

The Association is exempt from tax on results from transactions with members of the trade union. The taxation charge in the accounts relates to passive income.

### 2. Income

The total income of the Association for the year has been derived from its principal activity wholly undertaken in Ireland.

	2016 €	2015 €
Members' subscriptions	1,047,231	1,077,468
VOA associate members' subscriptions	42,935	43,000
Associate membership	12,716	12,138
Miscellaneous income	3,000	3,248
Investment Income	83,603	97,540
	<u>1,189,485</u>	<u>1,233,394</u>

### 3. Members Information

	2016	2015
Number of members at 1st January	3,005	2,815
Number of members admitted during the year	225	215
Number of members whose membership ceased during the year	(101)	(25)
Number of members at 31st December	<u>3,129</u>	<u>3,005</u>

### 4. Operating Surplus

	2016 €	2015 €
Operating surplus is stated after charging:		
Depreciation of tangible assets	100,644	110,371
Auditors' remuneration	<u>5,464</u>	<u>4,990</u>

..... continued

### 5. Employees

2016	2015
Number	Number

#### Number of employees

The average monthly numbers of employees during the year were:

Office and management

5	5
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#### Employment costs

2016	2015
€	€

Wages and salaries

379,949	418,523
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Officers' honoraria

30,740	30,740
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Social security costs

14,357	19,290
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Contract staff costs

19,246	8,621
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Other pension costs

50,622	68,509
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494,914	545,683
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### 6. Tangible Assets

	Office equipment Computer			Total
	Premises	& fittings	equipment	
	€	€	€	€
<b>Cost</b>				
At 1st January 2016	4,999,098	225,320	87,285	5,311,703
At 31 December 2016	4,999,098	225,320	87,285	5,311,703
<b>Depreciation</b>				
At 1st January 2016	1,099,497	224,676	87,267	1,411,440
Charge for the year	99,982	644	18	100,644
At 31st December 2016	1,199,479	225,320	87,285	1,512,084
At 31st December 2016	3,799,619	-	-	3,799,619
At 31st December 2015	3,899,601	644	18	3,900,263

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

The Association's premises located at 12 Flemming's Place, was initially purchased in 2004 for €4,814,055. The carrying value in the financial statements of the premises is currently €3,799,619. The value of the premises based on the value-in-use calculation, using future cashflows of the Association, amounts to €3,024,961. An independent professional valuation has not been obtained as it would not give an accurate valuation given the current market.

The Executive Committee is of the opinion that an impairment adjustment is not required as there are other factors to be taken into account as follows:

- 1) The property is integral to the operation and reputation of the Association.
- 2) The Association have no intention in moving premises in the medium to long term so therefore are not under the pressure of the current property prices.

On this basis the Executive Committee believe that the current carrying value of the premises as stated in the financial statements accurately reflects the value of the premises to the Association.

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7. Financial Assets		2016	2015
		-	-
Civil Service Credit Union Shares	(a)	3,379	3,350
Prize bonds	(b)	32	32
Term deposit	(c)	15,776	15,764
An Post Savings	(d)	883,428	630,628
Investment portfolio	(e)	1,971,769	2,043,876
At 31 December		<u>2,874,384</u>	<u>2,693,650</u>

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

(b) Prize bonds are included at cost.

(c) The term deposit in 2016 related to three deposits as follows:

- €408,450 was invested in permanent TSB on 1st September 2011 and matured on the 4th January 2012. In July 2013 €400,000 was transferred out and only the interest earned to date, €15,764 remains. The movement of funds into government bonds has reduced bank interest received.

(d) The investment in An Post relates to the following:

- €250,000 was invested in An Post Solidarity Investment on 22nd December 2010. The investment will earn 50% gross over a 10 year period.
- €120,000 was invested in An Post Saving Bonds on 6 November 2015. The investment will earn 2.5% over 3 years.
- €120,000 was invested in An Post Saving Certs on 6 November 2015. The investment will earn 7% over 5.5 years.

€120,000 was invested in An Post 4 year Solidarity Bond on 22 February 2016. The investment will earn 4% over 4 years.

€120,000 was invested in An Post 10 year Solidarity Bond on 22 February 2016. The investment will earn 25% over 10 years.

- €145,200 was invested in An Post Saving Certs on 29 May 2016. The investment will earn 7% over 5.5 years.

(e) In 2012 €1,150,000 was invested with Davy Stockbrokers to purchase Irish Government bonds. In 2013 a further €518,872 was invested to purchase more Irish Government bonds. In 2014 a further €200,000 was invested to purchase additional bonds. Interest of €81,629 was received in 2016 in respect of Irish Government bonds.

## Notes to the Financial Statement

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8. <b>Negotiating Licence</b>	<b>2016</b>	<b>2015</b>
	€	€
Deposit - Courts of Justice	<u>7,618</u>	<u>7,618</u>
9. <b>Debtors</b>	<b>2016</b>	<b>2015</b>
	€	€
Members subscriptions receivable	144,721	163,240
Accrued fee income	23,319	34,600
Net wages	-	1,079
Prepayments	<u>3,604</u>	<u>8,181</u>
	<u>171,644</u>	<u>207,100</u>

## Notes to the Financial Statement

..... continued

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

	2016 €	2015 €
Trade creditors	8,437	20,266
Net wages	188	-
Other taxes and social security costs	2,211	23,631
Accruals	15,602	25,112
	<u>26,438</u>	<u>69,009</u>

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

	2016 €	2015 €
PAYE payable	1,256	13,424
PRSI payable	955	10,207
	<u>2,211</u>	<u>23,631</u>

### 11. Closing Reserves

	Income and expenditure account	
	2016 €	2015 €
At 1st January	6,929,279	6,775,104
Surplus for the year	130,001	154,175
At 31st December	<u>7,059,280</u>	<u>6,929,279</u>




..... continued


12. Analysis of changes in net funds

	Opening balance €	Cash flows €	Closing balance €
Cash at bank and in hand	189,657	42,796	232,453
Investments	2,693,650	180,734	2,874,384
Net funds	2,883,307	223,530	3,106,837

13. Approval of Financial Statements

The financial statements were approved by the Executive Committee on 10/4/17 and signed on its behalf by

  
**John Glennon**  
**Chairperson**

  
**Larry Dunne**  
**Treasurer**

## NOTES

## NOTES