

Action on ADC Motions 2017

Section 1 **Motions passed**

PAY

MOTION 3

This ADC calls for accelerated restoration of pay lost by our members due to pay cuts imposed on our grades under the FEMPI legislation.

MOTION 4

That Conference calls on the incoming Executive to pursue a strategy that seeks a full restoration of the FEMPI pay cuts.

MOTION 5

Conference calls on the Executive to take the strongest action to ensure that all pay cuts including the pension levy imposed under FEMPI legislation are restored to members, most of whom have suffered cuts to their pay in excess of 20% since 2008.

Action: Motions 3 – 5:

The priority for the Executive Committee in approaching the pay talks was the early restoration of pay that was cut from members. The proposals contained in the Public Service Stability Agreement (which were accepted by members in a ballot) provide for the restoration of the great majority of the FEMI cuts. There was a commitment to restore the remainder of the cuts within two years of the end of the PSSA. It has since been agreed that the remaining FEMPI balances will be restored by 1st July 2012. Another priority for the Association was the protection of pension benefits; this was also achieved. The Association believes that the salary scales of APs and POs (when compared to similar type posts in the private sector) are not attractive enough to entice sufficiently qualified outside applicants. This is borne out by the research carried out by the Institute of Public Administration (IPA) on behalf of the Association. The IPA research has formed part of the Association's submission to the Public Service Pay Commission (PSPC). The PSPC has been tasked with examining the issue of salary levels in certain employments (including senior management in the Civil Service).

MOTION 6

Conference calls on the Executive to ensure in any future pay deal that the €65,000 salary point is not recognised as a higher earnings entry point.

ACTION:

The Association was successful in ensuring that the €65,000 salary threshold is not a feature of the PSSA.

MOTION 7

Conference directs the incoming Executive to seek to have the current link between public sector pay and politicians broken as the nature of the work carried out by public servants is radically different to that carried out by politicians.

ACTION:

This is already Association policy.

MOTION 9

That Conference

1. notes that ADC 2015 directed the Executive to investigate the possibility of initiating legal action seeking to reverse the cuts imposed on foot of the FEMP Acts;
2. also notes that the Executive Committee subsequently reported back that it had taken legal advice and based on this advice would not be pursuing this option further at that time;
3. notes that earlier this year, the HSE conceded on legal claims made by hospital consultants;
4. directs the Executive Committee to actively and meaningfully reconsider the option of taking legal action in pursuit of members' entitlements.

ACTION:

On foot of legal advice received by the Association in April 2017, the Executive Committee decided not to pursue a legal strategy at this time.

SUPERANNUATION

MOTION 10

That Conference calls on the Incoming Executive Committee to pursue a revision of the arrangements for Supplementary Pensions, provided for in SI 582 of 2014, and referred to in a recent PeoplePoint Fact Sheet, and to seek certainty for post-1995 staff regarding their entitlement to appropriate income in retirement.

ACTION:

The Association together with the other civil service unions with the pension section in DPER and raised several issues on the supplementary pension and other issues. The main points from the meeting on the supplementary pension were:

- *Supplementary pensions are under review on the basis that they are not considered as being paid for by the pension contributions of employees.*
- *The review is ongoing and there is no target date for conclusions, but it is expected that fresh guidance will issue on the costs of the supplementary pension and the method of calculation.*
- *The handbook is being redrafted which will include guidance on paying the supplementary pension.*
- *The purpose of the supplementary pension is to provide parity for pre and post 95 staff taking into account social welfare entitlements.*
- *If the employee is not entitled to any, or reduced, social welfare benefits then a supplementary pension will be paid but only where the DSP benefits do not make up the shortfall between the entitlements under the uncoordinated scheme.*
- *Pensions section also suggested that the method of calculation might reflect the fact that the comparison with the Pre-95 arrangements takes no account of the fact that post 95 person is on a higher salary and that for those on lower salaries or with less than 40 years' service the post 95 person has a more beneficial calculation method.*

MOTION 11

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 AHCPs is consulted on the draft regulations prior to their implementation and that such consultation is carried out without delay so that the necessary regulations can be implemented as soon as possible.

ACTION:

We continue to highlight this matter with DPER. We are advised that progress was made on the drafting of these complex regulations with the Office of the Attorney General in 2017. Further progress was made in recent weeks and there is optimism that the 2018 momentum can be maintained to ensure that the regulations will be progressed this year. We are advised that the necessary work will include the drafting of the necessary circular to provide clear guidance on the implementation of the regulations.

MOTION 12

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, 2014 and 2015 are issued without delay and that statements for 2016 be issued on time, i.e. before the end of June 2017.

ACTION:

The Association continues to highlight this matter with DPER. A Townhall presentation in November 2017 indicated only 15% of scheme members had received benefit statements. The report can be accessed at

http://singlepensionscheme.gov.ie/wp-content/uploads/2017/11/SingleSchemeTownhall_Nov2017.pdf

However, we understand that a significant project has been progressed internally within NSSO to collate required data for a “catch-up” Statement exercise for members and we await developments in that regard.

MOTION 13

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 public service pension scheme, similar to that available for members’ other public service pension schemes.

ACTION:

We were advised in March 2018 by DPER that the Department has progressed the development of an estimator tool that is presently being tested internally. It is anticipated that subject to further testing that the estimator tool will be released in Q2 of 2018.

FLEXI-FAMILY FRIENDLY

MOTION 14

Conference notes the negative impact of the removal of flexible working hours for newly appointed members and calls on DPER to restore this progressive family friendly work option.

MOTION 15

That Conference calls on the incoming Executive to seek a full re-instatement of terms of the Flexi working hours for AP's.

MOTION 16

That Conference calls on the Executive Committee to bring forward discussion on the matter of access to flexible working hours (FWH) so that FWH can be restored immediately, to all members who wish to avail of it, on the basis that it is cost neutral and essential to supporting policies in particular relating to work life balance.

ACTION on Motions 14-16:

This issue was raised by the Association at the 2017 PSSA pay talks and engagement followed with DPER on the original claim lodged with General Council in October 2016. While some progress was made, it was necessary for the Association to seek the restoration of full FWH at the March 2018 General Council or for a disagreed report to be recorded for referral of the matter to Arbitration. A further meeting took place with DPER on 20th March 2018. At the meeting DPER confirmed that it was their view that there was no restriction to employers introducing flexible working hours for all staff in all departments. This was welcomed by the Association. This leaves the issue of the right of newly appointed APs to take flexi leave in departments that have that facility. DPER have indicated that they will revert to the Association very quickly with a position. On that basis the matter was deferred to the April 2018 General Council meeting.

AN POST

MOTION 17

Conference notes the proposed programme of restructuring in An Post and calls on the Company to ensure full and meaningful negotiations take place with the Association while recognising the importance of protecting services to the public.

ACTION:

The Association fully evaluated the McKinsey Report in relation to restructuring and has engaged with the company in the implementation of the proposed structure. More detailed information is included in Section 3 of the Annual Report.

HEALTH INSURANCE COMMUNITY RATING

MOTION 18

That Conference insists on a speedy resolution to the difficulties which have arisen in regard to the application of the Health Insurance Community Rating provisions which is currently creating uncertainty for public servants and their partners 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 AHCPS to continue to pursue this issue at General Council, to ensure that there will be no cost to any officer or their family members arising from the changes made by Government.

ACTION:

The Association has led the engagement with the Official Side on this issue over the last year. We have had numerous meetings with the Official Side, have written to the Secretary General of the Department of Foreign Affairs, have obtained advice from Senior Counsel and have made a submission to the Health Information Authority (who are examining the issue). It is likely that recently passed legislation will deal with this issue. A statutory instrument is due to be put before the Oireachtas in June to give effect to the legislation.

ANNUAL LEAVE

MOTION 19

That Conference calls on the incoming Executive to seek the re-instatement of the full annual leave allowance for staff promoted after 14 December 2011.

ACTION:

A claim was lodged at General Council and was rejected by the Official Side. The Executive Committee will decide how this matter might be further pursued.

MOTION 20

That Conference directs the Executive Committee to seek a simplification of the annual leave rules in respect of the carryover of leave including the abolition of the 3-year annual leave cycle.

ACTION:

The Association lodged a claim at General Council Staff Panel and following the registering of the claim at General Council, DPER engaged with the staff side in a Sub-Committee of General Council to review the overall position on annual leave rules. The review is ongoing.

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]

WIDER WORKPLACE ISSUES

MOTION 21

That Conference calls on the incoming Executive to request a review of the FOI Legislation with a view to preventing abuse of the legislation.

Agriculture Food & the Marine Branch

ACTION:

The Association is monitoring developments on this subject.

MOTION 22

Conference calls on the Executive to adopt a considered approach in the support and protection of members from excessive intrusive or unwarranted media attention or scrutiny in the course of carrying out their duties in a professional manner.

Revenue Branch

ACTION:

The Executive will always support members in these circumstances. In the event of any further instances of this nature the Executive will consider the appropriate course of action.

MOTION 23

Conference calls on the Executive to establish the requirements relating to members appearing before an Oireachtas committee and report back to the membership.

Revenue Branch

ACTION:

There is increasing concern about this area. The matter has been raised at the most senior levels by the Association.

PEOPLEPOINT

MOTION 24

That Conference directs the executive committee to request PeoplePoint to implement a system of recording all requests for information on officers' entitlements as regards pay and pensions, and to log the time taken to issue a final response.

Foreign Affairs Branch

ACTION:

This has been pursued with PeoplePoint

OUTSOURCING

MOTION 25

This ADC supports the Executive Committee in its strategy of vigorously opposing the outsourcing of core work other than in accordance with the terms and procedures set down under the Lansdowne Road Agreement.

Executive Committee

ACTION:

The Association was successful in maintaining the protections contained in the LRA relating to the outsourcing of core work.

TAX

MOTION 26

This Conference affirms its opposition to all forms of tax evasion and tax avoidance schemes and condemns such schemes as immoral as they deprive the State of much needed Exchequer funding

Revenue Branch

AMENDMENT

Remove the words "and tax avoidance schemes" in line 1 and remove word "schemes" in line 2.

Jobs Enterprise & Innovation Branch

ACTION:

No action is required by the Executive Committee on this motion or amendment.

TRAVEL INSURANCE

MOTION 27

That Conference asks that the Association should engage with the Official Side to ensure that adequate travel insurance is in place to fully cover members, who travel abroad on official business.

Justice & Equality Branch

ACTION:

The Association has engaged with DPER on this matter.