

Association of  
Higher Civil and  
Public Servants

Comhlachas na  
Sheirbhíseach  
Uachtarach Stáit  
agus Poiblí

# AHCPS

Annual Report

AHCPS

21  
22

CONFIDENTIAL TO MEMBERS



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

**ANNUAL REPORT**  
**2021/2022**



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## OFFICERS OF THE ASSOCIATION FROM 1943/2021

Year	Chairperson	Vice- Chairperson	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, Gen Sec	William Thompson*
			2014-	(Larry Dunne)
2015/2016	John Glennon	Edna Dowling		Larry Dunne
2016/2017	John Glennon	Edna Dowling		Larry Dunne
2017/2018	John Glennon	Edna Dowling		Larry Dunne
2018/2021	Edna Dowling	Val Jeffrey ♦♦		Larry Dunne*
2020/2021		Trevor Noonan		Bernard O'Shea
2021/2022	Trevor Noonan	Orla McBreen	Ciaran Rohan	Bernard O'Shea

\* Resigned on promotion to Assistant Secretary

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

\*\* Resigned on posting to Personnel Officer

♦ Resigned on appointment as AHCPs Official

\*\*\*\* Deceased

♦♦ Resigned on retirement

## HONORARY OFFICERS OF THE ASSOCIATION 2021/2022

<b>President</b>	Mary McLoughlin
<b>Vice-Presidents</b>	Pat Dowling
	Peter Greene
	Brian Ingoldsby
	John Kelleher
	Benny Kevitt
	Brian Murnane
	Seán O Ríordain
	Richard Ryan
	Dave Thomas
	Tom Quigley

### The following Officers were elected at the Annual Delegate Conference held on 21 May 2021:

<b>Chairperson</b>	Trevor Noonan	(Justice)
<b>Vice-Chairperson</b>	Orla McBreen	(Foreign Affairs)
<b>Treasurer</b>	Bernard O'Shea	(Tourism, Culture, Arts, Sport & the Media)

## EXECUTIVE COMMITTEE 2021/2022

Doyle Margaret	<b>Revenue</b>
Ryan Mellissa	<b>Revenue</b>
Hickey Eddie	<b>An Post</b>
Casey Fiona	<b>Social Protection</b>
Holleran Noel	<b>Agriculture, Food &amp; the Marine</b>
Hutson Nigel	<b>Foreign Affairs &amp; Trade</b>
Kinsella Emma	<b>Education &amp; Skills</b>
Moran Eltin	<b>Social Protection</b>
Holohan Michael	<b>Justice &amp; Law Reform</b>
Donaghy Deirdre	<b>Finance</b>
O'Connor Mark	<b>ETB/Solas</b>
Milne Seamus	<b>Revenue</b>

\* Ross Hattaway (Transport) and Mark O'Connor (ETB/Solas) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

## **Trustees**

Brigitta O'Doherty and Brian McKeivitt.

## **Auditor**

Crowleys DFK were appointed as Auditor by the Trustees.

## **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.

### BRANCHES 2021/2022

Agriculture, Foods & the Marine	Peter Johnston
An Post	John Condon
Attorney General	vacant
Chief State Solicitors Office	Michael Fallon
Central Statistics Office	John O'Reilly
Communications, Climate Action & Environment	Joe Gallagher
Comptroller & Auditor General	Olive Somers
Commission for Energy Regulation	Keith Walsh
Courts Service	Brendan Murphy
Children, Equality, Disability, Integration, Youth	Karen McCarthy
Data Protection Commission	Siobhan Brown
Defence	Caroline Delahunty
Education & Further, Higher Education and Skills	Emma Kinsella
Business, Enterprise & Innovation	Ian Foley
Housing Planning Community Local Government	Eugene Watters
Solas	Henry de Lacy
ETBs	Ken Seery
Finance	Ciaran Denny
Public Expenditure and Reform	Áine Mannion
Food Safety Authority of Ireland	John Coady
Foreign Affairs & Trade	Leonard Durec
Garda Civilian	Kieran Downey
Health	Eoin Dornan
Health and Safety Authority	Gavin Lonergan
Houses of the Oireachtas	Heidi Loughheed
Irish Aviation Authority	Pat Herbert
Injuries Board	Suzanne Hill
Irish Human Rights and Equality Commission	Brian Dawson
Irish Prison Service	Tony Hickey



Justice	Michael Holohan
Legal Aid Board	John Sugrue
Property Registration Authority	Martin Halpin
National Centre for Partnership & Performance	Damien Thomas
National Council Special Education	Vacant
National Museum of Ireland	vacant
National Library of Ireland	Geraldine Wilson
Office of Public Works	Pat Fitzsimons
Office of the Ombudsman	Maria Griffin
Office of Government Procurement	Paul Martin
Ordnance Survey Ireland	Jennifer Gilmartin
Pensions Authority	Andrew Nugent
Policing Authority	Clare Kelly
Prison Governors	Dave Conroy
Public Appointments Commission/Service	vacant
Revenue	Maria Ryan
Rural Community Development	Mary Byrne
Social Protection	James Wallis
Taoiseach's	Michael Moran
Tourism Culture Arts Gaeltacht Sport & Media	Colm Lundberg
Transport	Valerie Hughes/ Ross Hattaway

## INTRODUCTION

The last year continued to be framed by the Covid-19 pandemic. From a situation where the issue of remote working was merely a concept, it has now become a way of life. Many AHCPS members really stepped up over the last two years. The issue of remote working presents many challenges for members, but we are determined to address them on your behalf.

The Building Momentum Pay Agreement was endorsed by an overwhelming number of members in 2021. This two-year agreement takes us to the end of 2022. The Agreement finally saw the unwinding of the FEMPI pay cuts and the first actual pay increase for our grades in 14 years. The sharp rise in the cost of living presents many challenges when it comes to negotiating a successor to Building Momentum.

Flexible working continues to be a major issue for members and the Association has worked hard to broaden the scope of flexible working. Members are continuing to work long hours and the Association will strive to protect members right to disconnect.

Government policy sets a 20% target for the public service working remotely. In relation to the Blended Working Policy Framework, intensive discussions took place with DPER from October 2021 to March 2022 when agreement was reached. There was disagreement on the issue of accrual of flexi leave and that matter was referred to Arbitration.

The Association continued with a number of member engagement events (virtual) in the last year The most recent of which was **“Well-Being and the Power of Staying Positive 2022”**. It is hoped to run future events as “in-person” events.

We have a new website – that is proving very popular with members. [www.ahcps.ie](http://www.ahcps.ie) now provides a pathway to a members’ password-controlled area where there is access to all our training videos on our YouTube Channel. We have an online application facility that allows new members to quickly join the Association. It has been a key factor in Association membership surging to 3,300. In addition, we have introduced a free induction period of 3-months for all new members, and we have published a *‘Guidance Note on Services to Members’* that can be accessed on the website.

Members in An Post have endured a difficult last twelve months. The Company has completed a major restructuring process and has been preparing to move from the GPO to the Exo building in the Point Village.

To all activists, at all levels of the organisation, the Executive Committee sends its thanks and appreciation for the selfless work undertaken on behalf of the Association.

**Ciaran Rohan**  
General Secretary



# ORGANISATION

## 1.1 ANNUAL DELEGATE CONFERENCE

The 38th Annual Delegate Conference of the Association took place virtually due to COVID 19 on Friday 21 May 2021. 131 Branch Delegates and 17 Executive Committee members attended.

## 1.2 EXECUTIVE COMMITTEE

Trevor Noonan (Justice) Orla McBreen (Foreign Affairs) and Bernard O'Shea (Tourism Culture Arts Sport & the Media) were elected 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	
Milne Seamus	Revenue
Ryan Melissa	Revenue
Hickey Eddie	An Post
Casey Fiona	Social Protection
Holleran Noel	Agriculture Food & the Marine
Hutson Nigel	Foreign Affairs
Moran Eltin	Social Protection
Kinsella Emma	Education & Skills
Donaghy Deirdre	Finance
Holohan Michael	Justice & Law Reform
Brennan Nina	Enterprise Trade & Employment
Doyle Margaret	Revenue

Ross Hattaway (Transport) and Mark O'Connor (Solas/ETB) were co-opted to the Executive Committee under Rule 11 (a)(iii) of the Rules and Constitution of the Association.

Rhona McEleney(Revenue) John Condon (An Post ) were co-opted following the retirement during the year of Margaret Doyle Revenue and Eddie Hickey An Post.

Details of attendances at Executive Committee meetings during the year are set out in **Appendix D**.

## 1.3 STANDING ORDERS COMMITTEE

The Standing Orders Committee elected at the Annual Delegate Conference was:

Denny Ciaran	Finance
Dunne Lorcan	Justice
O'Connell Denise	Oireachtas
Kelleher Deirdre	Agriculture
Ryan Marie	Revenue
O'Brien Michael	Social Protection

## 1.4 CONFERENCE RESOLUTIONS

### ADC MOTIONS 2022

#### Motions Passed

### RULE CHANGE

#### MOTION 1

To amend Rule 19 General Ballot (c) by inserting the following sentence at the end of the rule. "An online ballot may also be carried out with arrangements made for independent certification of the results."

**Executive Committee**

#### ACTION:

*Rule change applied*

### PAY

#### MOTION 2

That Conference strongly condemns the ongoing practice of reducing the national pay awards for senior AHCPs grades, so interfering in the pay differentials with other Civil Service grades and devaluing our work. This ADC also notes with some interest that pay awards to officers above our grades have in recent times disturbed the pay differentials even further. This ADC the National Executive seek to ensure that any future pay award does not negatively disturbs the pay differentials further and that any agreement on productivity will be contingent on restoration of the pay differentials which existed before this unfortunate practice was imposed.

**Foreign Affairs Branch**

#### ACTION:

*The Executive Committee will ensure there is a focus on these matters in the pay discussions that follow the Building Momentum Agreement.*

**MOTION 3**

Conference notes that the Building Momentum Agreement negotiated between the Public Sector Unions and the Government delivers the first real pay increase to AHCPS grades since 2008. It is regrettable however that, yet again, the agreement treats AHCPS grades differently from other public sector grades in relation to pay terms. Conference calls on the Executive to bring an end to this unfair and inequitable practice and ensure that our grades are not treated less favourably in any future national agreements.

**ETB/SOLAS Branch**

**ACTION:**

*The Executive Committee will ensure there is a focus on this matter in the pay discussions that follow the Building Momentum Agreement.*

**LEGISLATION**

**EMERGENCY MOTION NO. 1**

This ADC notes, with great concern, recent practice by the Official Side of non-consultation with the Staff Side on proposed legislation that alters terms and conditions of civil and public servants. ADC calls on DPER to ensure that any future proposed legislation that impacts on the terms, conditions, or status of AHCPS members is not introduced before full and comprehensive consultation with the Association has taken place.

**Executive Committee**

**ACTION:**

*The Association raised this matter with DPER at General Council and received an assurance that this consultation will take place.*

**OVERPAYMENTS**

**MOTION 4**

That conference calls on the Incoming Executive Committee to pursue the provision of appropriate information to staff in a timely manner, where overpayments of salary occur, so that staff are fully aware of how all aspects of the recoupment arrangements work, to include clear information on how staff will receive refunds of deductions overpaid.

**Ombudsman Branch**

**ACTION:**

*This matter has been raised with DPER and pursued with NSSO*

**MOTION 5**

That conference calls on the incoming Executive Committee to pursue a revision of the implementation of the out of year recoupment of overpayment arrangements set out in Circular 07/2018, while observing Revenue instructions, such that officers are not required to refund the gross value of an overpayment and

then seek a refund of the deductions from Revenue and other parties, particularly where the overpayment arises through no fault of the officer.

**Ombudsman Branch**

**ACTION:**

*The Association raised this with DPER but there are no plans to change the current overpayment arrangements that align with Revenue rules.*

**EQUALITY**

**MOTION 6**

That Conference notes that there is already much research showing the negative impact of the COVID-19 restrictions on equality across the civil and public service including on gender equality, age, and the rights of employees with disabilities, caring responsibilities, access to broadband and to adequate housing, in particular. Conference calls on the Executive to commission research on the negative equality impacts of COVID-19 restrictions on the civil and public service, particularly the AHCPS grades, and to propose recommendations to rectify these negative impacts to the Official Side.

**Foreign Affairs Branch**

**ACTION:**

*The Association is planning a seminar on equality where these issues will be further explored.*

**ANNUAL LEAVE CARRYOVER**

**MOTION 7**

Mindful of the fact that the significantly increased workload being carried by many members as a result of the pandemic has resulted in them not being able to take their well-earned leave, that this ADC instructs the incoming executive committee to engage with PER to ensure that there continues to be full flexibility in the application of the carryover rules in the coming years so as to ensure that members are not deprived of any of their unused leave.

**Enterprise Trade & Employment Branch**

**ACTION:**

*The Association was successful in having a freezing of the Year 3 Cycle in 2021. Despite considerable lobbying DPER agreed the application of local flexibilities in 2022 but otherwise require the carry in of leave to Year-3 in 2022 to be taken or forfeited as per NSSO Circulars.*

**COVID 19**

**EMERGENCY MOTION NO. 2**

This ADC calls on DPER to urgently address the position of mandatory mask wearing in public offices by way of the amendment of current legislation so that public offices are included with the list of banks, credit unions,



post offices schools and supermarkets, etc. for the continued safety of both staff and the public.

**Executive Committee**

**ACTION:**

*The Association raised this with DPER*

**REMOTE/BLENDED WORKING**

**MOTION 8**

This ADC notes the potential benefits of blended working for our members across the public sector, their organisations, the provision of public services, the environment and wider society. ADC calls on the Government to ensure that these benefits are fully realised through enhanced wellbeing policies and appropriate supports for blended working.

**Executive Committee**

**ACTION:**

*The Association highlighted these matters in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION 9**

That Conference notes that the current arrangements for home working in the pandemic are of an ad hoc and emergency nature and in many cases inadequate and damaging to the health and safety of members. Conference directs the National Executive to ensure that in negotiations to agree a future remote working/work from home arrangements with the Official Side that the provisions of the existing circulars on eWorking are adhered to such that the cost of equipment required for safe and effective homeworking is fully covered by the employer and that health and safety surveys of home working environments are conducted. Further, Conference calls on the Executive to ensure a ‘right to disconnect’ is included in any provisions for a future home-working scheme and notes ongoing work by the Workplace Relations Commission in this regard.

**Foreign Affairs Branch**

**ACTION:**

*The Association highlighted these matters in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION 10**

That Conference calls on the incoming Executive Committee to seek to ensure that any post Covid 19 Remote Working Policy is implemented in a blended way that allows flexibility for officers to work from their official location, and/or from home, and/or from regional hubs.

**Agriculture Food & Marine**

**ACTION:**

*The Association has pressed for maximum flexibility on*

*blended working arrangements in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION 11**

That Conference instructs the incoming Executive to enter into negotiations with the Official Side to establish a process whereby mobility opportunities which are suitable for remote working practices are no longer tied to specified geographic locations.

**Environment, Climate and Communications Branch**

**ACTION:**

*The Association raised this with DPER during the engagement on the Blended Working Policy Framework but it was not possible to achieve this outcome.*

**MOTION 12**

That Conference instructs the incoming Executive to enter into negotiations with the Official Side to establish a process whereby all staff currently remote working will have options to maintain appropriately balanced blended working options once the Covid lockdown circumstances are eased. Recognising how well this has worked already and the multiple benefits of remote working, for staff in terms of flexible working arrangements, for organisations in terms of staff retention and for Ireland in terms of reduced transport congestion and emissions reduction, the Official side should also be asked to revisit the detail of existing working from home circulars to facilitate and promote greater take up in future.

**Environment, Climate and Communications Branch**

**ACTION:**

*The Association highlighted these matters in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION 13**

Conference calls on the Executive to engage in discussions on the DRAFT Civil Service Remote Working Policy and to obtain clarity on the terms of the employer/employee agreement, specifically in relation to the proposed temporary nature of the remote working agreement i.e., the proposed wording “acknowledgement that the remote working arrangement is temporary and can be rescinded at any time.”

**Revenue Branch**

**ACTION:**

*The Association raised these matters in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION 14**

Conference calls on the Executive to ensure that the introduction of remote working in the public service is

properly resourced and supported by updates to other public policy areas, in particular the National Planning Framework and Civil Service mobility programmes.

**Revenue Branch**

**ACTION:**

*The Association raised this matter in talks with DPER as part of the development of the Blended Working Policy Framework*

**MOTION: 15**

That mindful of the importance of the health and well-being of members both in this Covid working environment and in the future, this ADC instructs the incoming executive committee to robustly pursue the right of civil servants to be able to request to work from home and also to disconnect from work outside of normal working hours and to ensure that appropriate fora, such as the WRC, are accessible by civil servants to enforce those rights.

**Enterprise Trade and Employment Branch**

**ACTION:**

*The Association raised this matter in talks with DPER as part of the development of the Blended Working Policy Framework and also put in place a number of wellbeing measures including webinars and free health screening.*

**RIGHT TO DISCONNECT**

**MOTION 16**

Given the increasing prevalence of remote working and the evidence of members working longer hours, this ADC calls on the Executive Committee to press Government for legislation on the "Right to Disconnect".

**Executive Committee**

**ACTION:**

*The Association, through the auspices of the Irish Congress of Trade Unions, has been lobbying the Government for legislation in this area.*

**MOTION 17**

Being expected to deal with electronic communications outside of office hours is increasingly becoming the norm for many AHCPS members. This can result in significantly extended working hours and a detrimental impact on work life balance. Conference calls on the Executive to pursue the development of Civil and Public Service policies on an employee's right to disconnect.

**Revenue Branch**

**ACTION:**

*The Association raised this with DPER*

**COVID 19**

**MOTION 18**

That Conference calls on the Executive to engage with DPER to seek an improvement in the terms of Circular 3/94 in regard to Visual Display Unit Eye Tests, specifically that the refund rates be increased, and the eligibility terms be expanded. This is as a result of the detrimental effects of prolonged use of laptops, phones, and other mobile devices, particularly those with small screens by officers working from home during the current COVID-19 pandemic.

**Foreign Affairs Branch**

**ACTION:**

*The Association raised this with DPER*

**MOTION 19**

That Conference directs the Executive to ensure through negotiations with D/PER via General Council that any exemptions in legislation to COVID-19 rules, such as those applying to Mandatory Hotel Quarantine, which are afforded to members of the Garda Síochána and the Defence Forces serving overseas, also be extended on the same terms to civil and public servants representing the State overseas, including their families.

**Foreign Affairs Branch**

**ACTION:**

*The Association raised this with DPER, but the matter has now been overtaken by events.*

**MOTION 20**

That Conference directs the Executive Committee to propose to the Official side a system to ensure that Irish officials serving the State abroad, and those due to go on posting in 2021, including their families, are facilitated in receiving the COVID19 vaccine, at an appropriate time, given the situation in country, the rules pertaining in country and the front-line nature of the work. ADC particularly underlines the need to ensure that colleagues are reimbursed for all health expenditure required to secure the vaccines and that *in extremis* a mechanism is in place to arrange for vaccines to be administered to officers abroad without delay up to and including sending them from Ireland.

**Foreign Affairs Branch**

**ACTION:**

*The Association raised this with DPER, but the matter has now been overtaken by events.*



**MOTION 21**

That Conference calls on the Executive to ensure all staff are fully supported in the face of Covid -19 particularly our grades with frontline duties.

**DSP Branch**

**ACTION:**

*The Association raised this with DPER*

**WELL-BEING**

**MOTION 22**

That this ADC recognises the various mental health and wellbeing supports that are promoted by Government Departments and the Civil Service Employee Assistance Service and encourages its members to engage with these supports (as required) for their own personal wellbeing and the wellbeing of their staff.

**Enterprise Trade and Employment Branch**

**ACTION:**

*This is existing Association Policy.*

**OUTSOURCING**

**MOTION 23**

That Conference calls on the executive committee to highlight the need for necessary safeguards to ensure:

1. The continued provision of public services where outsourcing of particular services is under consideration and
2. That only appropriate services are outsourced, and it is agreed the services involved cannot be provided within the public service.

**Social Protection Branch**

**ACTION:**

*Protections in connection with outsourcing were contained in all National pay Agreements.*

**STAFFING**

**MOTION 24**

That Conference calls on the Executive to engage with DPER on increasing the complement of Principal Officers in departments where there is a mismatch between the number of FTEs, the budget of the department and the number of Principal Officer Posts.

**Social Protection Branch**

**ACTION:**

*The Association has commissioned research with the IPA in relation to comparative Principal officer ratios across the civil service.*

**FLEXIBLE WORKING**

**MOTION 25 (stands for itself and Motion 26)**

This ADC calls on DPER to bring about the right for Assistant Principals appointed since 2013 to accrue flexi leave. These APs are working side-by-side with colleagues on flexible working hours who correctly have this facility and yet those APs appointed since 2013 do not. This results in an inequity of treatment, is not family friendly and is an obstacle to better management of work life balance. Conference calls on DPER to immediately address this issue that is cost neutral to rectify.

**Executive Committee**

**ACTION:**

*The Association raised this with DPER at discussions on the New Civil Service Action Plan and the Sectoral Talks and was advised to raise the matter at the discussions on the Blended Working Policy Framework.*

**MOTION 26**

That Conference calls on the Executive to continue to engage with DPER to reach an agreement on accrual of flexi-leave for all members at the Assistant Principal grade.

**Justice Branch**

**PROMOTIONS**

**MOTION 27**

That Conference calls on the Executive to engage with DPER to ensure that Departments have internal Principal Officer promotion panels in place that can be used to fill vacancies in the grade in accordance with the agreed sequences to ensure that there is no dilution of experience and corporate memory in the discharge of the Departments functions.

**Justice Branch**

**ACTION:**

*The Association raised this with DPER and relevant individual departments.*

**RESTRUCTURING**

**MOTION 28**

That Conference calls on the Executive to engage with DPER on difficulties our grades are encountering with service delivery in many Departments that have been transformed, realigned, or reshaped or where there are ongoing restructuring issues or there is a lack of certainty around grade numbers.

**Justice Branch**

**ACTION:**

*The Association continues to engage with DPER and individual departments when these matters arise.*



**MOTION 29**

That Conference expresses concern at the continued ability of staff across the public service to maintain service delivery for some of the most vulnerable in society in the face of a Pandemic when some Departments are pressing ahead with radical restructuring programmes.

**Social Protection Branch**

**ACTION:**

*The Association raised this with DPER and relevant individual departments.*

**MOBILITY**

**MOTION 30**

That this ADC instructs the incoming executive committee to engage with DPER to ensure rules in relation to the mobility schemes at AP and PO level do not discriminate against officials who have moved between Departments as a result of a transfer of functions.

**Enterprise Trade and Employment Branch**

**ACTION:**

*Following representations with DPER this was conceded by the management side.*

**SECONDMENTS**

**MOTION 31**

That conference instructs the Executive to have ‘Secondments’ count for sequencing purposes in the appointments of Principal Officers.

**Garda Civilian Branch**

**ACTION:**

*The Association raised this with DPER but unfortunately this was not agreed.*

**FUTURE OF THE CIVIL/PUBLIC SERVICE**

**MOTION 32**

The Revenue Branch welcomes the appreciation expressed to the Public Service by the majority of those who represent wider society for its role in supporting our country and its citizens during this pandemic and their acknowledgment of the role of the various representative bodies. Conference calls on the AHCPs Executive to do everything in its power to ensure that this outpouring of appreciation be translated into meaningful engagement in determining the future shape of work in the Civil and Public Service.

**Revenue Branch**

**ACTION:**

*The Association raised this with DPER during negotiations on both the New Civil Service Action Plan and the Blended Working Policy Framework*

**MOTION 33**

Revenue Branch asks that the AHCPs, as the body representing senior managers in the Civil Service and other public sector bodies, continues to leverage its position to inform debates and influence policies regarding the Civil and Public Service workplace of the future. There will inevitably be changes to working conditions and practices arising from the pandemic and Conference now calls on the AHCPs Executive to ensure that these changes are negotiated centrally, providing clear and consistent rules and guidelines that acknowledge the interests of all parties across the Civil Service and other public sector bodies. This would ensure a consistency of approach and would help avoid a situation where a multiplicity of standards and interpretations of policies would arise across and between Departments and Bodies.

**Revenue Branch**

**ACTION:**

*The Association continues to influence policies through its participation at General Council and at Departmental Councils across departments and via its membership of ICTU.*

**WORKPLACE OF THE FUTURE**

**MOTION 34**

Conference calls on the AHCPs Executive to fully exploit the networks of which it is a part, particularly ICTU, to influence the design of the anticipated change to the workplace of the future with a view to ensuring there is no dilution of employer responsibility to their employees and to ensure any new work practices must ensure levels of protections for members at least commensurate with those already in existence.

**Revenue Branch**

**ACTION:**

*The Association continues to raise matters of this nature through its participation in ICTU.*

**1.5. TRUSTEES AND AUDITOR**

The Association’s Trustees are Ms Brigitta O’Doherty and Mr Brian McKeivitt.

Crowley DFK were appointed as the Association’s Auditors by the Trustees.

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

Mary McLoughlin continues as 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 meeting on 29 March 2022 in AHCPS HQ was a hybrid meeting with a good attendance of branch officers in person and on-line.

## 1.8 MEMBER ENGAGEMENT

The advent of the Covid-19 emergency resulted in the Association moving its member engagement events to an online platform with a series of virtual seminars in 2021 and early 2022.

In September 2021 the Association organised a webinar for members on the financial aspects of **Retirement Planning**. The seminar was facilitated by Cornmarket and was attended by almost 200 members.

In November 2021, the Association ran an online seminar entitled **'Everything you wanted to know about the Single Pension Scheme but were afraid to ask'**. This event was aimed specifically at new entrants to the Public Sector since 2013 who are members of the new Single Pension Scheme. Attendees received valuable information and insights from Fergal Carty of the Pensions Unit in DPER and Garrett Flynn from Cornmarket on the various aspects of the scheme and its benefits.

In February 2022, Roffey Park Institute facilitated a seminar for members of the Association on the topic of **'Well-being for Managers post-Covid'**. The purpose of the seminar was to consider the impact of the global pandemic on managers and staff and how we can best equip ourselves as public service managers to deal with that impact.

Video recordings from all of the above events are available via the AHCPS YouTube Channel. Links can be accessed via the Association's website at [https://www.ahcps.ie/AHCPS\\_YouTube\\_video/Default.1027.html](https://www.ahcps.ie/AHCPS_YouTube_video/Default.1027.html)

During 2021, the Association made a new service available to members in the form of a **Free Health Screening Service**. The service, which was provided by Medmark Healthcare, was availed of by over 600 members. Feedback received from members availing of the service was extremely positive and the Executive Committee has decided to make the service available again during 2022.

## 1.9 NEW ASSOCIATION WEBSITE

In late 2021, the Association launched a revamped website which is proving very popular with members. The new site features a password-controlled members area where there is access to all our training videos on our YouTube Channel as well as a range of material and information of relevance to members. The site also features an online application facility that allows new members to quickly and seamlessly apply to join the Association. The introduction of the online application facility has been a key factor in a recent surge in membership applications.

## 1.10 MEMBERSHIP

The Association represents members at Principal and Assistant Principal grades in the Civil Service and equivalent levels in several state enterprises.

In 2021 membership continue to increase. Membership at 31 December 2021 stood at 3465 This is an increase on the previous year. 307 new applications were received during the year. The gender breakdown of membership is 1685 female (50%) and 1780 male (50%).

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 enhance the membership where possible. In addition, the Association has agreed to participate in a Staff Panel membership drive that will target particular departments to attract new members. One of the duties of the newly-appointed IRO will be to prioritise this area.

## 1.11 SOCIAL MEDIA AND COMMUNICATION

The @ahcps twitter account which was launched in 2020 now has over 900 followers. Twitter was and continues to be a very effective way of communicating with members particularly during the Covid lockdowns.

During the year the newsletter was relaunched and modernised with a stronger corporate identity to better reflect the culture and values of the Association.

Communications with members are usually by email and where appropriate are normally distributed through Branch Secretaries.

## 1.12 BEREAVEMENT GRANT

The Association has a bereavement grant scheme in operation for members and their spouse/co habiting partner. The grant of €5,000 is payable to the estate of the deceased member or that of his/her spouse/co habiting partner. Membership fees must be fully paid up at the time of any claim.

## 1.13 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.

### 1.13.1 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 July 2019 for a five-year period and following negotiations the scheme was renewed at a reduction in cost from 0.60% to 0.57% of salary for members. The net cost is only 0.35% after tax relief is applied at source assuming income tax at 40%. This is the best value of any of the Income Continuance Schemes run by any of the unions.

The scheme covers Pre & Post '95 entrants to retirement at age 60/65. Those employed after 1st January 2013 in the Single Pension Scheme are covered to retirement at age 66 or 67 if the State Pension Age is extended further.

We continue to emphasise the importance of members joining the Scheme as it provides for 75% of salary cover. So instead of finding oneself on half pay or less you are brought back to 75% of your existing salary level. An individual can be on half pay after an absence of three months in any 4-year period.

### 1.13.2 Pink & Blue Power Cancer Awareness Health Campaign

Funded by Cornmarket as part of the Income Continuance Scheme. It was launched in May 2021 and was very successful and well received. Appointments rolled on into 2022 finishing in the Summer. 420 booked appointments from 1503 invited members. Pink 149/486 and Blue 271/1017. The AHCPS male take-up rate of 27% and female of 31% were the highest amongst any participating groups. 83 members were referred for further investigation. Breast cancer was detected in one member. At the time of going to print Cornmarket advise any members hoping for a late appointment to contact their GP partners pinkandblue@fullhealthmedical.com for a possible appointment arising from cancellations.

### 1.13.3 Group Life Assurance Scheme

The Scheme is administered by Cornmarket and underwritten by New Ireland.

The plan provides vital financial security to the members families at time when they may need it most.

Since the last review in 2015, there have been claims in benefit totalling €1,155,000 (9 paid and 2 pending) and the main medical conditions resulting in claims relate to Cancer and Cardiac related conditions. The average age of the members who have passed away was 57, with the youngest being 49 and the eldest being 64.

There are currently 526 members in the plan and the average age of members is 55.

The scheme has recently been renewed with New Ireland with a rate of 0.48% until 01/10/2024, so that the Group Life and Income Continuance Plan can be reviewed at the same time. New Ireland have also agreed to support a campaign to offer **6 months free cover** to AHCPS members who join within an agreed 3-month window.

In relation to retired members the following is the position:

For those 50 and over who have retired the following are the rates:

The plan Age at date of Death	Level of benefit
50-59	180% x salary*
60-64	120% x salary
65-69	90% x salary
70-74	60% x salary
75-84**	24% x salary

*The plan is designed to be affordable for every member. The rates and benefits are negotiated on a special 'group basis' for Public Sector employees, to provide you with remarkably good value. \*\*Cover and premiums end at your 85th birthday.*

**The plan cost is currently set at 0.5% of your pensionable salary or current annual salary\* if you are still working.**

#### \*What salary is my cover based on?

*If you are retired, your cover is based on your pensionable salary. This takes into account your basic salary at retirement plus your fluctuating pensionable earnings averaged over the 3 years prior to retirement. If you worked parttime, you should provide the basic salary for the equivalent full time post/ grade plus your fluctuating pensionable earnings averaged over the 3 years prior to retirement. Pensionable salary is available from your Superannuation Department. Your premiums and cover are based on the pensionable salary that you notified us of.*

**\*If you are working, your cover is based on your current salary. This takes into account your current gross annual salary, plus an average of any other payments in the last 3 years which are taken into account for Superannuation purposes. If you retire at a later date, it is essential that you notify us of your pensionable salary. Your premiums and cover are based on the latest salary that you notified us of.**

This means in effect there are three distinct categories for Group Life Assurance:

1. Those in service up to the age of 65 years (cover is twice salary on death – rate of 0.48%)
2. Those in service between the age of 65 and 70 years (cover of 90% of salary – rate of 0.50%)
3. Those who have retired between the ages of 50 and 84 years (cover is as outlined above – rate of 0.50%)

### 1.13.4 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. The Association recently brokered a reduction with Cornmarket on the cost of AVCs for members, so the 2% charge is now gone.

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.

Members should also be aware that the Last Minute AVC calculations are subject to movement in the Consumer Price Index. Any significant movement in the CPI from the time of the calculations to investment can mean a withholding tax liability on part of the investment. However, this should not deter members from availing of the benefits from the investment.

### 1.13.5 Car /House Insurance

The providers are as follows:

- Cornmarket, Christchurch Square, Dublin 8.  
Tel: 01 408 4040
- Glennons Insurance:  
Tel: 01 7075959 or Email: ahcps@glennons.ie

### 1.13.6 Travel Insurance

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

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.

Existing Members will automatically receive their documentation via email and will be automatically renewed unless the member emails to advise they do not want the policy renewed.

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)

### 1.13.7 Health & Dental Insurance Advice Service

- Lyons Financial Services, Office 1, Dunboyne Business Park, Dunboyne, Co Meath.  
Tel: 01 801 5808  
Website: [www.lyonsfinancial.ie](http://www.lyonsfinancial.ie)

### 1.13.8 Dental Insurance Scheme

- This Dental Insurance Scheme is administered by Lyons Financial Services, Tel. 01 8015808 [www.lyonsfinancial.ie](http://www.lyonsfinancial.ie) The Scheme is underwritten by DeCare Dental.

### 1.13.9 Investment Advice and Portfolio Management Service

- Cornmarket Group, Christchurch Square, Dublin 8.  
Tel: 01 408 4000

### 1.13.10 Mortgage Lending

Symmetry Financial Management are an Independent Financial Advisory Firm with expertise in the area of all forms of Mortgage lending – First Time Buyers; Home Movers; Switchers; Equity Release and Debt Reconciliation; Investment Properties and Buying Properties via Pension. They provide an endorsed mortgage service to our members.

- Symmetry Financial Management, Dunboyne, Co. Meath.  
Tel: 01 683 1673  
Email: [info@symmetryfinancial.ie](mailto:info@symmetryfinancial.ie)

### 1.13.11 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.

## 1.14 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).

**1.15 STAFF**

The staff of the Association are:

General Secretary	<b>Ciaran Rohan</b>
Deputy General Secretary	<b>Paul Malone</b>
Assistant General Secretary	<b>Billy Thompson</b>
Industrial Relations Officer	<b>Larry Dunne</b>
Executive Assistant	<b>Jackie Lacey</b>
Receptionist	<b>Jennifer Farrelly Clarke</b>

Mark Crowther also assisted with recording and writing of the minutes of the 2021 ADC.

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



Learning to learn – growth mindset

What is a mindset?

"Failure is an opportunity to grow"

**GROWTH MINDSET**

"I can learn to do anything I want"

"Challenges help me to grow"

"My effort and attitude determine my abilities"

"Feedback is constructive"

"I am inspired by the success of others"

"I like to try new things"

"Failure is the limit of my abilities"

**FIXED MINDSET**

"I'm either good at it or I'm not"

"My abilities are unchanging"

"I don't like to be challenged"

"I can either do it, or I can't"

"My potential is predetermined"

"When I'm frustrated, I give up"

"Feedback and criticism are personal"

"I stick to what I know"

Ciaran Casey, Roffey Park Institute, speaking at Wellbeing seminar.



## CIVIL SERVICE

### 2.1 PAY – GENERAL

The Association and other members of the Public Service Committee of ICTU were invited in November 2020 by the Minister for Public Expenditure and Reform Michael McGrath, to enter discussions with representatives of Public Service management. The stated purpose was to seek agreement on a successor to the Public Service Stability Agreement which expired on 31st December 2020. The talks were facilitated by the Workplace Relations Commission and concluded in the early hours of Friday 11th December.

The main elements of the agreement are as follows:

- It is a two-year agreement running from 1/1/21 to 31/12/22
- The balance of FEMPI cuts (pay restoration) due to AHCPs grades was paid on 1/7/21 (worth between 1% and 2.5%)
- 1% general pay increase from 1/10/21 - except for those that gained from pay restoration on 1/7/21. AHCPs grades therefore did not receive this increase (unless the level of restoration was less than 1% – in such cases they received the balance to bring them to 1%)
- 1% Sectoral Bargaining Fund was paid as a straight 1% on 1/2/22.
- 1% general pay increase from 1/10/22.
- Pensions will increase in line with general round increases.
- An independent body was established to review the additional working hours imposed under the Haddington Road Agreement. These hours will be restored to members from the 1st of July 2022. Current contracted working hours are 9am to 5:45pm (Monday to Thursday) and 9am to 5:15pm (Friday). The revised working hours will be 9:15am to 5:30pm (Monday to Thursday) and 9:15am to 5:15pm (Friday)
- The agreement also contains a number of modernisation and reform measures.

The proposals were subsequently voted on by the members in online ballot. The outcome was 93% in favour and 7% against with a turnout of 56%.

Discussions were concluded with the Official Side on the Building Momentum Action Plan.

With inflation currently running at 6.2%, the cost of living is sharply impacting on the cost of living of members. This

rate of inflation contrasts sharply with the modest increases in the Building Momentum Agreement. As a result, in March 2022, the Public Services Committee (PSC) of the Irish Congress of Trade Unions (ICTU) notified the Department of Public Expenditure and Reform (DPER) that we wished to invoke the review clause of Building Momentum. At the time of writing, the PSC is awaiting a response from DPER.

Talks on a successor to the Building Momentum Agreement will take place in early summer 2022. These discussions will undoubtedly be framed by the current cost of living.

### 2.2 BLENDED WORKING POLICY FRAMEWORK

Intensive discussions took place with DPER during October & November 2021 on a draft framework. The discussions were paused in mid-November so DPER could consider its position. This was disappointing for the Association and other participating unions given the desire to provide a guidance document for departments as quickly as possible. Government policy sets a 20% target for the public service working remotely. It was recognised and agreed in discussions that 'at least' this level was achievable in the civil service and it was the joint union position that a much higher percentage was and is achievable if not immediately then over time.

The Association's own survey of members found that 60% stated remote working allowed them to improve their work life balance and 80% had a preference for a blended approach. Throughout the discussions the Association emphasised that remote working is a significant issue for members.

The Association highlighted that many members were coping with different working from home arrangements and that improvements were needed around equipment and supports as these arrangements changed to more structured arrangements.

During the COVID-19 crisis civil servants displayed extensive and successful use of remote working to the extent that it is very evident where roles will allow a blended working arrangement that there is no reason why departments cannot capitalise on the use of remote working. Blended working arrangements can be used to the advantage of the employer and staff members. Remote working needs to be now embedded in the programme of workforce planning in all departments to empower staff to better manage work life balance.

The discussions resumed on 9th February 2022 with intensive engagement over the following days

culminating in a final draft for the consideration of the Civil Service Management Board. There was disagreement on the issue of accrual of flexi leave. The Staff Side of unions did not see that it is appropriate to differentiate between those working remotely and in the workplace as regards working up flexi leave. It was agreed that this issue would be referred to third party and this hearing was held on the 22nd of March 2022 which resulted in a generally favourable outcome. All other aspects of the Framework Document were advanced and discussions were completed on the 7th of March 2022. The framework was launched by the Minister on the 31st of March 2022. On the application of the Blended Working Policy Framework the Association and other unions have raised the importance of the need for consistency of application but a large degree of flexibility was important in departments.

The Pandemic and the application of remote working has altered the landscape on accommodation and property utilisation. The Civil Service Action Plan linked to National Pay Agreements presses the concept of open plan accommodation and optimising office floor space.

Notable Government legislation is now in train with the Right to Request Remote Work Bill although ICTU points out that it does not deliver the robust legislation required to guarantee fair procedure and sufficiently balance the employer and employee needs.

### 2.3 THE RIGHT TO DISCONNECT

Over 80% of respondents in the Association’s Survey on Remote Working stated that they checked e-mails outside of core hours. Over half of respondents also reported that they found it difficult to switch off from work. There is no formal Right to Disconnect under Irish or European law, although a number of European countries have adopted national legislation in this regard.

A Code of Practice on the Right to Disconnect, has been developed by the Workplace Relations Commission. The following rights are enshrined in the Code that came into effect as of 1st April 2021:

- The right of an employee not to have to routinely perform work outside their normal working hours.
- The right not to be penalised for refusing to attend to work matters outside of normal working hours.
- The duty to respect another person’s right to disconnect (e.g., by not routinely emailing or calling outside normal working hours).

The introduction of new provisions on workers’ right to switch off from work outside of working hours without suffering any negative consequences for doing so, is viewed by the Association, as a very welcome and positive development.

However, the Irish Congress of Trade Unions has stated that the adoption of specific right to disconnect legislation, should not be ruled out, particularly, if the

Code proves unsuccessful in protecting workers against the negative effects of modern work practices.

The Code recommends that if informal attempts to resolve employee complaints around the Right to Disconnect are unsuccessful, the formal grievance procedure may then be utilised. If the formal grievance procedure is unsuccessful in resolving a complaint an employer may ultimately end up defending a claim in the WRC under employment legislation. For example, if an employee were to claim that the employer’s refusal to respect the Right to Disconnect resulted in s/he being required to work outside of normal hours it may well give rise to a claim under the Payment of Wages Act 1991.

### 2.4 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.”*

#### 2.4.1 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. The adjudication finding was accepted by the Government and is effective from 1st April 2017.

#### 2.4.2 Domestic Subsistence Rates

With effect from the 1st December 2021, the following standard domestic subsistence rates apply:

Overnight rates	
Class of Allowances	A Class
Normal Rate	€147.00
Reduced Rate	€132.30
Detention Rate	€73.50
Day Rates	
Class of Allowances	A Class
10 hours or more	€39.08
5 hours but less than 10 hours	€16.29

**Vouched Accommodation (“VA”) Domestic Subsistence Rates (for use in Dublin only) Effective from 1 December 2021.**

Vouched Accommodation (“VA” Rate)	Accommodation	Meals
VA Rate	Vouched cost of Accommodation up to €147.00 <b>plus</b>	€39.08

**2.4.3 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.

In 2019 the Department of Public Expenditure and Reform further reviewed the rates of Foreign Subsistence in a number of locations.

In a number of locations, the rate for expenses is expressed in terms of the capital city with an “elsewhere rate”, for places other than the capital city, being described as “vouched expenses plus €10 per day”.

In recognition of difficulties posed to officials travelling in locations in operating a vouched system, it has been decided to introduce specific “elsewhere rates” for a number of these locations.

The overnight rates used have been arrived at by applying a factor of 74% of the Vouched Accommodation rate for the capital city in the respective countries. The factor of 74% is consistent with the average of the “elsewhere rates” already in use.

In relation to the appropriate 10 hour and 5-hour rates, DPER have applied the standard ratio already in use i.e. 10-hour rate is 66% of the Vouched Accommodation rate and the 5-hour rate is 50% of the 10-hour rate.

As far as DPER are concerned these reviews are regarded as a form of interim review. A more fundamental review may take place at some point in the future.

It might be noted that reviews of Foreign Subsistence generally follow the rates struck for the UK Civil Service.

We have advised DPER that we will be guided by any issues raised with us in relation to the changes by any affected membership groups and that if the changed rates do not reflect costs being incurred, we reserve the right to seek to have them revised upwards.

**2.5 MOBILITY**

**2.5.1 Civil Service Mobility Scheme**

The Association successfully negotiated the inclusion of APs and signed off on the terms and conditions involved that also now apply to POs. Phase 2C went live on 2nd November 2020 to include the AP grade. It is necessary for applicants to electronically register their interest to receive notification of available posts. There is no limit on the extent of locations that may be registered by our grades.

The Scheme is a major opportunity for departments to address business needs while allowing APs & POs to enhance their career opportunities with experience in a range of departments. Significantly, parent departments must release applicants within 20 days if successful. Appointments under the mobility scheme count for open liabilities.

**2.5.2 Secondment Policy**

A Secondment is a temporary arrangement that facilitates the release civil service staff within, or out of the civil service for a specified period in a way that does not affect their employment status with the parent department or office. Secondments in general are for a period between six months and in certain circumstances can be for five years.

A new Secondment Policy for the Civil Service has been finalised. This scheme will be used to support the Civil Service Mobility Scheme that is a permanent move to another department or office. The Policy, Guidance and FAQs for Civil Service Organisations may be viewed at: <https://hr.per.gov.ie/en/corporate-pages/career/mobility/secondment/#article-section-policy-guidance-and-faqs-for-civil-service-organisations>.

The Mobility Scheme will remain the primary mechanism for the permanent lateral movement of staff across the civil service. The secondment policy will be used to support this scheme to fill time-bound positions concurrent with a strategic project/placement, and in exceptional circumstances the backfilling of vacant positions arising from staff members who are released for secondments/career breaks.

**2.6 PRINCIPAL OFFICER PROMOTION SEQUENCE**

The sequence in place requires two in every three appointments to be from the Open PO Panel.

This emanates from the Arbitration Board ruling of 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 Association contended that the standing agreement contained in *Towards 2016* more than adequately addressed the needs of Departments under the existing sequence of 4/18 open, 5/18 interdepartmental and 9/18 internal.



The Association continues to lobby DPER that there is a strong desire for a change to the sequence. The research the Association completed indicates the one in three internal PO appointments is significantly hampering both workforce planning in departments and the career aspirations of Assistant Principal Officers as it does not allow for an adequate number of internal appointments.

## 2.7 2022 OPEN PO COMPETITION

The competition booklet issued on 17th February 2022. It is anticipated a 2-year panel will be put in place until March 2024.

The 2020 Open PO Panel went live in January 2020 with 65 placed. 3 more were added after appeals. PAS increased that 68 in two phases in Q1 & 2 of 2021. In all, 122 were placed. 53 male, 65 female – 4 gender not selected. 101 public sector/21 private sector. 77 assigned – 9 no longer interested so 29 remain as of February 2022.

In consultations with DPER the Association highlighted difficulties encountered by members at the on-line stage of the 2019 competition that led to the formation of the 2020 Panel. We drew attention to the way firewalls in many departments prevented downloading of the necessary software. Few PCs had webcam/mic facilities. In addition, there was a curtailed availability schedule. Even where the technical difficulties proved to be surmountable, applicants would have needed to be fortunate to be able to avail of a lunchtime slot or were required to take leave to sit tests. The Association asked DPER to interact with PAS to see if alternative, less restrictive arrangements might be possible.

The Association continues to emphasise that members are supportive of efficiencies and using modern technology as much as possible, but all candidates should get a fair chance including the opportunity to complete stages outside working hours if candidates have better private facilities. Feedback we received from members centered on the difficulty with getting a quiet space to complete the test where the IT difficulties were overcome.

The Association will monitor developments around the 2022 Competition and welcomes feedback to [info@ahcps.ie](mailto:info@ahcps.ie)

## 2.8 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.

## 2.9 GENERAL COUNCIL

### 2.9.1 General Council

The General Council Staff Panel is comprised of representatives of the four civil service unions (AHCPs, FORSA, POA and VOA) 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 2022 elected at the AGM in January 2022 are Chairperson, Helen Linehan (FORSA), Vice Chairperson, Billy Thompson (AHCPs). Eugene Dunne (Fórsa) remains as staff side secretary.

### 2.9.2 Composition of General Staff Panel

The General Staff Panel is composed as follows:

UNION	SEATS
FORSA	36
Association of Higher Civil & Public Servants	5
Prison Officers’ Association/CSA Group	5
Veterinary Officers’ Association	1
<b>Total</b>	<b>47</b>

### 2.9.3 Members of Arbitration Board

The members of the Civil Service Arbitration Board are as follows:

- Chair:** Mr Loughlin Quinn
- Members :** Mr David Denny  
(nominated by the Government)
- Ms Angela Kirk  
(nominated by the Civil Service Staff Panel)

### 2.9.4 Adjudicator and Mediator

Dan Murphy was reappointed to the position of Adjudicator for the Civil Service in 2021.

Joe McDermott remained in the position of Mediator for the Civil Service in 2021.

## 2.10 BRANCH REPRESENTATIVE TRAINING COURSE

The Association is hoping to soon return to holding training courses for branch representatives in Head Office and is conscious to incorporate a focus on operating in a blended working environment. Previous courses covered a range of topics including the C&A scheme, WRC, Labour Court, Union Structure, Role of Executive Committee, Branch Committee, and a practical case study.

### 2.11 BEREAVEMENT LEAVE

Bereavement leave for Civil Servants whose spouse or partner has passed away was increased from 5 to 20 days in January 2017. 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 was 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 must make funeral arrangements, that leave will be increased to 5 days, though this is at the discretion of the relevant HR unit.

## 2.12 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 Covid-19 Pandemic curtailed the working of the Equality Sub-Committee, but it has been agreed that meetings should now be reconvened. Prior to this the Staff Panel prepared a scoping paper outlining the areas of equality and diversity that it wanted reviewed and

discussed as part of a general evaluation of issues to assist the work of the sub-committee of General Council. The Association considers that the identified issues are still extremely relevant and provide a blueprint to advance the work of the reconvened sub-committee.

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'*.

## 2.13 SHORTER WORKING YEAR/TERM TIME/ 4-DAY WEEK CAMPAIGN

The Civil Service Staff Panel raised the matter of the Shorter Working Year Scheme with DPER on several occasions 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 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.

It was subsequently 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.

ICTU at its Biennial Conference in Belfast in November 2021 called for all trade unions to secure support from business and government North and South for private and public sector four-day week pilot programmes. Calls for a four-day working week in Ireland continue to grow.

### 2.13.1 Return to Standardised Working Week

The Report from the Independent Body Examining Additional Working Hours being considered by Government recommended a return to the standardised 35 hour working week for our grades in the civil & public service. This has been welcomed by the Association. The additional hours have been in place since 1st July 2013 as part of the Haddington Road Agreement. It is anticipated that that a standardised minimum working week will be in place across the civil and public service by approximately July 2022. It is stipulated in the Report that no compensatory claims should be pursued or conceded

in respect of any grade arising from the implementation of the recommendation to restore the HRA hours.

## 2.14 STAFF WITH DISABILITIES

DPER maintains a web site on disability issues. It can be accessed at <http://hr.per.gov.ie/disability/>. The Association attended the ICTU Disability Seminar in Belfast from 14-15 February 2019 which was a very worthwhile and well attended event.

## 2.15 FLEXIBLE WORKING HOURS [FWH]

The Haddington Road Agreement imposed restrictions on all APs from 1st January 2013 onwards removing their access to FWH. Following extensive representations from the Association DPER issued a Memo to all HR Managers in August 2018 stating there was no restriction to employers introducing flexible working hours for all staff in all Departments. This was welcomed by the Association.

However, this left the issue of the right for APs appointed after 1/1/2013 to accrue flexi leave. This facility is needed by parents managing childcare arrangements, members with carer responsibilities for aging parents together with those managing studies and personal health or medical issues. The absence of the provision mitigates against members balancing work life responsibilities. This has been highlighted at ADC from 2016 through to 2021 by motions from branches and the Executive Committee calling for a removal of this rule.

The Association sees the accrual of flexi leave as an integral part of flexi working and without this it results in APs working side by side having different working conditions in departments where flexitime or flexible working arrangements are operated for APs. This is neither fair nor sustainable.

The Association took the matter of accrual of flexi leave before the Arbitration Board, but the Board supported the DPER position stating it was not allowed under the terms of the Haddington Road Agreement. The Association raised the matter at the Sectoral Talks linked to the 'Building Momentum' pay agreement and at discussions on the new Civil Service Action Plan. It was agreed there to deal with the matter in a separate forum where discussions are ongoing.

## 2.16 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.

## 2.17 PARENTAL LEAVE

Finance circular 13/2010 outlines the provisions of this scheme. The D-PER website sets out any subsequent changes or restrictions. On 1st September 2019 the amount of parental leave was increased from eighteen working weeks (90 days) to twenty two working weeks (110 days) for full-time employees with at least one year's continuous service prior to taking parental leave. It is calculated on a pro-rata basis for work-sharing staff. Each "relevant parent" is entitled to parental leave. On 1 September 2020 there was a further increase in parental leave to twenty six weeks.

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. A formal decision on the subject was awaited for some time but it is now the position that DPER is preparing guidance instructions for departments that will indicate that it is accepted that where staff take two days parental leave that spans a weekend the loss in terms of pensionable Service should only be two days. The instructions will have retrospective effect which is a welcome development.

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

## 2.18 ANNUAL LEAVE

The Association along with other Unions were successful in obtaining a freeze on the Year – 3 Leave Cycle during Covid. However, DPER declined an urgent request from the unions to implement a further roll back of annual leave cycles to facilitate those members who have not been able to take all their annual leave for reasons to do with the pandemic and work pressures. In line with our concerns DPER has however, advised employers that local flexibility may be exercised where appropriate, outside of the NSSO (Peoplepoint) system to allow for outstanding leave to be used within a defined period beyond the end of March 2022. Following representation by AHCPs and Forsa, DPER has agreed to review annual leave cover.

## 2.19 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 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 the practice is highly questionable now that 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 considering 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 work-sharing arrangement 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 can 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 each individual's work-sharing arrangements must be formally reviewed on **an annual basis** or earlier if required and again set 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 1, Category 11 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%.

## 2.20 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.

The Project Board established to oversee the merger meets roughly every two months and is currently chaired by Mary Hurley, Assistant Secretary in the Department of Housing, Local Government & Heritage. There is now a working assumption around the 1st January 2023 as the likely establishment date of Tailte Éireann. However,

Vesting Day could be deferred to 1st January 2024 but that would seem the latest date before the project comes to fruition.

The Board has agreed the terms of reference and membership of working groups. These groups follow on from previous working groups that have been in abeyance in recent times. The different working groups involved are:

Legislation; Finance; Strategic HR; Accommodation; ICT Networks & Infrastructure; Future ICT Consolidation; Data Modelling; Tailte Éireann Governance & Compliance Frameworks; Archives & Records and Communication & Branding.y

The OPW has confirmed that Tailte Éireann will be one of the public bodies accommodated in the new Distillers Building opposite Phoenix House. It is envisaged that work on the building will be completed by July 2022 with fit out commencing in the Autumn. The building is expected to be ready for occupation in or around September 2023. This will dovetail with the expiry of the lease by Valuation in the Irish Life building in Abbey Street.

## 2.21 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 resulted in the establishment of an Industrial Relations Council that now meets on a regular basis.

## 2.22 SHARED SERVICES

### 2.22.1 HR Shared Services

HR Shared Services continues to provide HR and pensions administration shared services to 34,800 civil servants across 39 government departments and Public Service Bodies.

Difficulties continue to arise particularly with overpayments, time delays and the increasing workload within HR. There has been progress on some 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 HR Shared Services.

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



**Mary McLoughlin,**  
AHCPS Honorary President

**2.22.2 Payroll Shared Service Centre (PSSC) [now Payroll Shared Services]**

In January 2018 the PSSC changed its name to Payroll Shared Services as part of the establishment of the National Shared Services Office (NSSO). Payroll shared Services continues to make payments to approximately 125,000 payees, including 60,000 pensioners.

**2.23 SUPERANNUATION/PUBLIC SERVICE PENSIONS GENERAL**

The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 became law on 28 July 2012. The Act provides for a *Single Public Service Pension Scheme* (the “Single Scheme”) for new public servants.

The commencement date for the new scheme was 1 January 2013 and new recruits to the public service on or after that date join the new scheme, while already-serving staff remain in their existing schemes. An information booklet on the scheme can be accessed at <http://www.per.gov.ie/single-scheme/>.

Arrangements have now been put in place to enable scheme members to put in place purchase arrangements. This can be done on a lump-sum basis only and can involve either purchasing addition pension or converting an existing pension or PRSA into the Single Scheme.

**2.24 PUBLIC SERVICE SUPERANNUATION (AGE OF RETIREMENT) BILL 2018**

On 26th December 2018, the President signed into law the Public Service Superannuation (Age of Retirement) Bill 2018. This bill provides for an increase in the compulsory retirement age of most pre-2004 public servants from age 65 to age 70. These public servants generally had a compulsory retirement age of 65 previously.

Since 26th December 2018, any relevant public servant who has not already reached his/her compulsory retirement age before that date, now has a new compulsory retirement age of 70 and will have the choice to work beyond the age of 65 to age 70 if they so choose.

**2.25 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 decide on the most suitable candidate for the position, based on the information submitted in respect of each applicant. If there are no suitable applications through mobility for the post, it will be filled through open competition by TLAC.

# STATE ENTERPRISES

## 3.1 AN POST

### 3.1.1 Transformation

Major trends are changing An Post's operating environment. The Association continues to support members in the altering structure. The company is evolving the culture through the "Shaping our World Programme" that is re-imagining new ways of working as it plans the move to a new HQ – the EXO Building at the Point Village in the Docklands area. The reorganisation and relocation are long-term investments by the company but together with the investment in an eco-friendly fleet has resulted in an exceptional level of expenditure.

Negotiations and engagement are ongoing around new roles and new skills required to perform these new roles and the challenges it brings for members. The Association is pressing for the application of the maximum degree of remote working where that is possible. In addition, in conjunction with FORSA and the CWU the AHCPs has identified that in some cases people will choose to leave or retire and must be supported through reasonable exit and retirement packages.

The now developed new business units within An Post – 'Mails & Parcels' and 'Retail' - headed by two separate Managing Directors has delivered significant gains for the company and the explosion in on-line business has extensively benefitted the organisation.

The AHCPs fully supports An Post in the road ahead and the opportunities and challenges for our members but continues to stress the importance of good communication and early resolution of issues and welcomes the company's due regard for our members terms and conditions of employment. The Association is fully aware of the significant role our grades play in driving the change management programme. The Association is supporting our members in the Occupational Health Unit where discussions are ongoing concerning a restructuring programme. We have continually stressed the benefit of retaining the service within the company and fully support the application of best practice in a programme of evaluation to the benefit of employees and the organisation.

The Association wishes to highlight the importance of the income stream from Government Departments to An Post. It is also a fact that An Post is now highly competitive in the provision of front office services and continues to be the company of choice in mail and parcel delivery.

### 3.1.2 Remote Working

There was extensive engagement with An Post during 2021 and into 2022 on the drafting of a remote working policy issued in February 2022. This centres around the evaluation of roles and the extent of remote working possible versus necessary office attendance. A 2-day remote and 2-day office attendance has been agreed with the 5th day to apply in either category depending on circumstances and business needs. For certainty of approach and to allow members better plan their work life balance there was a desire on the Staff Side of unions that this floating day should at least be set monthly. That remains the Association position. The policy sets out that this one optional day is to be determined with reasonable notice. The Policy goes on to specify that remote working arrangements will initially be approved for a 6-month period with monthly reviews of its effectiveness. At the end of the 6-month trial period and if remote working arrangements have worked to both the satisfaction of the Company and the employee it will be approved for a further rolling period of one year with an annual review.

The company continues to hold that working in hubs does not constitute office attendance, but the Association would like to see this issue developed over time.

### 3.1.3 COVID-19 Pandemic

The Pandemic brought major upheaval to business across the spectrum with a decline in letter volume and revenue but a massive surge in packet and parcel volumes as customers flocked to online shopping and away from the high street. New rules of engagement were agreed to support ways of working. It is widely recognised that our members played a significant part in dealing with the challenges that arose from COVID-19.

### 3.1.4 New Pay Agreement for 2022 & 2023

The Branch Committee recommended acceptance of new pay proposals under a collective agreement with the AHCPs, the Communication Workers Union & FORSA in An Post. The Agreement provides for an increase in pay from 1st January 2022 and a further increase on 1st January 2023. Following a ballot of the small number of members left governed by collective pay agreements Association members voted in favour of accepting the proposals.

### 3.1.5 Personal Pay Contracts

The Association reached agreement with the company in Q4 of 2020 on the movement across of circa 53 of our managers to PRP or Performance Related Pay. This was done following a determination from the Monitoring

Group that was acceptable to the branch committee and the members involved. A small number continue to be governed by collective pay agreements who by choice are excluded from PRP. This point was covered in a comprehensive submission from the Association. Members governed by personal pay contracts are subject to market movement on pay and this is monitored by the Association.

It is fully accepted that in the event of one of our members being unable to agree personal pay levels that member can bring the Association into the negotiations or to manage any appeal around the process.

### 3.1.6 UNI Virtual P&L World Conference

The UNI Posts & Logistics World Conference took place from 25th to 27th May 2021. The union vision is around connecting people to deliver the future with the conference originally scheduled for Dakar in Senegal.

## 3.2 IRISH AVIATION AUTHORITY

The Association has been extensively involved in supporting members throughout 2021 and into 2022 on three main fronts: The removal of the 9.75% pay cut in place for the period 1/1/2021 to 31/12/202; The implementation of the CLA Agreement & The separation of functions.

Cost containment measures were applied by the Authority against a background of decline in air traffic movement globally because of the impact of the COVID-19 Pandemic. Initially a 4.5-day week was agreed by the Staff Panel of Unions for July to October 2020. This was followed by a further phase of negotiations that resulted in our members sustaining the aforementioned 9.75% pay cut. The Staff Panel of Unions successfully had this pay cut reversed at the end of November 2021 resulting in a return to full pay levels in December 2021. The Association took a lead role in ensuring this happened replicating the AHCPS performance in having a break period agreed for Nov & December 2020 based on the evidence of the effectiveness of cost containment measures up to 31/10/2020 and that a pay cut was no longer justified after November 2021.

The Association through the Assistant General Secretary and branch officers continues to actively attend and contribute to the work of the Joint Conciliation Forum or JCF that is the main industrial relations forum in the Authority. FÓRSA together with the AHCPS are the two unions involved on the staff side. FÓRSA branches include the admin grades, SRD, ATC, ATOA & AMROB. The Association has near doubled its membership in the Authority over the last three years.

In March 2021 members voted overwhelmingly to agree a new Conciliation & Labour Agreement or CLA for 2020-2024. This provided for no pay or sectoral grade adjustments for the years 2020 and 2021. Both union officials and the officers of the Staff Panel and management met the Performance Verification Board or

PVB in December 2021 on the matter of the application of the provisions in the CLA. The PVB was established (a) to determine the appropriateness or otherwise of commencing the implementation of the sectoral adjustments of the CLA and (b) to address the scope for annual general round pay increases over the remaining three years of the CLA 1/1/22 to 31/12/24. The three-person board is chaired by Mr Kevin Duffy. Following engagement on the sectoral clauses of the CLA the Authority agreed to affect these and has commenced doing so from 4th February 2022. It is the Staff Panel of Unions position that a 1st January 2022 date is applicable, so this requires resolution via the PVB and if necessary, the Internal Disputes Resolution Board as provided under the CLA. Negotiations are ongoing on the matter of pay increases.

The separation of functions of the Irish Aviation Authority resulted in the appointment of the new Chief Regulator Mr Diarmuid O’Conghaile from 1st January 2021. Our members on the regulatory side will remain with the existing company while those associated with the provision of the air navigation service are to transfer to a new entity Air Nav Ireland. Vesting-Day has been deferred a number of times. Negotiations are ongoing on the matter of the pension fund and necessary Memorandums of Understanding to cover industrial relations issues of concern. AHCPS & FORSA have pressed for the involvement of the Department of Transport and require robust agreements protecting staff pensions and terms and conditions of employment. Both unions consider it of vital importance that the Department supports the new Regulator’s plans to put in place a new funding model following engagement in 2022 with all stakeholders.

## 3.3 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.

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.

Pay increases in PLI track the HAY Market Movement. Following reinstatement and agreement on the pay position as negotiated by the Association in 2016 pay increases each year are in accordance with the HAY movement.

The Association continues to support members on the matter of ongoing restructuring within the company and recently completed negotiations on a new Annual leave Policy.

### 3.4 SOLAS/EDUCATION AND TRAINING BOARDS (ETBs)

As previously advised the 1st tier of the new organisation design for ETBs below Chief Executive at Director level (PO Equivalent) was implemented in 2016. The organisation design is based on a three-pillar approach, Schools, Further Education and Training and Organisation Support & Development.

The 2nd tier of the new organisation design for ETBs, for grades below Director ( PO Level), has not been finalised and is still the subject of on-going discussions between the staff and management sides through the ETB IR forum. The matter was referred to the WRC by the staff side and following a number of engagements in 2020 and 2021 with management under the auspices of the WRC, an agreement has been reached on a way forward. Formal discussions on organisational design are expected to commence in Q2 2022.

### 3.5 FOOD SAFETY AUTHORITY OF IRELAND (FSAI)

Following unsuccessful attempts to resolve a long-standing PCW issue with the Authority, the Association referred the matter to the WRC in 2020. A number of

conciliation hearings took place virtually in 2020 between the Association and the Authority (represented by IBEC). At the time of writing the matter remains with the WRC.

### 3.6 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:

- Financial Ombudsman
- The Arts Council
- The Heritage Council
- Citizens Information Bureau
- Commission for Regulation of Utilities (CRU)
- Family Support Agency
- Food Safety Promotion Board (SafeFood)
- Health & Safety Authority
- National Centre for Partnership & Performance
- National Library of Ireland
- National Museum of Ireland
- National Council for Special Education
- Pensions Authority
- Residential Tenancies Board
- Road Safety Authority
- The Teaching Council
- Water Safety Ireland
- Western Development Corporation



### Single Scheme – Key Features


- Normal Retirement Age – same as eligibility age for Contributory State Pension (DSP) for majority of members, currently 66 years of age
- Upper retirement age of 70
- Benefits may increase annually in line with CPI
- No cap on benefits for Standard Accrual members

Provides  
Death-in-  
Service  
Benefits

Ill-Health  
Retirement  
Facility at  
any age

Voluntary  
Early  
Retirement  
from age 55

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### Spending in retirement


Travel & social life  
Active  
Completing Mortgage

More time at home  
Mortgage now paid

Increased Healthcare Costs  
Spend more

<60      60s      70s      80s      90<

Source: The Economist, 2011



Fergal Carty, DPER and Garrett Finn, Cornmarket speaking at the seminar on the single pension scheme.



# 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 re-elected to the Executive Committee of Congress at the Biennial Conference held in Belfast in October 2021 for a two-year term.

## 4.2 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.

## 4.3 ICTU GLOBAL SOLIDARITY COMMITTEE

The Global Solidarity Committee is the former ICTU Third World Committee. The Union

is represented by the IRO.

## 4.4 NERI

The Association has been an affiliate of the Nevin Economic Research Institute, (NERI), since its foundation.

## 4.5 ICTU PEOPLES COLLEGE

The Union continued its affiliation to the People's College.

The College was founded in 1948 by the Trade Union movement. The College operates from the ICTU Head Office at 32, Parnell Square, Dublin 1. It organises evening courses covering a range of topics at very reasonable rates. The ethos of the College is the ethos of the Trade Union movement - solidarity, collectivism and self-help. The full details of the courses on offer can be found on the People's College web site at [www.peoplescollege.ie](http://www.peoplescollege.ie) Joanne Pearson is the Director of the College.

## 4.6 ICTU RETIRED WORKERS' COMMITTEE

The Association continues its support for this organisation. The Association nominated Ann Walsh and Brian Fitzpatrick to the ICTU Retired Workers' Committee and Ann attended the 2020 Retired Workers Seminar in Dublin.

## 4.7 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.

## 4.8 CIVIL SERVICE UNIONS

The Association maintains close contact with Forsa and POA.

## 4.9 RETIRED CIVIL AND PUBLIC SERVANTS ASSOCIATION

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

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

The Association is affiliated to EPSU since 1st January 2006. The Federation, which was founded in 1978, represents 8 million workers in 216 public service unions in all EU countries. The 2019 Congress of EPSU was held in Dublin in June 2019 and the Association together with the other Irish affiliates were involved with the EPSU secretariat in the arrangements of the Congress. The Congress was very successful and was attended by AHCPs Chair, Edna Dowling, Vice Chair Val Jeffrey, Treasurer Larry Dunne, General Secretary Ciaran Rohan.

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

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

Dermot Brown (Finance Branch) is a UFE Vice President.

## 4.12 UNION NETWORK INTERNATIONAL [UNI]

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

#### 4.13 FDA UK AND ARC UK

The Association maintains close relations with FDA UK. The Association also maintained close contact with the FDA (Northern Ireland) with the 2022 AGM held on 18 March 2022 at which General Secretary Ciaran Rohan attended.

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

#### 4.14 INSTITUTE OF PUBLIC ADMINISTRATION

The Association continued in membership of the IPA.

#### 4.15 IRISH LABOUR HISTORY SOCIETY

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

#### 4.16 HOSPITAL SATURDAY FUND

The General Secretary Ciaran Rohan and IRO Larry Dunne are Association Members of the HSF Health Plan during the year.

#### 4.17 COMBINED SERVICES THIRD WORLD FUND

The Combined Services Fund is drawn from deductions at source by members in the Civil Service, Eir, An Post, FAS and the Irish Aviation Authority. The rate of deduction is only 0.01% or 0.02% of pay or 1 cent or 2 cents for every 10 Euro of salary. Either rate is optional.

Larry Dunne is a member of the Management Committee which considers and approves loans. The committee met bi-monthly.

The AHCPS Executive made a contributed to the fund to assist with promotional activity.

The Committee noted that as well as the decrease in pay, the amount being contributed also reflects a reduction in the overall numbers.

The Committee launched a canvass across several departments with visits to all Departments being planned.

All members who are not contributing are asked to consider joining this worthwhile fund.

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

#### 4.18 CIVIL SERVICE CHARITIES FUND

The Fund was established in 1991 by the Civil Service Unions as a means of responding to the many appeals for help received by them from Irish charitable organisations. It is a mechanism through which Civil Servants can combine to offer maximum support to selected Irish charitable projects at minimum cost to themselves as individuals. The cost is 0.01% of gross pay per annum.

Larry Dunne, represents the Union on the Management Committee and the General Secretary, Ciaran Rohan is a Trustee of the Fund.

The Fund has been granted charitable status by the Revenue Commissioners.

The Management Committee meet quarterly to consider applications.

The Committee noted that as well as the decrease in pay, the amount being contributed also reflects a reduction in the overall numbers.

Membership forms are available from The Secretary, (Mr Eugene Dunne), CSCF, Nerney's Court, Dublin D01 R2C5. (Tel: 01 661 2381) and all members in the Civil Service are encouraged to contribute.

The fund website can be accessed at [www.civilservicecharitiesfund.ie](http://www.civilservicecharitiesfund.ie) .

# MINUTES OF THE ANNUAL DELEGATE CONFERENCE HELD ON 21ST MAY 2021

## 1 Opening of Conference

- 1.1 The Chairperson, Edna Dowling, called Conference to order at 13.33pm.
- 1.2 She welcomed the delegates, guests and media to the conference, which was held as a video conference.

## 2 Adoption of the minutes of the Annual Conference 2018

- 2.1 The minutes of the Annual Delegate Conference 2019 were put to the floor by the Chair and were adopted by Conference.

Proposed by Melissa Ryan (Exec/Revenue) and seconded by Eddie Hickey (Exec/An Post).

## 3 Adoption of Standing Orders Committee Reports

- 3.1 Ciaran Denny (Chairperson of Standing Orders Committee) proposed the adoption of Standing Orders and Reports of the Standing Orders Committee.

Report No.1 covered the nominations for positions, the order of business and motions at Conference. There were 17 nominations for the Executive Committee, for 12 positions. There were 4 nominations for the 6 positions on the SO Committee. 42 motions were received, with motion 28 standing for itself and motion 29. Motion 41 deemed out of order.

Report No. 2 detailed further changes to the motions on the agenda, resulting in 34 motions remaining. A further nomination was also received for the SO Committee.

Report No. 3 detailed the Protocol for a Virtual ADC, including that no tellers would be required.

Report No. 4 added two Emergency Motions to the agenda, one on Legislation and the other on Covid 19.

Report No. 5 advised that one candidate for Vice Chairperson has withdrawn their nomination, and that a sixth nomination was received for the SO Committee, which meant that an election was no longer necessary.

## 4 Chairperson's Address

- 4.1 Trevor Noonan (Vice Chairperson) then called on the Chairperson, Edna Dowling, to give her address

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

- 4.2 She highlighted plans for the post-pandemic, that nobody should be disadvantaged, the importance of the work-life balance and the survey on remote working that had raised that issues of solitude, managing staff and switching off from work. She noted that Larry Dunny had been recruited to work on recruiting and supporting members. She expressed her thanks to the staff, Executive and officers for their support during her terms of office.

## 5 The Financial Statement – Treasurer's Report

- 5.1 The Treasurer, Bernard O'Shea, introduced the Financial Accounts for years 2019 and 2020.

5.2 The Financial Secretary went through the Income and Expenditure Account. Income was up around €72k (5.4%) on 2019. mainly due an increase in membership and pay restoration. Investment income also increased, due to the maturation of National Solidarity Bonds. Expenditure was down by €106 (8%) on 2019 mainly due to the completion of refurbishment works in HO, as well as there being no ADC in 2020. The AHCP's relationship with Davy Stockbrokers was also reviewed by an independent financial advisor.

5.2 Membership continued to increase, with 3,335 members at 31 December 2020, and increase of 57 in the year. The gender breakdown is 1665 (50%) male and 1670 (50%) female.

5.3 He thanked the staff in Head Office for their support during the year.

5.4 The Financial Statement was adopted by Conference

## 6 General Secretary's Address

6.1 The text of the General Secretary's Address, introducing the Annual Report for 2020/2021, is reproduced at **Appendix 2** of these minutes.

6.2 He highlighted issues such as remote working (adequate resourcing, and welcoming the WRC code of practice), the pay agreement, the gender balance in the Association, flexi leave, and the seminars which have been organised by the AHCPs. He expressed his thanks to the volunteers, to the outgoing Chairperson, Edna Dowling. to the officers, in particular Val Jeffrey, who has retired, and to the Executive and Staff for their support.

## 7 MOTIONS

### Motion 1

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Bernard O'Shea (Treasurer/Tourism).

Speaker on the motion was Paul Malone (Deputy General Secretary).

**The motion was carried.**

### Motion 2

Proposed by Nigel Hutson (DFA) and seconded by Chiara Popplewell (Exec/DFA).

Speakers on the motion were Nigel Hutson (DFA) and Ciaran Rohan (General Secretary).

**The motion was carried.**

### Motion 3

Proposed by Ken Seery (ETB/SOLAS) and seconded by Sean Bourke (ETB/SOLAS).

Speaker on the motion was Ken Seery (ETB/SOLAS).

**The motion was carried.**

### Emergency Motion 1 on Legislation

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Bernard O'Shea (Treasurer/Tourism).

Speakers on the motion were Trevor Noonan (Vice-Chair/Justice) and Paul Malone (Deputy General Secretary).

**The motion was carried.**

### Motion 4

Proposed by Brenda Lynch (Ombudsman) and seconded by Brian McKeivitt (Ombudsman).

Speakers on the motion were Brenda Lynch (Ombudsman) on motions 4 and 5, and Paul Malone (Deputy General Secretary) and Orla McBreen (DFA).

**The motion was carried.**

### Motion 5

Proposed by Brenda Lynch (Ombudsman) and seconded by Brian McKeivitt (Ombudsman).

**The motion was carried.**

### Motion 6

Proposed by Aine Hearn (DFA) and seconded by Nigel Hutson (DFA),

Speakers on the motion were Aine Hearn (DFA), Nigel Hutson (DFA) and Orla McBreen (DFA).

**The motion was carried.**

### Motion 7

Proposed by Nina Brennan (Enterprise) and seconded by Ian Foley (Enterprise).

Speakers on the motion were Nina Brennan (Enterprise) and Larry Dunne (IR Officer).

**The motion was carried.**

### Emergency Motion 2 on Covid 19

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Melissa Ryan (Exec/Revenue).

Speakers on the motion were Trevor Noonan (Vice-Chair/Justice), Billy Thompson (Asst General Secretary) and Des Henry (DSP)

**The motion was carried.**

### Motion 8

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Noel Holleran (Exec/Agriculture).

Speaker on the motion was Trevor Noonan (Vice-Chair/Justice).

**The motion was carried.**

### Motions 9

Proposed by Chiara Popplewell (DFA) and seconded by Nigel Hutson (Exec/DFA).

Speakers on the motion were Chiara Popplewell (DFA), Colm Flynn (Children) and Ciaran Rohan (General Secretary).

**The motion was carried.**

### Motion 10.

Proposed by Pat Keena (Agriculture) and seconded by Mark Winkelmann (Agriculture)

**The motion was carried.**

### Motions 11

Proposed by Martin Finucane (Environment) and seconded by Joe Gallagher (Environment).

Speaker on the motion was Joe Gallagher (Environment).

**The motion was carried.**

**Motion 12**

Proposed by Martin Finucane (Environment) and seconded by Joe Gallagher (Environment).

Speaker on the motion was Joe Gallagher (Environment).

**Carried with Motion 11.**

**Motion 13**

Proposed by Ken White (Revenue) and seconded by Rhona McEleney (Revenue)

Speaker on the motion was Ken White (Revenue).

**The motion was carried.**

**Motion 14**

Proposed by Ken White (Revenue) and seconded by Shane Dunne (Revenue)

Speaker on the motion was Ken White (Revenue).

**The motion was carried.**

**Motion 15**

Proposed by Ian Foley (Enterprise) and seconded by Orla McBreen (DFA).

Speaker on the motion was Orla McBreen (DFA).

**The motion was carried.**

**Motion 16**

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Melissa Ryan (Exec/Revenue).

Speakers on the motion were Trevor Noonan (Vice-Chair/Justice), Ciaran Rohan (General Secretary) and Des O'Donoghue (CSO)

**The motion was carried.**

**Motion 17**

Proposed by Rhona McEleney (Revenue) and seconded by Ken White (Revenue)

Speakers on the motion were Rhona McEleney (Revenue) and Paul Malone (Deputy General Secretary).

**Motions 18-20**

Proposed by Chiara Popplewell (DFA) and seconded by Nigel Hutson (Exec/DFA).

Speaker on the motion was Chiara Popplewell (DFA).

**The motions were carried.**

**Motion 21**

Proposed by James McCarthy (DSP) and seconded by Maurice Lawlor (DSP).

Speaker on the motion was James McCarthy (DSP).

**The motion was carried.**

**A presentation of the candidates for the Executive election was then played. Voting took place on the**

**Mi-Voice web platform, eligible voters having received an email with the subject line "Election of Executive Committee Members".**

**A presentation on Health & Wellbeing was then made by Paul Malone (Deputy General Secretary).**

**This covered two new initiatives for members, free Health Screening, being run nationwide by Medmark, as well as the Pink & Blue Cancer Awareness programme, being run with the support of Cornmarket.**

**A message to conference from an Uachtaran na hEireann was then read out by the Chairperson.**

**Motion 22**

Proposed by Orla McBreen (DFA) and seconded by Mark Doheny (Enterprise).

Speaker on the motion was Orla McBreen (DFA).

**The motion was carried.**

**Motion 23**

Proposed by Michael O'Brien (DSP) and seconded by Maurice Lawlor (DSP).

Speakers on the motion were Michael O'Brien (DSP) and Ciaran Rohan (General Secretary).

**The motion was carried.**

**Motion 24**

Proposed by Des Henry (DSP) and seconded by Julia Tarrant (DSP).

Speakers on the motion were Des Henry (DSP) and Billy Thompson (Asst General Secretary).

**The motion was carried.**

**Motions 25 and 26**

Proposed by Trevor Noonan (Vice-Chair/Justice) and seconded by Eltin Moran (Exec/DSP).

Speakers on the motion were Trevor Noonan (Vice-Chair/Justice) and Larry Dunne (IR Officer).

**The motion was carried.**

**Motion 27**

Proposed by John Laffan (Justice) and seconded by Lorcan Dunne (Justice)

Speakers on the motion were John Laffan (Justice) and Billy Thompson (Asst General Secretary).

**The motion was carried.**

**Motion 28**

Proposed by Michael Holohan (Justice) and seconded by Lorcan Dunne (Justice).

Speakers on the motion were Michael Holohan (Justice) and Lorcan Dunne (Justice).

**The motion was carried.**

**Motion 29**

Proposed by Claire Cummings (DSP) and seconded by Des Henry (DSP).

Speakers on the motion were Claire Cummings (DSP), Ciaran Rohan (General Secretary) and Eltin Moran (Exec/DSP).

**The motion was carried.**

**Motion 30**

Proposal to remit by Mark Doheny (Enterprise) and seconded by Nina Brennan (Enterprise).

Speakers on the motion were Nina Brennan (Enterprise), Mark Doheny (Enterprise) and Larry Dunne (IR Officer).

**The motion was carried.**

**Motion 31**

Proposed by Martin Switzer (Garda) and seconded by Michael Armstrong (Garda).

Speakers on the motion were Kieran Downey (Garda) and Paul Malone (Deputy General Secretary).

**The motion was carried.**

**Motion 32**

Proposed by Ken White (Revenue) and seconded by Margaret Doyle (Revenue).

Speaker on the motion was Ken White (Revenue).

**The motion was carried.**

**The General Secretary then announced the results of the election to the Executive. The electorate comprised 169 delegates, of whom 152 voted. The positions of Chairperson, Vice Chairperson, Treasurer and Standing Orders Committee were unopposed and deemed re-elected.**

**Motion 33**

Proposed by Shane Dunne (Revenue) and seconded by Margaret Doyle (Revenue).

Speaker on the motion was Ken White (Revenue).

**The motion was carried.**

**Motion 34**

Proposed by Ken White (Revenue) and seconded by Shane Dunne (Revenue).

Speakers on the motion were Ken White (Revenue) and Ciaran Rohan (General Secretary).

**The motion was carried.**

**The incoming Chairperson, Trevor Noonan, then addressed the conference, thanking all delegates for attending, and paying tribute to the outgoing Chairperson, Edna Dowling, who was attending her last meeting.**

**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 for these places. The nominees for Vice-Chairperson are also nominees for the Executive Committee. When the election for this position is completed one nomination for the Executive Committee will lapse leaving 16 nominations for election.

Four nominations were received for the six positions on the Standing Orders Committee. Branches are accordingly invited to submit further nominations in accordance with Rule 9(d)(iii). Such nominations should be received not later than **Thursday 29th April 2021**.

In all 42 motions have been received.

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

Motion 28 stands for itself and Motion 29.

Motion 41 out of order – This motion has implications for Civil Service grading structure, which may be to the detriment of AHCPS members.

#### Rule Change

Delegates are reminded that changes to rules require a two-thirds majority of delegates present at and voting in order to be passed.

Amendments to motions by branches should be submitted to General Secretary not later than **12.30pm Thursday 29th April 2021**.

**Ciaran Denny (Chair)**

**Fiona Casey**

**Paul Martin**

**Denise O'Connell**

**30 March 2021**

### STANDING ORDERS REPORT NO. 2

1. Standing Orders Committee have withdrawn, at the request of the Housing, Local Government & Heritage Branch, their motions from the Final Agenda.

Standing Orders have agreed in light of Covid 19 to facilitate three motions due to IT issues which were not received in time for inclusion in the Draft Agenda from Office of the Ombudsman and Enterprise Trade & Employment. These motions will appear under the headings Overpayments and Annual Leave Carryover.

There are now 34 motions which have been re-numbered accordingly on the Final Agenda.

The Committee recommends as follows Motion 25 stands for itself and Motion 26.

The Standing Orders Committee recommends that the motions be taken in the order as set out in the timetable at 5 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.

#### Annual Report

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

The Annual Report will be open for debate. Individual items within the report can only be queried for factual accuracy.

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

#### Amendments to Motions

3. No amendments have been submitted.

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

#### Election of Standing Orders Committee

4. One further nomination Denise O'Connell (Oireachtas) has been received for the Standing Orders Committee. Five nominations have now been received for the 6 positions, no election will be necessary.



# Timetable

5. Conference will commence 13.30 sharp, and conclude at 17.00.  
 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	Adoption of Standing Orders Reports Nos.1 & 2	
No. 4	Chairperson's Address	
No. 5	Financial Statement	
No. 6	<b>Motions</b> Motion 1 - 34	14.30-15.10
No. 7	Election of Officers, Standing Orders Committee and Executive Committee	15.10-15.15
No. 8	<b>Guest Speaker</b>	15.15-16.00
No. 9	Motions resumed	16.00-16.55
No. 10	Close of Conference	16.55-17.00

Ciaran Denny (*Chair*)  
 Fiona Casey  
 Denise O'Connell  
 Maria Ryan  
 Paul Martin  
*Standing Orders Committee*

29 April 2021



## ADDRESS OF THE AHCPs CHAIRPERSON EDNA DOWLING ANNUAL DELEGATE CONFERENCE – MAY 2021

Good Afternoon, Delegates.

My name is Edna Dowling and it's my very great pleasure to welcome you to the 2021 Annual Delegate Conference of the AHCPs. It is both an honour and a privilege to have served as Chair of the Association since 2018 and I thank you most sincerely for having given me that opportunity.

So much has happened since we last gathered for our ADC. When the Taoiseach of the day addressed our nation from the steps of our embassy in Washington on the 12th March 2020, the day after the WHO had declared a global pandemic, few amongst us could have predicted that our working lives, and indeed our entire society, were about to be altered so radically.

All who could work from home were asked to do so; schools and colleges closed their doors and education moved online. Colleagues from around the civil and public service were reassigned immediately to serve our fellow citizens where the need was greatest and most urgent. Technical solutions and digital tools were deployed rapidly to provide emergency supports.

Changes to our way of working were brought about almost overnight which would previously have entailed highly-detailed discussions and negotiation between unions and employers to ensure that all necessary protections and supports would be in position beforehand. It had been expected that those changes would be temporary and of short duration, but current circumstances demand that fourteen months later they are still in place.

Our way of life has also changed. Our society is built on human relationships but to safeguard and protect ourselves and each other, we must now interact only from a safe distance. We are therefore fortunate to live in an



age when advances in technology have given most of us the means to stay in touch with family and friends, and to conduct our lives, from the shelter of our homes.

That Digital Revolution has its roots in the 1980s and '90s and the birth of the modern internet as we know it. But the global pandemic has further increased the speed of adoption. Emerging technologies have come to feature heavily in every aspect of our lives at a velocity that few could have possibly imagined just a few years ago.

Undoubtedly, we are living in a time of great disruption. It could reasonably be argued that the world has not seen far-reaching change on such a scale since the time of the first Industrial Revolution. Then, business, economics and society, which until then had been dominated by agriculture and handcrafting, were forever altered by the movement to mechanised production in factories, mills and mines. Industrialisation brought the benefits of greater availability of manufactured goods. But child labour, pollution, low wages and poor living and working conditions for industrial workers also became part of that era's "new normal". Recognising that there is strength in numbers, workers began to organise to seek improvements in their pay and conditions....and thus the trade union movement as we know it came into being.

Trade unions make a real difference in the world. They will play a crucial part in representing workers' interests as the post-pandemic workplace begins to take shape. In the next version of "normal", which is likely to be a hybrid of remote and in-person working for most, we must guard against any insidious erosion of existing employment rights and protections. Any ambiguities, grey areas or gaps in employment law will need to be identified and remedied as soon as possible. No individual or group of workers should be disadvantaged because of their personal or family circumstances, their living arrangements, the profile of the role they perform, or even the strength of their broadband signal. The chance to attain improved work/life balance should not come at the expense of career progression opportunities, nor of current working conditions.

You may recall that in June 2020, the Association surveyed members on their experience of remote working. The top three challenges identified by respondents were;

**Trade unions make a real difference in the world. They will play a crucial part in representing workers' interests as the post-pandemic workplace begins to take shape.**

- The absence of social interaction with colleagues
- The complexities of managing staff remotely
- The difficulty in “switching off” from work, with more than 83% of respondents saying that they checked emails outside core hours.

In August 2020, the Association used the results of that survey as the basis for its submission to the Public Consultation on Guidance for Remote Working which was conducted by the Department of Business, Enterprise and Innovation. The Association’s position is that progression towards a new way of working can bring obvious and significant benefits for employees, employers, society as a whole and of course for the environment, but the new model must be properly structured and resourced. For example, it will be essential that robust HR supports are in place for managers and staff, particularly around induction, performance management, formal training and on-the-job coaching.

This Association is, and will continue to be, a strong voice advocating on behalf of all its members.

Recognising that traditional methods of recruiting new members may need to be revisited to remain effective in the redefined workplace, the Association intends to strengthen even further its member engagement and outreach. To that end, the Executive Committee has asked the eminently capable Larry Dunne to take on a new role on the headquarters team, supporting existing members as well as developing and implementing a New Member Recruitment Plan. In addition, the new version of our website, with enhanced member-only content, is expected to go “live” over the summer.

Our aim is that all who serve at the grades represented by the AHCPS will know that their place is in our

Association; that they will find a supportive and inclusive welcome here. If remote working arrangements make it difficult for newly-recruited or newly-promoted people to form those traditional connections in the workplace, each of us as activists could take on the role of proactive ambassador for the Association. Each Branch Committee could consider designating its own new member recruitment officer to conduct that outreach. Our 18th century predecessors recognised a fact which holds just as true today as it did then; that we are stronger together.

Before concluding, I’d like to thank our officials and staff at headquarters for their consistent commitment and professionalism; our General Secretary Ciaran Rohan, Deputy General Secretary Paul Malone, Assistant General Secretary Billy Thompson, the new addition to the team Larry Dunne, receptionist Jennifer Farrelly-Clarke and last but not least, the executive assistant and beating heart of our Association, Jackie Lacey. They have made great efforts to maintain, and indeed enhance, the levels of representation, services and supports to our members in these extraordinary times.

I would also like to record my sincere appreciation of the dedication shown by all of my colleagues on the outgoing Executive Committee. I want to acknowledge those who have also served as officers since our last ADC, the outgoing Vice-Chair and incoming Chair Trevor Noonan, our previous Vice-Chair Val Jeffrey, the current Treasurer Bernard O’Shea and his predecessor Larry Dunne.

Thanks are also due to the Standing Orders Committee for keeping us on the straight and narrow here at ADC.

Finally, Delegates, I thank you for your kind attention and I hope you will enjoy your virtual Annual Delegate Conference.



# ADDRESS OF THE AHCPs GENERAL SECRETARY CIARAN ROHAN

### Chairperson, Delegates and Guests

It gives me great pleasure to address you today to look briefly over the last two years and look forward to the year ahead.

The past two years have been some of the most extraordinary in the history of the AHCPs and indeed the Civil Service. The advent of the Covid-19 pandemic has changed forever the way we work. From a situation where the issue of remote working was merely a concept, it has now become a way of life and AHCPs members have shown incredible flexibility and resilience in adapting to the new reality. The issue of remote working presents many challenges for members and we are determined to address them on your behalf. Working from Home also has many potential benefits for both workers and employers alike. But...it is essential that remote working in a post-Covid public sector is adequately resourced by Government and not done on the cheap. Members are continuing to work long hours and the Association will strive to protect members right to disconnect. We welcome the Workplace Relations Commissions code of practice on this issue. There are three main elements to this code: 1. The right of an employee to not routinely perform work outside normal working hours; 2. **the right** to not be penalised for refusing to attend to work matters outside of normal working hours, and 3. a duty to respect another person's **right to disconnect**.

Don't forget that there are three types of jobs: Those that you shower before, those that you shower after and working from home.

**The last two years have resulted in greater career opportunities developing for members. The return of promotion opportunities has brought a range of practical issues that require vigilance to protect members' interests.**



The Building Momentum Pay Agreement was endorsed by an overwhelming number of members in 2021. This two-year agreement takes us to the end of 2022. The Agreement will finally see the unwinding of the FEMPI pay cuts and the first actual pay increase for our grades in 14 years.

Membership of the Association continues to grow, now standing at 3,335 at the end of 2020. This figure is made up of 1,670 females and 1,665 males. So, for the first time in our history women outnumber men in the AHCPs.

That is up from a total of 35% of the membership just 8 years ago. This change is also reflected in the increasing number of women candidates standing for the Executive Committee election later today.

Flexible working continues to be a major issue for members and the Association has worked hard to broaden the scope of flexible working. We will continue to pursue the right of Aps, appointed since 2013, to accrue flexi leave where this is operating.

The Association increased the number of member engagement events in the last two years. Member seminars were held on topics such as 'Women in Leadership', 'Wellbeing', 'Enhancing Your Leadership'. The Association also held its first events in the area of career development with a very successful series of seminars focussed on helping members to progress their career to Principal Officer / Assistant Secretary. In 2020 the Association moved its member events to an online platform with a series of virtual modules in June-July 2020 on the challenges of working and managing remotely in conjunction with Roffey Institute. A further online seminar took place in December 2020 on the topic of 'The Future of Work – Post Covid-19). Almost 2,000 members signed up for these events. It is the intention of the Association to run more events in the future focused on professional development. We would welcome the views of members in this regard.

The last two years have resulted in greater career opportunities developing for members. The return of promotion opportunities has brought a range of practical issues that require vigilance to protect members' interests. However, it is very clear given the increasing workloads of members that more needs to be done in Civil Service recruitment to address serious staffing shortages and the pending retirement cliff. In this context the Association

has repeatedly highlighted the devastating corporate memory loss that will follow when so many experienced colleagues retire.

Turning to the Semi-State area, COVID-19 has brought extensive challenges to An Post with a decline in letter volume but a massive surge in packet and parcel volumes as customers flock to online shopping. Our members have not been found wanting in tackling these challenges. It has been widely recognised that An Post has played a critical part in supporting business in Ireland and keeping the broader community connected. An Post is re-imagining New Ways of Working as it plans the move to a new HQ.

To all activists, at all levels of the organisation, the Executive Committee sends its thanks and appreciation for the selfless work undertaken on behalf of the Association.

Before I finish, I would like to thank Edna Dowling who steps down after many years' involvement in the Executive Committee and the last three years as Chairperson. I will miss Edna and I know the Executive will miss her leadership and astute steering of the Association through what has been a difficult 12 months. You may not be aware that myself and Edna have something in common outside of the AHCPS, for our sins, we are both fans of Arsenal. So the last number of years have not been easy for us. Ba mhaith liom gach rath a ghuí ar Edna.

I would like to thank those who made today possible, to our partners Hotel Solutions led by Michelle and Stuart, to

Alan and colleagues in Fastlane for looking after the technical aspects today and to MiVoice for looking after the voting.

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, Bernard (who succeeded Larry), Trevor (who succeeded Val Jeffrey), I would like to take this opportunity to thank Val for all his work on behalf of the Association both on the Executive and in the Revenue Branch and wish him well in this retirement. I would also like to thank the Executive Committee for their help and support over the past two years.

I want to thank the Standing Orders Committee led by Ciarán Denny for their customary care and attention to organising conference business. I also want to thank Mark Crowther for helping out today.

I want especially to thank the people with whom I work on a day to day basis in the Association, Jennifer, Jackie, Larry, Billy and Paul.

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.

Tá súil agam go mbainfidh sibh taitneamh as an lá inniu.

Go raibh maith agat.

# 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.



Supports		
		
		

Susan Clarke, CSEAS speaking at the recent seminar on Wellbeing.



# 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 3 June 2021 and 11 April 2022.  
Attendances were as follows:

Name	Possible Attendances	Attendances
Noonan Trevor	11	11
McBreen Orla	11	10
O'Shea Bernard	11	11
Brennan Nina	11	11
Casey Fiona	11	10
Condon John***	7	7
Donaghy Deirdre	11	11
Doyle Margaret **	2	2
Hattaway Ross *	10	9
Hickey Eddie **	2	2
Holleran Noel	11	9
Holohan Michael	11	10
Hutson Nigel	11	10
Kinsella Emma	11	10
Milne Seamus	11	9
Moran Eltin	11	11
McEleney Rhona ***	7	5
O'Connor Mark *	10	7
Ryan Melissa	11	7

\* Members co-opted following ADC 2021.

\*\* Members retired during 2021.

\*\*\* Members co-opted during 2021.

## President's Letter to AHCPs



UACHTARÁN NA hÉIREANN  
PRESIDENT OF IRELAND

### MESSAGE FROM PRESIDENT MICHAEL D. HIGGINS

May I send my best wishes to all those taking part in the Association of Higher Civil and Public Servants Annual Delegate Conference.

Throughout the Covid Pandemic we witnessed, once again, the outstanding dedication to public service that so defines all that you do. Despite the sudden and radical changes to the way you were required to work, you continued to deliver essential services to the highest standard possible. I thank you for that generous flexibility, and your unwavering commitment to the needs and welfare of our citizens during what has been an unprecedented and very difficult time for all of us.

Soon we must begin the work of crafting a post-pandemic Ireland. Many of you will be partaking in the decision making processes that will shape that future society. Your vision, critical thinking and spirit of citizenship will be central to the challenge that faces us as we aspire to ensure that a renewed Ireland will be ethical in its structure and generously accommodating of all its citizens. It is a challenge to which I know our Civil and Public Service will rise with its customary commitment, compassion and great spirit of human solidarity.

I wish you a most fruitful Annual Delegate Conference, and every success as you continue to play your important role with fellow trade unionists in the building of a better, more democratic and inclusive State to which we all must aspire.

Beir beannacht,

Michael D. Higgins  
Uachtarán na hÉireann  
President of Ireland

# **BUILDING MOMENTUM**

## **A new public service agreement, 2021-2022**



# **BUILDING MOMENTUM**

A new public service agreement, 2021-2022



An Coimisiún um Chaidreamh san Áit Oibre  
Workplace Relations Commission

Áras Lansdún, Bóthar Lansdún, Droichead na Dothra,  
Baile Átha Cliath 4, Éire.  
Lansdowne House, Lansdowne Road, Ballsbridge, Dublin 4, Ireland.

T: 1890 22 02 27 or +353 (0)1 6136700  
F: +353 (0)1 6136701

11 December, 2020

**“Building Momentum”: A New Public Service Agreement**

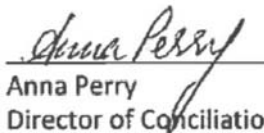
The attached document represents the outcomes of discussions facilitated by the Workplace Relations Commission in respect of public service pay terms for the period from 1 January 2021 to 31 December 2022.

The proposal is mindful of current challenges, is reflective of the response of the public service to those challenges, seeks to address equitably, the concerns of the many and varied groups of public servants covered by public service agreements and also addresses certain measures introduced under the “Haddington Road Agreement”.

The Workplace Relations Commission commends the proposed agreement to the parties.



Liam Kelly  
Director General



Anna Perry  
Director of Conciliation



Aoibheann Ní Shúilleabháin  
Deputy Director of Conciliation

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## 1. Delivering quality public services in a time of crisis

### 1.1 Economic and fiscal context

1.1.1 The discussions leading to this Agreement took place against a difficult economic and fiscal backdrop, in a landscape dominated by the twin challenges of Brexit and the COVID-19 public health emergency.

1.1.2 The economic fallout from COVID-19 has been considerable. The necessary investment in health and other public services, social protection measures and business supports in response to the emergency has been unprecedented. Significant fiscal and economic challenges for the country include:

- The State is on course to run a significant deficit in 2020, with the economy expected to contract as a result of the many restrictions on economic activity that have been necessary to minimise the health impacts of the pandemic.
- While the standard measure of monthly unemployment was 4.7% in November 2019, a new COVID-19 adjusted measure of unemployment could indicate a rate as high as 21% in November 2020 if all claimants of the Pandemic Unemployment Payment were classified as unemployed.
- The total public service pay bill is projected to be €23.5 billion by end 2021. This is an increase of €5.6 billion or 32% since 2017, which reflects a range of factors.

1.1.3 Against this backdrop, this Agreement is an extension of the framework of public service agreements, including the most recent (the Public Service Stability Agreement 2018 – 2020), and has a number of objectives:

- To support broader strategies to bring about a post-COVID-19 economic recovery.
- To provide certainty and stability for the Government, public service users and public servants over the lifetime of the Agreement.
- To establish a normalised collective bargaining environment, moving beyond the FEMPI-era restrictions and the COVID-19 pandemic.
- To maintain the momentum of reform and change exemplified by the public service during this public health emergency.

### 1.2 Supporting society and the economy

1.2.1 The parties to this Agreement are committed to the ongoing development and improvement of public services to meet the changing needs of citizens, communities, businesses and the staff who deliver public services.

1.2.2 All previous public service agreements have included measures to reform and modernise public services. But the COVID-19 crisis of 2020 saw an unprecedented display of commitment,

flexibility, hard work and agility in service provision across the range of civil and public services. Examples included (but were not restricted to):

- The movement of staff, at short notice, to new roles, including a focus on contact tracing in the health sector.
- Agreed mobilisation of health service staff to immediately implement and deliver expert clinical pathways of care in challenging circumstances across the public health system and also supporting services in the private sector.
- The organised and agreed reassignment of health staff to match this demand for services across hospital sites and geographic locations.
- The deployment of innovative methods of patient/family interaction in very challenging circumstances.
- A co-ordinated policy and action response from the Department of Defence and the Defence Forces. A Joint Task Force (JTF) was established to coordinate the Defence Forces' contribution to the pandemic which involved providing support to various Civil Agencies in the national effort, including: contact tracing, setting up and staffing of testing centres, swab testing, provision of logistical support, transport of patients and transport of PPE. Simultaneously, in partnership with local authorities, Civil Defence units were mobilised and activated nationwide.
- The delivery of school and third-level tuition in new ways, including online, in a very short space of time, to ensure continuity of learning for students, and to facilitate the calculated grading system for the Leaving Certificate examination, during the last academic year. The September return to classrooms was then managed and delivered with a determination to ensure that schools and colleges operate safely and can stay open.
- The rapid roll-out of a host of digital solutions across the public service, such as:
  - 'Attend Anywhere' video conferencing tool to enable health professionals to continue to see patients virtually during COVID-19.
  - Training and learning were delivered by virtual and e-learning methods to maintain the delivery of essential public services in a blended working environment.
  - Court appearances, rights-based hearings and dispute resolution processes conducted through digital technology.
  - Digital recruitment services to ensure continued recruitment to key frontline areas.
  - Extensive use of e-prescribing.
- The Department of Social Protection roll-out of additional services such as the Pandemic Unemployment Payment (PUP) and COVID-19 Enhanced Illness Benefit Payment, processing



payments to large numbers of people affected during the crisis (12 million payments issued to over 800,000 people under the Pandemic Unemployment Payment since March).

- The design and rapid implementation of the Employment Subsidy Scheme, with over 41,000 employers registered, which has helped protect many jobs.
- The provision of additional supports for victims of domestic violence by the Garda National Protective Services Bureau.
- To ensure continuation of services and supports, An Garda Síochána rapidly implemented a contingency roster at the start of the COVID-19 crisis.
- Implementation of a new online learning approach by An Garda Síochána to ensure the continued delivery of the Foundation Training Programme for Garda, including the development of a Learning Management Platform, all within a short space of time.
- The establishment of community call fora at local authority level, with dedicated helplines and coordination structures and operated by staff redeployed from across local authority service areas.

1.2.3 Public servants and their representatives recognised the seriousness, scale and singularity of the crisis. There has been a high degree of consultation and collaboration between management and staff representatives. Along with Ireland’s strong public service ethos, which engendered a committed and determined response to the crisis among civil and public servants, this consultative approach underpinned cooperation and rapid responses to dramatic demands and changes.

### 1.3 Maintaining the momentum for reform

1.3.1 This Agreement reflects a commitment by the parties to harness this momentum for change to meet the immediate challenges that present in the lifetime of the Agreement, and to prepare for future challenges. These include:

- Continuing the public service response to COVID-19, consulting and preparing for the safe and regulated distribution of vaccines, and returning to the normal delivery of health services that were interrupted by the need to respond to the pandemic.
- Ensuring that schools remain open safely and that challenges in learning that may have arisen for children during the crisis are addressed.
- Managing the national response to Brexit, which will present huge challenges across civil service departments and State agencies.
- Accommodating the potential of remote working where appropriate in line with the Programme for Government and establishing the public service as a driver of best practice in this area.

- Addressing the challenges presented in the public service by digitisation and other new technologies, including the need to retrain, recruit, retain and develop a high performing workforce.
  - Sustaining an agile public service that is responsive to the changing needs of citizens, communities and businesses.
- 1.3.2 In accordance with the Programme for Government, this Agreement aims to sustain the spirit of public service agility and delivery demonstrated during the COVID-19 crisis, with co-operation between public service managers and staff representatives, improved public services, agreement on positive work practice changes, and measurable outcomes.
- 1.3.3 The parties acknowledge that the extensive provisions of previous public service agreements provide a comprehensive enabling framework for reform. In making this Agreement, the parties re-affirm the provisions of those agreements, including Chapter 2 of the most recent agreement, the Public Service Stability Agreement 2018 – 2020, including where it relates and refers to previous agreements. This enabling framework will continue to support the delivery of the Government’s key national level reform plans/initiatives as set out in the Appendix.
- 1.3.4 The Government’s reform agenda includes, but is not limited to, the forthcoming Public Service Reform Plan. The Plan, which will succeed *Our Public Service 2020: Development and Innovation Framework*, will set out a 10-year strategy for reform, and will inform the approach of the parties.
- 1.3.5 The parties to this Agreement are committed to continue the co-operation with regard to flexibility and change to support effective responses to the challenges posed by COVID-19. The parties agree on the need to look beyond traditional ways of working, where necessary and appropriate, and to manage change to ensure high quality public services, high performance, the maintenance and development of staff skills and competencies, and the delivery of measurable outcomes for the public. This includes:
- A focus on improved outcomes in terms of how citizens engage with and experience public services.
  - Improved delivery channels.
  - Greater flexibility and enhanced cross-organisational coordination and planning to reduce the administrative burden on citizens.
  - The introduction of new ways of working and delivering services to the public, and shared approaches to back-office functions.
  - Investment in public servants to increase and expand capacity, capability and leadership skills, to enable the public service to respond to future challenges.

## 1.4 The potential for technology to transform service delivery

1.4.1 Through the provisions of this Agreement, the parties agree to further embrace and support the use of technology through:

- Engagement with new and emerging technology, software, mobile applications and other tools in ways that are productive for employees, employers, and the public.
- Streamlined processes and procedures including remote working as appropriate, changes to automate or redesign processes to support the introduction of new systems in the workplace, and changes arising from increased digital delivery of services.
- Sectoral staff upskilling and retraining as jobs and roles and related processes change. This will be closely linked to performance management and will include development of competencies in the areas of advanced and developing technologies, information and communications technology (ICT), human resource management (HRM) systems, financial management systems, project management, communications, data analytics, procurement, military training, and legal and regulatory requirements.

## 1.5 Improving access to services

1.5.1 The parties recognise that, in certain areas of public service delivery, there is public demand for greater access to services, including increased access outside of traditional hours. The parties recognise the need for engagement on flexibilities to meet the changing needs of the public, and improve service delivery and productivity. The parties will therefore engage proactively across the following three pillars:

### 1.5.2 ***(1) Reforming work practices to increase agility and responsiveness***

- The parties recognise the need to build on previous improvements, and to continue to modernise to ensure that work is organised in a manner that best reflects the needs of service-users.
- Where necessary in response to public demand, working arrangements for teams could include extended opening hours for public-facing services, to deliver increased and more accessible services to the public. Where needs are identified, parties will engage on starting and finishing times to meet business needs to ensure cost effective delivery of services.

### 1.5.3 ***(2) Increasing capacity through our recruitment and human resource systems***

- There will be greater movement of staff across the public service where this is necessary to ensure the delivery of high-quality public services. Where currently applicable the guideline redeployment distance will continue to be 45km from the current work location or the home address, whichever is the shorter commute. However, there will be no redeployment distance applied where an employee is working (and so long as they continue to work) mostly remotely. The parties will engage with a view to developing guidelines in relation to this issue.

- Learning from recent experience, the parties will work to agree mechanisms for the temporary reassignment of staff to meet critical demands as they arise. This will help ensure a swift response to critical demands and evolving priorities including delivering services required during times of crisis.
- The parties will fully support and implement new and revised HR policies and procedures and adhere to principles of simplification of process, increased efficiencies including standardisation and automation, and adherence to good employment practice and related legislative requirements.
- The Department of Education, in consultation with Fórsa, will review whether the existing SNA contract, including the appropriate use of the contracted 72 hours, requires updating in the context of ongoing reform in the area of special education in the sector and changes in employment law.

#### 1.5.4 **(3) Maximising flexible service delivery options**

- There will be maximum use of innovative and flexible models of service delivery with a focus on outcomes.
- The parties reaffirm their commitment to the appropriate use of direct labour, where consistent with efficient and effective public service delivery.
- The provisions of recent public service agreements relating to external service delivery will continue to apply.
- It is acknowledged by the parties that an increase in public service apprenticeship and traineeship registrations is appropriate. It is agreed that apprenticeship and traineeship numbers will expand incrementally, on a sectoral basis. An assessment of manpower requirements and the identification of suitable, sustainable positions will be conducted within 24 months. It is also agreed that public sector apprenticeship and traineeship registration will be monitored over the period of the Agreement in each sector in a manner agreed by the sectoral parties. Recruitment and selection for such positions will also have regard to youth unemployment and local labour requirements.
- The parties agree that access to work-life balance and family-friendly arrangements, including flexible working and other arrangements, should be available to the greatest possible extent across the public service consistent with business needs and service delivery and local implementation.

## 1.6 Implementation and reporting

- 1.6.1 Action plans linked to the reform agenda outlined earlier in this Chapter will be developed for each sector of the public service and will be developed by sectoral management in consultation with unions and representative associations in each of the relevant oversight or equivalent sectoral IR structures.

- 1.6.2 These plans will establish objectives, deliverables and timelines, and be submitted to the Secretary General of the relevant Department by 31 March 2021. Plans will be published by the relevant Department.
- 1.6.3 In consultation with unions and representative associations in relevant oversight or equivalent sectoral IR structures, sectoral management will subsequently report on:
- Delivery on the sectoral action plan, giving detailed information on progress delivery.
  - Compliance with the industrial peace provisions of this Agreement.
- 1.6.4 Secretaries General will submit these reports to the Department of Public Expenditure and Reform at least one month before any scheduled pay increase under this Agreement. Reports will be published by the relevant departments.
- 1.6.5 The overall arrangements will be jointly overseen by the Department of Public Expenditure and Reform and the officers of the Public Services Committee of the Irish Congress of Trade Unions or other unions or representative associations as appropriate.

## 2. A new way to address sectoral issues: sectoral bargaining

### 2.1 Process overview

- 2.1.1 A Sectoral Bargaining Fund will be established to be allocated within sectors under this Agreement. The purpose of the Sectoral Bargaining Fund process is to deal with outstanding adjudications, commitments, recommendations, awards and claims within the terms of the Fund and within the Exchequer funding limit in place. All public servants covered by the Agreement will be encompassed by this process.
- 2.1.2 To balance the need to protect the Exchequer and to address pressure points as identified by trade unions and representative associations a quantum of cost to be expressed as 1% of basic pay<sup>1</sup> will be allocated to this Fund. Grade or sector based pay claims and outstanding adjudications and awards will have to be resolved within this process.
- 2.1.3 In agreement with sectoral management, each Sectoral Bargaining Unit or union/representative association will have the option of using some or all of the Sectoral Bargaining Fund to address claims appropriate to the process (as per 2.3.3 below) or, in the alternative, to elect for the funds involved to be used as a sectoral pay round.
- 2.1.4 No sectoral or grade-based claims for improvement to pay and conditions will be considered for processing outside of this Sectoral Bargaining Fund process over the lifetime of this Agreement. Accordingly, all agreements reached under this Chapter of the Agreement will be addressed in accordance with 2.3.4 below.
- 2.1.5 Where a Sectoral Bargaining Unit opts to use the Fund to deliver a sectoral pay round, the union(s)/representative association(s) encompassed by that Sectoral Bargaining Unit are agreed that in so doing, they may not pursue any grade or pay or pay related claims relating to that sector for the duration of this Agreement.

### 2.2 Implementation process

- 2.2.1 The first step will involve discussions between sectoral management and unions/representative associations, in consultation with the Department of Public Expenditure and Reform and the officers of the Public Services Committee of the Irish Congress of Trade Unions, as appropriate, to fully identify and agree Sectoral Bargaining Units, comprising of groups, grades or categories of public servants within each sector (e.g., nursing). There will be provision for cross sectoral arrangements where appropriate (e.g., grades common to one or more sectors). Discussions will take place to ensure that comprehensive lists, including any new grades, are agreed quickly by the various sectoral management and trade union/representative association sides. Final Sectoral Bargaining Units will be signed off by the parties at sectoral oversight body (or equivalent) level by **end February 2021**.

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<sup>1</sup> Basic pensionable pay is to be taken to mean basic pay inclusive of allowances in the nature of pay, which are fixed periodic pensionable allowances and pensionable premium pay.

- 2.2.2 Sectoral management and relevant unions or representative associations will engage on how the Sectoral Bargaining Fund will apply in the case of each identified Bargaining Unit and this engagement will conclude **no later than end March 2021**.
- 2.2.3 Sectoral management will be responsible for engaging with unions and representative associations and with the Department of Public Expenditure and Reform prior to finalising proposals. The work on the proposals by the parties must be completed **by end June 2021**. Proposals, including where the option of a sectoral pay round is exercised, will be submitted to the Department of Public Expenditure and Reform for verification.
- 2.2.4 The date for payment under the Sectoral Bargaining Fund will be as set out in Chapter 3.

### 2.3 Fund operation

- 2.3.1 It will not be possible to increase the quantum allocated to the Sectoral Bargaining Fund through proposals for productivity savings/measures.
- 2.3.2 The parties agree that this process cannot give rise to unintended cost increasing outcomes which would serve to increase Exchequer costs beyond the allocated quantum.
- 2.3.3 Issues of a cross-sectoral nature aimed at standardising certain terms and conditions across grades and sectors of the public service will be excluded from such sectoral negotiations, including the following:
  - Overtime rates.
  - Weekly hours of attendance.
  - Annual and sick leave entitlements.
  - Pension arrangements.
- 2.3.4 In cases where identified issues are not capable of being fully addressed within the Sectoral Bargaining Fund:
  - The parties will agree which elements or portions are to be implemented within the agreed Fund.
  - Where issues are not fully or only partially addressed, these outstanding elements will fall to be addressed in a future Sectoral Bargaining Fund as part of the next Agreement.

### 2.4 Compliance with procedures and maintenance of industrial peace

- 2.4.1 Participation in the Sectoral Bargaining Fund process will require full compliance with the terms of the Agreement by the union or representative association concerned, including, importantly, cooperation with the dispute resolution procedures and the maintenance of industrial peace.



- 2.4.2 Where issues are not resolved at sectoral negotiations the parties will follow the dispute resolution process set out in Chapter 5 of the Agreement.
- 2.4.3 Participation in the process and the implementation of its outcome will be discontinued for any group that engages in industrial action on matters covered by this Agreement.



### 3. Pay

- 3.1.1 This Agreement is an extension of previous public service agreements, including the Public Service Stability Agreement, 2018-2020. This Chapter sets out the agreed approach to public service pay for the period 1 January 2021 to 31 December 2022.
- 3.1.2 The provisions of previous agreements apply save where varied by this Agreement.
- 3.1.3 The following pay adjustments will apply over the period of this Agreement:
- A general round increase in annualised basic salary for all public servants of 1% or €500, whichever is greater, on 1 October 2021.
  - The equivalent of a 1% increase in annualised basic salaries to be used as a Sectoral Bargaining Fund, in accordance with Chapter 2 of this Agreement, on 1 February 2022.
  - A general round increase in annualised basic salary for all public servants of 1% or €500, whichever is greater, on 1 October 2022.
- 3.1.4 Where an individual is due an amount of pay restoration by July 2021 under Section 19 or by July 2022 under Section 20 of the Public Service Pay Pensions Act 2017, they will not benefit from the general round increase in that year. Where the amount of restoration is less than the general round increase the individual will be eligible to be paid the balance on the date of the general round increase.

## 4. Haddington Road Agreement and other matters

The parties to this Agreement recognise and accept that certain measures introduced under the Public Service Stability Agreements, including the “Haddington Road Agreement”, are considered outstanding matters to be resolved as part of this Agreement and are to be addressed and implemented as follows.

### 4.1 Overtime and premia

4.1.1 With effect from 1 July 2021, any overtime and premia payments impacted by sections 2.13 and 2.17 of the Haddington Road Agreement, will be fully restored to what pertained prior to July 2013.

4.1.2 The parties agree that any costs arising from the unwinding of the overtime rate measures will be managed within allocated overtime budgets and undertake to engage immediately to ensure that the necessary arrangements are articulated in a timely manner by way of relevant circular.

### 4.2 Additional working hours

4.2.1 An independent body will be established by end March 2021 to assess issues arising in addressing this matter pertaining to the Haddington Road Agreement and make appropriate recommendations to be applied equitably across all affected grades, groups, categories and sectors. The body will consider, and fully take into account, submissions made by the parties to this Agreement and will be tasked to report by end 2021. As part of the deliberative process, the body, will consider:

- The context for the pay and productivity measures within the Haddington Road Agreement.
- The quantification and verification of the additional hours worked by the Haddington Road Agreement grade, group and sector.
- Any associated costs with reference to possible replacement mechanisms, e.g. rostering changes, productivity measures, recruitment, overtime/premia payments, agency staffing.
- The operational, service delivery and administrative implications associated with any reduction in hourly work requirements, including the proportion of hours that support direct service delivery compared with those that provide indirect services.
- The manner in which additional hours contributed to more standardised public service terms and conditions.
- the varying application of the additional hours provision of the Haddington Road Agreement.
- Relevant overtime divisors.

- 4.2.2 Roll-out of the body's recommendations will be initiated within the lifetime of this Agreement. In this regard, to enable commencement of the recommendations during 2022, on the publication of the Report, an envelope of €150m will be made available under this Agreement across all affected grades, groups, categories and sectors. In the context of the 2023 estimates, having regard to available resources, on publication of the Report, the parties to this Agreement will engage proactively in relation to such provisions as are necessary to roll out any remaining recommendations.
- 4.2.3 All parties commit fully to this process, and the process and delivery of outcomes are contingent on the parties adhering to the provisions of Chapter 5.

### **4.3 New entrant teachers**

- 4.3.1 The parties agree that, in final conclusion to the arrangements put in place in September 2018 as part of the Public Service Stability Agreement, 2018-2020, the following measures will be implemented to resolve in full the remaining salary scale issues pertaining to new entrant teachers.
- 4.3.2 New entrant teachers who have been recruited since 1 January 2011, after progressing to point 11 of the teaching salary scale will, on their next increment date, move to point 13.
- 4.3.3 New entrant teachers, recruited since 1 January 2011, who have already reached point 12 or higher on the teaching salary scale, will on their next increment date after the commencement of the Agreement, move one point further than they would under normal incremental progression.

## 5. Resolving disagreements and ensuring industrial peace

### 5.1 Guiding principles

- 5.1.1 The parties are committed to ensuring that problems in respect of matters covered by the Agreement, where they arise, are dealt with in an effective and timely way and to participation in the dispute resolution procedures set out in this Chapter.
- 5.1.2 Where disputes arise, they will be subject to a minimum 6 week period of initial bilateral engagement between the parties to the dispute.
- 5.1.3 In this regard, the parties reaffirm their commitments under previous public service agreements, most recently in paragraph 7.1.2 of the Public Service Stability Agreement 2018-2020, which obliges all parties to:
- Recognise the importance of stable industrial relations and maintain a well-managed industrial relations environment.
  - Ensure that they have well developed communication channels.
  - Seek to resolve problems before they escalate into industrial disputes.
  - Resolve disagreements where they arise promptly.
  - Co-operate with the implementation of change pending the outcome of the industrial relations process conducted in a timely fashion.

### 5.2 Local engagement

- 5.2.1 If the mandatory exploratory process set out at 5.1.2 does not resolve the matter, disputes will then be considered by, or registered with, the relevant Sectoral Oversight Body or equivalent IR forum.
- 5.2.2 Such mechanisms should seek to resolve disputes at a local level to the maximum extent possible through regular and proactive engagement as issues arise.
- 5.2.3 Where the matter is not resolved by the relevant sectoral mechanism, either party may refer it to the Workplace Relations Commission (WRC) or, where appropriate, to the Conciliation & Arbitration machinery, for conciliation (save in the scenario outlined at 5.2.6).
- 5.2.4 The parties agree to engage with and complete that conciliation process.
- 5.2.5 Should the matter not be resolved at the conclusion of the WRC or Conciliation machinery's work, it will progress to the Public Service Agreement Group (save in the scenario outlined at 5.2.7).

5.2.6 Where both parties agree that the matter being disputed concerns the interpretation of the provisions of this Agreement, it may proceed directly to the Public Service Agreement Group following the initial bilateral engagement.

5.2.7 Where both parties agree that a matter can be considered minor and not in breach of the Agreement, it may be referred for arbitration elsewhere and this will conclude the process.

### 5.3 The Public Service Agreement Group

5.3.1 The Public Service Agreement Group (PSAG) will comprise equal numbers of employee representatives nominated by the Irish Congress of Trade Unions; representatives of public service employers nominated by the Department of Public Expenditure and Reform; and an independent Chair appointed by Government following consultation with the parties.

5.3.2 All staff representative associations and unions will have equal access to the PSAG and will be afforded full opportunity to represent their members where a dispute involving them arises.

5.3.3 The Group will work proactively to:

- Address any anomalies or issues of interpretation that may arise under this Agreement.
- Address disagreements or problems that have not been resolved through the processes set out at 5.1 and 5.2.
- Make a determination on whether a dispute shall be determined in accordance with the procedures laid out in the Agreement.
- Make a determination on any matter associated with the correct operation of dispute resolution procedures.
- Adjudicate in the event of a dispute regarding compliance with the outsourcing provisions of this Agreement.

5.3.4 The PSAG will consider matters referred by the parties in the first instance, following which it may:

- Make a recommendation to the parties in relation to the dispute, potentially including the need for further discussion through the resumption of conciliation.
- Assign the matter to a Joint Review Group. The Joint Review Groups shall consist of 2 employee representatives and 2 management representatives including 1 representative from the relevant discipline on both sides. The Joint Review Groups will assess the position of the parties and endeavour to assist within the terms of the Agreement and within the parameters set by the PSAG. Following this, the matter returns to the PSAG for consideration.
- Refer matters of strategic or national importance, with significant implications for the Agreement, to the Tripartite Implementation Body for discussion and decision.

## 5.4 The Tripartite Implementation Body

- 5.4.1 The Tripartite Implementation Body (TIB) shall consist of one employer representative, nominated on behalf of public service employers by the Department of Public Expenditure and Reform; one employee representative, nominated by the Irish Congress of Trade Unions; and an independent Chair appointed by Government.
- 5.4.2 The TIB will be responsible only for matters of strategic or national importance regarding the implementation and interpretation of this Agreement.
- 5.4.3 The TIB shall consult with the parties as it sees fit and make a recommendation for resolution of the matter.

## 5.5 Compliance

- 5.5.1 The delivery of industrial peace is an essential requirement of this Agreement. Accordingly, all forms of industrial action are precluded in respect of any matters relating to remuneration or to any matter covered by this Agreement.
- 5.5.2 The parties agree to engage and cooperate fully with the processes set out at 5.1 to 5.4 above, including direct engagement between the parties for an initial 6 week period, consideration by the Sectoral Oversight Body or equivalent, conciliation through a third party, and any subsequent decision of the PSAG, including referral and consideration of the matter by the TIB.
- 5.5.3 The parties are agreed that, notwithstanding their continuing right to access the Labour Court/Conciliation and Arbitration Scheme, this shall only be after the processes above are fully exhausted.

Where access to the Scheme is the appropriate mechanism the Scheme will be furnished with the view of the TIB.

Where access to the Labour Court is the appropriate mechanism, the parties shall return to conciliation at the WRC. If a referral to the Court is required, the Court shall be provided with the view of the TIB and any other material the Commission considers appropriate. Where the Labour Court or the Scheme has made a recommendation regarding the matter, the process is concluded.

- 5.5.4 The benefits of the Agreement will be confined to those employees represented by unions in membership of the Irish Congress of Trade Unions or other unions or representative associations which have notified the WRC of their intention to comply with the Agreement.
- 5.5.5 Where such a union or association fails to adhere to the provisions of the Agreement, the benefits of the Agreement will not apply to the relevant staff cohort thereafter.
- 5.5.6 Co-operation with ongoing workplace change and reform initiatives, including those set out in Chapter 1, will be a prerequisite for availing of the benefits of this Agreement.

## 5.6 No cost increasing claims

- 5.6.1 The parties agree that there will be no cost increasing claims for improvements in pay or conditions of employment by trade unions, Garda and Defence Force associations, or employees during the period of the Agreement.

## 5.7 Review of Agreement

- 5.7.1 The parties affirm that public service pay and pensions and any related issues shall not be revisited over the lifetime of this Agreement, save where the assumptions underlying this Agreement need to be revisited. In such circumstances, the parties commit to prior engagement.

## APPENDIX: Key elements of the Government's reform agenda

**Public and Civil Service** – the Public Service Innovation Strategy; the Civil Service Renewal Plan; the People Strategy for the Civil Service; and the Public Service ICT Strategy.

**Education Sector** – Education Strategy 2021-2023; annual Action Plans for Education and underpinning strategies and developments, curricular and assessment reform including Primary curriculum; continued reform of the Junior Cycle, and Senior Cycle reform within Schools; National Strategy to Improve Literacy and Numeracy (2011 to 2020); Digital Strategy; Gaeltacht Education Strategy; Science, Technology, Engineering and Mathematics (STEM) Education Policy Statement 2017-2026; Modern Foreign Language Strategy “Languages Connect” 2017-2026; and Strategy on Education for Sustainable Development.

**Higher and Further Education Sector** – the Further Education and Training Strategy; Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020 and its successor; the National Skills Strategy 2025; the National Strategy for Higher Education to 2030; the TU Research Network Report 2019; and the National Strategy to Improve Literacy and Numeracy (2011 to 2020).

**Local Government Sector** – a commitment to ongoing change and reform in the retained and full time fire services in accordance with the terms of reference of the Fire Services National Oversight and Implementation Group (FSNOIG); the process of engagement on the transformation of Irish Water in accordance with the terms of reference of the Irish Water Consultative Group (IWCG); and the library service.

**Health Sector** – the continued implementation of the Sláintecare vision of universal health care; the Capacity Review 2018 and other major health reforms as determined by Government, including structural reforms; the continued implementation of the Framework for Safe Nurse Staffing and Skills Mix; the Oireachtas COVID-19 committee's recommendations, as may be progressed by Government; and national strategies and health policies designed to support a single-tier health system, high quality and integrated care to maximise health outcomes and improve the health and wellbeing of the people of Ireland.

**Justice Sector** – *A Policing Service for our Future* (APSFF) is the whole-of-Government plan to implement the Report of the Commission on the Future of Policing in Ireland; a Report which outlined a clear vision and roadmap for strengthening An Garda Síochána and the broader national framework for policing, security and community safety. APSFF is a living plan which is being implemented across 4 phases: *Building Blocks*, *Launching*, *Scaling*, and *Consolidation*. The third phase of implementation – the *Scaling Phase* – commenced in Q4 2020. Ongoing reforms with the Courts Service and reforms with regard to the delivery of immigrant services, including the development of new and emerging ICT strategies.

**Irish Prison Service** – the Irish Prison Service Strategic Plan 2019-2022; facilitation of family visits and court appearances conducted through digital technology; transition to electronic payment methods and associated removal of cash from prisons and embedding of Regime Management Planning – a safer system of work.



**Defence Sector** – ongoing reform, modernisation and transformation initiatives, including in relation to the implementation of the White Paper on Defence, 2015 and any recommendations approved by Government arising from the Commission on the Defence Forces.

**CIVIL SERVICE GENERAL COUNCIL  
STAFF PANEL**

*Civil Service General Council  
Staff Panel*

*ANNUAL REPORT 2021*

*EUGENE DUNNE  
STAFF SIDE SECRETARY*

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# CIVIL SERVICE GENERAL COUNCIL

## STAFF PANEL

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### **1 Review of 2021**

The year 2021 was again dominated by the ongoing Covid 19 crisis. Industrial relations and Employee Relations were subject to crisis management of the virus and were subject to HSE and National Public Health emergency Team (NPHET) guidance. High level engagement was facilitated through the Labour, Employer, Economic Forum (LEEF).

Working from home was the norm for most Civil Servants and guidance for Civil Service organisations issued.

For those who continued to attend their places of work and those who returned to their work places, an emergent series of documents issued to employers, outlining the position of government, the last of these, The Work Safely Protocol and the Guidance and FAQs for Public Service Employers during Covid 19, issued on the 15/12/2021, outline the requirements placed upon employers to mitigate the possibility of contagion and minimises the risks to employees. it indicated the following

The HSA has undertaken **12,698** COVID-19 related inspections.

- **90%** of workplaces had COVID-19 measures in place.
- **80%** of workplaces had COVID-19 Response plans in place.
- **78%** of workplaces had a Lead Worker Representative.

Details see Link

<https://enterprise.gov.ie/en/Publications/Work-Safely.html>

Remotely working from home supports

<https://www.revenue.ie/en/jobs-and-pensions/eworking/index.aspx>

February saw the ratification of the Building momentum National Agreement, this was formally recognised at the March meeting of the Civil Service General Council.

There were 11 meeting of the Civil Service General Council Staff Panel in 2021 and 9 meeting of the Civil Service General Council in 2021.

The Sub committee on pensions/ superannuation had 1 meeting in 2021.  
There were 14 meeting of the Blended Working Framework subgroup in 2021.  
Subcommittee of transferring aspects of the C&A Scheme to the WRC agreed.

## 2.

### New Staff Panel Claims submitted to General Council 2021

#### January Claim Re added years Panel claim

The staff Panel indicated that additional information on this claim was to be prepared and that this would be forwarded to the official side. This information would be sent to the panel secretary. The Official Side stated that this was in essence a repetition of a claim lodged in 2017.

## 3.

### Main issue addressed at General Council 2021

#### January

#### **Pensions on Sunday Premium pay.**

Forsa reiterated its position from July of 2020. Problems regarding the payment of pensions to those required to work on Sunday and who were in receipt of Premia/overtime pay for this work were not receiving

recognition of this in pensions. This work was both regular and rostered and as such should be pensionable. The Official Side would again ask Revenue to clarify its position.

### **Special Leave with pay (Covid 19) for Civil servants, in the context of HSE & Garda areas .**

The staff side understood that following a WRC ruling enhanced terms for those on special leave with pay now applied, in this case those terms should be applied to the Civil Service.

The Official Side stated that the terms of this, would be reflected it a new iteration of there policy.

### **Reappointment of Civil Service Mediator**

The Official side confirmed that the Mediator had been officially reappointed on the 18/12/2020.

### **Progress on a safe return to work place protocol in the Civil Service Standing Items.**

The staff Panel raised its collective concerns that inappropriate physical attendance was being required of staff in some areas, in particular DSP, this was endangering both staff and the public.

Public Health Guidance must apply.

The Official Side stated that it was still in the process of consultation with managements in Departments and had thus far prepared an 80 page document which when finalised would issue.

The Staff side raided its concern that at no time had it been afforded the opportunity to to input into the procees of formation of this new policy.

### **AGS**

The Panel raised its concerns that a process was under way in Garda Civilian, that would see the redesignation of up to 2500 Civil Servant to Public Servants. These has thus far been no consultation with staff or the Staff side Unions regarding this matter. This is a breach of the agreed principals on consultation in the PSSA, the staff side were insistent that no action to affect this change of status should be undertaken until such consultation had taken place.

### **WRC**

The Staff Side again expressed its desire to progress this issue.

The Official Side Chair reference his response to the General Secretary of FORSA on this

### **Centralisation of IT**

The staff Side raised the issue of staff being alienated from their work, as a result of this centralising project, its position was that staff should follow their work. it was indicated that a disagreed report would be sought.

The Official Side agreed that it would revet to the Panel side on this.

### **February**

Disagreed Report re Assistant Legal Advisor (ALA) grade in Department of Foreign Affairs.

This was agreed and will now go forward to arbitration.

**Red Weather.** A supplementary submission was lodged by the Staff Side a response will issue from the Official Side and then this will proceed to Arbitration.

### **Remote working policy.**

The Staff Side expressed its grave concern on the lack of an agreed position with management on this issue. a meeting was proposes on this. The Official side stated that it was engaged in an ongoing set of discussions with line employers and that local needs would have a substantive place in any overall policy. a document was being prepared. the Official Side offered to meet in the first week in march.

**Return to the Workplace Safely.** The Staff Side outlined its concerns regarding the actions of some Departments insisting on staff attending their workplaces at this time. HSE advice was strongly supportive of home working in level 5 conditions. DSP and Oireacthas were sighted as an example of this. The Official Side stated that the well-being of staff was shared and that they would fag Staff side concerns to CSHR.

**Transition to the WRC.** The Staff Side stated that issues of the maintenance of internal Civil Service IR structures in parallel with the transition of certain aspects of IR and ER to the State Bodies was a priority. The Official Side cited correspondence on this and highlighted legal difficulties which had become apparent. The strain placed on the resources by Covid 19 had delayed progress on this issue. The Official side are working on this with a view to meeting with the Staff Side as soon as possible.

**Superannuation subcommittee** sought by Staff Side. Official Side to revert on this. Garda Civilian. The staff Side raised its concerns regarding a change in employment status of civilians in this area. The Official Side reiterated its position that there were no plans to change the status of these Civil servants by "default", and that this was an issue for the Garda Civilian Council and not for General Council.

## March

### **Formal agreement of the Building Momentum National Agreement.**

The Staff Side proposed that following the aggregate vote of ICTU affiliated Trade Unions in favour of the New National Agreement "Building Momentum", that this agreement should now be formally ratified at CS General Council.

This was agreed. Draft Action Plan being formulated.

### **Red Weather Protocols.**

The Staff Side expressed its collective concern at the delay in the production of an Official Side response document to its position of Red Weather events. This was delaying the process of bringing this to arbitration.

The Official side indicated that they were in the final stages of preparing their position and that this would be shared.

Awaiting finalisation.

### **Blended Working proposals update and document.**

The Staff Side referenced its recent meeting with management on this subject and reiterated its call for the draft document currently in circulation with employers to be shared. The Staff side emphasised that the comprehensive list of concerns expressed at that meeting, must be comprehended in that document prior to any issuance of this as a formal position paper to employers. It was indicated that a Claim was being formulated regarding this. The staff side sought another meeting of the committee to assess developments.

The Official Side indicated that there was a degree of commonality on this issue between employers and the Staff Side, however it was not in a position to share the current iteration of the draft consultation document. There were some legal issues which have arisen and advice is being sought.

The document will be shared when completed, open to another meeting of sub committee.

### **Superannuation Equality & Opportunity**

The staff Side expressed its concerns regarding the undue delay in the reactivation of both committees. It was noted that the Staff Side Secretary had been in ongoing contact with management regarding this.

The Official Side acknowledged this and sought agenda items for both committees.

Staff Side to supply Agenda items for both committees.

### **WRC Transition**

The Staff Side noted that following agreement on "Building Momentum" there had been an announcement of a review of IR in the state. It referenced the attenuated nature of the process of migrating aspects of the C&A scheme to the State IR fora and reiterated that this was a priority for the Staff Side.

The Official Side stated that Civil Service HR were involved in this and there were Legal matters on which advice has been sought by management, consultation with employers was also ongoing.

In process

### **Covid-19/Special Leave (POA)**

The POA outline the background to this issue. Where members were required to stay at home as a result of potential exposure to Covid 19, allowances and premia were not being paid in the IPS. This differed from other employers, notably the Garda, Fire Service and other areas. This had been raised through Claim in the IPS and the POA had been advised to bring this to General Council.

The Official Side agreed to address this off line.

## **April**

### **Red Weather Protocol.**

The Staff Side expressed its frustration with this given that the Official Side had requested its substantive submission in July of 2019 and that this had later been updated. No submission has to date been received from the Official Side.

The Official Side noted this frustration and stated that their submission was in preparation and that it would be shared when ready.

### **Recording of status** etc. of staff who have transferred into the Civil Service from FAS in HR systems.

This issue stems from the transfer of staff into the Civil service from the HSE and Fas. There was agreement on the maintenance of status and seniority etc., this has now become an issue with NSSO and DSP.

The Official Side agreed to address this off line.

### **The Policing Security and Community Safety Bill.**

The Staff Side stated that the concerns of staff working in the Garda area could not be overestimated. The Heads of Bill had been published on this without any consultation with the Trade Unions involved. In the announcement of this it was stated that all "stakeholders" were involved in this process, this was untrue. This issue had been raised at General Council and the Staff Side were informed that there was no knowledge of this proposal. The Civilian Council had not been engaged with.

This was a FEMPI approach, announcement without consultation. It undermines confidence in the IR process. There are serious issues regarding status, sworn officers, the Commissioner as CEO, civilians answerable to uniformed grades and the issue of GSOC intrusion on the civilian side.

The Official Side stated that a new Employee relations Section has been established in the Garda area and that a meeting had been arranged. Dper had sought guidance from Justice on this.

The Staff Side reserved the right to bring this back to General Council and the Industrial Relations implications of this.

### **Incremental Credit to the Civil Service**, in the context of European Court rulings and the application of this in other public sector areas.

The Staff Side stated that this was an issue for those who had accrued service in different jurisdictions and sought to have this incorporated into pensions. This is the case in other Public Sector areas'

the Official Side agreed to look at this and revert.

**Blended working update.** The Staff Side expressed its concern that no document had as yet been shared on this and again requested it. A position where the Staff Side were presented with a final document would be regrettable.

The official Side stated that there were Legal Issues, which were awaiting clarification and that it was hoped that this would be completed today. The process would then be for this to be reviewed by CSHR, then the line departments and on the completion of this process the document would be presented to the Staff Side.

## **June**

### **Blended working update**

The Staff Side again expressed its collective disquiet at the delay in presenting the Official Sides policy document on Blended working post Covid. The last engagement at subcommittee had been on the 3/3/2021 and despite repeated requests for this document no draft has been produced. Versions of this document have however been circulating across the Civil Service and rumors were circulating regarding its content. This document has been in gestation since September 2020.

There is an absolute requirement under C&A to negotiate changes with the trade unions and in this case this was not happening.

It was not acceptable that the Panel presented at some point with a fait accompli.

The official Side stated that this was delayed by the need to consult with line departments, the AGs Office and the Civil Service Management Board, in addition there are Health & Safety issues which must be addressed.

No dates were given for the completion of this process, the final document from the official perspective, will go to the CS Management Board, to CS HR and then to the Staff Panel.

This document will form the basis for negotiation. There are broad Public Service implications of this policy and discussions are taking place at a high level.

### **Covid-related matters.**

The Staff Side had sought that the following items be put on the agenda for General Council

Special leave with pay for those receiving Covid 19 vaccination.

Special leave with pay for those with adverse reactions to Covid 19 vaccination.

Long Covid and Sick Leave.

Resistance has been encountered from the Official Side, but they were added under AOB.

The Staff side expressed its concern that these matters, which were within the remit of General Council, should be excluded from discussion at this forum. All these items aligned with aspirations of Government to progress the vaccination program as quickly as possible in the current national crisis. These matters are of grave concern to members.

Tolerance and flexibility on these issues would facilitate this process.

These Official Side accepted that these issues were proper to General Council and agreed that they were of concern to employees, there had been a process of engagement with the Staff Side at a high level in the public service on Covid related issues, but these had ceased.

On the specifics the Official Side Stated their positions as follows

Special Leave with pay is only available for Covid, close contacts of a Covid infected person, or suspected Covid.

Reactions to vaccination has been deemed by the CMO sick leave.

Long Covid is being looked at, a review was taking place.



**The application of Incremental Credit.** This had previously been raised with the OS and a review of the current position was suggested.

**Privatisation of work proper to the FGE Service Grade.** Across government departments this was a cause of concern to FORSA and must be address. A formal position on this will be prepared and submitted.

## October

### **Update Blended Working.**

Good progress has be made thus far in addressing the issues raised by the expressed intent to facilitate Blended Working. While some difficulties have arisen at yesterdays meeting, it is envisioned that the mid November date for completion will be achieved.

While general agreement was given to this, the reporting arrangements on the Official Side, which had been raised previously, were a concern in the context of yesterdays meeting.

The goal of reaching a conclusion by the end of November was achievable.

### **Pension Regrossing.**

These issues had been raised and an agreed proceed of regularisation of the Revenue allowance in question had been achieved and recorded. Problems have persisted and a bilateral meeting on this was now required. Bilateral meeting agreed.

### **WRC**

Concern at the lack of progress on this was again expressed delays in Adjudication/ Arbitrations were apparent. The C&A restricted the ability of individuals to take cases, the Grievance procedures were not fit for purpose. In this context both the modernisation of internal structures and access to the WRC were required. A subcommittee of General Council was required.

Subcommittee agreed SP Secterary to be contacted.

### **Appointment of CS Adjudicator.**

Concern expressed on to lack of progress on this, the Staff Side attempted to resolve this and no agreement has been reached.

There was a need to resolve this and discussions were ongoing.

### **T&S**

Progress has been made on the application of the agreed formula for adjustment. the recommendations have been submitted for ministerial approval, when this is receive the update will be forwarded.

This was welcomed.

### **Travel Pass issues.**

This is an issue in the context of proposed changed in patterns of attendance consequent to the implementation of Blended Working. Flexibility is required to facilitate the new realities this would generate. The Dept of Transport were involved in this process and it was agreed that this needs to be addressed. This was not the only forum at which this has been raised.

## November

### **Over allocation of AL**

The over allocation of annual leave on promotion and procedures/guidance for its recoupment. Following an audit by the comptroller and Auditor General of the NSSO it became apparent that excess Annual Leave had been allocated to staff working there. This was traced back to 2011. Staff have been informed that the recoupment will be carried out over the coming 2 years. This could be up to 8/9 days per year. This was not a negotiated outcome. A request for a copy of the communication from the NSSO was made, Dper had no knowledge of this, data to be sought from the NSSO on the number and Grades affected.

### **The Appointment of the Civil Service Adjudicator.**

Concerns were again raised regarding the hiatus which has persisted since July regarding the appointment of a Civil Service Adjudicator. This was impacting the operation of the C&A Scheme. Off line correspondence was ongoing and some options have been put forward to the OS. These options are being accessed.

### **WRC**

Sub Committee of General Council to be established to address the issue of transference of some aspects of the C&A to the WRC. Secretary to contact OS to set dates.

### **Christmas Overtime**

The issue of the unreasonable delays in the payment of regular Overtime over the Christmas period was raised. While provision existed for managements to seek derogation, for this group, from these delays, no such provision has been made by certain Departments. The Staff side requested that this be addressed as a matter of urgency..

Agreement extended to address this issue.

## **4.**

### **Disciplinary Appeals Board**

As with other C&A fora the Disciplinary Appeals Board and the disciplinary process was detrimentally affected by the Covid 19 crisis. Virtual platforms were agreed as a means of progressing cases.

The following information was requested regarding the operation of the DAB system in 2021. The update is provided below.

1. The Number of Disciplinary Cases heard in 2021
2. The outcome of those appeals
3. A breakdown by Grade of all appeals
4. A breakdown of all Departments where appeals were lodged.
5. A list of all outstanding cases by Department.
6. Probationary cases

**OVERALL APPEALS TOTALS 2021**

- Total no. of Hearings 2021 **11**
- Total no of hearings outstanding at end 2021 (to be scheduled early 2022) **4**
- Total no. of hearings withdrawn in 2021 **2**
- Total no. of sanctions up-held in 2021 **4**
- Total no. of sanctions partially up-held in 2021 **2**
- Total no. of sanctions not up-held in 2021 **5**
- Total no. of grades in 2021 **8**
- Total no. of Departments in 2021 **11**

**Grades: disciplinary Code 2016**

- Service Officer
- CO
- Specialist grade
- Lab Assistant
- AP

**Probationary Reversion**

- EO
- HEO
- AO
- Specialist Grade
- AP

**Departments**

- Courts Service
- An Garda Síochana (Garda Civilian)
- Agriculture, Food and the Marine
- Forensic Science Ireland
- DPP
- DSP
- Revenue
- Health
- Tourism
- Housing
- Defence

The DAB Board has been updated and the details of membership are as follows.

**Appointment to the Civil Service Appeals Board**

Appointment of whole time officials of recognised trade unions nominated by General Council Staff Panel to the Civil Service

In this regard, please note, that the Minister has approved the reappointment of 16 and 1 new panel member to this Board (see names below) in accordance with the Civil Service Disciplinary Code 19/2016.

- Mr. Des Fagan, Fórsa Trade Union
- Mr. Derek Mullen, Fórsa Trade Union

- Mr. Billy Hannigan, Fórsa Trade Union
- Mr. Paul Caffrey, Fórsa Trade Union
- Ms. Cliodhna McNamara, Fórsa Trade Union
- Mr. Paul MacSweeney, Fórsa Trade Union
- Mr. Denis Keane, Fórsa Trade Union
- Mr. Eugene Quinn, Fórsa Trade Union
- Mr. Sean Carabini, Fórsa Trade Union
- Mr. Thomas Cowman, Fórsa Trade Union
- Ms. Lyn Coffey, Fórsa Trade Union
- Mr. Shay Clinton, Fórsa Trade Union
- Mr. Shane Lambert, Fórsa Trade Union
- Ms. Geraldine O’Brien, Fórsa Trade Union
- Ms. Una Faulkner, Fórsa Trade Union
- Mr. Eoin Ronayne, Fórsa Trade Union
  
- Mr. Ciaran Rohan, Association of Higher Civil and Public Servant
- Mr Billy Thompson, Association of Higher Civil and Public Servant
- Paul Malone, Association of Higher Civil and Public Servants
- Mr. Paul Moyer, Fórsa
- Mr. George Maybury, Former Union Official
- Mr. John Kelleher, Former Union Official

**Board Panel of serving (or former) civil servants**

- Ms. Lynda Slattery, Office of the Revenue Commissioners
- Mr. Pádraig McMahon, Department of Agriculture, Food and the Marine
- Ms. Maureen O’Sullivan, Department of Business, Enterprise and Innovation
- Mr. John O’Leary, CSO
- Mr. Tony Fitzpatrick, Former Civil Servant
- Ms. Anne Tynan, Former Civil Servant
- Ms. Emer Darcy, Dublin Circuit and District Civil and Family Law

**5.**  
**C&A Adjudication & Arbitration**

A delay in the appointment of the Adjudicator coupled with the ongoing disruption caused by Covid 19 limited the utilization of both bodies.

The following appointments were confirmed

Adjudicator: Vacant from July 2021

Arbitration Board: Chair **Loughlin Quinn**, Employer representative **David Denny**, Staff Side Representative **Angela Kirk** and Staff Side Representative (Defence) **Gerry Rooney**

The following cases were processed or were in process in 2021.

## Adjudication

### Arbitration

**1. FÓRSA AND THE DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM REGARDING THE ELIGIBILITY OF SIX ADMINISTRATIVE OFFICERS (AO) TO REMAIN ELIGIBLE FOR APPOINTMENT TO THE GRADE OF HIGHER EXECUTIVE OFFICER (HEO).**

Outcome

Board is of the view that the six individuals had a reasonable expectation of appointment to the positions of Higher Executive Officer as the order of merit in each case dictated. Issued 20/1/2021. See Appendix A attached.

**2. FÓRSA AND THE DEPARTMENT OF JUSTICE REGARDING A CLAIM FOR RETROSPECTION OF THE PAYMENT OF A SUNDAY PREMIUM TO MEMBERS WORKING ON THE BORDER MANAGEMENT UNIT (BMU) IN DUBLIN AIRPORT**

Outcome

The Board does not accept therefore that the case for retrospection of this premium payment is justified in circumstances where the staff concerned knew or ought to have known that the 25% shift allowance payable on a 24/7 basis comprehended the Sunday premium payment. Fórsa has an entitlement and responsibility to seek to improve the working conditions and remuneration levels of its members and subsequently sought successfully to have a Sunday premium payment applied. Following mediation this payment was agreed and was effective from 1st January 2020 with no reference or claim to retrospection.

See Appendix B attached.

## Adjudication & Arbitration cases outstanding 2021

### Adjudication:

**1** Forsa vs DHLGH: Met Eireann ICT Staff additional resources 19/11/2021 - Awaiting counterstatement.

**2** Forsa vs Dept Agriculture Allowance for agricultural Officers.

### Arbitration:

**1** Forsa v D/Justice - Loss of earnings involving Department of Justice and two named Service Officers 14/12/2020; redacted version provided 04/06/2021; supplementary documents provided 07/09/2021 Counter statement received 19/08- 2021; further response now required Awaiting supplementary counterstatement

**2** Forsa v AGS - Expert Allowance and Regrading 21/12/2020 - Awaiting counterstatement

**3** Forsa v DPER - Pay for the Assistant Legal Advisor Grade in the Department of Foreign Affairs  
04/03/2021 28/10/2021 Awaiting hearing date from Arbitration Board

**4** DSP v Forsa - Decisions/complex cases 04/21/2021 - Awaiting counterstatement

**5** Forsa v DSP - ISD Operations Shift Patterns 28/09/2021 05/11/2021 Hearing set for 8th December 2021.

## 6.

### Pensions/ Superannuation

#### Pensions Subcommittee Meeting

**2/11/2021 3030pm Virtual**

Attendance: OS. Conor McGinn, Eoin Dormer, Karen Friel, Mairead McCarthy, Emer Hogan, Ciara Cremmins.

SS. Eugene Dunne SP Secretary, FORSA Derek Mullen, AHCPS Ciaran Rohan, POA Jim Mitchell.  
Apologies Tony Power SP Chair.

#### 1. Entry into Spouses and Children scheme.

OS. the successive iterations of this scheme 1969/81/84 determined inclusion/ exemption from this scheme. The marriage equality legislation and Circular 18/22 amended the criteria for inclusion. Grounds for inclusion existed and appeals could be made including, unsound mind, failure to inform the individual by employer and no foreseeable advantage can be cited.

SS. This was a recurrent issue for the Staff Side, all categories cited above have emerged as issues for members.

Action: Conor McGinn to issue a note detailing the evolution and implication of the schemes.

#### 2. Method of Calculating Pension Abatement.

SS. The Staff Side has received expressions of concern from members regarding apparent changes to the application of Abatement. Late entrants are being dissuaded from taking up post retirement in the public service, consequent to that adverse affects of abatement, it is now viewed as not worth while.

OS. The method of application of Pension abatement had been clarified by the AG if other methods were being applied the were in error. The application is on a pro rata and periodic basis, no more than 50% of the relevant pension should be affected.

Action: Conor McGinn to issue a detailed note.

#### 3. Refund of Purchase for those over 65.

OS. Confirmed that those employee that have over subscribed to the superannuation scheme would be due a refund on this. A 1998 letter to Personnel Officers was cited in this regard.

SS. Difficulties have arisen regarding advice from the NSSO

Action: clarification to issue.

#### 4. Pre & Post 1995 Pension Issues

OS. This issue and details of the problematic consequences of changes to pension which have arisen subsequently have been raised by the Staff Side, more details had been requested.

SS. Will revert on this issue

Action: Details from SS to be provided.

#### 5. Signing on for those retiring before the statutory age.

OS. The position is that DSP require an individual to be actively seeking work, in order to access benefits.

SS. The understand existed on the Staff side that this was not a requirement and that this had been agreed. There was grave concern among members that legitimately retired individuals had to go through the pretence of seeking work in order to access entitlements.

Action: clarification to issue.

**7. Time Lags on Pension Payment.**

SS While problems still existed in the calculation and payment of pensions, particularly with regard to the aggregation of disparate allowances into pay for the calculation of pension, progress has been made. the system of quarterly meetings on superannuation should resume as this would allow for an overview and give a forum where problems could be addressed.

OS. The progress reported was welcome.

Action: Contact to be made with NSSO by the OS to re establish bilateral meeting with the NSSO.

**8. Non qualification for jobseekers allowance**

**9. Transfer of previous pension into single Scheme.**

SS. 8. Linked to item 5 on the agenda

Action: both issues to be addressed at a bi lateral meeting.

**10. AOB**

SS. Raised the issue of the continued purchase of superannuation past the age of 65.

Can this be purchased to the new retirement age of 70.

OS, This matter is now under active review.

Action Update awaited.

**Eugene Dunne**

**Staff side Secretary**

**Pension same sex marriage/civil partnership**

<https://www.gov.ie/en/circular/e6511-circular-182020-recognition-of-same-sex-marriagescivil-partnerships-under-public-service-original-spouses-and-childrens-contributory-pension-schemes/>

**7.**

**Travel and Subsistence rated 2/7/2021**

**See links below**

<https://www.revenue.ie/en/employing-people/employee-expenses/travel-and-subsistence/civil-service-rates.aspx>

1/12/2021

<https://assets.gov.ie/204048/c0a0a20e-44ff-4cd4-a9c3-477755d65aa8.pdf>

**8.**

**Building Momentum 2021/ national agreementN**

The provisions of the national agreement were applied.

See link below

<https://www.gov.ie/en/publication/e9d23-building-momentum-a-new-public-service-agreement-2021-2022/>

<https://assets.gov.ie/200231/04a6a319-cf81-49df-84db-0a9c873cda76.pdf>



Restoration of overtime 2021

<https://assets.gov.ie/135392/50186cc8-181c-4f35-950c-1d5e620ea789.pdf>

## 9.

### Annual Leave

The carry over of annual leave in the 3rd year of the cycle continues to be a cause of concern for the Civil service Staff Panel. In the context of the ongoing Covid 19 pandemic representations have been made by the Panel to have this recognised by management and reflected by an extension of the accommodation which has applied

Managements position on this issued in July 2021 and is contested by the panel in the context of the ongoing pandemic.

"Due to the unprecedented nature of the pandemic outbreak last year, and in a recognition of the significant challenges facing many Departments in responding to Covid-19, a system of rolling back/pausing of annual leave cycles was agreed and implemented to allow staff additional time to avail of annual leave build up in the system. A subsequent second roll back was also implemented for all staff who had outstanding leave towards the end of the last annual leave cycle.

Please note that it is not intended that any further rolling back of annual leave cycles will take place, therefore it is important that all staff should actively arrange to utilise their annual leave in a planned manner during the current annual leave cycle year in line with the Annual Leave Circular.

Leave is a very important component of staff well-being and all staff and their managers should actively engage in discussions on how annual leave will be utilised this year. This is required under the Annual Leave Circular and the Organisation of Working Time Act 1997 which also highlights the importance of annual leave to be taken in order to ensure sufficient rest periods from work".

Queries in relation to this alert can be emailed to [leavemanagement@peoplepoint.ie](mailto:leavemanagement@peoplepoint.ie).

See attached for additional information on Annual Leave.

<https://hr.per.gov.ie/en/corporate-pages/supports/leave/#article-section-annual-leave>

## 10.

### Blended Working Framework

Commencing with an initial meeting in March 2021 setting out the staff side priorities, a Plenary Meeting on the negotiation of a New Blended Working Framework Document was convened on the 24th of September. It was attended by Kevin Callinan in his joint capacities as president of the ICTU and General Secretary of Forsa, in addition the principals of the Civil Service Staff Panel Chair Tony Power, Secretary Eugene Dunne and of its constituent unions, Derek Mullen Forsa, Ciaran Rohan AHCPs and John Clinton POA also attended.

The Staff Side highlighted the need for collective leadership in adapting constructively to the challenges and opportunities presented by the crisis. The Civil and Public Service has shown that



they can adapt without impacting productivity. The need for speed was of the essence and a return to the workplace should not be detached from an agreed policy on Blended Working. There should be an agreed template policy on Blended Working, which with agreement, can be adapted across the greater Public Service.

Derek Mullen emphasised that the opportunity now existed to do something very important in the Civil Service, the opportunity for positive transformational change, not only in Public Service and in society as a whole, now presented itself, we should not go for the lowest common denominator, the 20% suggestion for blended Working should be not be seen as a ceiling, the crisis has proved the adaptability of the Public Service. Detailed Observations from Forsa were submitted.

Ciaran Rohan endorsed the sentiments expressed and emphasised that Blended Working and return to the workplace were the number one issue for Employees, Employers and Society. The public wants to get this done and the opportunity now existed to do it.

The Official side emphasised that the importance of this Policy Framework lay in the fact that it was not just managements in the Civil and Public Service that were looking at this process, the public were looking at it to.

The draft under consideration has gone through legal and health and safety review at the highest level. The Government plan to open society from the 22nd of October. Pending an agreed policy on Blended Working and a return to the workplace, flexibility in employments will be needed. Governance arrangements exist on the Official Side.

The Civil Service Management HR section have established a standing subcommittee to which developments from the CS General subcommittee will be relayed.

In addition the inter departmental Assistant Secretary HR group would also be consulted.

These would give sanction to the product of the current process of engagement.

There followed an intensive process of constructive engagement over a 6 week period.

In November the Official Side paused this engagement.

## 11.

### **Civil Service Employee Assistance Service**

The quarterly meetings of the Board of Civil Service Employee Assistance Service were suspended consequent to Covid 19. In the context of an evolving working environment the CSEAS issued a new People Managers Guide.

Link <https://www.cseas.per.gov.ie/pmg-links/>

**Eugene Dunne,**  
 Staff Side Secretary,  
 Civil Service  
 General Council  
 Staff Panel.  
[gstaffpanel@gmail.com](mailto:gstaffpanel@gmail.com)  
 0877712124

## Appendix A

### REPORT OF THE CIVIL SERVICE ARBITRATION BOARD IN RESPECT OF A DISPUTE BETWEEN FÓRSA AND THE DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM REGARDING THE ELIGIBILITY OF SIX ADMINISTRATIVE OFFICERS (AO) TO REMAIN ELIGIBLE FOR APPOINTMENT TO THE GRADE OF HIGHER EXECUTIVE OFFICER (HEO). SCHEME OF CONCILIATION AND ARBITRATION FOR THE CIVIL SERVICE

**CLAIM** The Board has been asked to determine a dispute between Fórsa and the Department of Public Expenditure and Reform (DPER), concerning six officers who had previously served in the Executive Officer (EO) grade, and who were appointed as Administrative Officers (AO) while concurrently placed on a promotional panel to be appointed to the grade of Higher Executive Officer (HEO). The claim is for this cohort of staff to gain the right to be appointed to the grade of Higher Executive Officer (HEO). **TERMS OF REFERENCE** The claim was submitted to the Arbitration Board in accordance with the provisions of the Scheme of Conciliation and Arbitration (C&A Scheme) for the Civil Service. The claim was considered by the Arbitration Board on 14/01/2021 and the finding was given on 20/01/2021. **BACKGROUND** The dispute concerns the right of six previously serving EOs, who applied for AO and HEO competitions, and having initially each been offered and taken up posts as AOs, now wish to take up posts as HEOs. Fórsa argue that because the six officers in question were eligible for appointment to the position of HEO at the time of their application, that their place on the subsequent panel should be honoured. DPER contend that as a result of the six officers having taken up positions as AOs that they were then no longer eligible to compete for positions as HEOs and therefore were removed from that panel. **2 SUMMARY OF THE STATEMENT MADE BY FORSA** In 2019, six Executive Officers competed and were successfully placed on panels in two competitions: 1. Open competition for appointment to Administrative Officer (AO) 2. Interdepartmental competition for appointment to Higher Executive Officer (HEO). All six had been offered, and accepted, appointment to the position of AO. However, they were subsequently informed by the Department of Public Expenditure and Reform (DPER) that in accepting the position of AO, they had in effect removed themselves from the HEO panel and would thus not be placed from it. This is significant because while the AO and HEO salary scales have the same salary maxima, there is a significant difference in salary at the start of the scale (circa €19,000). It should also be noted that two of the AOs in question had been offered, and had signed, HEO contracts before the offer was rescinded. In an email to Fórsa in December 2019, DPER noted the following in relation to their position: "For the Official side there is therefore an issue of principle: HEOs can apply and remain on an AO panel because AO competitions are open and, in effect, restriction free. Therefore anyone who feels they are eligible and suitable may apply. The same however does not apply to the HEO interdepartmental competitions where there are restrictions on applications as follows: "Anyone applying must be a civil servant for at least 2 years and as it is a promotion competition, officers with the same maximum salary cannot apply." As mentioned above, grades equivalent to the Higher Executive Officer grade (i.e. have the same maximum pay scale or higher) are not eligible to compete in Higher Executive Officer (HEO) promotion competitions. This can be found in Paragraph 6 of Circular 06/2019 and has, I understand, been confirmed by the Commission for Public Sector Appointments (CPSA)." Fórsa notes that the HEO competition circular does not state that a HEO panel position will be forfeited if an AO position is accepted. Additionally, and crucially, section 6 of the circular states: "5. Grades equivalent to the Higher Executive Officer grade (i.e. have the

same maximum pay scale or higher) are not eligible to compete in this promotion competition." The applicants were all EOs when they applied to compete in the competition. They therefore fulfilled this criterion. Given the silence of the circular in relation to acceptance of an AO position, it is reasonable to adduce that acceptance of an AO position should not result in an automatic forfeiture of a position on a HEO panel. 3 It should also be noted that in their response, DPER made the following statement in relation to application criteria: "Anyone applying must be a civil servant for at least 2 years and as it is a promotion competition, officers with the same maximum salary cannot apply." This position, if anything, supports the union position as, again, the EOs/AOs in question were indeed qualified to apply at the time of application.

**SUMMARY OF COUNTER-STATEMENT BY THE DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM** In 2019, six EOs were successful in two separate competitions run in close proximity to each other and placed on two panels: 1. Open competition for appointment to AO 2. Interdepartmental competition for appointment to HEO All six EOs subsequently chose to accept the position of AO and were promoted to that grade. In choosing to accept the position of AO, DPER submits that the 6 individuals concerned were no longer eligible to be appointed as HEOs. Two AOs that had taken up their posts were contacted and subsequently offered appointment to the position of HEO arising from processing issues. Contracts were issued and, in both instances, the offers were subsequently rescinded once it was identified that the offers had been made in error. Human error is attributed in both instances. In one case, the HR Unit in the Line Department concerned had provided incorrect information to the Public Appointments Service (PAS) in relation to the current grade of the officer concerned when final eligibility checks were being completed at the pre-assignment clearance stage resulting in PAS proceeding in good faith, but nonetheless in error, to offer a HEO position to the candidate concerned. In the other instance, a processing error in PAS resulted in a HEO offer being made in error to the officer concerned. PAS subsequently rescinded both HEO offers made. In the remaining 4 cases, when it was identified that their new status was that of AO, these officers were notified by PAS that they were being removed from the HEO panel as they were no longer eligible for appointment. Fórsa submits that even through the six officers had been promoted from EO to AO, they were entitled to subsequently remain and potentially be placed from the separate HEO panel in place. 4 Having regard to □ the well-established career pathway for the civil service, □ the fundamental issue of principle whereby all promotional competitions are subject to a longstanding general caveat that officers on a salary scale with the same maximum salary are not eligible for appointment from such competitions, □ the eligibility terms for the HEO Interdepartmental position, □ the fact that each of the 6 AOs chose to accept their appointment as an AO, □ the concept of equity whereby existing AOs have been precluded from applying for Interdepartmental HEO competitions, □ the significant risk for consequential claims to allow all AOs with over 2 years' experience to compete in HEO Interdepartmental Competitions, and □ the significant potential cost-increase to the Exchequer Civil Service pay bill, the Department submits that while the 6 AOs concerned were initially eligible to compete in this particular Interdepartmental HEO competition, on choosing to accept the offer of promotion to AO, the individuals concerned were not eligible to be appointed as Higher Executive Officers. The Department has taken steps to address the process issue identified in the 6 cases that are the subject of this claim for subsequent competitions.

**CONCLUSION OF THE BOARD** The Board thanks the parties for their submissions and supplementary contributions during the Hearing of 14th January 2021. Having considered the matter in detail we recommend that the six individuals who form the basis of this claim be appointed to the positions of Higher Executive Officer (HEO) with effect from the dates such appointments would have been made should the said individuals not have had their offers/appointments rescinded on the basis only of conditions attaching to Circular 06/2019. Whereas certain other broader issues regarding recruitment were outlined in the parties' submissions, the Board concurred with the view of the parties that such additional matters would be

more appropriately advanced through normal negotiation channels in the first instance and that this Hearing should be limited to the claim involving the six individuals. 5 The reasons for this recommendation are as follows. It is understood that the position of the Department of Public Expenditure and Reform (DPER) was and remains that Administrative Officers (AO's) may not be appointed to the position of Higher Executive Officers in the circumstances referred to in this case. The Board however is of the opinion that an objective reading of the Circular 06/2019 as drafted was at least ambiguous on this point and it is understood that this condition was brought to the attention of the candidates only as the offer/appointment process commenced. As a consequence, the Board is of the view that the six individuals had a reasonable expectation of appointment to the positions of Higher Executive Officer as the order of merit in each case dictated. The Board further notes that the proximity in timing of the two competitions - AO and HEO - on this occasion was a complicating factor in that the unintended consequences of the competitions running almost concurrently allowed for the situation presenting to unfold. DPER advised the Hearing that such an occurrence will be avoided in future in that additional clarification on the point of eligibility will be provided for in further iterations of the relevant competition Circulars.

The Board so determines.

## Appendix B

### REPORT OF THE CIVIL SERVICE ARBITRATION BOARD IN RESPECT OF A DISPUTE BETWEEN FÓRSA AND THE DEPARTMENT OF JUSTICE REGARDING A CLAIM FOR RETROSPECTION OF THE PAYMENT OF A SUNDAY PREMIUM TO MEMBERS WORKING ON THE BORDER MANAGEMENT UNIT (BMU) IN DUBLIN AIRPORT SCHEME OF CONCILIATION AND ARBITRATION FOR THE CIVIL SERVICE

#### CLAIM

The Board has been asked to determine a dispute between Fórsa and the Department of Justice (DoJ), concerning a claim for retrospection of the payment of a Sunday premium to members working in the Border Management Unit (BMU) in Dublin Airport. **TERMS OF REFERENCE** The claim was submitted to the Arbitration Board in accordance with the provisions of the Scheme of Conciliation and Arbitration (C&A Scheme) for the Civil Service. The claim was considered by the Arbitration Board on 24/03/2021 and at a further hearing on 25/05/2021; the finding was delivered on 14/06/2021. **BACKGROUND** The dispute concerns the entitlement of staff at Dublin Airport's Border Management Unit to retrospection of payment of a premium payment for working on Sundays. Prior to referral of this matter to the Arbitration Board, the parties had originally been in dispute on the substantive issue of whether the workers should be entitled to an additional payment for Sunday working. A settlement was reached in respect of the substantive matter following ad-hoc mediation talks between the two parties and a single time Sunday premium was introduced. However, in the course of those talks, agreement was not reached between the parties on the issue of retrospection of the payment. The parties mutually agreed to refer the question of retrospection to Arbitration under the Civil Service C&A Scheme. 2 Fórsa argue that the settlement reached at mediation confirms that a Sunday premium is owed and given that the BMU staff had been working Sundays since 2015, they should be entitled to the payment retrospectively. DoJ contend that payment of a Sunday premium had been included as part of the payment for the 24/7 shift arrangement introduced in 2015 and that the settlement reached in respect of the Sunday payment was, in fact, an enhancement of the existing terms; hence, retrospection does not apply.

#### SUMMARY OF THE STATEMENT MADE BY FÓRSA

The Border Management Unit in Dublin Airport is Ireland's front line in immigration control. Civilian Officers represented by Fórsa took over from An Garda Síochána (AGS) in 2013 as part of a major civilianisation programme. This vital role operates on a 24/7 basis, a shift pattern that attracts an allowance of 25% of pay. However, no Sunday Premium was payable. Section 14 of the Organisation of Working Time Act requires that a single time extra payment is paid for Sunday Work, as is the case in other parts of the Civil Service, notably AGS, Revenue and the wider Public Service. Therefore, payment of a Sunday premium is a right in law and, in the absence of a collective agreement to state otherwise, the 24/7 shift allowance in the BMU could not be interpreted as covering Sundays. Customs staff in Dublin Airport, for example, receive payments for both shift allowance and Sunday premium. Sunday Premium is not an enhancement on pay as suggested by the Official Side, it is an entitlement and it is paid across the Civil Service. This claim was initially brought by the Civil and Public Service Union (CPSU) following the civilianisation process at Dublin Airport and the original basis of the claim was for parity with similar shift work operations elsewhere in the Civil Service, particularly in AGS which was the best comparator from a DoJ perspective. Not only are members of AGS paid a Sunday premium, civilian staff are also paid the Sunday Premium, namely in the emergency call taker area and in the Garda Information Services Centre (GISC) in Castlebar. Following negotiations toward the end of 2019, it was agreed to hold mediation talks facilitated by a third party. These talks took place on 9 December 2019 where it was agreed to introduce the payment of a Sunday premium with effect from 1 January 2020. However, the issue of retrospection could not be resolved through the mediation process, and it was agreed to disagree this matter and refer it for a finding under the C&A Scheme. 3 It is Fórsa's

position that the Sunday premium should have been paid all along since the introduction of Sunday working in the BMU, and Fórsa are seeking adjudication to have arrears backdated to commencement of the service. The ‘disagreed report’ signed by both parties at Departmental Council (the local IR engagement forum) does not reflect the current management position that the Sunday premium was comprehended within the 24/7 shift allowance. The contracts for the BMU posts provided to the Arbitration Board clearly indicate the payment of a 24/7 shift allowance but only reference the fact that this includes Sunday in the contract which issued following a WRC finding in an individual case – a claim brought by a BMU staff member seeking award of a Sunday premium - but not beforehand. The latest contract reflects the position following agreement on the payment of the Sunday Allowance. This claim for retrospection is not ‘cost increasing’ as it is a claim seeking back pay of an allowance that was rightfully due.

**SUMMARY OF COUNTER-STATEMENT BY THE DEPARTMENT OF JUSTICE** Since the BMU was deployed on a 24/7 operational basis in 2015, Immigration Control Officers have been paid a Shift Allowance of 25% of basic pay. Staff work a shift pattern of 7 x 12 hour shifts over a two-week period and the allowance covers both shift and Sunday working. The issue of compensation for Sunday working was considered by the Department and included in the 25% shift allowance. In December 2017 Fórsa commenced formal discussions with the Department focussed on two points: 1. Fórsa disputed that their agreement was provided to the 25% shift allowance covering both shift and Sunday Premium. 2. Fórsa’s wish to re-negotiate this allowance as they believed the financial circumstances had changed since the Unit was first proposed in 2014. As a ‘cost increasing claim’ the provision of an additional payment is not something the Department could accede to without approval from the Department of Public Expenditure & Reform (D/PER). In May 2019, a ‘disagreed report’ was recorded between both parties at Departmental Council (the local IR engagement forum). Following mediation talks in 2019, agreement was reached to introduce a Sunday Premium Payment with effect from 01 January 2020. The terms and conditions of BMU staff remained the agreed rate of 4 compensation for Sunday working until revised through the third party negotiation process. The agreement reached between the parties in December was to enhance the benefits further by implementing an additional Single Time Extra payment for shifts worked on Sundays. D/PER have advised that, as a matter of central policy, enhanced premia payment awards are not made retrospectively. In June 2019, the WRC awarded a nominal payment to one BMU employee in respect of a claim seeking payment of the Sunday premium, based on the terms of the 25% shift allowance not being clearly stated in the contract of employment. While an obligation was placed on the Department to make explicit reference to the fact that Sunday Attendance is encompassed within the 25% shift allowance in future contracts, the WRC found that the increased shift premium of 25% was designed to incorporate compensation for Sunday working. This cannot be set aside because the language in the contract of employment could have been clearer. An additional allowance/premium for working on a Sunday is not mandated by the Organisation of Working Time Act 1997 if the fact of Sunday working has already been taken into account in fixing an employee’s rate of pay. The Department’s position is that the 25% shift premium, a shift pattern which clearly requires Sunday working, was always envisaged to compensate for Sunday working. The introduction of a new, additional payment, through the agreement dated 10 December 2019, is an enhancement of the previous terms. Section 14 of the 1997 Act cannot be used to secure an increased premium where an agreement already exists in relation to that specific employment. The allocation of current funding to the payroll of the DoJ does not comprehend any additional demands; the additional estimated costs would require sanction from D/PER and would place an unanticipated burden on the Department’s allocated budget.

#### CONCLUSION OF THE BOARD

The Board thanks the parties for their submissions and supplementary contributions during the hearing of 24th March 2021 and for the additional information provided following that hearing. The clarifications and arguments advanced in the course of the second hearing on 25th May 2021 were

also greatly appreciated by the Board in fully assessing the positions outlined by each side. Having considered the matter in detail we do not recommend retrospective application of the premium Sunday payment as sought in this case by Fórsa on behalf of its members at the Border Management Unit, Dublin Airport. 5 The reason for this recommendation is as follows. Section 14 of the Organisation of Working Time Act 1997 stipulates, inter alia, that in the absence of a collective agreement, an employee required to work on a Sunday is entitled to be compensated by his or her employer. The Board notes that notwithstanding this statutory provision, Fórsa did not pursue such a claim in respect of this specific provision at the time of or for some years subsequent to the introduction in 2015 of the change in required working patterns to 24/7 arrangements. This change in the required working pattern attracted a 25% of salary shift allowance where heretofore the shift allowance amounted to 16.67%. The Board does not accept therefore that the case for retrospection of this premium payment is justified in circumstances where the staff concerned knew or ought to have known that the 25% shift allowance payable on a 24/7 basis comprehended the Sunday premium payment. Fórsa has an entitlement and responsibility to seek to improve the working conditions and remuneration levels of its members and subsequently sought successfully to have a Sunday premium payment applied. Following mediation this payment was agreed and was effective from 1st January 2020 with no reference or claim to retrospection.

The Board so determines.

Dated: 14th June 2021 Signed:

Loughlin Quinn, Chairperson

## PAY CIRCULAR – 1 FEBRUARY 2022

An Roinn Caiteachais  
Phoiblí agus Athchóirithe  
Department of Public  
Expenditure and Reform



**Circular Title:** Application of 1<sup>st</sup> February 2022 pay adjustments

A Dhuine Uasail,

I am directed by the Minister for Public Expenditure and Reform to convey the following instructions to Departments / Offices with regard to the application of adjustments to civil service pay in accordance with the Public Service Agreement “Building Momentum – A New Public Service Agreement 2021-2022”.

**To:** HR Manager / Personnel Officer in each Department and Office

**Circular Number:** Circular 04 /2022

**Purpose:** This circular sets out pay increases due on 1 February 2022 as provided for under the Sectoral Bargaining provisions (Chapter 2) of “Building Momentum – A New Public Service Agreement 2021-2022”

**File Reference:** E107/006/2015

**Effective From:** 1 February 2022

Mise le meas,

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Colin Menton  
Assistant Secretary  
Public Service Pay and Pensions Division

**Tithe an Rialtais, Sráid Mhuirfean Uacht, Baile Átha Cliath 2, D02 R583, Éire**  
Government Buildings, Upper Merrion Street, Dublin 2, D02 R583, Ireland  
T +353 1 676 7571 LoCall 1890 66 10 10  
[www.per.gov.ie](http://www.per.gov.ie)



## 1. Application

- 1.1. This circular applies to all civil service grades.
- 1.2. Grades whose pay and conditions are appropriate to the Joint Industrial Council for State Industrial employees will be the subject of a separate circular.
- 1.3. The pay adjustments should be applied, as appropriate, from **1 February 2022**.

## 2. General

- 2.1. This circular sets out pay increases due on 1 February 2022 as provided for under the Sectoral Bargaining provisions of “Building Momentum – A New Public Service Agreement 2021-2022” (‘the Agreement’) in relation to civil service grades. The agreed outcome across the Civil Service in relation to the Sectoral Bargaining Fund is to apply a 1% increase to all civil service grades.
- 2.2. Details regarding the application of pay increases arising from the Sectoral Bargaining provisions of the Agreement to non-civil service grades will be communicated by the relevant Department.
- 2.3. The adjustments should be rounded to the nearest euro on annual payscales and to the nearest cent on weekly payscales. Hourly rates should be rounded to the nearest €0.001.
- 2.4. This circular also sets out arrangements in respect of the Additional Superannuation Contribution (ASC) for the year 2022.

## 3. “Building Momentum – A New Public Service Agreement 2021-2022”

- 3.1. In accordance with **section 3.1.3** of the Agreement, the annualised amount of the basic salary of civil servants will be increased by 1% with effect from **1 February 2022**.
- 3.2. Revised payscales for members of general service grades and certain grades common to two or more Departments to which this circular applies, are set out in the Appendices to this circular.

## 4. Pensions

- 4.1. For guidance on increasing pensions in payment as a result of the pay adjustments due on 1st February 2022, please refer to Part 4 of DPER Circular 10/2021, ‘Instruction on the pension increase policy in the public service until end 2022’.
- 4.2. Additional Superannuation Contributions: The ASC rates for 2022 are unchanged. Below are the current rates of ASC.

**Thresholds/Rates in 2022**

Member of a standard accrual pension scheme	Member of a fast accrual pension scheme	Member of the Single Scheme
€0 - €34,500 @ 0%	€0 - €28,750 @ 0%	€0 - €34,500 @ 0%
>€34,500 - €60,000 @ 10%	>€28,750 - €60,000 @ 10%	>€34,500 - €60,000 @ 3.33%
>€60,000 @ 10.5%	>€60,000 @ 10.5%	>€60,000 @ 3.5%

**5. Overtime**

5.1 Payment in respect of overtime rendered on or subsequent to **1 February 2022** by members of grades to which this circular applies should be calculated by reference to the revised pay rates with effect from **1 February 2022**.

**6. Premium Rates of Pay**

6.1 Premium rates of pay payable in respect of or subsequent to **1 February 2022** which are calculated as specific percentage or specified proportion of basic salary should be calculated by reference to the revised rates of pay with effect from **1 February 2022**.

**7. Allowances**

7.1 Allowances in the nature of pay for civil servants to whom this circular applies will be increased by 1% from **1 February 2022**.

7.2 Allowances which are calculated as a specific percentage or specified portion of basic pay should be calculated by reference to the revised rates of pay with effect from **1 February 2022**.

7.3 Children’s allowances, both standard and ex-gratia, remain unchanged.

**8. Queries**

8.1 Individual queries in relation to this circular should be raised in the first instance with HR Shared Services (NSSO) or, where applicable, with local Human Resource Units.

8.2 Departments who experience difficulties that arise in the application of this circular should raise the matter with this Department by raising a ticket on [support@Paytravelovertime.cloud.gov.ie](mailto:support@Paytravelovertime.cloud.gov.ie)

8.3 This circular is also available at <https://www.gov.ie/en/circulars/>

**Appendix 1A**

Revised payscales with effect from 1 February 2022 for established employees appointed on or after 6 April 1995 paying the Class A rate of PRSI contribution and making an employee contribution in respect of personal superannuation benefits (PPC) for General Service grades.

**SECRETARY GENERAL I (PPC)**
**€215,998**
**SECRETARY GENERAL II (PPC)**
**€215,998**
**SECRETARY GENERAL III (PPC)**
**€204,630**
**DEPUTY SECRETARY (PPC)**
**€187,578**
**ASSISTANT SECRETARY (PPC)**
**€145,283    €151,885    €159,042    €166,194**
**PRINCIPAL HIGHER (PPC)**
**€98,593    €102,652    €106,732    €110,802    €114,272    €117,928<sup>1</sup>    €121,586<sup>2</sup>**
**PRINCIPAL (PPC)**
**€91,609    €95,496    €99,354    €103,240    €106,518    €109,917<sup>1</sup>    €113,313<sup>2</sup>**
**ASSISTANT PRINCIPAL HIGHER (PPC)**
**€77,275    €80,215    €83,161    €86,106    €89,051    €90,771    €93,693<sup>1</sup>    €96,622<sup>2</sup>**
**ASSISTANT PRINCIPAL (PPC)**
**€70,399    €72,991    €75,620    €78,258    €80,891    €82,409    €85,067<sup>1</sup>    €87,734<sup>2</sup>**
**ADMINISTRATIVE OFFICER (PPC)**
**€33,889    €36,406    €37,125    €40,277    €44,311    €47,381    €50,454    €53,560**  
**€56,663    €59,756    €61,899<sup>1</sup>    €64,038<sup>2</sup>**
**ADMINISTRATIVE OFFICER HIGHER SCALE (PPC)**
**€47,381    €50,454    €53,560    €56,663    €59,756    €61,899    €64,008    €66,121**

**HIGHER EXECUTIVE OFFICER (PPC)**

€50,848 €52,334 €53,817 €55,300 €56,788 €58,271 €59,756 €61,899<sup>1</sup>  
 €64,038<sup>2</sup>

**HIGHER EXECUTIVE OFFICER HIGHER SCALE (PPC)**

€53,817 €55,300 €56,788 €58,271 €59,756 €61,899 €63,303 €64,711 €66,121

**EXECUTIVE OFFICER (PPC)**

€31,698 €33,509 €34,531 €36,526 €38,315 €40,044 €41,768 €43,455  
 €45,160 €46,817 €48,526 €49,658 €51,270<sup>1</sup> €52,894<sup>2</sup>

**EXECUTIVE OFFICER HIGHER SCALE (PPC)**

€34,531 €36,526 €38,315 €40,044 €41,768 €43,455 €45,160 €46,817  
 €48,526 €49,658 €51,270 €52,478 €53,689 €54,903

**CLERICAL OFFICER (PPC)**

€25,339 €26,963 €27,375 €28,181 €29,368 €30,555 €31,740 €32,604  
 (€485.60) (€516.73) (€524.63) (€540.07) (€562.83) (€585.56) (€608.28) (€624.83)  
 €33,581 €34,717 €35,517 €36,642 €37,760 €39,504 €40,876<sup>1</sup> €41,504<sup>2</sup>  
 (€643.56) (€665.34) (€680.68) (€702.22) (€723.65) (€757.08) (€783.36) (€795.40)

**CLERICAL OFFICER HIGHER SCALE (PPC)**

€28,181 €29,368 €30,555 €31,740 €32,604 €33,581 €34,717 €35,518  
 (€540.07) (€562.83) (€585.56) (€608.28) (€624.83) (€643.56) (€665.34) (€680.68)  
 €36,642 €37,760 €39,504 €40,876 €41,504 €42,353  
 (€702.22) (€723.65) (€757.08) (€783.36) (€795.40) (€811.68)

**HEAD SERVICES OFFICER (PPC)**

€642.41 €659.49 €673.24 €693.24 €713.24 €733.25 €757.10<sup>1</sup> €783.37<sup>2</sup>

**SERVICES OFFICER (PPC)**

€457.11 €483.78 €493.85 €515.13 €534.14 €545.51 €558.82 €574.83  
 €602.19 €615.73<sup>1</sup> €637.26<sup>2</sup>

**SERVICES ATTENDANT (PPC)**

€451.05 €469.14 €493.85 €501.69 €517.90 €536.92 €553.50 €572.16  
 €595.11 €613.85<sup>1</sup> €629.52<sup>2</sup>

**CLEANER (PPC)**

€436.93 €465.02 €472.88 €491.24 €513.30 €526.94<sup>1</sup> €540.62<sup>2</sup>

<sup>1</sup> After 3 years satisfactory service at the maximum.

<sup>2</sup> After 6 years satisfactory service at the maximum.

**Appendix 2A**

Revised paycales with effect from 1 February 2022 for General Service grades.

**SECRETARY GENERAL I**

€215,998

**SECRETARY GENERAL II**

€205,199

**SECRETARY GENERAL III**

€194,399

**DEPUTY SECRETARY**

€178,199

**ASSISTANT SECRETARY**

€138,019 €144,292 €151,088 €157,886

**PRINCIPAL HIGHER**

 €93,657 €97,521 €101,396 €105,259 €108,560 €112,037<sup>1</sup> €115,510<sup>2</sup>
**PRINCIPAL**

 €87,030 €90,717 €94,383 €98,080 €101,193 €104,423<sup>1</sup> €107,648<sup>2</sup>
**ASSISTANT PRINCIPAL HIGHER**

 €73,408 €76,202 €79,008 €81,799 €84,598 €86,229 €89,016<sup>1</sup> €91,793<sup>2</sup>
**ASSISTANT PRINCIPAL**

 €68,003 €70,478 €71,843 €74,345 €76,848 €78,295 €80,816<sup>1</sup> €83,345<sup>2</sup>
**ADMINISTRATIVE OFFICER**

 €32,465 €35,030 €35,383 €38,379 €42,212 €45,131 €48,050 €50,979  
 €53,923 €56,865 €58,893<sup>1</sup> €60,927<sup>2</sup>
**ADMINISTRATIVE OFFICER HIGHER SCALE**

€45,131 €48,050 €50,979 €53,923 €56,865 €58,893 €60,904 €62,911

**HIGHER EXECUTIVE OFFICER**

 €48,426 €49,826 €51,220 €52,628 €54,037 €55,455 €56,865 €58,893<sup>1</sup> €60,927<sup>2</sup>
**HIGHER EXECUTIVE OFFICER HIGHER SCALE**

€51,220 €52,628 €54,037 €55,455 €56,865 €58,893 €60,227 €61,568 €62,911

**EXECUTIVE OFFICER**

€30,227	€32,271	€33,081	€34,823	€36,518	€38,165	€39,800	€41,402	€43,021
€44,595	€46,216	€47,297	€48,823 <sup>1</sup>	€50,352 <sup>2</sup>				

**EXECUTIVE OFFICER HIGHER SCALE**

€33,081	€34,823	€36,518	€38,165	€39,800	€41,402	€43,021	€44,595	€46,216
€47,297	€48,823	€49,962	€51,100	€52,249				

**CLERICAL OFFICER**

€24,148	€25,693	€26,084	€27,227	€27,979	€29,107	€30,234	€31,360
(€462.79)	(€492.39)	(€499.89)	(€521.79)	(€536.20)	(€557.81)	(€579.42)	(€601.01)
€32,169	€33,265	€34,182	€34,928	€35,992	€37,648	€38,951 <sup>1</sup>	€39,551 <sup>2</sup>
(€616.51)	(€637.50)	(€655.08)	(€669.38)	(€689.76)	(€721.50)	(€746.47)	(€757.97)

**CLERICAL OFFICER HIGHER SCALE**

€27,227	€27,979	€29,107	€30,234	€31,361	€32,169	€33,265	€34,182
(€521.79)	(€536.20)	(€557.81)	(€579.42)	(€601.01)	(€616.51)	(€637.50)	(€655.08)
€34,928	€35,992	€37,648	€38,951	€39,551	€40,355		
(€669.38)	(€689.76)	(€721.50)	(€746.47)	(€757.97)	(€773.38)		

**HEAD SERVICES OFFICER**

€618.31	€631.88	€647.91	€667.17	€679.85	€698.85	€721.50 <sup>1</sup>	€746.47 <sup>2</sup>
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**SERVICES OFFICER**

€446.69	€461.13	€474.09	€491.40	€508.97	€526.98	€539.85	€547.62
€573.75	€592.13 <sup>1</sup>	€613.27 <sup>2</sup>					

**SERVICES ATTENDANT**

€446.69	€447.47	€474.09	€481.40	€493.83	€511.58	€534.73	€545.06
€566.86	€584.72 <sup>1</sup>	€605.64 <sup>2</sup>					

**CLEANER**

€419.61	€443.74	€454.11	€471.62	€489.67	€502.14 <sup>1</sup>	€522.30 <sup>2</sup>
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<sup>1</sup> After 3 years satisfactory service at the maximum.

<sup>2</sup> After 6 years satisfactory service at the maximum.



