



PUBLIC SERVICE STABILITY AGREEMENT

2018 – 2020

June 2017



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

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The attached document represents the outcome of discussions facilitated by the Workplace Relations Commission in respect of the extension of the Lansdowne Road Agreement and the previous Public Service Agreements.

This proposal aims to assist significantly the unwinding of financial emergency measures legislation as it has applied to public servants since 2009. It is also intended to support the sustainability of public service pension schemes over the longer term.

This proposals seek to be fair to the many and varied groups of public servants who have been affected by the measures taken and who fail to be covered by the public service agreements.

The Commission commends the attached proposed agreement to the parties.

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1. Introduction

1.1. Extension of the Lansdowne Road Agreement

1.1.1. This Agreement is an extension of the Lansdowne Road Agreement and applies for the period 1 January 2018 to 31 December 2020. Provisions of the Lansdowne Road Agreement (and earlier agreements as appropriate) continue to apply, save where varied by this Agreement.

1.2. Economic and Fiscal Context

1.2.1. The Parties specifically recognise the contribution made by public servants to the recovery of the Irish economy through both increased productivity and reductions in their remuneration. In particular, the Parties note the €2.2 billion savings per annum achieved through measures introduced under the Financial Emergency Measures in the Public Interest Acts 2009-2013.

1.2.2. These discussions have taken place against the backdrop of improved performance of the economy but in an environment where significant fiscal challenges and constraints remain and where substantial risks to the economy exist, not least Brexit.

1.2.3. In particular:

- Ireland is still recording a headline deficit and must continue to reduce the gap between revenue and expenditure.
- Forecasts for 2017 in the Stability Programme Update is for a General Government Deficit of 0.4 per cent of GDP, or €1.2 billion. These projections however are predicated on the continued operation of the Financial Emergency Measures in the Public Interest Acts 2009-2013 as ameliorated by the Financial Emergency Measures in the Public Interest Act 2015.
- Moreover, the rules of the preventive arm of the Stability and Growth Pact require improvements in the structural budget balance each year until the Medium Term Budgetary Objective, a structural deficit of 0.5 per cent of GDP, is achieved. This in turn can only be delivered by fiscal prudence, and avoiding excessive increases in expenditure or tax cuts.

1.2.4. The Parties note the analysis of the Public Service Pay Commission in relation to the economic and fiscal environment, which stated that 'risks in the form of Brexit and domestic competitiveness have the potential to pose significant challenges to the Irish economy and the national finances. Overall the constraints on the national finances have reduced considerably since 2010, however the levels of debt remain elevated following the fiscal crisis. While the medium term position is expected to continue to improve...Government must continue to act prudently regarding the management of the national finances.'

1.2.5. Accordingly, in reaching this Agreement, the Parties have given particular recognition to the uncertain but potentially significant risk for Ireland associated with Brexit.

- 1.2.6. Improvements in the economy have allowed the Government to begin a policy of unwinding FEMPI legislation for public servants under the Public Service Stability Agreement 2013-2018.
- 1.2.7. It is intended that this Agreement will facilitate the final unwinding of the FEMPI legislation. However, in acknowledgement of the economic and fiscal context outlined above, and the need for sustainability and continued prudence in pay bill management, the Parties are agreed that this final unwinding shall be on a phased basis and that any Act necessary to effect the changes outlined herein will reflect such phasing.
- 1.2.8. The Parties recognise the importance of a stable industrial relations environment for the public service and for those who depend on public services across society. They commit to maintaining a stable environment to avoid disputes that would affect levels of service to the public through the industrial peace, dispute resolution and governance provisions set out in this Agreement.
- 1.2.9. The public service pay provisions of this Agreement are dependent, in the case of each sector, organisation and grade, on satisfactory achievement of the provisions on cooperation with flexibility and ongoing change, satisfactory implementation of the agenda for reform and productivity set out in this Agreement, the maintenance of stable industrial relations, and the absence of industrial action in respect of matters covered by this Agreement.

2. Supporting ongoing reform and delivering productivity and accountability

2.1. Our Public Service 2020 - Development and Innovation Framework

- 2.1.1. Public service reform is a key priority for Government. Ongoing change is critical to ensuring that the public service can adapt to meet the challenges of a rapidly changing environment.
- 2.1.2. The Parties note that the next phase of public service reform – *Our Public Service 2020 - Development and Innovation Framework* – is currently being developed and will be published later this year. It will seek to build on the progress made under the first two plans published in 2011 and 2014. The Framework is structured to support two high level goals: improving outcomes for the public and building resilient and agile public service organisations. Through a focus on outcomes, the Framework will promote a culture of continuous improvement and innovation across our public service.
- 2.1.3. This next phase of public service reform will focus on ensuring strategy and policy formulation is robust, forward-looking and joined-up. Recognising that the success of our public service begins with our people, it will look to develop our people within strengthened organisations. There will be a strong emphasis on improving outcomes for citizens, improving engagement with customers and working to improve accessibility of services and the quality of services. To support the delivery of more efficient and cost-effective services, new approaches to services and better use of data will be embedded. To support the two high level goals, evaluation skills in policy making will be strengthened and value for money in spending decisions supported.

2.2. Equality and Diversity

- 2.2.1. In implementing this Agreement, public service bodies shall have regard to the need to eliminate discrimination, promote equality and protect human rights, including for their staff.

2.3. Delivering Greater Productivity

- 2.3.1. The Parties agree to the extension of the Public Service Stability Agreement 2013 – 2018 until December 2020. In this context, Paragraphs 3.1 to 3.5 relating to ‘Delivering Greater Productivity’ will continue to apply, with paragraph 3.2 to be updated to include the following:

‘The Government’s reform agenda includes, but is not limited to, the forthcoming *Our Public Service 2020 – Development and Innovation Framework*, and:

- in the Civil Service - the Civil Service Renewal Plan;
- in the Education Sector - the Action Plan for Education 2016 – 2019 and underpinning strategies and developments, including the Further Education and Training Strategy; Curricular Reform within Schools; Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020; the National

Skills Strategy 2025; the National Strategy for Higher Education to 2030; and the National Strategy to Improve Literacy and Numeracy (2011 to 2020);

- in the Local Government Sector - the Action Programme for Effective Local Government - Putting People First, and a continuing commitment to engagement on ongoing change and reform in the Fire and Water services in accordance with the terms of reference of the nationally established groups, i.e. the Fire Services National Oversight and Implementation Group (FSNOIG), the Irish Water Consultative Group (IWCG), and the library service;
- in the Health Sector - major health reforms as determined by Government, including national strategies and health policies designed to support high quality care and maximise health outcomes, ongoing implementation of Healthy Ireland, the national framework for action to improve the health and wellbeing of the people of Ireland, and other reforms implemented following consideration of The Future of Health Care Oireachtas Committee report, including any associated structural reforms;
- in the Justice sector - the Modernisation and Renewal Programme 2016-2021, which includes the agreed recommendations of the Garda Inspectorate Report, "Changing Policing in Ireland", and any recommendations agreed by Government that will arise from the Commission on the Future of Policing in Ireland; and
- in the Prisons sector - the Irish Prison Service Strategic Plan 2016-2018.
- in the Defence sector - ongoing reform, modernisation and transformation initiatives, including in relation to the implementation of the White Paper on Defence, 2015.'

2.4. Rostering

- 2.4.1. The main purpose of a roster system is to ensure that requisite staff cover is available to meet safe and efficient operational requirements, while providing flexibility for modern service delivery, and that individual staff members have sufficient predictability of attendance.
- 2.4.2. The Parties are committed to undertaking ongoing reviews of rostering arrangements as appropriate to the service delivery and work operational needs of the sector concerned. Any such reviews will be comprehensive in scope taking into account the optimum allocation of staffing resources to meet particular local business requirements. Any changes made will be agreed and in the event of issues arising between the Parties, the matter shall be referred to the LRA Oversight Body in the final instance.

2.5. Time and Attendance

- 2.5.1. It is recognised by the Parties that electronic time and attendance systems are an ongoing feature of best organisational practice in delivering efficient and responsive

public services in the context of business needs. Time and attendance systems are necessary for: pay administration, HR systems, data gathering, work rostering regimes and pension systems.

- 2.5.2. Where it is proposed to introduce, further develop, modernise through new technology or update time and attendance systems in public service organisations, there will be consultation and full adherence to the industrial relations clauses of this Agreement for the resolution of matters of mutual interest to the Parties that may arise from change proposals in this regard. The development of time and attendance systems will have regard to legal requirements in respect of data protection, storage, appropriate use of information and employee privacy. Any changes made will be agreed and in the event of issues arising between the Parties, the matter shall be referred to the LRA Oversight Body in the final instance.

2.6. Professionalisation

- 2.6.1. The Parties agree to full co-operation with any reskilling programmes for identified needs areas, such as ICT, HRM, finance and project management skills.
- 2.6.2. Such programmes will benefit all Parties, by:
- Allowing organisations to respond effectively to changing requirements and/or technological improvements.
 - Improving efficiencies within sectors.
 - Allowing sectors to develop clearly defined career structures and mobility opportunities for staff, where this is possible.

2.7. Performance and Accountability

- 2.7.1. The Parties are agreed that robust and appropriate performance management and individual accountability are essential and that systems to monitor these have made an important contribution thus far to the modernisation of the public service.
- 2.7.2. Compliance with this Agreement requires that appropriate performance management systems must be fully implemented in those sectors where they do not currently exist by 1 January 2019.

2.8. Public Service Mobility

- 2.8.1. Paragraph 1.8 of the CPA provided for the elimination of barriers to a unified public service labour market. In this context it is recognised that certain barriers continue to exist which impede mobility and career progression opportunities for existing public servants.
- 2.8.2. Action 15 of the Civil Service Renewal Plan commits to the expansion of career progression and mobility opportunities for staff across geographic, organisational and sectoral boundaries.
- 2.8.3. Building on earlier work on the standardisation of terms and conditions of employment across the public service, the Parties agree to review current arrangements for starting pay on transfer and promotion in the public service with a

view to simplifying and modernising the current arrangements and removing impediments to cross-sectoral mobility.

2.9. Standardisation of Payroll Arrangements

- 2.9.1. The Parties note the public service move to National Shared Service Centres for sectoral and back office functions in general and payroll services in particular. In this regard, the standardisation of pay roll operations has the potential to maximise efficiencies and economies of scale across the public service. However, the Parties are agreed there is an ongoing need to balance efficiencies from standardisation of pay roll functions with the reasonable needs of employees in relation to the payment of wages on a consistent basis at a mutually agreed pay interval.
- 2.9.2. The Parties also recognise that modern pay roll operations can require reasonable payment in arrears arrangements. These will ensure there is an adequate time period to accommodate required pay roll changes on an ongoing basis. This will help to ensure that payments reflect changing circumstances and will reduce the potential for overpayments arising. This is of benefit both to the pay roll administrator and the employee. In these circumstances the Parties are agreed that subject to consultation and no monetary loss to the employee, pay roll operations can be modified to provide for the introduction of adequate payment in arrears arrangements where a business case can be established.

2.10. Apprenticeship and Traineeship in the Public Sector

- 2.10.1. In line with Ireland's participation in the European Commission's 'European Alliance for Apprenticeships', the Parties agree to support and facilitate the implementation of the Action Plan for apprenticeship and traineeship in Ireland 2016 to 2020. The Action Plan, which covers the public service, builds on the Programme for Government, provides for a significant expansion of apprenticeships and traineeships in all major economic sectors, and commits to examining the potential for public service engagement with the apprenticeship scheme.
- 2.10.2. 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 twelve 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.

2.11. Recruitment

- 2.11.1. It is recognised that there is a range of existing provisions in place to provide for open recruitment across the public service. Nevertheless, in line with the business requirements of public service organisations, the Parties agree to discuss the scope for increased open recruitment where this is appropriate to meet particular organisational needs (save where otherwise provided for in legislation).

- 2.11.2. There will be agreement of protocols between the Parties for ongoing cooperation with atypical forms of recruitment, such as, but not limited to: apprenticeship-type arrangements, internships, clinical placements in care settings, job activation initiatives and work experience placements. Such cooperation will be contingent on ongoing consultation with staff representatives regarding any such arrangements.

2.12. Working Hours

- 2.12.1. It is the view of Government that increased productivity measures, including additional working hours, agreed by the Parties in the Haddington Road Agreement make a significant and ongoing contribution to a modern public service.
- 2.12.2. However, in recognition of particular work-life balance issues that may arise, it is agreed that an opportunity shall be offered between 1 January and 1 April 2018 and after the expiry of this Agreement (1 January to 1 April 2021) to permanently revert to the pre-Haddington Road Agreement hours. Any individuals exercising this option will have their pay reduced commensurately, in line with previous arrangements. The application of this arrangement at the sectoral level will depend on service delivery requirements and business needs.

2.13. Working Patterns

- 2.13.1. The Parties reaffirm the need to build on previous improvements in the efficiency and effectiveness of public service delivery. It is recognised that the public service must continue to modernise if it is to continue to meet the expectations and requirements of our complex and diverse society.
- 2.13.2. It is therefore accepted that work must be organised in a manner that best reflects the needs of service users. It is agreed that there will be meaningful engagement with management on such initiatives.

2.14. Work-life balance

- 2.14.1. The public service has pioneered work-life balance arrangements, which support the recruitment and retention of staff and contribute to wider public policy objectives, including those of increasing and maintaining female participation in the labour market, and achieving gender balance in career progression.
- 2.14.2. The Parties agree that access to work-life balance arrangements, including flexible working and other arrangements, should be available to the greatest extent possible across the public service subject to service and business needs and local implementation.
- 2.14.3. In those areas where flexi-time currently exists and, with full regard to service delivery requirements and business needs, arrangements may be made to enable annual leave in excess of the statutory minimum to be used on the flexi-clock to allow staff to reduce their working hours to address work-life balance issues that may arise. This will initially be done on a confined pilot basis, with a view to further extension, subject to a comprehensive assessment of the operational and cost implications.
- 2.14.4. Management in each sector will also establish mechanisms to monitor progress in relation to gender balance in career progression.

- 2.14.5. The Parties further agree that disputes over the local and sectoral implementation of work-life balance policies should be processed through the normal dispute resolution processes.

2.15. Agency Staffing

- 2.15.1. Management will engage with the Parties with a view to minimising the use of agency as far as possible and practicable over the lifetime of the Agreement.

3. Recruitment and Retention

3.1.1. The Parties note that the Public Service Pay Commission stated in their Report, at Paragraph 6.35, that 'consideration could be given to commissioning a more comprehensive examination of underlying difficulties in recruitment and retention in those sectors and employment streams where difficulties are clearly evident.'

3.1.2. Accordingly, the Parties agree that:

- The Parties to this Agreement will have the opportunity to make submissions to the Commission on this matter.
- The Commission will conduct a comprehensive examination and analysis of the particular issues in question, commissioning external expertise as required, and taking into account the full range of causal factors in each case. The Commission will be asked to generate options for resolving the issues identified. In this regard the Commission will develop specific methodological and analytical criteria to support it in carrying out this exercise.
- The Commission will be asked to complete this exercise by end-2018.
- The Commission will advise the relevant Parties on the outcome of its assessment, which will then be the subject of discussion between the relevant parties. It is accepted by the Parties that the output from this exercise will not give rise to any cross-sectoral relativity claims.
- The implementation of any proposals that may arise on foot of the Commission's report will fall to be considered by the Parties.

4. New Entrants

- 4.1.1. The Government as employer considered it appropriate, during a time of unprecedented crisis, to introduce alternate arrangements for terms and conditions of employment for future public service employees. The Haddington Road Agreement provided for revised salary scales in order to address the differential pay scale arrangements between those public servants recruited at entry grades since 1 January 2011 and those who entered before that date. In addition agreement was reached on salary scale ameliorations introduced in respect of certain categories of primary and second-level teachers.
- 4.1.2. The Parties acknowledge the issues of concern in relation to the increased length of the salary scale in certain instances in respect of post January 2011 entrants.
- 4.1.3. Accordingly, it is agreed that an examination of the remaining salary scale issues in respect of post January 2011 recruits at entry grades covered by Parties to this Agreement will be undertaken within 12 months of the commencement of this Agreement. On conclusion of this work, the Parties will discuss and agree how the matter can be addressed and implemented in a manner that does not give rise to implications for the fiscal envelope of this Agreement and that has regard for the medium term fiscal framework. Any outcome will be restricted to Parties adhering to this Agreement.

5. Pay

5.1. Unwinding of FEMPI

- 5.1.1. As part of the progressive ongoing reduction of the impact on the remuneration and other terms and conditions of all public servants through the Financial Emergency Measures in the Public Interest Acts, the Parties have reached agreement to provide for a fiscally sustainable programme of public service pay measures as follows:

2018

- 1 January 2018 annualised salaries to increase by 1%;
- 1 October 2018 annualised salaries to increase by 1%.

2019

- 1 January 2019 annualised salaries up to €30,000 to increase by 1%;
- 1 September annualised salaries to increase by 1.75%.

2020

- 1 January 2020 annualised salaries up to €32,000 to increase by 0.5%;
- 1 October 2020 annualised salaries to increase by 2%.

5.2. Outstanding Adjudications

- 5.2.1. While recognising that the main priority of this Agreement is the phased unwinding of the FEMPI legislation, the Parties commit to entering into a process to conclude by end-September 2018 which will involve engagement in relation to an appropriate, time-bound process for addressing any outstanding adjudications, having due regard to the question of their continued validity and cost implications.

6. Pensions

6.1. Additional Superannuation Contribution

- 6.1.1. The Parties note that the Government intends to introduce legislation to give effect to the public service pay proposals above. In doing so, and taking account of the analysis provided by the Public Service Pay Commission, the Government has indicated the proposed legislation will provide for the conversion of the existing Pension Related Deduction (PRD) provided for under the Financial Emergency Measures in the Public Interest Act, 2009 (as amended) into a permanent Additional Superannuation Contribution (ASC).
- 6.1.2. This new contribution will be in addition to the existing superannuation contribution made by public servants currently and will apply to pensionable remuneration only from 1 January 2019. This is intended to underpin the sustainability of public service pensions
- 6.1.3. In addition to the pay adjustments provided for above, the present thresholds, bands and rates in respect of the Pension Related Deduction will be modified in conversion to the Additional Superannuation Contribution (ASC) to reflect the differentiated pension benefits accruing to public servants in accordance with the following tables:

Public Servants who are Members of pre-2013 Pension Schemes with Standard Accrual Terms	
1 January 2019	
Band	Rate
Up to €32,000	Exempt
€32,000 to €60,000	10%
€60,000 plus	10.5%

1 January 2020	
Band	Rate
Up to €34,500	Exempt
€34,500 to €60,000	10%
€60,000 plus	10.5%

All Public Servants who are Members of the Single Public Service Pension Scheme	
1 January 2019	
Band	Rate
Up to €32,000	Exempt
€32,000 to €60,000	6.66%
€60,000 plus	7%

1 January 2020	
Band	Rate
Up to €34,500	Exempt
€34,500 to €60,000	3.33%
€60,000 plus	3.5%

Public Servants who are Members of pre-2013 Pension Schemes with Fast Accrual Terms	
(Unchanged)	
Band	Rate
Up to €28,750	Exempt
€28,750 to €60,000	10%
€60,000 plus	10.5%

6.2. Public Service Pensions in Payment

6.2.1. Future policy on public service pensions in payment for the duration of this Agreement will be guided by:

- The need to adopt an equitable approach to the various public service pensioner cohorts who are now not only differentiated by amount of pension in payment (determined by grade and service) as heretofore but also by date of retirement (in particular pre and post end-February 2012).
- Accordingly, for those who retired or will retire post end-February 2012, to the extent that they retired on reduced salaries, they will receive pension increases in line with the pay increases due to their peers currently in employment under the terms of this Agreement.

- When alignment is achieved between pre and post end-February 2012 pensioners, as will happen progressively for salary pay ranges up to €70,000 by 2020 under this Agreement, pay increases will continue to benefit pensions in payment for the duration of this Agreement.

6.3. Section 40 of the Public Service Pensions Act 2012

- 6.3.1. The Government, in acknowledgement of the increase in pension contributions required of public servants in respect of the Additional Superannuation Contribution (ASC), have committed not to extend the application of Section 40 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 to pre-existing public service pension schemes for the duration of this Agreement.

6.4. Mandatory Retirement Age

- 6.4.1. On foot of one of the recommendations of a Report by an Interdepartmental Working Group, the Department of Public Expenditure and Reform, with public service employers, was tasked to review the current statutory and operational considerations giving rise to barriers to extended participation in the public service workforce up to and including the current and planned age of entitlement to the Contributory State Pension. This review is expected to be completed shortly.
- 6.4.2. In the context of this review, the Parties have noted the strong views expressed by the staff side that the issues raised for employees caused by the prevailing maximum mandatory retirement ages in the public service need to be addressed as soon as possible. Future policy in this area will be considered by Government. In this regard, the staff side will be consulted in relation to any proposals proposed by Government.

7. Resolving Disagreements

- 7.1.1. The Parties are committed to ensuring that problems, where they arise, are dealt with in an effective and timely way.
- 7.1.2. In this regard, the Parties reaffirm their commitments under previous Public Service Agreements, most recently in paragraph 4.1 of the Public Service Agreement 2013-2018, 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; and
 - co-operate with the implementation of change pending the outcome of the industrial relations process conducted in a timely fashion.
- 7.1.3. With a view to ensuring swift resolution of disagreements on matters covered by this Agreement, it is further agreed, where the Parties involved cannot reach agreement within 4 weeks, to refer disputes by either side to the WRC and if necessary to the Labour Court (or, where such apply, to other agreed machinery). Where a Conciliation or Arbitration Scheme applies, the issue will be referred within 4 weeks, to the Conciliation machinery under the Scheme and, if unresolved, to the Arbitration Board (or, where such apply, to other agreed machinery). The outcome from the industrial relations or arbitration process will be binding and final.
- 7.1.4. Where difficulties arise in the operation of the above, the Oversight Body shall engage proactively with the Parties to ensure compliance with the provisions of the Agreement.

8. Ensuring Compliance with this Agreement

8.1. Maintenance of Industrial Peace

- 8.1.1. 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 covered by this Agreement, where the employer, trade union or staff association are acting in accordance with the provisions of this Agreement.

8.2. LRA Oversight Body

- 8.2.1. The Lansdowne Road Agreement Oversight Body will oversee compliance with industrial peace requirements across sectors, in conjunction with sectoral oversight bodies.

- 8.2.2. The LRA Oversight Body will be responsible for proactively addressing matters of implementation and interpretation during the term of this Agreement, including:

- addressing any anomalies that may arise under this Agreement;
- addressing any major disputes that arise;
- making the final determination on whether a dispute shall be determined in accordance with the procedures laid out in the Agreement;
- determining any matter associated with the correct operation of dispute resolution procedures including the question of timelines, cooperation with disputed change, etc;
- determining the correct operation of those procedures in any case where that matter is disputed; and
- adjudicating in the event of a dispute regarding compliance with the outsourcing provisions of this Agreement.

8.3. No Cost Increasing Claims

- 8.3.1. 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.

8.4. Review of Agreement

- 8.4.1. The Parties affirm that public service pay and pensions and any related issues shall not be revisited over the lifetime of this Agreement.

- 8.4.2. In cases where the assumptions underlying this Agreement (particularly as regards adverse, material changes in economic circumstances) need to be revisited, the Parties commit to prior engagement.

