

# Services and Enterprises Division

► Report 2018-2019



**FÖRSA**

# FÓRSA



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#### COVER PHOTOS

Day one of five Ryanair pilot strikes last July in a dispute over management's approach to transferring pilots between its European and African bases. The action eventually resulted in a positive outcome where members voted unanimously in favour of accepting a collective agreement with the company.



# Organisation

## Creation of Fórsa

Fórsa came into being on 2nd January 2018 through an amalgamation of the Civil, Public and Services Union (CPSU), the Irish Municipal, Public and Civil Trade Union (IMPACT), and the Public Service Executive Union (PSEU). The new union represents over 80,000 members across the civil and public services, commercial and non-commercial semi-state organisations, the community and voluntary sector, and private companies in aviation, telecommunications and elsewhere. Fórsa is the second largest union in the country, and by far the strongest and most influential trade union voice in the semi-state sector and wider public service.

Members gave the amalgamation, which was the result of over two years' work and consultation, a strong endorsement in ballot results announced in November 2017. Public Service Executive Union (PSEU) members voted 70% in favour of the move, while those of the Civil, Public and Services Union (CPSU) gave an endorsement of 76%. IMPACT members who voted backed the merger by a margin of 86% to 14%. A fuller report on the amalgamation was published in an update to the union's first national conference, which took place in May 2018.

The union held its first delegate conferences in April 2018, when a new Divisional Executive Committee (DEC) was elected at the Fórsa Services and Enterprises divisional conference. Transitional arrangements, designed to ensure that the Services and Enterprises Divisional Executive fairly represented members from each of the three amalgamating unions, were in place between 2nd January 2018 and the first Services and Enterprises divisional conference.

## Divisional Executive Committee

The following activists were elected to the Fórsa Services and Enterprises Divisional Executive Committee at the Division's inaugural conference in April 2018, or were subsequently co-opted: Niall Mullally (Chairperson), Steve Pilgrim, (Vice Chairperson), Evan Cullen (Third divisional representative on Fórsa's National Executive Committee), Grace Conlon, Cormac Craven, Tony Dawson (co-opted December 2018), Pierce Dillon, Willie Doyle, Geraldine Hickey, Terry Kelleher (resigned December 2018), Carmel Keogh, Des Mullally, James O'Loughlin, Alan O'Neill, David Orford, Ian Patel, Paddy Quinn (co-opted June 2018), Michael Scully, Helen Sheridan, John Sullivan, and Louise Wall.

## Divisional staff

Angela Kirk continued as Head of Division, with Carol Foster as personal assistant to the Division during the period covered by this report. Kevin Donoghue worked as divisional organiser. Along with the national secretary, four assistant general secretaries provided industrial relations advice and services to branches in the Division: Ashley Connolly, Johnny Fox, Denis Keane and Brendan O'Hanlon.

## Recruitment and retention

Membership of the Division increased by almost 700 in 2018. This compared to an increase of 415 in 2017. The number of people leaving the union decreased, with just over 300 people falling out of benefit in 2017, compared to almost 400 in the previous year.

The Division organised 70 recruitment and retention actions, events and campaigns in 2018.

## Organising

Following the Division's inaugural conference, the DEC adopted a number of initiatives to ensure a more strategic approach to organising and recruiting, which links industrial priorities with organising initiatives. This has led to progress in all areas of the division's work.

In 2018, ten branches participated in a pilot audit, which measured the union's strength in a number of areas including membership density, training and communications.

A divisional organising committee was established in late 2018 to oversee organising work in the division. The committee's agenda includes auditing and mapping, recruitment, training, branch organisation, communications and campaigns. The auditing and mapping of all branches was identified as a priority and work is underway.

The 2019 general audit will be the first full audit of the division. It will establish up-to-date information on organising opportunities and resource requirements, which will support an effective organising strategy.

## Non-commercial semi-state network

The first meeting of a new non-commercial semi-state network took place in the autumn of 2018. It provides a forum for representatives of branches in non-commercial state agencies to come together to receive updates on issues of interest to them and to raise matters of concern with the DEC.

Historically the Division did not organise a divisional council as provided for Fórsa rules. After the creation of the new union, and in light of the increase in the size of the Division, the DEC decided that a Divisional Council will be an important forum for communication and consultation between branches and the Divisional Executive. The first Divisional Council meeting took place in February 2019.

# Pay and related

## Private and commercial sector pay

Research on over 200 private sector and commercial semi-state pay deals struck in 2018 has found that pay increases ranged between 2-3%. The data, which appeared in the journal *Industrial Relations News* (IRN), shows that most pay deals averaged below 3% a year, with only a minority below 2%. The study found that additional benefits, on top of basic pay rises, featured in many agreements. These included annual leave, bonus payments, pensions and fringe benefits including tax-exempt vouchers.

An earlier study from IRN and the CIPD found that a far higher percentage of unionised private companies planned 2018 pay increases, compared to non-union firms. The study found that 72% of unionised firms expected to increase earnings in 2018, compared to just 49% of non-union firms.

The same study found that the number of private sector companies that increased pay in 2017 was significantly higher than the number who said they would at the beginning of the year. It found that 68% of firms raised pay in 2017, while only 50% had said they expected to do so at the start of the year. The average 2017 pay increase in the 356 companies surveyed was 3.15%, compared to an average projection of 2.5% at the start of the year. Virtually all firms said pay increases were contingent on performance and 'normal ongoing change,' while 12% said specific workplace changes would be required. No respondent cut pay in 2017.

In early 2019, a survey by CIPD Ireland found that employers in the private sector expect pay to increase by an average of 2.5% in 2019. This is first time its overall pay projection has risen above 2% for six years. The report highlighted inflation, labour market shortages and recruitment difficulties as drivers of expected pay increases.

In December 2018, the Irish Congress of Trade Unions' (ICTU) Private Sector Committee, in which Fórsa participates, set a target of 3.4% for private sector pay settlements in 2019. It said the target takes account of expected inflation, as well as increases in the cost of housing and other necessities. Unions also pledged to continue to secure additional benefits, and to address 'legacy issues' in the sector. The 2019 target was higher than the 3.1% ambition set by Congress for 2018.

Fórsa has concluded pay agreements in employments across the private and non-commercial semi-state sector, which have generally been in line with, or just above the economy-wide average. There's more information on the outcomes in specific employments in the chapter on 'sectors and branches.'

## National minimum wage and living wage

The national minimum wage increased by 25 cent to €9.80 an hour following a July 2018 submission by the Low Pay Commission to the Minister for Employment Affairs and Social Protection. This was less than the widely-criticised 30 cent rise recommended for 2018. The Irish Congress of Trade Unions (ICTU) has called on the Government to align the national minimum wage with the higher non-statutory 'living wage,' which is a measure of the income needed to support a socially acceptable standard of living. Last summer, the Living Wage Technical Group, which calculates the living wage rate, said it should increase by 20 cent to €11.70 an hour.

## Non-commercial semi-state pay

The Public Service Pay Commission (PSPC) reported to the Minister for Public Expenditure and Reform in May 2017 in advance of talks on a new public service pay agreement, which started later that month and concluded in June 2017. The outcome was the Public Service Stability Agreement (PSSA), which was strongly backed by members of the three unions that later amalgamated to form Fórsa, along with unions representing a large majority of public service workers. The ICTU Public Services Committee backed the deal by a margin of over 80% in an aggregate ballot in September 2017.

The PSSA, which came into force in January 2018, now governs pay and related matters for most staff in non-commercial semi-state organisations and 'section 38' agencies where pay scales follow the public service. By the time it expires, on 31st December 2020, over 90% of those covered will earn as much as, or more than, they did when pay cuts and the pension levy were introduced during the crisis.

## PSSA: Summary of income adjustments

- 1st January 2018: 1% pay adjustment
- 1st October 2018: 1% pay adjustment
- 1st January 2019: Additional superannuation contribution threshold up from €28,750 to €32,000 (worth €325 a year). 1% pay increase for those who don't benefit (ie, those earning less than €30,000 a year)
- 1st September 2019: 1.75% pay adjustment
- 1st January 2020: Additional superannuation contribution threshold increased to €34,500 (worth €250 a year). 0.5% pay increase for those who don't benefit (ie, those earning less than €32,000 a year)
- 1st October 2020: 2% pay adjustment
- 31st December 2020: Agreement concludes.

The agreement saw pay increase by 1% on 1st January 2018, and by another 1% on 1st October 2018. Further income boosts were implemented on 1st January 2019, with a 1% pay increase for those earning less than €30,000 a year. Those who earn more benefited instead from an increase in the 'additional superannuation contribution,' which replaced the pension levy as part of the agreement. Further improvements are due on 1st September 2019, 1st January 2020, and 1st October 2020 (see table).

As this report was being finalised, Fórsa and other unions were studying the implications of a February 2019 Labour Court recommendation regarding nurses' pay and grading, and awaiting the outcome of a related contract negotiation and ballot. At its February 2019 meeting, Fórsa's National Executive Committee (NEC) noted that, while ministers had expressed the view that the Labour Court recommendation was in line with the PSSA, Fórsa officials had been assured of continued engagement between the Department of Public Expenditure

and Reform and the ICTU Public Services Committee on the broader implications of the outcome. The NEC said this engagement must address any changes in the assumptions underlying the agreement, and noted that clause 8.4.2 of the PSSA allows for this. The executive also took the view that ongoing engagement between unions and DPER must continue to discuss the possibility of a general pay review mechanism to allow a full examination of the adequacy of current pay arrangements, and to resolve ongoing difficulties with the smooth operation of parts of the agreement.

The union expects these engagements to continue to take place over the coming weeks with the objective of ensuring the continued effectiveness and stability of the public service agreement.

### Additional superannuation contribution

Incomes in non-commercial semi-state agencies were also improved in January 2019 by an increase in the threshold for payment of the 'additional superannuation contribution,' which replaced the pension levy under the PSSA. A further increase in the threshold is due in January 2020. Different arrangements apply to members of fast accrual schemes, mainly certain uniformed grades.

The agreement also saw the resolution of two outstanding 'additional superannuation contribution' anomalies. From January 2019, staff who joined the public service after January 2013, and who are in the single public service pension scheme introduced at that time, pay only two-thirds of the additional contribution rate. This figure will fall to one-third from January 2020, reflecting the fact that the benefits of the single scheme are different from those in the older scheme. And, with effect from January 2019, the 'additional superannuation contribution' is no longer payable on non-pensionable elements of incomes, including non-pensionable overtime payments.

Under these measures, new entrants will skip two points - the fourth and the eighth - on each pay scale. Fórsa welcomed this outcome because it ensures a fair outcome for new entrants regardless of their length of service. Fuller details of the outcome are available on the union's website.

### Voluntary and community sector pay

In 2013, unions successfully established a process to ensure that service level agreements would require employers in section 39 agencies - which are funded by, but operate independently of, the public service - to use the State's industrial relations machinery when disputes arise. Although staff in these and similarly-funded bodies are not covered by the Public Service Stability Agreement (PSSA) or previous public sector pay deals, the union has engaged with individual employers with the aim of unwinding pay cuts imposed during the economic crisis. The union also launched its 'Caring: At What Cost?' campaign to win public and political support for pay recovery in the sector.

Fórsa has acknowledged that pay restoration in this sector is more complex than in the core public service because voluntary and community organisations have different funding arrangements, which leave some better able to fund pay restoration than others. But the union says a significant number of agencies have failed to act even though they have the money to do so.

### New entrants

The term 'new entrants' refers to people who started work in the civil and public service, and organisations linked to it for pay purposes, after 2011 when inferior pay scales for new staff were imposed by the Government without agreement.

Although those inferior scales, which were worth 10% less at every point of each scale, were abolished at unions' insistence under the 2013 Haddington Road agreement, new entrants continued to have longer pay scales than their longer-serving colleagues, with two lower pay points at the beginning of each scale. In some grades, allowances that made up a significant part of overall income were also abolished for new entrants.

The PSSA established a process, involving the Public Service Pay Commission (PSPC), to address this problem. Following detailed discussions and inputs from Fórsa and other unions, this resulted in a solution of the pay scale issue, though not the allowances issue, in 2018. This was achieved at least two years earlier than the PSSA originally provided for.

### Gender pay gap

Over the last two years, Fórsa has been at the forefront of the trade union campaign for legislation on gender pay gap reporting to encourage employers into tangible action to bridge the gap, which currently stands at an average of around 14% in Ireland. In November 2018 the union was part of an Irish Congress of Trade Unions (ICTU) delegation that gave evidence to the Joint Oireachtas Committee for Justice and Equality, which was examining the general scheme of the Gender Pay Gap Information Bill. The Bill would establish mandatory reporting by employers on the gender pay gap in their organisations. The measure would first be applied in firms with 250



Delegates at the 2018 Services & Enterprises divisional conference.

or more employees, but that threshold would drop to 50-plus over time. The legislation would also require reporting on differences in bonus pay, part-time pay and the pay of men and women on temporary contracts.

In June 2018, Fórsa criticised the Government for publishing its own Bill on the issue, rather than amending an existing opposition Bill that was already well advanced. The union said the move would delay the introduction of pay gap reporting. A December 2018 report by the Economic and Social Research Institute (ESRI) found that the introduction of the statutory minimum wage had reduced the gender pay gap for lower-paid workers in Ireland, but had not impacted on the wage gap at higher salary levels. This was because women are more likely than men to work in low paid jobs.

The PSSA commits management in each sector of the public service to monitor progress on gender balance in career progression.

### Public service allowances

The legislation that gave effect to the PSSA provides for the restoration of an earlier 5% cut in allowances from 2020. Fórsa and other unions have held meetings with Finance Minister Paschal Donohoe on this issue, and are pressing for an earlier restoration date.

### Travel and subsistence

The standard overnight rate of civil service expenses was increased to €147, in line with inflation, following agreement at Civil Service General Council in November 2018. There were no changes in motor travel or foreign subsistence rates. An official circular setting out revised subsistence allowances was issued to civil service departments and the non-commercial semi-state sector is to follow suit as usual.

# Pensions

### Trends in the private sector

Defined benefit (DB) pension schemes, where employers bear the financial risks, have come under serious pressure in recent years. With life expectancy increasing, and interest rates at historic lows, most DB schemes face significant funding challenges. This has prompted a migration to defined contribution (DC) schemes, which generally transfer the financial risk from employers to employees.

By early 2018, only 28 DB schemes remained in Ireland. This was a 6% decline on the previous year. Furthermore, the liabilities of DB schemes amounted to over €58 billion. The Government's recent 'Roadmap for Pensions in Ireland' reported that the latest actuarial figures indicate that a quarter of DB schemes would not have sufficient funds to meet their obligations if they were wound up.

### Community employment supervisors' pension campaign

Hundreds of community employment (CE) supervisors and assistant supervisors represented by Fórsa and Siptu took part on a one-day strike in February 2019 in support of their 11 year campaign for pension justice. The 1,250 staff concerned have no access to any occupational pension scheme, despite a 2008 Labour Court recommendation, which said the State should fund a scheme. The Court recommendation was shelved during the crisis years, but the Department of Public Expenditure and Reform (DPER) has since refused to implement it. More than 250 CE supervisors have retired with no occupational pension since 2008, when the Labour Court recommended that they should have occupational pension provision funded by the state. Between 30 and 40 currently retire each year.

Fórsa has raised the issue in successive public service pay negotiations since 2008 and the

union ramped up its political lobbying campaign on the issue in 2018.

### Auto-enrolment

Employers are to be legally obliged to include their employees in a pension scheme, and make contributions to the fund, on foot of a new Government scheme outlined in late 2018 on foot of union submissions. Ireland is currently one of only two OECD countries without mandatory earnings-related pension savings and, at present, 35% of workers are not in an occupational pension scheme.

Fórsa backed these 'auto-enrolment' proposals at its national conference in May 2018 because they would benefit tens of thousands of workers who currently have no occupational pension, including a small but significant number of Fórsa-represented grades who deliver public services. The new automatic enrolment scheme targets low and middle-income earners to ensure they save towards a financially secure retirement, with financial contributions from their employer and the State.

In November 2018, the Government issued a draft proposal on how the scheme could work. Under these proposals, workers would have to contribute up to 6% of their salary towards their pension pot, with employers having to match that amount. The state would then pay €1 for every €3 the worker contributes. Participation in the scheme would be compulsory for workers for six months, after which they could opt out. Workers could also suspend their contributions in limited circumstances, but employer and State contributions would also cease if an employee stopped saving.

The Irish Congress of Trade Unions (ICTU) welcomed the proposals in principle, but said they should be strengthened significantly. Unions want older workers to be included in the scheme which, as it currently stands, would only include workers aged between 23 and 60 who



Former Chair, Gillian White and Head of Services and Enterprises Division Angela Kirk.

earn more than €20,000 a year. Congress wants this expanded to 16-60+ with no income threshold. Congress also wants contributions to be collected by the Revenue Commissioners in the same way as social insurance, and for the State contribution to be valued at €1 for every €2.50 a worker saves, with an employer contribution of 7% on all earnings. It also wants the employee contribution to be graduated up to €20,000 a year with a flat 5% rate on all additional earnings.

ICTU also called for State provision of annuities for small pension pots. This would take the form of a top-up payment on the State pension, similar to an earnings-related pension system. Congress recommended that the scheme be mandatory, with a time limited 'contribution holiday' facility for workers which can be claimed as a single continuous period or a number of separate periods, and says low income workers and sole traders should be automatically enrolled.

### Eligibility for State pension

Fórsa was involved in the development of an Irish Congress of Trade Unions submission regarding a Government consultation paper on a 'total contributions approach to eligibility for State pensions.' The Congress submission covered the design parameters of the scheme to be introduced to calculate entitlement to the contributory state pension.

### Tax relief on pension contributions

With input from Fórsa, The Irish Congress of Trade Unions (ICTU) made a submission to a Government public consultation on pension reform, which is focusing on the cost of tax relief on pension contributions. Congress expressed opposition to any fundamental changes, pointing out that some 620,000 workers receive tax relief on pension contributions. Because tax supports are provided at the marginal income tax rate, workers with annual earnings above €34,550 get relief at the 40% rate. In 2017 the average wage for a full-time worker was €45,611. Any reduction in the rating of tax expenditure would, therefore, adversely affect every worker earning more than three-quarters of the average wage.

### Public service retirement age

The age of eligibility for the State pension was increased to 66 in 2014. Because of this, the compulsory non-commercial semi-state retirement age of 65 meant that many workers were forced to retire before they could draw a significant part of their retirement income. The Public Service Stability Agreement (PSSA) enabled Fórsa to address this issue in discussions with the Department of Public Expenditure and Reform (DPER).

In 2018, the Government bowed to union pressure and agreed to legislate to give civil and public servants the option to retire at any age between 65 and 70 if they chose. This is also expected to apply in the non-commercial semi-state sector.

Pending the enactment of legislation, limited interim arrangements, which allowed the re-hiring of staff who wanted to stay in work until they were eligible for the State pension, were put in place. But those who exercised this option were placed on the first point of the non-pensionable pay scale, and were not able to make further pension contributions.

The legislation that gave the option to work up to age 70 was passed into law over Christmas 2018. It also required the finance minister to outline potential remedies, within three months, for those who had been forced to retire between 6th December 2017 and the commencement of the new law. Fórsa has argued that these workers should be given the option to extend their 12-month retention arrangement up until age 70, and get increments due to them during this period, but the Government refused to do this.

Staff recruited after 1st April 2004 were not covered by the new legislation because they already either have no compulsory retirement age or the ability to retire up to age 70.

### Public service final salary schemes

For the duration of the Public Service Stability Agreement (PSSA), non-commercial semi-state pensions have essentially returned to the pay-linked method of adjustment, which was in place until the onset of the financial emergency. This means that basic PSSA pay increases will be passed on to those who retire on or after 1st

March 2012 in nearly all cases. The pay increases will be passed on to pre-March 2012 retirees if the pay level on which their pension is based does not exceed the existing pay level of serving staff in the same grade and pay scale point. Fórsa will seek the continuation of this arrangement in any negotiations on a successor to the PSSA.

Changes to the pension levy (now called the 'additional superannuation contribution') introduced under the PSSA saw pensions worth up to €34,132 a year exempted entirely from the additional contribution from 1st January 2018. The exemption threshold was increased to €39,000 in January 2019, and will be further increased to €54,000 in January 2020.

### Single career average scheme

Staff who joined non-commercial semi-state agencies after January 2013 are members of the single public service pension scheme, which gives accelerated accrual of benefits on earnings up to 3.74 times the contributory state pension. This takes the form of 0.58% of gross pensionable remuneration up to this threshold without any offset for integration with the social welfare system. From the end of March 2019, earnings up to €48,457 will benefit from the formula.

Members of the single public service scheme have paid only two-thirds of the 'additional superannuation contribution' (formerly the pension levy) since January 2019. This figure will fall to one-third from January 2020, reflecting the fact that the benefits of the single scheme are different from those in the older scheme.

Under the single public service scheme, accrued benefits and pensions in payment are uprated in line with annual movements in the consumer price index (CPI), including negative movements. Since the establishment of the scheme in 2013 the following adjustments were made:

Fórsa has repeatedly called for all members of the scheme to receive annual benefit statements. Although this is required by law, most are not receiving them at present. The union has also demanded that a scheme for the purchase and transfer of pension benefits be put in place. Transfer tables were agreed between the ICTU Public Services Committee and the Department of Public Expenditure and Reform in 2016.

- 12 months to December 2014: -0.3%
- 12 months to December 2015: 0.1%
- 12 months to December 2016: 0.0%
- 12 months to December 2017: 0.4%
- 12 months to December 2018: 0.7%

A 'single scheme estimator tool,' which indicates the retirement benefits that public servants hired after 1st January 2013 can expect, became available in the autumn of 2018 following pressure from Fórsa. The tool covers standard-grade members of the single public service pension scheme who are currently employed in pensionable posts.

### Treatment of parental leave

Revised arrangements for the accrual of pension while on parental leave have been in place since 9th February 2018. These mean only two days of reckonable service, rather than four, are deducted from staff who take parental leave that includes the last working day before, and the first working day after a weekend. It was subsequently agreed that the records of staff who took parental leave before that date should be amended on a case-by-case basis at their time of retirement.

### Survivor pensions for same sex couples

The Social Welfare, Pensions and Civil Registration Bill, 2018 amended the 1990 Pensions Act to give a right, in certain circumstances, to spousal pension benefits for same-sex spouses and civil partners who are members of occupational pension schemes.

# Working conditions

## Working time

Fórsa is committed to seeking to reverse increases in working time introduced in non-commercial semi-state organisations during the economic crisis. Although there was no general reduction in working hours under the Public Service Stability Agreement (PSSA), the deal gave staff the option of a permanent return to 'pre-Haddington Road' hours on the basis of a pro-rata pay adjustment. Staff were able to opt into this arrangement at the beginning of the agreement (January-April 2018) and can do so for a period after it expires (January-April 2021). The agreement also contains a provision to enable annual leave to be converted into flexitime. Although these two provisions fall far short of the restoration of additional hours introduced for some non-commercial semi-state staff under the 2013 Haddington Road agreement, they do give options to those for whom time is more important than money. However, the uptake of both options has been relatively low.

In November 2018, Fórsa added its voice to international trade union demands for reduced working time to ensure that workers share the benefits of increased productivity from technological change. This is often expressed in terms of the introduction of a four-day week with no loss of pay. In 2018, the union organised an international conference on the

future of working time, which brought together trade unionists and working time experts from Ireland, Germany and the UK. This was part of the union's response to the large number of motions about working time submitted to Fórsa's national conference in May 2018, when an executive motion committed the union to work with others to reduce working time in all sectors of the economy.

The PSSA also commits management to ensuring that work-life balance arrangements, including flexible working, are available to the greatest possible extent across the civil and public service. It says disputes on local and sectoral implementation of work-life balance arrangements can be processed through normal dispute resolution processes.

## Parental leave

Fórsa welcomed long-overdue Government plans, announced in late 2018, to increase paid parental leave from two to seven weeks for each parent by 2021. Along with existing paid maternity and paternity leave, the change would increase to 42 weeks the amount of paid leave available to new parents during the first year of a child's life. It followed the announcement that two weeks' paid parental leave would be rolled out late in 2019.

The developments stem from a recent EU directive on work-life balance, which obliges governments to increase access to paid parental leave for both parents. Payment will be at the same rate as prevailing maternity and paternity leave, which is currently €245 a week. The paid leave must be taken in the first year of a child's life.

Meanwhile, in February 2019, legislation to extend unpaid parental leave from 18 to 26 weeks, and increase the child's qualifying age from eight to 12 years, was again backed by the Government after it appeared to have withdrawn support. Although Fórsa welcomed this development, reports that the proposal would be implemented over a two-year period instead of immediately were seen as disappointing. As this report went to print, the Parental Leave (Amendment) Bill had passed all stages in the Dáil and was set for detailed examination by an Oireachtas committee.

## Sick leave

The critical illness protocol (CIP), which governs non-commercial semi-state arrangements for those on long-term sick leave, was improved in early 2018 to allow more managerial discretion about what constitutes a 'critical illness' in cases where the precise medical criteria are not met. New 'CIP managerial discretion guidelines,' negotiated with Fórsa and other unions, make it clear that managers have the flexibility to accept illnesses as 'critical' even if they have not quite met the threshold on the basis of medical certification. An appeals mechanism against unfavourable management decisions, with access to third party adjudication, was also put in place.

The CIP arrangements for the 'protective year' were also improved. The protective year allows staff who return to work following a critical illness to avail of remaining CIP leave for subsequent non-critical illnesses or injuries within one year of their first date of absence. This protective year period will now begin on the date of return, which means more support for those returning from a serious illness who then suffer a routine health problem in the following 12 months.



Mark Thompson, Paddy Cradden, Dublin Airport Authority and Joe Buckley, Shannon Airport Authority.

Fórsa is still in discussions about the calculation of certain types of sick leave in the one year/four year look back periods, and on the application of temporary rehabilitation remuneration (TRR). In the absence of agreement, the matter was referred to the Labour Court, which issued a recommendation in November 2018. As this report went to print, the union was awaiting departmental regulations to give effect to this outcome.

McGrath TD in April 2019. Further work is underway to organise national events promoting Traveller rights, race equality and improved rights for LGBT members.

Fórsa's workplace representative training programme continues to provide workplace equality training for large numbers local representatives. Our annual 'INSPIRE' training days, which took place in 2018 and 2019, were very successful in empowering women activists to stand for election.

## Equality

Fórsa campaigned strongly over the last two years for the introduction of mandatory gender pay gap reporting to compel employers to disclose their gender pay gap. The union gave evidence as part of the ICTU delegation to the Justice and Equality Select Committee in November 2018 on the need to introduce robust legislation that encompassed all employers and required the publication of accurate data on the gender pay gap. The union also said remedial action would be needed to reduce the gender pay gap in each employment.

The union welcomed the ratification of the UN Convention on the Rights of the Disabled, and continues to lobby Government to improve the availability of services for people with disabilities and employment rights for disabled workers.

Fórsa welcomed the new provision of paid parental leave, which was introduced in November 2019. This welcome first step gives parents of both genders access to paid leave. It will involve a new social insurance parental benefit payment for employees and the self-employed, which is to be paid for two weeks for each parent of a child in their first year. The Government proposes to increase this to seven extra weeks over time. This means that all new mothers and all new fathers with a child under one year of age will be able to apply for this leave, along with the normal maternity, adoptive, paternity and unpaid parental leave entitlements.

The union has established new equality networks to ensure that equality issues are discussed and progressed within workplaces, branches and divisions. The Women's Activist Network was successfully launched by ICTU General Secretary Patricia King in November 2017. Our new Disability Rights Network was launched by Minister for Disabilities Finian

## Health and safety

Fórsa is an active participant in the Irish Congress of Trade Union's Health and Safety Committee, which has been raising awareness of work-related mental health, and has been working with the Health and Safety Authority to increase the number of safety representatives in Irish workplaces.

The number of workplace-related accidents fell by 23% in 2018, according to the Health and Safety Authority (HSA). Thirty-seven people lost their lives in workplaces, which was ten fewer than in 2017 and the lowest figure since the establishment of the HSA in 1989.

A new European Union directive on carcinogens will be put in place in 2019. This has come as a result of more 100,000 deaths attributed to cancers caused by working conditions across EU member states each year.

## Zero-hours contracts

In January 2019, Fórsa welcomed the introduction of legislation which bans zero-hour contracts in virtually all circumstances. The Employment (Miscellaneous Provisions) Act, 2018, passed through both houses of the Oireachtas in December and was signed into law on Christmas day 2018. The legislation, which came into force in March 2019, includes provisions on minimum payments for employees called in and sent home again without work. It also requires employers to give workers basic terms of employment within five days. Unions, which had campaigned hard for these reforms, said there was still an urgent need for greater protection for workers in the so-called gig economy.



Panellists and speakers at Fórsa's 2019 'INSPIRE' training for women activists.

## Bogus self-employment

In February 2019, the Irish Congress of Trade Unions (ICTU) released a policy-summarising factsheet on bogus self-employment as part of its continuing campaign on the issue. The factsheet addresses the negative impact of deliberate misclassification of employees on workers, the state and society. The term 'bogus self-employment' describes situations where employers deliberately misclassify workers as self-employed subcontractors in order to pay them less, reduce their social insurance and pension contribution requirements, dodge benefits like sick leave, and avoid meeting basic employment law protections.

# Sectors, employments and branches



Mary Mulholland and Annette Heffernan, Cabin Crew with Ann McGee, Fórsa President.

## Commercial State agencies

### An Post

An Post is currently undergoing a reorganisation, with significant changes at senior management level and other grades. The company announced a voluntary severance package in late 2018, and there are concerns that automation may lead to further changes and potential job losses.

The dominant recent issue was the payment of an outstanding 3.5% pay award, which was to be paid in two phases of 2% and 1.5%. This was essentially a productivity agreement in which the union had to agree to verified savings before payments were made. The negotiations were difficult, not least because the company sought to outsource work in return for the pay rise. This was rejected out of hand by the union, which meant we were unable to agree savings on time. This delayed the payment dates. Following lengthy discussions, the union agreed to savings-generating reorganisation measures, which avoided outsourcing.

After a long campaign, Fórsa succeeded in getting our members access to the medical and drug-refund scheme, which previously was only available to other staff in the company.

### Coillte

Fórsa negotiated a four-year agreement, under which the following increases and lump sums apply on 1st January 2017, 2018, 2019 and 2020, depending on an employee's place in the pay bands: group 1 - 0.5% and €500 lump sum; group 2 - 2% and €1,250 lump sum; group 3 - 3% and €1,250 lump sum. The agreement expires on 31st December 2020, which also restructured performance bonus payments and introduced new pay bands reflecting an overall pay and restructuring agreement.

Early in 2019, Coillte announced it wanted to establish a new joint development company with the ESB to deliver 1,000 megawatts of renewable energy by 2030. The company had previously told Fórsa that it would explore partnerships and joint venture models in the area of renewable energy. If the ESB talks are successful, the energy provider will acquire a 50% stake in the joint development company. The talks are scheduled to conclude by the end of May 2019.

If successful, Fórsa has been told that staff will transfer to the new joint company with TUPE protections. But the union has insisted on negotiations to establish a range of options for those affected by this decision. The union wants staff to have the option to remain with the parent company or seek secondment to the new development company. Fórsa is also seeking assurances on pay and terms and conditions, including union recognition.

### Dublin Airport Authority

Fórsa negotiated a three-year pay agreement, with increases of 3% on 1st April in 2017, 2018 and 2019. The agreement expires at the end of March 2020. This complex agreement introduced a new pay band methodology, which aligned grades to pay bands and annual



Terry Kelleher, Services & Enterprises divisional executive committee and An Post.

performance via an agreed matrix, which determines an employee's annual movement up the pay band. Transitional arrangements to the new pay band structure will mean those who earn less than €41,600 a year get increases of 4% a year for the duration of the agreement. These increases are on top of any increases arising from movement up the pay bands via the agreed matrix. This is in addition to annual performance payments, which can yield lump sums of up to 10% of annual salary.

### Irish Aviation Authority

Fórsa negotiated a four-year pay agreement, which will see increase of 1.5% in January 2016, 2017, 2018, and 2019. The agreement expires on 31st December 2019, and discussions on a new pay agreement are currently underway. This complex agreement includes additional increases based on local productivity measures. It also saw shortened increments and, in some cases, increases in the maximum points of pay scales.

Fórsa has expressed concerns about plans to restructure the regulatory functions of the IAA under the 2015 national aviation policy, including the threat of future privatisation of air traffic control, changes to terms and conditions of employment including pensions, and the maintenance of guarantees contained in the Irish Aviation Act 1993.

In 2017, the Government approved a merger of the IAA's safety regulation functions with the existing functions of the Commission for Aviation Regulation (CAR). A steering group, made up of representatives from the Department of Transport Tourism and Sport, the IAA and the CAR has been established to give effect to the decision, and legislation is in preparation. Fórsa branches in the IAA have sought more consultation and involvement in the restructuring process, and discussions are ongoing.

### Irish Water

The union negotiated a 27-month agreement, with increase of 2.5% in January 2018, 2.5% in January 2019, and 0.63% in January 2020. The agreement, which expires at the end of March 2020, also includes additional pay increases for progression up the pay bands,

which are determined by annual performance. It also sets out a methodology for determining base pay increases in future years, via an average of market pay surveys. The average increase from the three pay surveys resulted in base pay increases of 2.5% which were applied as part of this agreement.

In 2018 the Government said it intended to separate Irish Water from its parent company Ervia, and establish it as the single national utility to operate the State's water services. The proposals would replace the existing service level agreements with local authorities by 2021, leaving Irish Water solely responsible for the production, distribution and monitoring of water and waste water services.

The decision presents issues of concern for staff in Irish Water and the local authorities that currently provide many water services. Staff in Irish Water are unsure of the implications for their terms and conditions of employment, and their security of tenure. Fórsa and other unions representing workers in Irish Water and the wider Ervia group are assessing the potential impact of the Government's proposals.

Meanwhile, Fórsa's two local authority divisions have agreed to enter WRC-assisted talks about the future of water services, including the Government's proposal. Irish Water staff support their determination that water services should remain in public ownership.

## Community sector

### Community Employment Supervisors

A major Fórsa campaign was launched in support of the community employment supervisors' fight for the implementation of the occupational pension scheme recommended by the Labour Court in 2008. The forum set up under the Haddington Road Agreement met in January 2018, but the Department of Public Expenditure and Reform (DPER) and Department of Employment and Social Protection (DEASP) refused to engage.

In April 2018, a cross-party Dáil motion in favour of CE supervisors was passed overwhelmingly. A ballot for industrial action took place in the autumn of 2018. It resulted in a 92% vote in favour, and a national strike took place in February 2019, with protests outside the Department of Finance and Intreo and DEASP offices in Dublin, Waterford, Cork, Athlone, Galway and Letterkenny. An escalation of the dispute, in the form of a five-day strike, was announced in April 2019. In the meantime, a significant number of our members have retired with no occupational pension.



CE Supervisors rally outside the Dáil in April 2019 after they announced five days of industrial action in a dispute over pensions.

The ICTU Community Sector Committee wrote to the Minister for Employment and Social Protection seeking a meeting to discuss a planned Government review of community employment social inclusion schemes. The committee was invited to make a written submission, and the outcome of the review is awaited.



Gillian Byrne, CE Supervisor at the north west inner city training & development project speaking at the Services and Enterprises Divisional Conference, 2018.

### Local enterprise companies

Fórsa has achieved the restoration of pay and increments in some, but not all, local enterprise companies where cost-saving measures were imposed during the economic crisis. No agreement has been reached in County Wicklow Partnership (CWP) or South Dublin County Partnership (SDCP), and management in both companies refused to attend conciliation conferences in the Workplace Relations Commission. This led to well-supported ballots for industrial action in both organisations in early 2019. SDCP subsequently agreed to attend the WRC but, as this report went to print, the union was awaiting a response from CWP.

## Non-commercial State agencies

### An Bord Pleanála

Fórsa met management numerous times over increased workloads and delays in processing applications, which followed the introduction of a new online planning application system in 2018. Additional staff were recruited to cope with the additional demands. Agreement was reached on the introduction of the shorter working year for 2018, as well as the reintroduction of 1.5 days flexileave, which had been reduced under the Haddington Road Agreement.

### Chester Beatty Library

Agreement was reached on a review of the attendant grade after lengthy independently-facilitated discussions. However, the terms have still not been implemented as they have been delayed by the Department of Employment and Public Reform.

### Commissioners of Irish Lights

Unions in the Commissioner of Irish Lights objected to the operation of the job evaluation scheme, particularly the appeal process. The issue was referred to the Labour Court, which recommended that an independent appeals process be put in place. This independent process has now concluded and a number of employees have had their positions upgraded. The union has written to the Workplace Relations Commission seeking to deal with outstanding issues including pay.

### Economic and Social Research Institute

Fórsa is currently reviewing industrial relations in the ESRI, and a proposal has been put to members to change from the current staff representative committee to a more traditional industrial relations process. Management has announced that the 'Growing Up in Ireland' study will transfer from the ESRI to the Central Statistics Office in 2023, and the union is insisting that staff who transfer will at least maintain their current terms and conditions. A number of longstanding issues are currently before the State Agencies' Oversight Body.

### Health and Safety Authority

Fórsa continues to engage with management on behalf of members in the HSA, where recruitment and promotional opportunities remain a key focus.

### Institute of Public Administration

As this report went to print, Fórsa and management were close to agreement on the structure and operation of a work evaluation scheme. A union-management committee is reviewing internal policies and developing a new staff handbook.

### Marine Institute

Following successful conciliation the union will enter discussions with management on its new workforce plan proposals. There are concerns at the falling number of core permanent posts since 2010, and the outsourcing of supposedly 'non-core' posts. Fórsa says the vast majority of posts in the institute should be considered core and permanent. Management said its new workforce plan would include a request for new permanent posts.

### National Library of Ireland

Negotiations regarding the introduction of flexi-leave continued throughout 2018 without agreement, and they are ongoing.

### National Museum of Ireland

A significant change in senior management in the National Museum of Ireland (NMI) in 2018, provided an opportunity to improve industrial relations. A review of the operation of The Museum Council, established by the Workplace Relations Commission, took place in May 2018. Agreement was reached in February 2019 in relation to ongoing and future outsourcing, and this will result in the work being carried out by direct employment over time. A number of promotional assistant posts were negotiated as part of a 2018 agreement related to proposed outsourcing. A subcommittee has been established to review a significant number of policies that the NMI intend to introduce, while issues around overpayment and underpayment of pension contributions are ongoing.

### Ordnance Survey Ireland

In May 2018, agreement was reached on a mechanism to address the duties and allocation of work for level IV cartographers, and the lack of promotional opportunities in Ordnance Survey Ireland (OSI), following a conciliation conference at the Workplace Relations Commission. A dispute over the unilateral withdrawal of access to e-working arose in early 2019. The issue remains unresolved.

## Pobal

Fórsa has been in discussions with Pobal on pay, and wants pay for Pobal staff to be dealt with under public sector pay agreements. The union is also seeking improvements in leave, pension and other conditions. The introduction of the Government's affordable childcare scheme has led to a reorganisation of the organisation's early years operations, and has presented opportunities for promotions.

## Road Safety Authority

The recruitment of an additional 67 driver testers, on two year contracts, was sanctioned in anticipation of a surge in applicants for driving tests following the passing of a new Road Safety Bill. There has also been knock-on recruitment in other areas due to the anticipated surge. The issue of the additional two days' annual leave, recently granted to long-serving civil servants, has been referred to the Workplace Relations Commission.

## Safefood

Fórsa has raised issues around possible staff over-payment into the pension scheme of the north-south body Safefood. Other outstanding issues include leave, family-friendly work options, and an outstanding Labour Court recommendation.

## Sea Fisheries Protection Authority

A new Industrial Relations Council was established in the Sea Fisheries Protection Authority in mid-2018 and it has so far worked well. Fórsa proposed the need for a review of how the SFPA operated to the Department of Agriculture, Food and the Marine, and this review has now been agreed. The review will assess organisational structure and design, strategic management, resourcing, industrial relation processes, learning and development, and internal and external communications. It will involve engagement with management and staff, as well as external stakeholders and representative organisations. It will publish a report with recommendations, and a change management and implementation plan. Fórsa's Marine Branch will be making a submission to the review.

## Teagasc

Fórsa lodged a claim for upgradings of staff officers in both Teagasc colleges and the regions, and management has indicated that they move some way to rectifying the issue. The union has also sought consideration of the house matron grade. Fórsa has also raised a number of outstanding grade III posts in the regions. Management has said it will fill these posts in the next round.

## Waterways Ireland

The lack of a sitting government in Stormont continues to cause problems for the north-south body Waterways Ireland, as agreement on changes have to be agreed in both Belfast and Dublin. Nevertheless the union has been successful in the filling of a number of vacancies.

## Private sector

### Cabin crew

Over the last 12 months, Fórsa cabin crew membership has grown significantly, with increased density in Aer Lingus, Ryanair, Stobart Air, City Jet, Crewlink and Workforce. The union has developed a network of elected representatives in all these airlines. Anticipated growth in the Irish aviation sector means Fórsa is poised for further growth in this sector, where it will continue to be the voice of cabin crew.

#### Aer Lingus

In early 2018, Aer Lingus management announced its intention to walk away from the industrial disputes resolution body (IDRB), which dealt with matters that were previously referred to the Workplace Relations Commission. Fórsa challenged this and a subsequent Labour Court recommendation asked unions and management to jointly review the IDRB. Fórsa is participating in this process.

In October 2017, the Labour Court recommended cabin crew pay increases of 8.9% over 39 months. Following the acceptance of this recommendation, each union in the group of unions engaged on a productivity agenda. Fórsa continues to engage with management in order to reach agreement on a number of issues. Any savings achieved through these changes in productivity would be shared on an equal basis between the company and staff. Fórsa will put the outcome of these negotiations to ballot.

The same Labour Court recommendation also said the parties should engage on a profit-sharing scheme. But no agreement was reached and the matter was referred back to the Labour Court, which subsequently issued a recommendation of a 1% pay increase from January 2019, plus a once-off €300 voucher. This recommendation has other aspects attached, and the group of unions is seeking clarification from management prior to a ballot.

Aer Lingus Cabin Crew elected a strong vibrant committee. It meets monthly with management to deal with a wide range of issues, and hosts regular general meetings with members.

### City Jet

Fórsa's cabin crew membership continues to grow in City Jet, and the union has had engagement with the company on their behalf.

### Ryanair

It has been an exciting year for Fórsa members employed directly by Ryanair in Ireland, and for those employed in the two agencies that supply non-directly employed crew to the airline, Crewlink and Workforce International.

Fórsa signed a sole recognition agreement with these three employers in August 2018, and the union now has the right to collectively bargain with employers on behalf of all the airline's cabin crew. Fórsa is proud to be in a position to work with our members across the three employers, helping them find their voice as we champion staff and negotiate for improved terms and conditions of employment.

An ongoing series of general meetings with members continues, and is focused on the union's proposal for a collective labour agreement. As this report goes to print we are midway through negotiations on a comprehensive agreement. Members across the three employers will be balloted once the negotiations are completed.



Ryanair cabin crew summit.

In July 2018, Fórsa hosted the first ever Europe-wide Ryanair cabin crew summit, which was jointly-organised by the International Transport Workers Federation (ITF) and the European Transport Workers Federation (ETF). It brought together cabin crew from 80% of Ryanair bases for the first time.

**Stobart Air**

In April 2019, Stobart Air agreed that it would discuss union recognition for cabin crew with Fórsa. The company also agreed to negotiate with Fórsa representatives over cabin crew pay for the first time. This followed a ballot in which cabin crew voted unanimously in favour of industrial action over the airline's earlier refusal to recognise Fórsa and negotiate with the union on staff pay and working conditions.

The union has maintained a high level of membership density among cabin crew directly employed by Stobart Air. But, until recently, management continued to refuse to engage

directly with the union for collective bargaining purposes.

A recently-rejected pay proposal put forward by the company was the final straw for cabin crew, and Fórsa received an upsurge in requests to engage with the airline on their behalf.

**Eir**

Following the sale of the company, a voluntary severance package was introduced in 2018. Over 900 staff applied and a significant number of Fórsa members left the company. The union instructed its members not to take on the work of higher grades, or additional work over and above the normal working day. Members agreed to a three year pay deal worth 2.7% for graded staff. The staff panel is now in talks with management to seek a pay rise for those on personal contracts.

**Pilots**

The Irish Air Line Pilots' Association (IALPA) is a Fórsa branch, and consists of seven company councils or local groups, which engage directly with their respective employers.

**Aer Lingus**

As part of a 30-month pay agreement, pilots secured basic and variable pay increases worth around 11% for the period to June 2019. A pay review is to commence in April 2019 and conclude in December 2019. During 2018, IALPA negotiated and agreed a comprehensive wet lease package to facilitate Aer Lingus passengers using City Jet services on the Dublin-London City route. Aer Lingus has announced operating profits of €305 million, the best in its history. It has also announced a substantial planned increase in transatlantic operations, which will require an additional 350 pilots.

**ASL**

ASL provides services to other airlines, and its biggest revenue source is cargo and postal services. IALPA has yet to achieve formal recognition with the airline. In January 2019, IALPA members in ASL voted by 90% for industrial action in pursuit of a union recognition agreement. Notice of the ballot result has yet to be served on ASL.

**CHC**

CHC provides the helicopter search and rescue (SAR) service to the Irish Coast Guard. Its pilots' pay agreement terminated in May 2018. Local engagement failed to resolve an outstanding pay claim, lodged in November 2017. The matter was heard in the Workplace Relations Commission in December 2018, and was referred to the Labour Court where a hearing was scheduled for April 2019.

IALPA raised a trade dispute with regard to pilot rosters. By agreement the pilots' rosters should be a rolling fixed pattern of six days of work followed by three days off, but CHC did not employ sufficient pilots to meet this pattern. Local engagement failed to resolve the matter. An industrial action ballot ensued and notice of industrial action was served. Talks were then re-established and the union secured agreement that the fixed pattern roster would be restored from May 2019. A process was put in place to deal with further roster improvements.

**City Jet**

City Jet terminated operations under their own brand in 2018. A pilot pay review was completed in 2018 and all its pay recommendations have been implemented. The settlement also included a commitment to establish an employee share ownership trust, but this is yet to be implemented.

**Norwegian Airlines**

Over the last 12 months, IALPA has worked to conclude a recognition and procedural agreement with Norwegian Airlines. There have been numerous constructive meetings with management. IALPA has also tried to engage on the pilots' pay, terms and conditions, but no agreement has been reached so far. In December 2018, Norwegian announced a cost restructuring programme known as 'Focus 2019,' which aims to significantly reduce operational costs including pilot costs. IALPA is refusing to engage with this agenda until outstanding matters, including the recognition and procedural agreement, are resolved.

**Ryanair**

In 2017, Ryanair pilots voted for industrial action in pursuit of union recognition. Ryanair announced they would recognise the union in December 2017, but the company and union remain at odds over how this should be implemented in practice. In May 2018, IALPA made a claim for a pilot seniority agreement in line with industry norms. Local engagement with management failed to secure a resolution and directly-employed Ryanair pilots based in Ireland conducted five one-day strikes during July and August, a period in which Ryanair pilots employed in other European bases were also contemplating or participating in industrial action.

The industrial action was suspended during a period of mediation, facilitated by Kieran Mulvey. An agreement on seniority and certain related issues was reached in August 2018, which led to an end to the industrial action. Some outstanding issues went into a binding process, also facilitated by Kieran Mulvey. This process has yet to conclude.

The union is pursuing individual claims on behalf of 46 members, under the Payment of Wages Act. These relate to pay deducted during the industrial action.



Ryanair pilots picketing outside Dublin Airport, July 2018.

### Stobart Air

During 2018, Stobart Air agreed an extension to an existing 2015 pilots' pay agreement. This gave a 22% pay increase for some captain grades. This increase was implemented by the effective elimination of six incremental points on the captains' scale. The expenses package was also renegotiated to include an increase of around 25% for all pilots. Other matters settled in the agreement involved a review of the current pension arrangements and an increase in allowances.

### P&O Maritime

The union agreed a three-year pay agreement, which includes increases of 2% from 1st May 2018, 2.25% from 1st May 2019, and 2.25% from 1st May 2020. The deal expires on 30th April 2021.

### Premier Lotteries Ireland

As this report went to press, Fórsa was consulting members on a new three-year pay deal in Premier Lotteries Ireland (PLI), following a Labour Court recommendation. The proposal, which would see three 2.5% incremental pay increases implemented between January 2018 and March 2021, came after prolonged talks with the company. It would see increases of 2.5% from 1st January 2018, 1st April 2019, and 1st April 2020. The deal would expire on 31st March 2021.

### Vodafone

Fórsa's claim for annual cost of living pay increases is to be referred to the Labour Court following protracted negotiations and two referrals to the Workplace Relations Commission. Vodafone use a market-based methodology to establish annual cost of living pay increases, but Fórsa argued that this was not transparent. This approach has meant no pay increases up to ten years, and any increases that do occur are below national averages and rarely apply on a consistent annual basis.

Fórsa surveyed its members in the company and produced statistical evidence that suggests many have received no pay increases for at least ten years, or have received only intermittent rises during this period. The union is seeking an agreed, fair and transparent pay determination methodology that recognises the right to annual cost of living increases.



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