

Municipal Employees' Division

▶ Annual Report 2018-2019



FÖRSA

FÓRSA



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COVER PHOTOS

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A message from the President

Thomas Murtagh



Colleagues

The Public Service Stability Agreement 2018-2020 will see pay restoration achieved for over 90% of public service workers. While we are winning back some of the ground we lost during the economic and social crisis, we still have to tackle the losses that occurred from reductions to our living standards caused by inflation and stealth tax. While inflation has been low in any given year since the economic crash, cumulatively it is over 6%.

Undoubtedly recent developments in public service pay have seen the PSSA 2018-2020 stretched, the Municipal Employees' Division of Fórsa will seek to use any opportunities provided to address the pay concerns of our members.

As we face into very difficult negotiations on Irish Water's proposal to create a single entity, it is vital that every member is in a union. I appeal to you to make sure that all your work colleagues who are not in a union join Fórsa.

I would like to take this opportunity to thank Peter Nolan, National Secretary, Dessie Robinson, AGS, Una Faulkner and Tony Martin. I would like to thank Shane Lambert who has been promoted and moved to another post in Fórsa.

I would also like to thank John Meehan, Brid Ruddle and Linda Casey for their tireless efforts in our office.

Thomas Murtagh
President
Municipal Employees' Branch

A message from the National Secretary

Peter Nolan



Colleagues

The past year has been an extraordinarily active one for the union's Municipal Employees' Division. The committee has had to deal with issues as complex and diverse as pay, outsourcing, privatisation, Irish Water, housing and a full range of individual claims, grievances and disciplinary matters.

Irish Water's proposals to establish a single water services entity has created an uncertain future for our members in local authorities. The union has campaigned that members should not be conscripted to a new employer. A major breakthrough was achieved when the Minister for Housing, Planning and Local Government gave the union an assurance that legislation would not be used to compulsorily transfer workers to a new employer. The union also continued to campaign to retain the ambulance service in Dublin Fire Brigade.

Fórsa, the new union completed its first year with significant success in organising, defending and extending the interest of its members.

None of these developments could happen without the voluntary and sometimes tireless work of those who give their time voluntarily to work for the benefit of their workmates. Members are indebted to the Municipal Employees' Divisional and branch committees and to the many shop stewards and representatives.

Peter Nolan
National Secretary

Municipal Employees' Division

Branch Committee

Jason Boothman
Vincent Brunton
Michael Clarke
James Cole
Michael Duffy
John Gaynor
Michael Gibson
David Greene
Anthony Hyland
Thomas Kavanagh
Séamus Kavanagh
Michael Kieran
Paul Lavelle
Joseph Malone
Derek Martin
Michael McLoughlin
Thomas Murtagh
Declan O'Brien (Senior)
Michael Ross
Edward Smith
Mark Wynne

Annual General Meeting 2019

5.20pm Thursday 4th April 2019

AGENDA

1. President's Welcome and Address
2. Presentation of the Annual Report
 - Peter Nolan, National Secretary
 - Dessie Robinson, Assistant General Secretary
 - Úna Faulkner, Industrial Relations Officer
 - Tony Martin, Industrial Relations Officer
3. Motion to Adopt the Annual Report
4. Presentation of the Financial Report
 - Michael Clarke, Branch/Divisional Treasurer
5. Motion to Adopt the Financial Report
6. Motions
7. Any Other Business

General Issues

Pay, Allowances and Overtime

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 deal came into force in January 2018. By the time it expires, on 31st December 2020, over 90% of public servants, including all members of the Muno, will earn as much as, or more than, they did when pay cuts were introduced during the crisis.

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 so-called 'additional superannuation contribution' replaced the pension levy under the PSSA. Two increases in the threshold for paying the contribution are due under the deal – one in January 2019 and another 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 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.

Fórsa and other unions negotiated a solution to the 'new entrants' problem in 2018, at least two years earlier than the PSSA originally provided for. The deal, which came into effect in March 2019, will see new entrants will skip two points – the fourth and the eighth – on each pay scale. Full details of the outcome are available on the union's website.

A restoration of the 5% cut in allowances will come into effect in October 2020. With effect from January 2019, the PSSA removed 'additional superannuation contributions' on non-pensionable elements of public service incomes, including non-pensionable overtime payments.

Pensions

The age of eligibility for the State pension was increased to 66 in 2014. Because of this, the compulsory public service retirement age of 65 meant that many public servants were forced to retire before they could draw a significant part of their retirement income. In 2018, the Government bowed to union pressure and agreed to legislate to give civil and public servants the option to retire at any time between age 65 and 70.

Before that legislation as passed, interim arrangements, which allowed the re-hiring of public servants 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 increased the compulsory retirement date to age 70 requires the finance minister to outline potential remedies for public servants who were 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.

Staff who joined the public service after January 2013 are members of the single public service pension scheme. Members of this 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.

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.

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.



Fórsa welcomed plans to increase paid parental leave from two to seven weeks for each parent by 2021.

Photo: dreamstime.com

Working Conditions

Despite management attempts to water them down substantially, the PSSA retains all the outsourcing protections that unions won in negotiations that led to the earlier Croke Park (2010) and Haddington Road (2013) agreements.

The agreement also requires management to engage with unions with a view to minimising the use of agency staff. And it includes safeguards over the use of internships, clinical placements, work experience, and job activation measures, saying there must be “agreement on protocols” regarding such programmes.

The critical illness protocol (CIP), which governs public service 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. 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 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.

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.

Irish Water

Proposals to establish a single entity in water services have created an uncertain future for our members in local authorities in Dublin City Council, Dun Laoghaire Rathdown County Council and Limerick City & County Council. Throughout the course of the year the Division, along with the Local Government & Local Services Division and other ICTU unions, have developed a strategy to best protect the interests and conditions of employment of our members. The strategy goes beyond working conditions and sets out our requirements in terms of public policy in relation to water.

The union participated in a scoping exercise on the Irish Water proposal, conducted by the Director General of the Workplace Relations Commission [WRC]. The union is satisfied that her report captures the considerable concerns that the unions set out. In December, the union met with the Minister for Housing, Planning and Local Government and outlined their concerns.

Following this meeting, the Divisional Executive Committee decided to enter into discussions with the employer, the Department of Housing, Planning and Local Government, the Local Government Management Agency and Irish Water.

Prior to the discussions the Irish Congress of Trade Unions [ICTU] outlined to the Minister the conditions on what the union would enter talks. The union wants a constitutional referendum to be held to ensure water services are kept in democratic public control. We also want commitments to ensure the continuation of a vibrant system of local government. The union has demanded and obtained assurances that the legal authority to compulsorily transfer staff to Irish Water contained in legislation would not be utilised and that there would be no predetermined outcome to the talks.

The full text of the ICTU letter dated 8th February 2019 is set out in an appendix to this report. Discussions with the parties commenced in the last week of February.

The union also secured agreement on payment of an allowance for certain grades who hold and operate Maximo handheld terminals.

Local Authority National Council

The Local Authority National Council (LANC) processes claims on behalf of unions and employers in the sector. The council is chaired by Damien Cannon of the Workplace Relations Commission (WRC). Fórsa National Secretary Peter Nolan is the staff side secretary for the council.

Local Authority Oversight Group

The National Secretary, Mr. Peter Nolan represents Fórsa on the local government oversight group. The group is chaired by Mr. Damien Cannon from the Workplace Relations Commission. Fórsa referred a number of outsourcing issues to the group throughout the year.

Grievance and Disciplinary

The union will embark on a review of the grievance and disciplinary procedures in local government in 2019.

'More Power to You'

Following a motion from the Municipal Employees' Division to conference, the NEC agreed to support a campaign to restore services to local authorities. The campaign 'More Power to You' will initially target candidates in the local elections to be held in May 2019. The union will call on candidates to pledge their support for improved waste, housing, water and energy conservation policies.

Training

Members of the division participated in the wide range of training programmes provided by the Organisation and Development Unit of Fórsa.

Individual Cases

A large number of individual claims, grievances and disciplinary issues were pursued on behalf of members. Many of these required referral to third parties such as the Workplace Relations Commission and the Labour Court.

Sub-Committees

Disciplinary
Thomas Murtagh

Equality, Diversity & Disability Network
Derek Martin

Finance & Risk
Michael Clarke

Health & Safety
Mark Wynne

International Affairs
Michael McLoughlin

Membership Services
Thomas Kavanagh

Standing Orders
James Cole, Thomas Kavanagh

Training
Edward Smith

Dublin City Council

Temporary Staff

The union is pursuing the regularisation of temporary staff who were recruited to permanent posts. The WRC water services agreement commits employers to maintaining 95% of workers in permanent posts in water services. Fórsa will insist on employers adhering to this agreement.

Ballymun Super Depot

Discussions are ongoing in relation to centralising existing stores to the new depot in Ballymun. A working group of members working in stores has been set up and meets regularly. Meetings with management have been arranged and concerns have been communicated to the Council.

Litter Wardens

Late in 2018 Dublin City Council forwarded to the union a proposal on a major restructuring of the litter warden service which included the outsourcing of certain elements of the enforcement function of the litter warden role. Discussions have progressed and are ongoing.

Recyclables

A claim was lodged for payment of a pensionable allowance for the operation of the new recyclable machines in water and drainage. The claim was successful and the allowance is in payment currently. The union is considering a referral to the WRC on the basis of an increase to this allowance and incorporation of the allowance into the men's hourly rate of pay.

Rapid Response

A claim was lodged in waste management rapid response section. The claim was successful and is in payment currently.

Compact 50

A claim was lodged on behalf of members in waste management who operate the Compact 50 sweeper. The claim was turned down and the union is considering referral to the WRC.

SLA

The SLA is ongoing particularly in the context of the national discussions with respect to water.

Dublin Fire Brigade

The district officers are currently in dispute over pay and annual leave entitlement. The pay relativity with sub officers was the subject of conciliation and agreement was reached to have Kevin Duffy, ex-chair of the Labour Court look at it.

The annual leave entitlement was also subject to a conciliation, which was chaired by Liam Doherty. There is a dispute over the management proposal to move the ambulance call centre from Tara Street to Tallaght. There was a ballot in favour of taking industrial action if management proceed. This dispute has been the subject of many meetings which have been chaired by Kieran Mulvey.

Housing Caretakers

Management put forward proposals under the public service agreement for the housing caretakers to become squad base crews. There was to be a pilot scheme introduced, but there

has been a number of issues around outsourcing that need to be resolved before it can proceed. A meeting with both SIPTU and Fórsa will take place soon.

Libraries

The past year has witnessed the recruitment of library attendants and drivers in Dublin City Council – an issue that has been on the union agenda for a number of years. The union secured that all vacant posts would be filled and a panel put in place going forward.

Road Maintenance

A member highlighted to the union a discrepancy in overtime payments that could not be resolved locally. Following considerable investigation by the union, a document was presented to senior management highlighting same. After considerable negotiation the discrepancy was acknowledged and those who were due back money were given same.

Dun Laoghaire/ Rathdown County Council

Fórsa representative John Gaynor has represented the members in Dun Laoghaire Rathdown County Council on the Municipal Employees' Division. Several individual cases have been pursued by the Division.



St. Anne's Park, Dublin.
Photo: alamy.com

Limerick

City and County Council

The interests of members in Limerick City and County Council are represented by the union's Limerick office. No collective issues were raised with the Divisional Executive Committee throughout the year.



Limerick city.

Photo: alamy.com

Education

Technological University for Dublin

Dublin Institute of Technology, Institute of Technology Tallaght and Institute of Technology Blanchardstown amalgamated in January 2019 to create the first Technological University in Ireland (TUD). All terms and conditions of employment are guaranteed but this venture should create opportunities for our members across these campuses in the future. Over the past year there has been regular and active union consultation concerning all policies for the TUD.

Technological University for Dublin: Bolton Street

A Labour Court recommendation of 2015 encountered considerable delays in being implemented. The employer was put on notice of a ballot concerning the delay in implementing same. The AGM will be updated on the progress re same.

Athlone Institute of Technology

Meetings were held with members in Athlone Institute of Technology regarding problems relating to staffing levels.

City of Dublin Education and Training Board [CDETb]

Within the City of Dublin Education and Training Board the ongoing issue of recruitment of staff continues to be the dominant issue. Considerable progress has been made with representations made to the Department of Education & Skills concerning same with a meeting arranged for the end of February. The AGM will be updated on the progress re same.

Creation of Fórsa

Fórsa trade union, an amalgamation of IMPACT, CPSU and PSEU completed the first year of operation as the new union. The collective and united strength of 80,000 members provides the leverage to bargain rather than beg.

United we bargain, divided we beg.

Appendix



Photo: dreamstime.com



8 February 2019

Mr. Eoghan Murphy TD
Minister for Housing, Planning and Local Government
Department of Housing, Planning and Local Government
Custom House
Dublin 1
D01 W6X0

Dear Minister

You wrote to the unions on 11th December 2018 setting out your view that engagement should commence on all matters relating to the Irish Water transformation plan. In this letter, you referenced the concerns raised by the unions and reiterated your belief that these concerns could be addressed in a multi-strand process as follows:

- Strand One - would seek to develop an understanding on local government's future sustainability and revitalisation;
- Strand Two - would be concerned with consulting the unions on the wording and timing of a constitutional referendum on the future ownership of the public water service;
- Strand Three - would examine the future corporate status, structure and governance of the proposed single public water utility;
- Strand Four - would address all employment and industrial relations issues that arise in the context of the Irish Water proposal.

These strands of discussion have been proposed in the context of assurances that have already been given to the unions which include:

- That there would not be a predetermined outcome to these discussions;
- That there is a strong commitment to a viable and sustainable future of local authorities;
- That there could be a meaningful engagement on the status, structure and governance of the proposed single public water utility;
- A commitment that Government will support the holding of a constitutional referendum on the future ownership of the public water service;

Patricia King
General Secretary

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STRONGER TOGETHER
CONGRESS
Irish Congress of Trade Unions

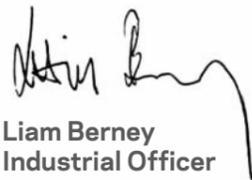
- An assurance that the provisions of Section 19 of the Water Services Act (No.2) of 2013 would not be invoked; and
- That while the discussions are ongoing, all existing agreements will be honoured.

Over the last number of weeks, the unions have been consulting with their members on what you have proposed. At this point, we are willing to commence engagement along the lines you have suggested. However, it is the position of the unions that any final agreement must deal comprehensively with all of the issues that we have raised. To be clear, we will not be in a position to conclude an overall agreement and ballot until the issues contained in each of the strands are addressed to our satisfaction.

I would suggest that initial meetings of each strand be convened and that discussions on each strand be held in parallel.

I have copied this letter to representatives of management in the LGMA and Irish Water and to the relevant officials in your own department and to the the WRC.

Yours sincerely



Liam Berney
Industrial Officer

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