



FÓRSA



SERVICES AND ENTERPRISES DIVISION

2019-2021
Biennial Conference

AGENDA

13th May 2021

Contents

Conference timetable	3
Standing Orders Committee.....	4
General standing orders for conference.....	5
Electronic voting arrangements	7
Proportional representation system	9
Standing Orders Committee report No.2	14
Nominations	16
Motions	19

Conference timetable

09.00	Registration opens	14.10	Implementing Labour Court recommendation: Motion 6
10.30	Conference opened by Cathaoirleach	14.15	Organisation of Working Time Act: Motion 10
10.40	Adoption of general standing orders	14.20	TUPE: Motion 14
10.45	Standing Orders Committee reports	14.25	Recognition: Motion 18
11.00	Cathaoirleach's address to conference	14.30	Guest Speaker Esther Lynch – Deputy General Secretary ETUC
11.10	Address by Fórsa President, Michael Smyth	14.50	Collective bargaining: Motion 9
11.20	Guest Speaker – Department of Transport	14.55	Exploitation: Motion 19
11.40	Address by Ashley Connolly, Head of Services & Enterprises Division and Report of Divisional Executive Committee	15.00	Bogus self-employment: Motion 22
11.55	Declaration of the outcome of election results – Rose Marie Conroy (Returning Officer)	15.05	Haddington Road Hours: Motion 15
12.00	Uber judgement: Motion 1	15.10	Work patterns: Motions 16 and Motion 21
12.05	Remote working policy: Motion 2	15.20	Covid and exploitation of workers: Motion 17
12.10	Working through Covid Level 5: Motion 3	15.25	Building Momentum: Motion 20
12.15	Address by Kevin Callinan, Fórsa General Secretary	15.30	Video presentation on Strategic Change Project
12.35	Aviation: Motion 4, Motion 8, Motion 12 and Motion 13	15.35	Strategic Change Project: Motion 11
12.55	Distinguished service award: Billy Gallagher, Driver Tester Branch	15.40	Working during Covid: Motions 23 and Motion 27
13.00	Conference adjourns	15.50	Domestic abuse: Motion 24
14.00	Conference resumes	15.55	Working from home allowance: Motion 25
14.00	Pensions: Motion 5 and Motion 7	16.00	Flexi-time: Motion 26
		16.05	Closing business
		16.20	Conference closes



Standing Orders Committee

Civil Service Division

Helen Lundy

Education Division

Eileen Coman

Audrey Warren

Health and Welfare Division

Gerry Foley (Chairperson)

Jennifer Verling

Local Government and Local Services Division

Rose Marie Conroy (Returning Officer)

Stephen Murphy

Municipal Employees' Division

Thomas Kavanagh

Michael Kieran

Services and Enterprises Division

Anna Farrell

Teresa Kearns (Vice-Chairperson)

General standing orders for conference

1. These standing orders shall be read in conjunction with the constitution of the union. If there is conflict on meaning then the constitution shall prevail. ***They should also be read in conjunction with guidance to be distributed on the manner in which conference 2021 will be managed.***
2. The Standing Orders Committee shall recommend the timetable for conference and the order in which motions and amendments submitted shall be taken. When the time allotted to a group of motions has elapsed, the chairperson shall allow the debate in progress to finish. S/he shall then proceed to the next group of motions, thus guillotining any remaining motions in the current section. Such guillotined motions may be taken up by the chairperson later in conference as time permits. Otherwise they are automatically referred to the appropriate executive committee.
3. Unless otherwise decided by Conference, only one motion may be before Conference for discussion at any time.
4. Individual motions and amendments should be proposed by a speaker from the appropriate executive committee or from the branch which gave notice of the motion or amendment. Where no delegate of that branch is present, the motion may be proposed by any other member of Conference. In the case of motions in common debate, all motions and amendments shall be deemed to be formally proposed, unless the Conference has been given advance notice that the proposer of a motion or amendment does not wish it to be proposed. There is no requirement for any motion or amendment to be seconded. Once the agenda has been adopted, motions may only be withdrawn with the agreement of conference.
5. Only members of Conference as defined by Rules 16(i) and 20(ii) of the equivalent grade committee representatives as defined in Rule 25(ii)(e) of the Constitution may address Conference¹. This rule shall not preclude the Standing Orders Committee from making recommendations to Conference, which shall be considered immediately by Conference.
6. Unless otherwise agreed by Conference, no member shall address Conference unless s/he is proposing or speaking to a motion or amendment or
 - (i) is raising a point of order; or
 - (ii) is raising a point of fact; or
 - (iii) is delivering the chairperson's address.
7. All speakers should address Conference only when asked to do so by the chairperson, and should announce her/his name and branch or committee. The proposer of a motion shall speak for not more than four (4) minutes, and all other speakers shall have not more than three (3) minutes. Members of the relevant Executive Committee and members of staff will be limited to three (3) minutes when clarifying points or answering questions.

1 In accordance with rule 20(iv) and with the exception of the casting vote of the conference chairperson, only delegates and members of the divisional Executive Committee may vote at conference.

8. Where several motions and/or amendments submitted deal with the same topic, Standing Orders Committee may produce a composite or comprehensive motion. If it is not possible to do this, there may be a common debate on the issue covered by the group of motions and/or amendments. The first speaker on behalf of the proposing branch or the first speaker on behalf of the DEC in the case of motions proposed by the DEC shall be deemed to be the proposer of the motion. Each proposer shall have a maximum of four (4) minutes. In the subsequent debate, no- one may speak more than once, but each speaker may refer to any of the motion(s)/amendment(s) then before Conference, up to a maximum of three (3) minutes. Proposers of motions taken in common debate shall, subject to the discretion of the conference chairperson, have the right of reply but only in respect of the motion proposed by her/him and the right of reply shall be strictly confined to answering previous speakers on that motion and/or where clarification has been sought and the proposer shall not introduce any new matter into the debate. When the chairperson is satisfied that sufficient time has been allowed for debate, each motion and/or amendment shall be voted on separately in accordance with the relevant Standing Orders Committee report.
9. Amendments to amendments may not be moved, even under the terms of Rules 17(ix) and 21(ix) of the constitution.
10. Except as otherwise provided, no member of Conference shall speak to a motion more than once. For the purpose of this standing order, an amendment to a motion and a motion which has been amended shall each be considered to be a new motion.
11. Subject to the discretion of the conference chairperson, the proposer of a substantive motion, not in common debate, shall have a right to reply immediately before the motion is put to Conference, provided that opposition has been expressed or clarification has been requested. However, the right of reply shall be strictly confined to answering previous speakers on that motion and/or where clarification has been sought and the proposer shall not introduce any new matter into the debate. The proposer of an amendment shall not have a right of reply.
12. The following types of motion may be moved at any time:
 - i. Motion to “refer to the National Executive Committee or Divisional Executive Committee.” The chairperson of Conference will then ask the proposer of the motion or amendment if s/he agrees. If not, there will be a short debate on the motion to refer, before Conference decides the issue by voting. If the motion to refer is defeated, the original debate will continue.
 - ii. Motion “that the question be now put.” This motion may only be put to Conference if the chairperson is satisfied that a reasonable amount of time for debate has been allowed. If the chairperson is so satisfied, the motion shall be put without discussion.
 - iii. Motion “that Conference proceeds to next business.” After this motion has been moved the proposer of the motion/amendment under discussion has the right to speak briefly against the procedural motion, which shall then be put without further discussion. If it is defeated, debate shall continue on the original motion/amendment.
 - iv. Motion to “suspend standing orders.” Such a motion shall state the purpose and period of time for which standing orders shall be suspended. This procedural motion must be passed by three-quarters of the delegates present and voting to be adopted.
13. If two or more members of Conference wish to speak, the chairperson will call on the members whom s/he first observes, except that when a member of the Standing Orders Committee proposes to speak, s/he shall be the next to speak.
14. If, in the opinion of the chairperson, grave disorder has arisen, s/he may at her/his discretion, adjourn the meeting for a specified time.
15. Mobile phones may not be used while conference is in session.
16. No literature, other than conference documents – agenda, minutes and reports – may be circulated to the conference without the express advance approval of Conference by a simple majority of delegates present and voting.

Electronic voting arrangements

Elections to divisional officer, executive and SOC positions 2021

1. Following a decision by the NEC, the 2021 elections to divisional officer, executive and SOC positions are being conducted through electronic ballots, which will take place in advance of conference.
2. Under rule, branch voting entitlements are set on the basis of branch membership in the division as a proportion of total divisional membership. This is calculated on the basis of branch membership on 31st December 2020. Details of individual branch voting entitlements were sent to branches by email on 3rd March 2021, with a 12th March 2021 deadline for the submission of queries or challenges.
3. The entire branch voting entitlement for the elections will be allocated to a single branch principal delegate, who will receive unique voter codes. These will be sent via email to the principal delegate's email address, as provided to the union by the branch. It is, therefore, essential that the names and full contact details of principal delegates are submitted to the relevant head of division as requested.
4. Under rule, members of each DEC are also entitled to vote. They will also receive a unique voter code, which will be sent via email to the email address provided to the union by the DEC member.
5. Each division will have up to five separate elections (the precise number depends on the number of nominations to positions):
 - a. Chair/Cathaoirleach
 - b. SOC members
 - c. Vice Chair/Leas Cathaoirleach
 - d. Divisional Executive Committee members
 - e. Third seat on NEC.
6. The names of nominees for the positions, and the numbers of positions available, are set out in the provisional agendas and final agendas.
7. The (up to) five elections in each division will be held sequentially, so that principal delegates and DEC members know the outcome of each contest before the next commences. Where appropriate, the electronic ballot papers will be amended to reflect the outcome of previous elections and (where possible) any withdrawals from contests.
8. A ballot timetable was circulated to branches.
9. Each principal delegate will be circulated with a number of unique voter codes that reflects the branch voting entitlement. For example, if the branch is entitled to 20 votes, its principal delegate will receive 20 unique voter codes. This allows for principal delegates to divide their votes among candidates if they want to.

10. Once the unique voter codes are despatched, responsibility for their safety and security passes to the principal delegate or NEC member.
11. The same unique voter codes should be used in each separate election within each division. They can only be used once in each separate election. (Note that it will be possible to cut and paste the codes into the appropriate place on the electronic voting platform.)
12. Principal delegates and DEC members will receive email notification, and a link to the voting platform, as each separate election opens. In any case, they should familiarise themselves with the ballot timetable set out below.
13. The PR method used in the ballot is exactly the same as that used in previous Fórsa elections for officer, executive and SOC positions. It is the Seanad Éireann PR election system.
14. The electronic voting platform has been established, and is operated by, an external independent supplier called Mi-Voice, which is registered in the UK and Ireland and used by scores of Irish and UK-based trade unions. Mi-Voice is a UK-Government approved trade union scrutineer with years of experience operating in a legal environment that requires all significant union ballots to be conducted by independent third parties.
15. It is a secret ballot. Neither candidates, branches, principal delegates, DEC members nor union officials and staff will receive any data on whether or how individual branch votes are cast. The only data available will be aggregate data on the outcomes of each election and (where relevant) its individual counts.
16. The outcome of each election will be made known to candidates in the first instance. Branches will then receive the results prior to the commencement of the next election. The outcome of all the ballots will be declared at the appropriate divisional conference.
17. The departures from normal election procedures are prompted only by the extraordinary restrictions imposed by the Covid-19 pandemic. They do not represent any new precedent or permanent departure from normal conference or electoral procedures and practices.



Proportional representation system

There are various different electoral systems used in different countries and organisations to achieve what are considered in those areas to be democratic outcomes. The UK has the first past the post system in single seat constituencies where the person with the largest vote – even if well below 50% – gets elected. In France, there are often two rounds – the first to eliminate those other than the top two – and the second round where one candidate must get a majority to win. In Ireland, we have multi-seat constituencies with a system of proportional representation (PR) with transferable votes. This applies if your first (or second etc.) choice is not elected or is elected with a surplus of votes. The ‘left over’ votes are then transferred to other candidates of your choice. There are some differences between the PR system used for Dáil elections and those used for Seanad elections – where the Panel elections and University Seat elections use further variations of the PR system. Some years ago, the former IMPACT decided on a hybrid version close to the Seanad Panel election system where each vote is treated as being equal to 1,000 votes. CPSU and PSEU operated broadly equivalent arrangements. While the Fórsa system is designed specifically for NEC and DEC elections it can be used for elections at branch and other levels. Branches and vocational groups are, of course, free to use any of the other Oireachtas models of PR should they wish.

Ballot paper

In any election it is important that the ballot paper is accurate, with candidates listed in alphabetical order (by surname, then first name).

While the ballot paper may give instructions as to how to vote (e.g. mark, 1, 2, 3 etc. opposite each candidate in order of your choice), the ballot paper may not contain any advice or recommendation as to who to vote for.

All ballot papers should have security features. This applies especially where postal ballots are used or when voters have possession of ballot papers for a period before the vote. Security features could include a ‘punched’ watermark, different coloured ink/paper, signatures of returning officers and/or other features that make them difficult to reproduce.

The system of distribution of ballot papers must also ensure that only those eligible to vote receive ballot papers, and that nobody can receive more than one ballot paper. The ballot papers should be placed in a sealed box, which is stored safely until the count. Postal ballots received should be placed on arrival in the count centre in a sealed container. It is essential that the ballot paper cannot identify the voter.

Returning Officer

A Returning Officer, preferably agreed, should be appointed in every case as decisions may be required in relation to

- The validity of ballots
- The order of distribution of surpluses or
- The elimination of candidates or
- In relation to requests for recounts.

While the Returning Officer may be assisted by various scrutineers (vote counters), only the Returning Officer can make decisions. Everyone else is there to assist only.

Valid ballot papers

One of the first jobs of the Returning Officer is to identify any spoiled or invalid ballot papers. The latter includes 'forgeries' or any ballot paper that does not carry the security marks. All photocopies of ballot papers are considered to be invalid.

Spoiled votes are those where the ballot paper either does not contain any votes (but might include uncomplimentary remarks) or does not clearly indicate a preference (e.g. more than one candidate with the same preference or 'X' etc. marked against them). A ballot paper may be deemed valid for the first or second preferences but invalid for subsequent counts (e.g. ballot paper marked 1, 2, 3, 3, 3. This identifies the first two preferences but not subsequent preferences).

First count

All of the valid ballot papers are sorted into parcels according to first preference vote. Each ballot paper is given a value of 1,000.

The quota

The quota is calculated by adding all of the valid first preference votes and dividing that number by the number of places to be filled plus one (ignoring any fractions), and then by adding one to the result. For example, if the number of valid votes was 100,000 (100 votes at value of 1,000 each) and the number of seats to be filled was 4, the quota is 20,001 ie $[100,000 \div (4+1) + 1]$.

Once a candidate reaches or exceeds the quota, on the first or subsequent counts, that candidate is elected. It is not possible, using this quota system, for more candidates to be elected than the number of places to be filled.

Distribute or eliminate?

The biggest causes of confusion in the PR system are:

- To decide whether to distribute one or more surpluses or to eliminate the lowest candidate(s), and
- If a surplus is to be distributed, how to calculate this and which votes, physically, are transferred.

In one-seat elections, e.g. union president, treasurer, chairperson of division, this is easy. If one candidate exceeds the quota (50% plus 1 in this case) he/she is elected. If no candidate reaches the quota, then the candidate with the lowest number of votes is eliminated. More than one candidate may be eliminated at the same time; if for example, the total of the bottom two candidates does not exceed the votes of the next highest candidate.

In the single seat election, the lowest placed candidates are eliminated in order and their second preferences (or third preferences etc., if their second preference candidates are already eliminated) are transferred until one candidate either reaches the quota or only two candidates remain in the race. In the latter situation the candidate with the highest vote is deemed to be elected without reaching the quota. The ballot papers to be physically transferred in the case of eliminated candidates are the actual ballot papers showing the next highest preference. Where there is no remaining preference, then the vote is non-transferable.

However, where there is more than one position to be filled, the position becomes more complex.

In multi-seat elections (e.g. union vice president, 'ordinary' DEC members), the likelihood is that a number of candidates will exceed the quota on the first count. The surpluses in these cases may be very small in each case. The issue for the Returning Officer is to decide whether to eliminate one or more candidates or whether to distribute the surplus(es).

The Returning Officer will distribute the surplus(es) where the total value of all surpluses to be distributed exceeds the difference in votes between the lowest two candidates. This may alter the order of these lowest candidates and in particular the order in they might be eliminated or moved up the list. The Returning Officer will distribute all surplus(es), (where available) before anybody is eliminated. When each surplus is distributed the lowest candidate will be eliminated.

The order in which surpluses are distributed is as follows:

- The greatest surplus is distributed first.
- If there are two or more surpluses that are equal the first to be distributed is the surplus that arose on the earliest count.
- Where this is also equal the surplus to be first distributed is that of the candidate with the highest first preferences.
- If all of these are still equal, the first surplus to be distributed is that of the candidate who was first ahead of the other candidate at the first count at which they were unequal.
- If there was no such count (eg first count surplus only to be distributed) then the Returning Officer shall decide by lot* which surplus to distribute first.

The order in which candidates are eliminated is as follows:

- The candidate with the lowest vote (total original and transferred) is first eliminated.
- Where two or more candidates equally have the lowest vote, the candidate who is first eliminated is that who received the lowest first preference votes.
- Where these are equal, the first candidate to be eliminated is that which was lowest at the first count at which they were unequal.
- Where these are equal (or cannot arise, as in the first count) the Returning Officer can exercise judgement based on a scrutiny of the preferences cast, however if the judgement of the Returning Officer is that they are still equal he/she shall decide by lot* which of them is to be eliminated first.

Where the votes of the lowest two or more candidates together with the total surpluses to be distributed does not exceed the votes of the next highest candidate, these may all be eliminated together.

*For the avoidance of any doubt "by lot" means a first preference paper of each equal candidate is placed in a hat and one is drawn out. The remaining paper (NOT the paper that has been drawn out) is the candidate to remain in the election.

Physical transfer of ballot papers

Where a surplus is to be distributed, the number of second preference (or next highest preference votes if the second preference is already elected or eliminated and so on) is calculated and the ballot papers are placed in bundles by reference to the second (or next highest preference vote as the case may be). Non-transferable votes (if such exists) are placed in a separate bundle. A ballot paper is non-transferable if it does not indicate a preference for a remaining candidate (e.g. there may not be any second or later preference indicated or any such candidate(s) may be already elected or eliminated).

The value of each bundle of votes is calculated by assigning a value to each vote by reference to the proportion of the surplus votes (of the elected candidate whose surplus is being distributed). These bundles (of ballot papers) with the 'adjusted' value written on the top are then physically transferred to the bundle of the appropriate candidate's first and any other transferred votes.

Where a candidate is eliminated their second preference votes (or remaining preferences as appropriate) are transferred to the remaining candidate who is named next highest on their list of preferences. Each of these transferred votes (if original votes or votes already valued at 1,000 from other eliminated candidates) is valued at 1,000 each, exactly the value as if they were first preference votes. This does not apply where the eliminated candidates' votes contain original and transferred "surplus" votes.

The value of each of the transferred "surplus" votes in this case is based on the value allocated at the time of the transfer. The other original votes and preference votes (but not those not containing "surplus" votes – see last paragraph) transferred from other eliminated candidates are valued at 1,000 each.

Elected without reaching the quota

Where at the end of any count the number of remaining candidates equals the number of vacancies remaining to be filled, they are deemed to be elected even if they have not reached the quota.

Where there is only one vacancy remaining and the highest placed candidate cannot be overtaken by any other remaining candidate (even if the next highest placed candidate were to receive the total value of any undistributed surpluses and the votes of all candidates to be eliminated) then that candidate is deemed to be elected.

Result sheet

The Returning Officer should complete the result sheet as the election proceeds showing:

- (1) The total number of votes cast.
- (2) The number of spoiled votes.
- (3) The total valid poll.
- (4) The number of seats to be filled.
- (5) The quota.
- (6) The list of candidates and their votes, showing transferred votes etc., at each count.

This result sheet should be made available to all candidates and everyone else with an interest in the outcome of the election e.g. a copy could be posted in the count centre, conference hall, etc. The Returning Officer will make the result sheet available to the candidates, and respond to any queries they may have, prior to making it available to others with an interest in the election.

Re-count

The conference election procedures do not specifically provide for re-counts.

However, the Returning Officer may at any time during the count require a re-count of some or all of the ballot papers if he/she has any reason to be concerned that an error may have been made.

There is no specific provision for candidates to seek a re-count either in part or in total. However, a Returning Officer would be required to have regard to any points made by candidates as to why a full or partial re-count should take place when deciding whether to order such a recount, e.g. if a clear error was spotted, where in the judgement of the Returning Officer the votes are close enough for any possible error to have a material effect on any outcome.

It would generally be useful to agree the timescale within which candidates could seek a re-count. This is required for very practical reasons, including that the conduct or outcome of later elections may be dependent on the outcome of the election in dispute, e.g. at union conference the vice president elections are not held until the presidential and treasurer election results are known. The security of the ballot papers is also an important factor if there were delays in holding a recount. As such, any requests for re-counts should preferably be made before the declaration of the results.

Fórsa conference election procedures

Rule 19 covers the divisional executive and its officers.

The election of the chairperson or cathaoirleach is straightforward. A standard PR STV election is conducted and the winner is elected.

Following that election, any candidates from the winner's constituency for the positions of vice-chairperson or leas-cathaoirleach are excluded from the election and any preferences voted for any such candidate move to the next preference. However there is a possibility that two candidates from the same constituency could be 'elected' in the vote for vice-chairpersons or leas-cathaoirleach. In that event, the last candidate elected from a constituency that has had a candidate already elected shall be replaced by the last eliminated candidate from a constituency that has not had a candidate elected.

If a vacancy subsequently arises in the office of chairperson or cathaoirleach, it shall be filled by the election by the DEC of a vice-chairperson or leas-cathaoirleach. In turn, the Divisional Executive shall elect a member of the Divisional Executive to fill that vacancy of a vice-chairperson or leas-cathaoirleach from the constituency of the original chairperson or cathaoirleach in order to fulfil the requirement regarding the three officers coming from different constituencies.

Rule 23 covers the National Executive and its officers. The president, treasurer and three vice-presidents must be from different divisions.

The election of the president is straightforward. A standard PR STV election is conducted and the winner is elected. Following that election, any candidates from the president's constituency for the position of treasurer are excluded from the election and any preferences voted for any such candidate move to the next preference.

The election of the treasurer is also straightforward. A standard PR STV election is conducted and the winner is elected. Following that election, any candidates from the treasurer's and president's constituencies for the positions of vice-presidents are excluded from the election and any preferences voted for any candidates move to the next preference.

However there is a possibility that two or three candidates from the same constituency could be 'elected' in the vote for vice-president. In that event, the last candidate elected from a constituency that has had a candidate already elected shall be replaced by the last eliminated candidate from a constituency that has not had a candidate elected. In the event that this does not satisfy the rules, then the second last candidate from a constituency that has had a candidate already elected shall be replaced by the last eliminated candidate from a constituency that has not had a candidate elected.

When a vacancy arises in the office of president, it shall be filled by the senior vice-president.

When a vacancy arises in an office of vice-president, subject to the requirement that the president, treasurer and three vice-presidents must be from different divisions, the rule prescribes that it shall be filled by the person who, in the election held at the previous biennial meeting of the union conference, most closely failed to be elected, provided that, when there is no such person, the vacancy shall be filled by the election of a member by the National Executive.

Standing Orders Committee report No.2

This report is a consolidated report including Standing Orders Committee Report No.1.

1. Conference timetable

The foregoing timetable for conference is recommended.

2. General standing orders

The foregoing General Standing Orders are recommended.

Where branches or the DEC have queries or wish to seek changes to General Standing Orders or to SOC reports they are asked to raise these in writing (soc@forsa.ie) with the SOC as soon as possible and in any event not later than one week prior to conference.

3. Motions received

Twenty-seven (27) motions were received by the deadline and twenty-seven (27) are included on the agenda.

4. Motions considered as out of order

No motions are considered to be out of order. A number of motions were considered by the SOC to be more appropriate to the national conference and these are motions 14 to 27 inclusive. If these motions, 14 to 27, are carried they will have the status of recommendations to the NEC.

5. Advisory motions

In accordance with the rule, and until otherwise determined by national conference, each divisional conference shall determine policy on pay, conditions and other matters affecting only the members in the division. However, divisional conferences may also consider other matters provided that they are not matters which are of sole concern to the members of another division or which conflict with policy as previously determined by the union conference. Decisions of divisional conference in relation to such matters have the status of recommendations to the National Executive who shall decide on any action to be taken.

Where a motion covers a matter that has, or could have, both divisional and central (i.e, more than one division) dimensions, it is recommended that unless the substance or text of that motion clearly requires otherwise, it should be presumed that it is intended by the proposers as a matter for action at divisional and not at central level within the union. As such, motions in this category would not be deemed to fall into the category of advice to the NEC. However, such motions cannot be portrayed as deciding anything other than divisional policy on the issues covered.

6. Amendments received

No amendments were received and no amendments were received late.

7. Composite motions/amendments

These will be taken during conference at the end of other sections if time permits, with the balance, if any, of guillotined motions being taken at the end of conference.

It is recommended that guillotined motions be taken in the order they were guillotined, with all guillotined motions in a section being completed before moving to the next set of guillotined motions.

8. Emergency motions

Branches are asked to advise the SOC of any emergency motions as soon as possible so that these might be included in a Standing Orders Committee report to conference. Branches are reminded that emergency motions should only be submitted on issues that have occurred since the deadline for receipt of motions. Any branch who wishes to submit an emergency motion should send it to soc@forsa.ie.

9. Withdrawal of motions

Branches are asked to advise the SOC of any motions that they wish to withdraw so that these can be included in a Standing Orders Committee report to conference. Forms are appended to withdraw motions and nominations at the rear of this booklet.

10. Officer elections and votes

The outcome of the elections held in advance of conference will be declared to conference by Returning Officer Rose Marie Conroy.

11. Conference votes

Guidance on the conduct of votes at the conference will be circulated separately to delegates.

12. Standing Orders Committee

The Standing Orders Committee for the Services & Enterprises Division will be Teresa Kearns Chair, Rose Marie Conroy Returning Officer, Eileen Coman, Anna Farrell and Thomas Kavanagh.

Nominations

Cathaoirleach/Chairperson (1)

Niall Mullaly (Cabin Crew)

Nominating branch

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
IAESA
IALPA
OSI
RSA Professional
Teagasc General

Leas Cathaoirleach/Vice-Chairperson (1)

Steve Pilgrim (OSI)

Nominating branch

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
IAESA
IALPA
OSI
RSA Professional
Teagasc General

Divisional Executive Member (17)

Joe Chaney (Communications)

Nominating branch

Communications
Fáilte Ireland

Gerry Clarke (Cabin Crew)

Cabin Crew
IAESA
IALPA

Grace Conlon (Teagasc General)

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
Local Enterprises
OSI
RSA Professional
Teagasc General

Cormac Craven (Marine Branch New)

Cabin Crew
Marine Branch New

Divisional Executive Member (17) *continued*

Evan Cullen (IALPA)

Nominating branch

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
IAESA
IALPA
Marine Branch New
OSI
State Enterprises No.1
Teagasc General

Pat Dawson (RSA Professional)

Fáilte Ireland
RSA Professional

Tony Dawson (Fáilte Ireland)

Aviation Technical Officers
Fáilte Ireland
Local Enterprises
OSI
RSA Professional
Teagasc General

Pierce Dillon (An Bord Pleanala)

An Bord Pleanala

Geraldine Hickey (IAA Executive Grades)

Aviation Technical Officers

Carmel Keogh (CE Supervisors)

Fáilte Ireland

Ciaran Kissane (State Enterprises No.1)

State Enterprises No.1

Des Mullally (IAESA)

Cabin Crew
IAESA
IALPA

Niall Mullally (Cabin Crew)

Teagasc General

Andy Mullins (Air Traffic Control)

Air Traffic Control

James O'Loughlin (Aviation Technical Officers)

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
IAESA
IALPA
Teagasc General

David Orford (Local Enterprises)

Fáilte Ireland
Local Enterprises
Teagasc General

Ian Patel (Eir Executive)

Eir Executive

Steve Pilgrim (OSI)

OSI
Teagasc General

Mick Scully (OSI)

OSI

Leonard Sheils (An Post)

An Post

Divisional Executive Member (17) *continued*

Helen Sheridan (ATC)

Nominating branch

Aviation Technical Officers
Cabin Crew
Fáilte Ireland
IAESA
IALPA
Teagasc General

3rd Divisional Representative on NEC (1 position)

Evan Cullen (IALPA)

Nominating branch

Aviation Technical Officers Cabin Crew
Fáilte Ireland
IAESA
IALPA
Marine Branch New
OSI
State Enterprises No.1

Pierce Dillon (An Bord Pleanála)

An Bord Pleanála

Standing Orders Committee (2 positions)

Teresa Kearns (State Enterprises No.1)

Nominating Branch

Cabin Crew
IALPA
State Enterprises No.1

Motions

Motion 1: IALPA Branch

This conference directs the union to identify, investigate and pursue the opportunities presented by the recent UK Supreme Court judgement in the case of Uber v Aslam & Others reported on 19th February 2021.

Brief background: Conference understands that Irish law facilitates and, in many cases, encourages bogus self-employment in many sectors of the economy. Many workers who are in these bogus employment mechanisms are not there by choice. In most cases, they agree to these arrangements as there is either no offer of a directly employed job, or the worker cannot get a base or a preferential location of work unless they agree to enter into these contracts. Given the similarities between the UK and Irish law, the recent UK Supreme Court judgement sets a precedent which could render these bogus self-employed contracts unlawful and give these workers the entitlements which they have been heretofore denied.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 2: Eir Executive Branch

This conference mandates the incoming divisional executive to work with the NEC to campaign to formulate a national policy aimed at defining and implementing a remote working directive, to be applicable across the wider private sector.

This pandemic and associated lockdowns has shown how much of the work of workers in the private sector can be effectively and efficiently carried out by staff working remotely, whether from home or from remote working hubs.

A remote working policy should encapsulate the right of a worker in the private sector to request a move to remote working, or blended working. Such a request to be facilitated by managers, excepting only those cases where specific job-related obstacles to the proposal exist.

Appropriate appeal mechanisms, including referral to external adjudication, in the case of refusals, should form a part of the overall policy.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 3: Road Safety Authority Professional Branch

This conference acknowledges the effort and professionalism of members of this division in continuing to deliver quality services during Covid-19 Level Five.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 4: Cabin Crew Branch

Since last July, Fórsa and the cabin crew committee has called for engagement with all stakeholders in aviation, through social dialogue, for the development of collectively agreed policies to ensure a safe return to flying. Whilst many industries across Ireland have been hit by the effect of Covid-19, some have suffered worse than others. The aviation sector is one. It is crucial that the link between the employer and employee is maintained for the duration of this pandemic as failure to do so risks highly qualified and highly skilled workers leaving the aviation industry out of necessity, and not returning.

To date the Government has published two reports, these were broadly welcomed. Regretfully there has been no willingness on behalf of the Government to follow through on the recommendations from these reports, the time for real action is closing fast and what we need now is urgent engagement.

Conference calls on the DEC to support the aviation branches and Fórsa's campaign that the real supports are put in place for aviation workers.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 5: Communications Companies Branch

This conference works to ensure that the pension benefits of all members employed in the private sector are protected to the fullest extent possible. This is especially important in cases where employers wrongly claim an inability to adhere to their obligations.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 6: Food Safety Promotion Board Branch

This conference instructs the incoming Services and Enterprises Divisional Executive to progress the implementation of Labour Court recommendation LCR19842, which was issued in 2010.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 7: Food Safety Promotion Board Branch

This conference instructs the incoming Services and Enterprises Divisional Executive to ensure that all members of the North-South pension scheme in employment in the Food Safety Promotion Board are given the opportunity to review their pension arrangements from the time that the United Kingdom Hutton reforms were applied to the North-South pension scheme.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 8: Services and Enterprises Divisional Executive Committee

Our members in aviation have endured pay cuts, lay-offs, redundancies and job insecurity - and continued uncertainty about the future. This has put aviation workers and their families under massive strain. For many, the mortgage and other debt incurred during this period will be a burden for years. With no early end to travel restrictions in sight, thousands of jobs will remain at risk.

Conference therefore instructs the incoming Divisional Executive Committee, officers of the division to engage with the National Executive Committee, senior union negotiators and ICTU to ensure we act collectively to secure:

- An aviation income support scheme similar to that in place in Germany, which enables employers to reduce hours rather than laying staff off, with Government income support for the time employees can't work.
- To protect against compulsory redundancies or offshoring of services.

- A Government-led social dialogue with employers and unions to underpin a sustainable and thriving aviation industry as we emerge from the pandemic.
- Create the supports necessary to ensure Ireland's aviation industry can withstand the current crisis and continue to play its crucial role in supporting the Irish economy.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 9: Services and Enterprises Divisional Executive Committee

Conference recognises the struggle members within the division have encountered in their fight for employer recognition of trade unions. The right to join a union and bargain collectively for fair pay and conditions of employment is critical to a fair workplace. It is the only way to ensure employees enjoy bargaining power on a par with the employer.

This conference calls on the incoming executive to continue to campaign vigorously to ensure that collective bargaining rights are realised and we continue to work with our NEC and wider trade union movement to ensure its implementation.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 10: Services and Enterprises Divisional Executive Committee

This conference directs the union to pursue amendments to the Organisation Working Time Act for mobile workers in civil aviation such that the WRC can directly intervene in the interpretation and operation of the Act as it effects mobile workers in aviation. The Organisation of Working time Act for mobile workers in civil aviation appoints the IAA as the competent authority not the WRC as is the case for other workers. Experience has taught us that the IAA has no interest in the views and perspectives of workers regarding the interpretation and operation of the Act.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 11: Services and Enterprises Divisional Executive Committee

This conference supports the work undertaken by the Fórsa SORT project and in alignment with the work to be undertaken Conference calls on the incoming executive to:

- Continue a review of branch structures and assess the best structures of our branches to ensure the most effective representation.
- Intensify our cross-union engagement to increase union membership and build union density.
- Promote the profile of the union and visibility in the workplace.
- Continue to tackle anti-union employers and develop strategies to organise and protect workers in emerging precarious employments.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 12: IAA Executive Grades Branch

Conference notes the devastating effects of Covid-19 pandemic has had on the pay and terms and conditions of workers in the aviation sector. Therefore this conference directs the incoming DEC to ensure that any attempt by the employers in the aviation sector to introduce compulsory redundancies will be resisted by all means up to and including industrial action.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 13: IAA Executive Grades Branch

This conference calls on the Irish Government to ensure that appropriate funding will be made available to employers in the aviation sector to ensure that no aviation worker will be made compulsory redundant.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motions appropriate to national conference

Motion 14: Eir Executive Branch

Conference calls on the incoming executive to highlight the role Transfer of Undertakings (Protection of Employment) Regulations (TUPE) plays in protecting workers rights on transfer from employment to employment. Conference also calls on the incoming executive to seek to improve upon these safeguards as transfers of employments happen on a regular basis.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 15: Road Safety Authority Professional Branch

Conference calls on the incoming executive to ensure that the Haddington Road hours are withdrawn at the earliest opportunity.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 16: Cabin Crew Branch

We have watched with interest the evolving working environment, the changes that have been implemented due to Covid-19 and some prior to the pandemic. The working week is no longer the standard Monday to Friday 9 to 5, as this evolves we need to ensure those who work unsociable hours are protected.

For example workers who have to report for duty before public transport is available have to fork out excessive costs in transport. Many only earn the minimum wage or slightly above. Before this became the norm employers would reimburse such expenses.

We are therefore calling on conference to engage with our colleagues in the wider trade union movement to develop a campaign of fairness for these workers, that as the working week evolves we ensure there is no downgrading of conditions of employment.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 17: Communications Companies Branch

This conference fully supports efforts to ensure the benefits of all employees are not eroded by unscrupulous employers in the name of new Covid-19 related working practices.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 18: Communications Companies Branch

This conference seeks to do all in its power to mandate the recognition of workers' trade union representation. Furthermore, it would seek to promote new legislation that would declare union-busting tactics employed by unscrupulous employers unlawful.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 19: Communications Companies Branch

This conference recognises the creeping 'Amazonification' of workplaces, where significant efforts are being made by large employers to eliminate the value of jobs and introduce managerial structures which incorporate excessive supervision, unnecessary peer competition, stress and ultimately lead to a reduction in the welfare of workers.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 20: Services and Enterprises Divisional Executive Committee

Conference acknowledges the pay improvements, the opportunity for sectoral bargaining, and the established pathway to a restoration of hours as outlined in the recent public service agreement Building Momentum. Conference instructs the incoming Divisional Executive Committee to remain vigilant on the implementation of this agreement to ensure the terms of Building Momentum apply to all public servants, including staff in non-commercial State agencies, irrespective of the sector.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 21: Services and Enterprises Divisional Executive Committee

Conference believes that working time and working patterns across the economy need to be fundamentally reviewed and reformed in light of the experience of the Covid-19 crisis, and in response to the impact of new and developing technologies, increasing caring demands, and demographic shifts including longer life expectancy.

Conference notes the successful introduction of remote working in sectors across the economy during the coronavirus pandemic, and endorses Fórsa's August 2020 submission to the Government's public consultation on the issue.

Conference also believes that reduced working time can be an important mechanism for maintaining employment as new technologies replace or change traditional jobs, and for sharing the benefits of improved productivity that flow from automation and other technological developments.

Conference therefore calls on the DEC to support Fórsa's campaign for a steady and managed transition to a shorter working week for all employees across the economy, including in the community sector, private companies and the commercial and non-commercial semi-state sectors.

This should include addressing the additional hours introduced as part of the response to the earlier 2008-2013 fiscal crisis, through the Building Momentum agreement.

Conference also support the union's policy of promoting and negotiating the implementation of remote-working and other arrangements that can improve work-time flexibility to the benefit of workers, employers and the economy.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 22: Services and Enterprises Divisional Executive Committee

This conference directs the union to raise with Government directly and through ICTU the injustice of bogus self-employment and precarious employment of workers in all sectors of the Irish economy.

Uniquely within western Europe, Irish employment law facilitates and, in some cases, encourages employers to retain workers on contracts for service and consequently denies such workers access to the most basic social protections, eg unfair dismissal, maternity leave, paternity leave, parental leave, sick leave, etc.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 23: Services and Enterprises Divisional Executive Committee

Conference acknowledges the impact Covid-19 virus has had on all workers, families and communities, here and abroad. We express our deepest condolences to all who have lost a loved one during these times.

Conference recognises the staff who rose to the challenges presented by this pandemic, over the last year, and acknowledge our member's commitment to cooperate with the necessary measures to contain the virus whilst maintaining essential services.

Conference welcomes the Covid-19 Return to Work Safety Protocol, which was negotiated by Fórsa and ICTU, strengthening worker safety protections and provides a detailed outline of the responsibilities placed on employers and staff.

Conference instructs the incoming Divisional Executive Committee to:

- Remain vigilant to ensure all employers have in place 'workplace lead safety representatives'.
- Ensure that all employers provides the necessary support, training and engage regularly with these representatives.
- Ensure all sectors have in place the necessary policies and safety measures required to ensure a safe return to work for our members.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 24: Services and Enterprises Divisional Executive Committee

Conference applauds ICTU's campaign for the introduction of paid domestic violence leave and welcomes the recent announcement by Minister O'Gorman securing Government agreement to establish entitlement to paid leave.

Every year we see more increasing evidence of the devastating impact of domestic abuse but 2020 has been particularly difficult. During lockdown, many were stuck at home with the perpetrator of violence, unable to escape to, what for many, is the safety of the workplace. It is therefore important that we act now.

Conference calls on the incoming Divisional Executive to work with all employers towards the introduction of workplace awareness and appropriate policies to facilitate paid domestic violence leave.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 25: An Post Branch

The An Post Branch instructs the incoming executive committee to campaign and seek with the assistance of the NEC that all employers should pay employees that are remote working/working from home the allowance of €3.20 claimable allowance per day.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 26: An Post Branch

The An Post Branch instructs the incoming Services and Enterprises Divisional Executive Committee with the assistance of the NEC to seek the restoration of flexitime arrangements for remote workers, in particular banking time in such areas where the facility has been precluded.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐

Motion 27: An Post Branch

This conference should formally acknowledge essential workers who have continued to attend the workplace during these exceptional times of great difficulty to provide essential services for the public and believes measures should be explored by the union and pursued with employers.

Withdrawn ☐ Amended ☐ Carried ☐ Not Carried ☐ Remitted ☐



SERVICES AND ENTERPRISES DIVISION CONFERENCE 2021

Motion, amendment
and nomination
withdrawal forms

Fórsa services and enterprises division conference 2021

Motion, amendment and nomination withdrawal form

.....Branch wishes to withdraw:

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Motion number

Amendment to motion

Motion number

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Name of principal delegate

Signature of principal delegate

Date Time

SOC signature Date Time



Fórsa services and enterprises division conference 2021

Motion, amendment and nomination withdrawal form

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Motion number

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Fórsa services and enterprises division conference 2021

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Fórsa services and enterprises division conference 2021

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Fórsa services and enterprises division conference 2021

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Fórsa services and enterprises division conference 2021

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Signature of principal delegate

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CORK

Father Matthew Quay, Cork, T12 EWW0

Phone: 021-425-5210

Email: forsacork@forsa.ie

DUBLIN

Nerney's Court, Dublin, D01 R2C5

Phone: 01-817-1500

Email: info@forsa.ie

GALWAY

Unit 23-24, Sean Mulvoy Business Park,

Sean Mulvoy Road, Galway, H91 HT27

Phone: 091-778-031

Email: forsagalway@forsa.ie

LIMERICK

Roxborough Road, Limerick, V94 YY31

Phone: 061-319-177

Email: forsalimerick@forsa.ie

SLIGO

Ice House, Fish Quay, Sligo, F91 HHX4

Phone: 071-914-2400

Email: forsasligo@forsa.ie


WOODFORD

Unit 2.2 Ground Floor,

Woodford Business Park, Santry, D17 E524

Phone: 01-817-1500

Email: admin@ialpa.net

 [forsa_union_ie](https://twitter.com/forsa_union_ie)

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