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**Report of the
Executive Council**
Biennial delegate conference
Tralee 7–10 July, 2009

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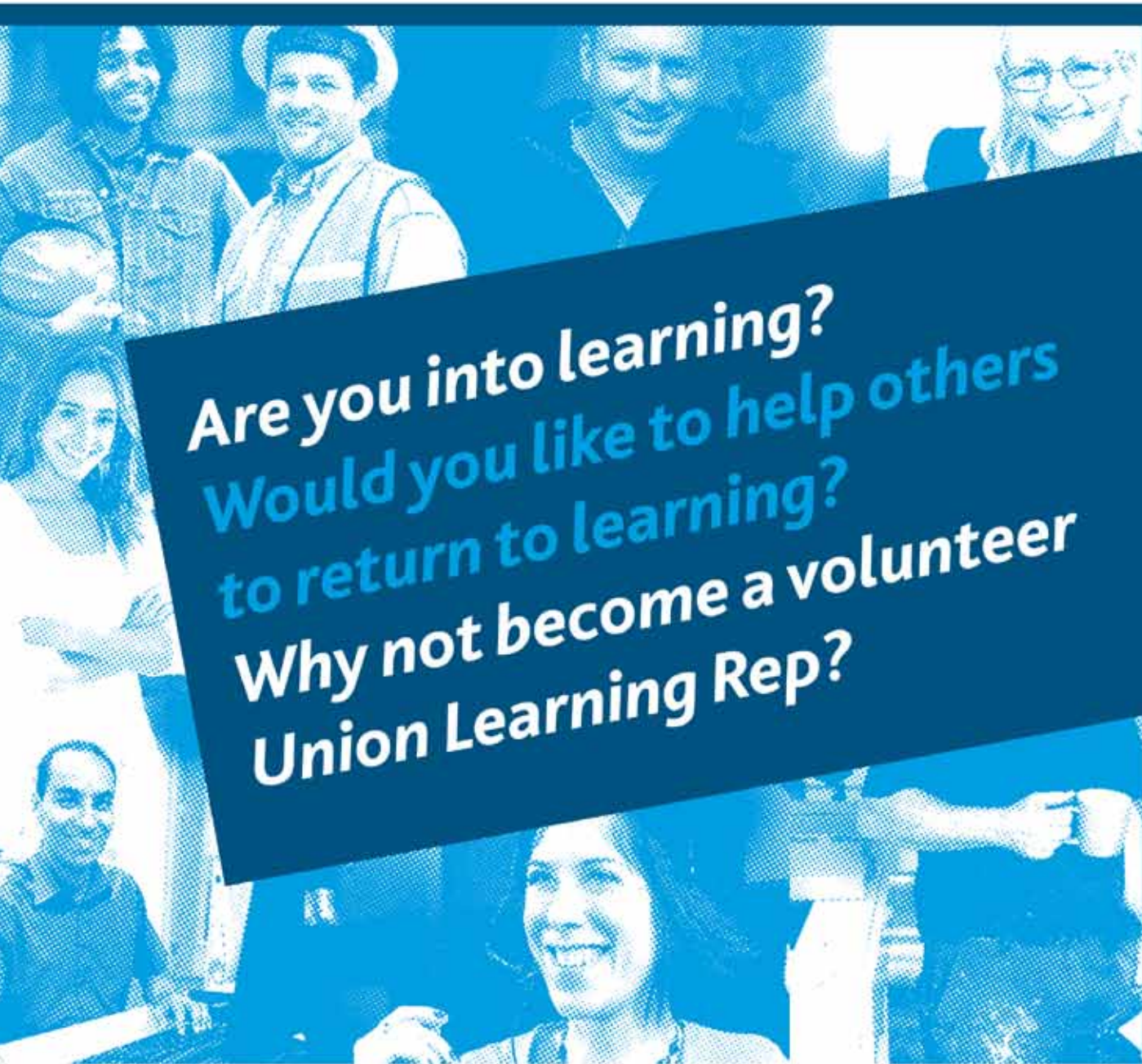


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No More Business as Usual

This report was written on April 17, 2009, a day on which 20 well-known economists – some of a distinctly right wing hue – publicly called for outright nationalisation of the banks in the Republic. If such a prospect had been articulated by any participant at our 2007 conference in Bundoran, they would have been taken away and locked up. It is a measure of the traumatic change in the global financial system that public discourse has moved in this direction.

And yet, at another level, it is clear that many in the policy-making community and business regard the crisis as a deviation of sort, a diversion from a set trajectory and that we will resume this normal course within a couple of years. In other words, a return to business as usual. This is delusional.

There will be no return to the liberal free market model because that model has proved to be unsustainable and has effectively self-destructed. The big question is what will replace that model?

This is a crucial issue for Ireland. Over the years, Congress warned consistently and repeatedly (see Sect 1, Chapter 5) against the pursuit of economic growth for its own sake and without regard to sustainability. It was a message that did not find a resonance in many places. While Ireland will not shape the new era the world is entering, it does have choices about how it positions itself. At an economic level it needs to restructure to reduce dependence on construction and financial services and to preserve and expand its manufacturing base. At a social level the country needs to decide what level of public service provision it wants and make the commitment to fund those services from a tax base which is itself sustainable.

But it is important to realise that we are not just dealing with the domestic economy. The world is experiencing a depression on a par with that of the 1930s, albeit that the response of governments has been far more interventionist on this occasion.

Global trade has collapsed. Industrial output in Europe was down 20 percent year on year, in February 2009. Nor was there much evidence that the rate of decline was slowing down, as industrial output in March was 2.3 percent below that of February. In Europe's case there was, at that time at any rate, no run down in inventory stock unlike in the United States.

EU efforts to promote fiscal stimulus across the Eurozone were hampered by disagreements between Germany and France, on the one hand, and the Anglo Saxon economies on the other. The former argued for increased regulation and the latter for increased spending. These were to some extent resolved at the G20 meeting in April – but not completely. European efforts have also suffered from a lack of coherence in the sense that monetary policy is determined centrally by the ECB but fiscal policy is decided nationally. Moreover, the particular difficulties experienced by Central and Eastern European (CEE) countries have caused its own tensions. The imperative to protect employment in western Europe has led to charges of economic nationalism by the CEE countries. But the weakness of the latter is a drag on the EU economy and a serious risk exposure to western banks with links to CEE banks. Not least of the considerations in this matter is a political one relating to the competing interest of Russia and the EU, in the CEE sphere of influence.

Policy decisions of the Eurozone countries have implications for Ireland. For a long period monetary policy was pro-cyclical to the Irish economy. Low European interest rates – intended to support German industry – fuelled the property boom in Ireland. Today the strength of the Euro militates against our competitiveness by making our exports into Britain and the US more expensive. Approximately 18 percent of our exports go to each of these two countries and 40 percent to the Eurozone. Ireland is unique in this respect. Fiscal policy is determined at national level but is subject to limits imposed by the Stability & Growth Pact.

On the other hand, Eurozone membership offers protection against speculators. The hackneyed joke about the difference between Ireland and Iceland being one letter and six months is factually untrue, by virtue of our membership of the Eurozone currency area.

The National Economic and Social Council (NESC) has pointed out that Ireland is simultaneously dealing with five separate crises: an Economic crisis, a Fiscal crisis, a Banking crisis, a Social crisis and a Reputational crisis. NESC has called for an integrated response.

Government policy has embraced the following elements:

- The Supplementary Budget introduced in April 2009 did not contain any stimulus for the economy. It focussed entirely on correcting the public finances. It was brutal and highly deflationary;
- Government is relying on a combination of the stimulus plans of other governments to improve the trading environment and the infrastructural capital programme (NDP) to provide stimulus for our economy;
- Broadening the tax base and increasing taxes to compensate for the loss of revenue associated with construction-related transactional taxes, that were a feature of the boom;
- A competitive devaluation of wages across the public and private sectors to compensate for our inability to devalue our currency to restore competitiveness;
- Increased borrowing but with the goal of achieving a return to a borrowing level below 3 percent of GDP by 2013;
- Establishment of the National Assets Management Agency (NAMA) to perform the function of a 'Bad Bank' i.e. to buy the impaired assets of the existing banks and give them a clean balance sheet from which to restore lending to the economy.

Congress did not concur with this strategy, proposing instead a 10 Point Social Solidarity Pact, details of which were widely publicised. The essence of the Congress approach is that there is a severe economic adjustment to be managed, but that the burden of that adjustment should not fall on those least able to bear it. At the time of writing talks with Government had finished and we were awaiting their response to our proposals, particularly on the issues of jobs crisis, pensions and threatened home reposessions.

The historian Eric Hobsbawm recently likened the efforts of governments to deal with the global crisis to a blind man trying to get out of a maze by using different sticks to tap the wall (*The Guardian* on April 10, 2009).

Also in April, 2009 the OECD noted in its Interim Economic Outlook that: "The world economy is in the worst of its deepest and most synchronised recession in our lifetimes, caused by global financial crisis and deepened by a collapse in world trade." In the US the rate of decline of manufacturing output compares with that of the Great Depression. In the OECD area as a whole, output is forecast to contract by 4.3 percent this year and 0.1 percent in 2010, with unemployment rising to 10 percent. Governments have had to put their healthy credit ratings at the disposal of their misbehaving financial systems in the most far reaching socialisation of market risk in world history.

In Ireland the outlook is even more pessimistic. GDP in 2009 is forecast to fall by 6.75 percent - some think it will fall by 10 percent - and unemployment is likely to reach 15 percent by the end of 2010.

What passed for public discourse over the past year has been enormously frustrating for a number of reasons. First of all, not one from amongst the legions of economists who populated the media forecast or foresaw the crisis – although many are now busy trying to rewrite history. In truth most were cheerleaders for the free market model that has failed so dramatically. In addition, debate here takes place as if we were dealing with an Irish as opposed to a global problem. And like a shoal of fish, the commentariat can change direction rapidly - but all move together. Thus, they collectively seize upon an idea and promote it as holy writ.

The idea of a competitive devaluation of wages to promote exports is a case in point. It has no regard to the collapsed state of global trade or the deflationary effect it would have on domestic demand. Outlandish demands for public service cutbacks fall into the same category. Finally, as mentioned earlier many still nurture the delusion that we can get back to 'business as usual' after short, sharp recession.

The brutal truth is that the global financial system has not yet been repaired and the deleveraging of the private sectors of highly indebted countries has not begun. The rebalancing of global demand will take a long time and for all these reasons a return to sustained growth remains is a long way into the future. The world economy cannot go back to where it was before the crisis because that was demonstrably unsustainable.

If this is true of the world – and it is something which is broadly accepted elsewhere – it is doubly true of Ireland. Just as we embraced a neoliberalism that seemed to enrich us so shall we suffer from its decline because our model is, and always has been, unsustainable. The future course is likely to be one of slow and interrupted recovery over the next decade.

Many in business, political and 'commentary' circles have not yet faced up to the fact that there is no return to the growth levels of the first half of this decade. They have not faced up to the fact that we squandered the boom by not consolidating what we had. They have not faced up to the fact that our particular penchant for crony capitalism has poisoned Ireland's reputation abroad. They have not faced up to the fact that the liberal polity embraced by successive governments was a bogus concept based on the utopian ideal of 'self regulating' free markets. A whole generation of the business, political and the media elite imbibed and promulgated this notion uncritically. And now they must also face up to the fact that our universities have produced a new generation of leaders saturated in those same foolish ideas.

The mood of this country is best described as febrile. There is enormous anger at the prospect of this and future generations carrying the can for problems not caused by working people. But the problem is that we still have to find a way forward. A genuine Social Solidarity Pact, if it can be achieved, is the best response to what will be a long and difficult road. Our hope is for a better Ireland, one that is sustainable, economically efficient and socially just. Achieving that will be a big task but in a paradoxical sense conditions are more propitious than they have ever been. It is a task that is likely to preoccupy this and other conferences for many years to come.



David Begg,
General Secretary

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BDC 09 **Section 1**
The Economy

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Chapter 1 - The Free Market Illusion

Cosy Capitalism

The collapse of the liberal free market model has been rapid and humiliatingly public. This economic model, intellectually formulated by Friedman and Hayek, was pursued by Thatcher and Reagan and many followers globally. It may have arisen partially as a reaction to excessive statism in the 1970s. Nonetheless, the entire intellectual underpinning of this model has now collapsed.

Consequently, there is now an opportunity for Government – which now dominates the economy – to use its power to re-orientate economics away from the enterprise to the citizen. We must never again assume that what is good for enterprise is also good for Ireland. The damage that some in this sector have done to Ireland's reputation is appalling and will take years to remedy.

The *Financial Times* described the model that pertained here as "Cosy Irish Capitalism." It was one wherein the greed and avarice of many enterprise leaders was greatly facilitated by Government, its state agencies and its regulators, cheered on by much of our media. It was only partly mitigated by Social Partnership.

This is a synchronised recession. Virtually all of the world's economies are in decline. The global economy will decline for the first time in 60 years, by between 0.5 and 1.3 percent. It is a period of falling national income and there is no place for Irish emigrants to go. This means that much talented human capital will be forced to remain here. It needs to be utilised productively. Mass unemployment, affecting all social strata, will lead to social unrest.

Ireland will reap the 'whirlwind' of a poorly structured taxation system and an unregulated and corrupt banking elite. Workers have to bail out the banks and the Government with tax hikes. National income will decline rapidly.

A major shift is taking place worldwide. The state has been forced to take a far greater role in the economy. This is simply because the entire economic system is threatened with collapse and there is no other force capable of responding.

Few anticipated this radical change. We can take the opportunity to build a more cohesive economy and society out the chaos. There now has to be a major strengthening of the role of trade unions, of employees, consumers and suppliers under Irish company law, to counterbalance the power of shareholders, i.e. top executives.

Inflation & Wages

While inflation is falling for the first time in many years, unemployment is soaring. Ireland enjoyed near full employment for several years, with as much as 90 percent of all net new jobs being filled by foreign workers. This has changed dramatically. Total employment has dropped well below the 2 million mark and emigration will rise to over 50,000 in 2009. This is staggering reversal (of over 90,000) for the 39,000 immigrants (net) from last year, 68,000 in 2007 and 72,000 in 2006.

The strength of the Euro has greatly reduced Irish cost competitiveness. Ireland trades more with non Eurozone countries than any other Eurozone member. Some 37 percent of our exports go to the UK and US and a further 18 percent to other countries outside the EU, a total of 55 percent of our total exports. Yet membership of the Euro has greatly protected Ireland from the predatory speculators.

The public finances imploded in 2008. This is not because public spending was excessive, but because revenue collapsed as some 20 percent of the tax base derived from property-related taxes. The tax-cutting policies of successive governments – against repeated Congress advice – boosted the boom and have now deepened the bust. The liberal economics of 'low taxes and low regulation' was a poisonous cocktail that seriously injured Ireland's economy and citizens.

Congress negotiated a ten year agreement, *Towards 2016*, in mid 2006 and the pay deal agreed in the first tranche was for a 27 month period. It gave 3 percent for 6 months, followed by 2 percent for the next 9 months, but with those on low pay - an hourly rate of €10.25 or less - getting an extra 0.5 percent increase. The next 6 months saw an increase of 2.5 percent and then a further 2.5 percent for the remaining 6 months.

In September 2008, a new deal was agreed. This *Transitional Agreement* was to give an increase of 3.5 percent for 6 months, but after a 3 month pay pause in the private sector. This was to be followed by a rise of 2.5 percent for 12 months, except for those on low pay, who were to get an additional 0.5 percent.

In the public sector there was a pay pause of 11 months at the commencement. However, despite the deal being ratified by unions, employers groups balked and either campaigned against it (CIF) or sought to have it deferred (Ibec).

Talks with Government and employers recommenced in January and, while a Draft Framework deal was agreed at the end of the month, the talks ended abruptly in early February when Government made clear its decision to impose a public sector pay cut, in the shape of the Pension Levy. Talks did restart in April and were ongoing at the time of writing.

The annual change in hourly earnings by sectors and earnings in the year to Quarter 3, 2008, were as follows:

In a recession people are fearful and even those with money are inclined to save. This is why it falls to Governments to provide the economic stimulus. There is a particular difficulty for a small open economy such as ourselves, but if Government acts in concert with other EU countries such a stimulus, if of sufficient size, should help pull us out of recession. It should also be aimed at labour intensive job creation which attempts to maximise domestic demand.

Congress submitted a range of ideas to Government, but it decided to impose major tax increases in its December 2008 and its April 2009 Budgets. Thus its actions were the opposite of what was required. It also maintained much of the investment programme under the NDP, which is investment in the future. Congress sought a major focus on labour and social clauses in the National Development Plan. Investment must be focused on facilitating and improving essential public services, such as schools, hospitals, clinics, community facilities, and transport systems.

The Banking Crisis

In early 2008, in our Economic Outlook called *Narrowing the Pay Gap*, Congress drew attention to the then looming banking crisis. We focused on bank remuneration and one bank, Anglo Irish Bank. This major policy paper, with much prescient research, well presented and running to over 50 pages, received relatively little publicity – certainly not by comparison with those 'market cheerleaders' who populated print and the airwaves on a daily basis, vested interest stockbroker economists whose calling it was to 'pimp up the boom'.

NACE Principal Activity	Hourly Earnings in Q3 2008	Annual Change
Industry	€19.49	3.7%
Mining and quarrying	€20.13	3.9%
Manufacturing	€18.97	3.5%
Electricity, gas and water supply & waste management	€26.36	3.1%
Financial intermediation	€26.77	6.5%

Source: CSO

In November 2008 Congress published *Nationalise the Banks*, in which we argued that it was time to establish an entirely new financial regulatory regime, encompassing all financial services and operating at national, Eurozone and global levels. Congress also sought a role for employees in the governance of all financial services companies, at board and regulator level. If it wasn't clear before, it is now abundantly so: private firms are too important to be left to their own devices.

The Irish banking system has now been underwritten by taxpayers' hard-earned euros and Congress represents the largest single group of taxpayers in Ireland. We argued that any structural change in the major financial institutions must exclude compulsory redundancies and must also maintain the terms and conditions of all employees.

There must also be a major policy shift in long term Government, Regulator, Eurozone and EU policy towards banking and finance, which now must be recognised to be too important to let fail and, conversely, too important to ever govern itself again. Self-regulation and the 'light touch' model have proven to be recipes for disaster, as has the shareholder-value model of capitalism.

Most of the top executives and the boards of the now state-protected Irish banks, which have seen the value of their shares value plummet, have remained largely unchanged. And Government has consistently pursued a remarkably soft approach the banks. At times it appears that it is the banks that are writing the script.

Congress has repeatedly highlighted the failure of the banks to provide access to credit for businesses - large and small - in Ireland.

At the time of writing, credit was still scarce. With the Government (taxpayer) underwriting all savings and loans and continuing to insist that nationalisation was not an option (excluding Anglo Irish), it must ensure that such credit becomes available by establishing a new state bank for SMEs. The banks lent too much in the past and interbank lending is partially frozen, so other action is necessary. Credit oils short-term cash-flow and can ensure survival for firms. Government can no longer sit on its hands on this issue.

Congress suggested that if Government was not to directly borrow the capital to invest in the Irish banks, it should invest money from the Pension Reserve Fund. This it is doing to the tune of €3bn in its available cash. On top of this, €1.5bn a year in taxes (the levies) every year for the next three years, will go to the banks to recapitalise them. We argued that the Government should not allow private equity firms to piggy-back on our guarantees. Fortunately the Government did not opt for that course. Instead, in its apparently ideological obsession to avoid nationalisation, it set up the National Assets Management Agency (NAMA) which will nationalise the bad bits, the poisonous, toxic assets of the developers and speculators. In good times the profits stayed in private hands. In bad times the debts get passed to the taxpayer. The Government has socialised bank risks and allowed for the privatisation of gains.

It's worth noting that nationalisation of the banks also happens to be the cheapest option – at one stage, the total market capitalisation of AIB, Bank of Ireland, Anglo Irish and Irish Life and Permanent was barely over one billion. Buying all the banks and recapitalising them was the most efficient and equitable option, [but share prices had risen considerably at the time of writing.

Congress argued that the Government shareholding in the Irish banks should be placed in a State Holding Company, similar to Britain's UK Financial Investments (UK FI). This was modeled on the Shareholder Executive set up five years ago to hold UK Government shares in state companies. Congress set out details for the establishment of a State Holding Company (SHC) in 2005¹. The body was to be a passive investor in the commercial state companies providing an opportunity for Pension funds and others to invest in them and to provide capital for their expansion. As privatisation was then still in vogue, the Government did not endorse our detailed proposals. The SHC could divest some bank shareholdings over time. (In March 2008, Fine Gael published proposals to establish a body with the same function and role as the State Holding Company proposed by Congress, in 2005. Their plan bore a remarkable resemblance to the Congress initiative).

¹ A New Governance Structure for State Companies, Summer 2005, Congress.

In summary, Congress sought the nationalisation of the Irish banking system to address the financial crisis and the lack of credit for small businesses. The Government nationalised only one bank, protected all the assets of Irish banks everywhere and socialised the bad debts through a new state agency, NAMA, while allowing the gains to be privatised by the banks. It did not allow private equity firms to take over the banks, but did not manage to get credit flowing freely, at the time of writing. It left the existing bank boards in charge, with only minor changes, despite their role in causing the crisis.

We sought employee representatives on all financial companies' boards as we can no longer trust the 'shareholder value' appointment and governance system. We are now calling for a more European-style governance structure for private firms in Ireland, based on stakeholder as opposed to shareholder value.



Top Table at Congress
Economic Conference on
Globalisation and Irish
Workers.

L-R : Brian Cowen, David
Begg, Lucy Fallon-Byrne,
Patricia McKeown
(President)

Chapter 2 - Did Unions Cause the Recession?

Sabotage & Doomsday

As the current crisis unfolded, a number of commentators incorrectly (if somewhat predictably) asserted that Congress and trade unions had connived with Government to narrow the tax base and were supporters of the property boom. An *Irish Times* editorial of March 24 last is a prime example.

The same editorial went on to accuse unions of "national sabotage" for planning a National Day of Action on March 30 last, while the same event provoked a hysterical and apocalyptic response from the *Evening Herald*: 'Unions Threaten Doomsday'.

While it makes for suitably indignant headlines and editorials, the claim that unions were a party to this crisis are without foundation. Indeed, had Government taken the repeated advice offered by Congress over the years, Ireland would be pursuing a far different social and economic course. Arguably, we might also have escaped with a far 'lighter' recession, as is the case elsewhere in the EU, and not the full blown crisis that an economic model created by bankers, builders and their political allies has led us to (For a fuller examination of the Congress record on this issue see *Setting the Record Straight*).



Protesters on February 21.

Unions Opposed Policy

Over the years, Congress and member unions sought and achieved tax credits, which enabled major reform on many complex additional tax issues, as part of the social partnership process. We consistently opposed the reduction in the top rate of income tax, arguing for wider bands and increased allowances/credits. These were the hallmarks of Congress budget submissions over 15 years.

Congress was the strongest campaigner against the tax shelters, especially around property (some action was taken on them in Budget 2006); against schemes without a cost/benefit analysis (BES) or with no verifiable benefit to the taxpayer; against low Capital Gains Tax rate (in vain), against low Capital

Acquisitions Tax on inheritances (in vain). We sought inflation proofing on income tax most years and were against higher taxes on consumption.

In our **1995 pre-Budget submission**, Congress called for income tax to exempt the low paid, and to increase the tax bands so that workers on average earnings would not pay at the top rate of 48 percent. The latter point was made repeatedly. We also sought action on the 'Black Economy' and an improvement in the Debt/GDP ratio. It did not seek to narrow the tax base.

In **October 1997** the submission was similar – to take thousands of low paid workers out of the tax net and have less paying at 48%, with band-widening and raising thresholds of credits/allowances. The Partnership 2000 agreement was committed to reducing the Debt/GDP ratio to 70 percent by 1999. Congress also sought a major investment programme.

The **October 1998** submission called for "reducing income taxes on low and middle income earners" and for measures against evasion and fraud. It specifically sought that anyone on less than €100 a week should be exempt from income tax, average industrial earnings should not be taxed at the top rate and married person (spouse working) on the minimum wages should not be in the tax net.

In our 2004 submission, we sought to remove those on the Minimum Wage from the income tax net, an objective the Government was to concede. It should be pointed out that in 2009, for every €100 paid income tax, a further €147 will be paid in spending taxes, much of it by those not in the income tax net.

As usual 'fairness' was highlighted in that submission and we argued that the state did not raise enough in taxation to pay for the level of services the public needed and aspired to (p4). We pointed out again that we had sought to maintain our Corporation Tax rate at 20 percent and said Research & Development credits would be more effective with such a rate. We also set out alternative ways to improving funding for the health service. Again, we sought only to index link the tax credits and bands (p 32), not to reduce the tax base.

In 2004, Congress published *Inflation Outlook*, a major paper which showed how Government was shifting the burden of taxation from direct taxes on incomes and profits, to consumption taxes. Later in 2004 we published *Tax Cuts Did not Create the Celtic Tiger*, another major paper on taxation which showed that the tax cuts came at the end of the Tiger years (which were 1994-2000 inclusive).

Our submission to the Government on **Tax Expenditures (May 2005)** was exact and forthright: abolish all property-related tax breaks and curb all which do not generate a return to the taxpayer. Congress likes to think that in response Government finally moved from its regressive and pro-cyclical position and in Budget 2006 began the process of abolishing and winding up most, though not all property shelters – many were given a seven year tail off period to allow developers to make their money. But under pressure from the now defunct Progressive Democrats, Government continues to retain the subsidies for private hospitals, private clinics and for private nursing homes, in spite the overall thrust of its own consultants reports which were generally against these subsidies. Our tax euros continue to be wasted in building a two tier health system.

In our submission to the **Commission on Taxation** in May 2008, we set out our philosophy of taxation, which, while based on fairness, had it been followed, would not have led to the boom/bust. It called for royalties on oil and gas finds, taxation of tax fugitives, end of avoidance schemes unless they shown to generated benefits, taxation of income from all sources (i.e. capital, inheritances and gains) in the same way insofar as is possible, pension reform, local authority funding.

Unions did not Favour Construction Boom

Trade unions do not favour economic booms, as they always lead to deeper recessions and large numbers of people losing their jobs. Congress, in many submissions to Government over the years, tried to take a more balanced approach, especially to construction.

In 2003, Congress sounded the alarm on the property bubble in our submission to the Enterprise Strategy Group, in which we stated: "*Despite an economic growth rate of 1.5 percent house prices have been increasing at the rate of 15 percent per annum. Access to the housing ladder is now extremely difficult even for people with good jobs.*" And we developed this point around the profits then being made on building land, constitutional reform on private property, betterment legislation, reform of planning - but to no avail.

In successive pre-Budget submissions, we had called for many of these to be terminated, but our advice was ignored. Some observers seem to think that as we are in Government Buildings negotiating national agreements we actually set the tax rates and draw up Government policy. The reality is far more mundane. We propose and the Government disposes or amends, but generally in the boom, it ignored our advice and listened instead to the 'free market cheerleaders'.

In *Investing for All*, our submission on the NDP in early 2006, we focused on public transport, the infrastructure of care and upskilling over physical infrastructure investment. We did seek to see investment increased above 5% of GDP, but ours was in favour of a greater focus on 'soft infrastructure'.

For a full listing and copies of Congress publications, go to: www.ictu.ie/publications/fulllist.html

A large field of sunflowers stretches towards a bright, low sun on the horizon, creating a warm, golden glow. Several of the sunflowers in the foreground and middle ground have been replaced by blue gas burners with black circular centers, which are illuminated from within. The background shows a dark silhouette of a forest or hills under the bright sky.

our energy never sleeps

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Chapter 3 - Low Standards in High Places

Rewarding Risk, Creating Danger

Things went badly wrong on pay and rewards, in recent years. A key measure of the gap was of that between the top four executives in the US Fortune 500 companies and average workers. For many years executive pay held steady at approximately 33 times that of the average worker. It began to soar in the early 1980s in the Reagan/Thatcherite era of inequality and the rise of the 'free market'. It grew to 100 times the average worker's pay in the early 1990s and peaked at a staggering 785 times at the height of the dot com bubble. It was still a very inequitable and unacceptable 350 times in 2004/5.

In April 2008, Congress published *Narrowing the Pay Gap* which highlighted the massive gap that had arisen between average earnings and corporate Ireland. We focused on one bank, Anglo Irish, long before it collapsed. We listed the pay of the top bankers and we also focused on the huge disparities in wealth. We also pointed out that the mere ownership of enormous wealth, generated massive annual incomes. At the top, Sean Quinn, the richest man in Ireland, was 'earning' at least €277m annually from his assets alone.

We showed that of the 2.1 million people at work in Ireland, 1.5 million or 71 percent earned less than €38,000 – the figure for average earnings in 2007. Half of all employees earned less than €27,844 in 2006, based on the average week of 35 hours. In contrast the nine part time directors of Anglo Irish - the great and the good of corporate Ireland - enjoyed average remuneration of €115,777 each, in the year. The new CEO, David Drumm who took over from the now infamous 'Seanie' Fitzpatrick, was rewarded with a staggering €3.3m pay packet, with four other executives enjoying rewards of between €1.2m and €1.4m. The bank's share price collapsed in 2008, from over €16 to €8.9 and then the bank itself collapsed and had to be rescued by taxpayers – chief among them the 1.5 million who earned the average annual wage, or less.

Executive rewards in the other Irish banks were almost as high and they too practiced reckless lending. Their reward was privatised in super pay and huge risk they

incurred has now been socialised and passed on to the taxpayer, with the bank guarantee, the bailout and now NAMA.

Things have changed dramatically, since we published this far-sighted report. Now, it has become common for major shareholders to object to the high remuneration levels of top corporate executives, internationally.

Congress is deeply concerned at the negative impact of recent events on our economy and society and above all at the enormous burden placed upon the shoulders of ordinary workers, citizens and their families and communities. At the very least the deficiencies in our corporate governance that allowed this to happen must be addressed as a matter of urgency.

The Case for New Corporate Governance

Perhaps the most appropriate place to start in any overhaul of existing corporate governance systems is with the vexed issue of whistleblowers, particularly the need to provide adequate safeguards and protection for those who are in a position to prevent or halt corporate wrongdoing. It is arguable that if Ireland had such safeguards in place we might well have prevented the meltdown in our banking system.

Whether it is corruption, illegality and malpractice in our financial institutions or other failures of corporate governance, workers with knowledge of such acts have consistently failed to come forward for fear of negative consequences and reprisals.

Our legal system actively discourages individuals from reporting what they believe to be serious offences or major failings on the part of their employers, many of which have public interest implications.

Civil liability laws mean that people can actually be held personally liable if they came forward and report wrongdoing. For others the absence of legal protection means they can be subject to reprisals which can be devastating in terms of their careers and livelihoods. Without legal protection whistleblowers can be subjected to intense victimisation at work, demoted, dismissed, or pressured to resign; their positions abolished or transferred.

While still in the workplace they can be isolated, physically and personally; given impossible tasks to perform, or subjected to 'white walling' where they are put into an office with no work at all, are under constant scrutiny, threatened with defamation action and disciplinary actions; subject to internal inquiries, adverse reports and other threats. It is hardly surprising that the bulk of keep quiet about their concerns rather than report them.

Change of Culture

Congress has campaigned for a robust set of legal rights for people working in both the public and the private sector, to allow them to disclose and report matters such as malpractice, misconduct, the violation of laws, rules, regulations, damage to health, safety or environmental concerns, corruption and fraud and the 'cover up' of any or all of these.

Protection for whistleblowers would radically challenge the secretive culture of Irish business and public life. It would provide legal protection to workers who make disclosures to relevant authorities that have a regulatory, supervisory or investigative role, such as the National Employment Rights Authority, the Gardai, the Revenue Commissioners, the Office of the Director of Corporate Enforcement, members of the Oireachtas and in relation to matters of public safety and legitimate public concern, to journalists.

Some progress on this was made during the period under review with the establishment of the Health Information & Quality Authority (HIQA) and the inclusion of whistleblowing protection proposals in the Employment Law Compliance Bill.

This was raised in correspondence and meetings with the Tanaiste and Minister for Enterprise, Trade & Employment, Mary Coughlan and through our participation on the Company Law Reform Group (Michael Halpenny Siptu, Esther Lynch, Congress).

However, both the Company Law Reform Group and Government continue to resist the establishing protection for whistleblowers in respect of failures of corporate governance, fraud and other illegal activity by companies. But given the events of recent months and the severe reputational damage that has been done to Ireland by a small number of enterprise leaders, the issue now is whether we can afford not to introduce these necessary measures. Doing nothing is not an option.

Better Corporate Governance

Public and investor confidence in the governance of companies and institutions in Ireland has been severely dented and will take some time to be restored.

Congress has repeatedly called on government to put in place effective measures to ensure good corporate governance. For example, we have called for the immediate commencement of Section 45 of the Companies (Auditing and Accounting) Act 2003.

It is our belief that companies should be able to clearly show and demonstrate compliance with laws, by reference to documented compliance policies and procedures.

Rigorous internal controls in relation to compliance are necessary good practice and are urgently required if Ireland is to restore the confidence and repair reputational damage.

In March 2009 the Institute of Directors in Ireland reported that some 79 percent of its members replied 'No' when asked if they thought the standards of corporate governance in Ireland were high. This a damning indictment of the corporate sector in Ireland, from a jury of their peers.

The real cost of our 'light regulation' model is only now being realised. Congress repeatedly stated that insufficient recognition was being afforded to the positive benefits for Ireland and Irish business of having adequate laws and proper reporting requirements in place.

Congress believes that the absence of these provisions has, ultimately, undermined that which it was supposed to enhance and protect.

Voluntary Codes Not Enough

The recent Grant Thornton governance review showed that some 50 percent of stock exchange companies

are non-compliant with the Combined Code. This is a stark reminder of the failure of the voluntary approach - the only realistic option now is to incorporate governance principles into legislation.

The report makes for worrying reading as it highlights the fact that too many Irish companies perform poorly in their standards of practice and adherence to the Combined Code, or with regard to the core principles of transparency, independence and values. Congress has called on Government to enact legislation to enforce corporate governance measures, without which it is doubtful that the reputational damage inflicted on this country will be quickly repaired.

Market Abuse

Congress outlined our serious concerns to the Tanaiste and senior officials around the question of market abuse and manipulation, along with existing regulation of Directors loans and financial support for share purchase.

Financial Disclosure

In the current climate of great public distrust of business leaders and Ireland's poor reputation - thanks to the actions of a number of senior bankers - it is inconceivable that the Government would proceed to move in the opposite direction to the public mood. People and employees want more, not less financial disclosure. Congress called on Government to abandon their proposals to reduce financial disclosure, with some exceptions relating to small companies. Further, Congress formally requested the amendment of company law to close off the disclosure loopholes provided by the 'unlimited company' and by the evasion of responsibilities that is provided in amalgamating accounts of a company's operations in different countries into one European company, for disclosure purposes. The level of corporate malfeasance recently revealed demonstrates that transparency is a great deterrent. More transparency and greater regulation would have meant that Irish enterprise would not be in the doldrums - nor would it have brought the Irish economy to its knees. .

'The dumbest idea in the world'

Company law in Ireland, the UK and US is based on 'shareholder' value. Congress has called for this to change and for rights for all other stakeholders in companies, from suppliers, customers, employees, the community, the environment etc to be enshrined in company law. We argued that to focus exclusively on shareholder value leads to the interests of management dominating and to short-termism. And that is precisely what led the global economy into this mess. Indeed, on March 12 this year, the 'Father of Shareholder Value', Jack Welch formally recanted and said he had seen the error of his ways. It must be remembered that Welch is credited with launching the concept of 'shareholder value' in an influential 1981 speech. He now says "shareholder value is the dumbest idea in the world" and that it is a result, not a strategy. Indeed, Welch now insists that the interests of employees, customers must be taken into account. Congress holds that the broader 'stakeholder interest' model should now be rooted in Irish company law, to help mend our tarnished business reputation.



David Begg & Sally Anne Kinahan at post Budget Briefing, December 2008.

Chapter 4 - Setting the Record Straight

Congress Opposed the Boom-Bust Policies

In a 2002 speech delivered to the Chartered Institute of Personnel & Development, David Begg touched on the issue of wage moderation and the record of the banks. His remarks were prescient, to say the least: *"Workers do not for one minute believe business people when they appeal for moderation in the name of competitiveness. Most particularly they do not listen to bankers - nor should they, having regard to the disgraceful record of the banks over the last few years."*

The Dash for Growth: Taxation, Tax Subsidies & Wages

In a review of a Congress briefing paper - *Coming Challenges on Productivity* (Spring 2006) - Brendan Keenan, Group Business Editor of Independent Newspapers, noted that Congress was critical of the pursuit of economic growth for its own sake and advocated a more sustainable course of social and economic development. Nobody was listening.

As early as 2002, Congress General Secretary David Begg warned that the 'tax/wage trade-off' that had been the cornerstone of partnership wage deals was no longer viable. He also warned against the Government's low tax policy: "The tax/wage trade off is probably no longer viable....a continuation of tax reductions in this context seems problematic. Nor would such a policy have the same validity now as in the past anyway."

Land Tax & the Banks

The following year, in our submission for Budget 2004, Congress called for a Development/Betterment Land Value Tax, including a Windfall Tax on profits of land owners and developers, arising out the re-zoning of land for development.

Six long years later, we saw just how crucial these measures might have been. Announcing his resignation in May 2009, the head of AIB Eugene Sheehy conceded that "the bank's mistake was to lend too much

for development land in Ireland." Had the Congress proposal been implemented it is likely the collapse of the Irish banking sector would have been prevented, as opposed to a scenario where taxpayers are now burdened with the cost of the bailout.

A Letter to Minister McCreevy

In a letter to the then Minister for Finance Mr McCreevy (February 13, 2004) David Begg pointed out that shift to consumption and indirect taxes was driving up inflation.

In a response (February 18), Minister McCreevy was unapologetic: "I have consistently said that my priority is direct tax reduction to reward effort and enterprise and to let the taxpayer keep more of their earnings in their pockets. This means that indirect taxation must be maintained to fund public services."

The main problem with this approach was that the Minister was cutting direct taxes during a boom, thereby stimulating spending and artificially inflating the boom. This has made the bust far worse.

In an article published in the *Irish Times* in 2004 (November 20) Congress called for a rebalancing of the tax base and was critical of spending taxes which, constituted some 46 percent of all taxes. He said that income taxes were low and said that the effective rate on average industrial workers had been halved from 22 percent to 11 percent in just five years. He quoted Nobel prize winning economist Joseph Stiglitz: "All the evidence is that the low tax, low service strategy for attracting foreign investment is short-sighted."

A year later, in another opinion piece (*Irish Times*, December 19, 2005) Congress pointed out that "the political decision to cut taxes so dramatically has meant we are poorer in many ways. For over a decade money had not been an obstacle to completing the Irish success story. We have not been at all successful in addressing many social issues."

Tax Shelters & Subsidies

Congress opposed the Business Expansion Scheme (BES), not because we disagree with subsidies for small businesses, but because we believe all such schemes must demonstrably deliver value for the taxpayers' money. We also pointed out that the BES was a very costly tax measure, as it provided relief at the highest rate. Our demand for a cost-benefit analysis of this major tax subsidy - estimated to cost €178m - brought forth some remarkably strident hostility. It is also noteworthy in light of the subsequent economic boom/bust, generated in part, by bad fiscal policy, that *not one academic economist* sided with Congress in calling for an examination of this costly scheme of subsidies in early 2006. And now the airwaves are filled with virtuous experts spouting about value for money and alleged wastage of public resources.

Congress also opposed tax subsidies for investors in Private Hospitals and called for re-examination of the Artists Exemption scheme to assist 'struggling artists', in 2003. A high ceiling was later introduced. Congress also opposed tax relief for the Bloodstock Industry.

Congress is of the view that some subsidies do not help business in the long run. Thus, the myriad of property subsidies which cost €3bn in lost taxes actually ended up costing us far, far more. This was because they artificially inflated and then wrecked the economy.

In a Montreal conference address in May 2004, Mr Sweeney pointed out that: "Mr Ahern's Government's economic and social policies have been driven by its minority partner, which is neo-liberal on economic issues. The government took power with a very sound economy in 1997 with large budget surpluses, but has not pursued a progressive economic and social programme, but rather has redistributed wealth upwards. Indeed its tax policies are quite regressive. Many would hold that while Mr Ahern has allowed the conservatives to control economic policy, social partnership has mitigated its worst excesses. "The Irish economic miracle was not generated by free market, tax-cutting, policies, but more by a mixture of European social partnership, state intervention in the economy and state assisted investment."

Cutting Tax Rates

Congress was against cutting the top rate of income tax, at all times. Our view was that it should remain at 48 percent but should only apply to those on *high* incomes. The Government began to reduce the top rate in 1999, but yet continued to tax modest incomes at the top rate i.e. at just above the average industrial wage.

In 1999, Minister McCreevy cut the 48 rate by two percent (down from 52 percent in 1992) and continued to cut it down to 42 percent. It was cut further by Minister Cowen in 2007. But they did not increase the tax bands adequately, so the top rate continued to apply to average incomes.

In a 2004 publication, *Tax Cuts did not Create the Tiger*, Congress pointed out in some detail that the tax cuts came *after* the Celtic Tiger was roaring in the very late 1990s, and it was therefore not tax cuts which gave rise to the growth up to 2000. This was greeted in some quarters as heresy.

The average effective income tax rate on all incomes had been around 20-22 percent for the 1990s. These were cut sharply down to 15 percent in 2002. For industrial earnings, the cut in the average effective income tax rate was from 25 percent in the early to mid 1990s to around 11 percent in 2001, 2002 and 2003. Again the big cuts were made during the property boom.

Congress constantly pointed out to Government in submissions, letters, press statements etc., that the deliberate shift from income taxes to consumption taxes were: a) regressive b) pushing up inflation and c) pushing up the overall price level in Ireland, well above our competitor economies.

Mr McCreevy cut the rate of capital gains tax *in half*, in 1999. The business and economic establishment applauded this regressive and pro-cyclical tax move. Their line was that the low rate doubled tax revenues. They singularly ignored the economic impact of reducing taxes in a boom. The single-minded orthodoxy of business and economic establishment and their media acolytes was shocking. The business press was particularly offensive. It brooked no dissent and it believed that what *appeared* to be good for business was actually good for it and, by extension, the country. How wrong they were.

Unsustainable Model

In 2005, addressing the CORI social conference, David Begg, said:

“We fear that the bubble may burst and we will revert to where we were.” He said we needed “to consolidate our economic success and convert it into social well-being by investing in the future.”

He singled out the National Pensions' Reserve Fund (NPRF) as one success story, but said we needed to act on the looming pensions' crisis. Nothing was done and four years later we are in the midst of a full-blown pensions' crisis. And the Pensions' Reserve is being handed over to the banks – the biggest corporate welfare cheque Irish history.

In November 2005, it was reported that then Congress President, Peter McLoone and Paul Sweeney, Economic Advisor, had dissented from the main report of the National Competitiveness Council (NCC). They argued strongly against the neoliberal view of the other 14 members of the Council, which was to favour the low regulation and low taxation regime. They argued that more and better regulation was required in the economy and that it was not a 'burden' on business. They said the tax base was too narrow and that the drive for low taxes meant poor public services. (It should be said that the NCC also warned repeatedly on the property bubble and favoured the taxation of property).

In a Budget comment on December 1 2005, Paul Sweeney underlined this point, stating: "Congress had sought a major shift in Government policy from the relentless pursuit of 'economic growth for growths sake' to shifting the focus to society."

In a speech to the 2006 Green Party conference General Secretary David Begg said: "Maximising economic growth for its own sake no longer has a social dividend and may in fact have social deficits build in....Economic development requires complementary social development."

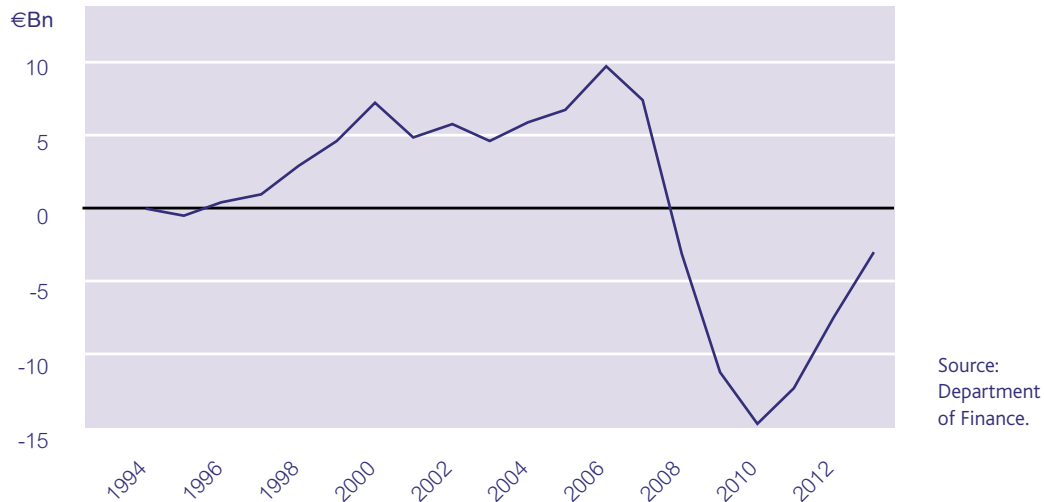


Former Danish Prime Minister Poul Nyrup Rasmussen at Congress Economic Conference on Globalisation and Irish Workers.

Tax Rates

Government has been forced to raise taxes because tax revenue has collapsed. It collapsed due to the shift from income tax and corporation taxes to property related taxes or VAT. The result of these policies is plain to see.

Ireland's Huge Current Budget Surpluses – Collapse (Then Adjustments)



Privatisation & Deregulation

In 2001 in an address to the Worker Directors Group, David Begg pointed out that: "The Irish market was deregulated faster and more aggressively than any other EU markets.

He was also critical of "the shortcomings in the EU's policies on ownership and regulation of utilities. The fact that this has been so uncritically accepted and implemented here (Ireland) by a sycophantic political establishment has done much damage but is little remarked upon."

Congress opposed the neoliberal agenda of liberalisation and privatisation at every quarter. We said the break up of Aer Rianta - now DAA- made no sense and would not work. It didn't. We said it would prove costly and wasteful. It has. We opposed the privatisation of Eircom, on political grounds and for reasons of efficiency and national strategy. Eircom today is a very pale shadow of its former debt-free,

highly profitable and high investing self. And we are the EU's poor relations with regard to broadband.

Congress was attacked by some commentators for opposing Aer Lingus privatisation. Congress had proposed that the employee ESOT and the Government shareholdings should form a block large enough to block a hostile bid. Today, the company's main competitor – Ryanair – has a 29 percent blocking holding which seriously hampers Aer Lingus abilities on decision making today.

No Free Market

In 2009 and for the next few years, Ireland will become a relatively high tax economy. Had the government pursued tax and incentive policy closer to that suggested by Congress consistently over the past 22 years, taxes would be lower today. The pro-cyclical policies were the key to inflating the boom; the tax breaks to business, especially property, further inflated the boom, and thus the bust.

Finally, as David Begg pointed out to UCD Business students: "We believe that markets do not regulate themselves and that best outcomes do not happen spontaneously."

Chapter Five – The All Island Economy

Towards 2016 established the basis on which the National Economic and Social Committee's (NESC) vision for the future of Ireland was to be achieved. At the end of 2006, the social partners supported a proposition which was designed to lay the foundations for a dynamic, internationalised, and participatory society and economy, which would have a strong commitment to social justice and where economic development would be environmentally sustainable.

Five core objectives were set for the achievement of the NESC vision. Included among these high level priorities, was a commitment to the integration of an island-of-Ireland economy, which would help support the realisation of a fairer and more just society, which in turn would work to the advantage and benefits of all the citizens of this island. This goal was strongly supported by Congress. Progress towards its achievement was established as a priority by the President of Congress during her term of office.

Included in the proposals for development and practical cooperation was a significant commitment to invest in essential infrastructure - both economic and social - and to develop our human capital. This medium to long-term investment was to be funded and coordinated under the National Development Plan (NDP). The 'optimisation of North/South and all-island economic co-operation' was included as a core principle underlying the plan, at the behest of Congress.

The Government also agreed to work in an island-of-Ireland context, wherever possible, in the formulation and implementation of relevant sectoral strategies which included the delivery of critical energy infrastructure; expansion of the contribution of renewable energy; progression of structural changes in the energy sector and the regulatory framework to encourage competition in an all-island economy. Delivery of the single all-island electricity market and actions to improve energy efficiency and demand management across all sectors and to address fuel poverty were part of the potential island approach.

Policy development, including the National Spatial Strategy (NSS) in the Republic and its equivalent in Northern Ireland – the Regional Development Strategy (RDS), identified the opportunities that existed to enhance services and economic opportunities for populations living in cross-border regions. A high-level, non-statutory framework for collaboration in the implementation of the strategies was developed during 2008, which set the agenda for practical co-operation in the areas of planning, the co-ordination of infrastructural investment and further improvements in data collection to permit better analysis of trends on an island-of-Ireland basis.

The Towards 2016 Agreement also included a commitment to build North-South and East-West co-operation based on existing contacts between FÁS, the industrial relations institutions, relevant Departments and the social partners and their Northern Ireland and British counterparts, with a view to promoting greater co-operation on labour market policies and workplace issues.

Such cooperation and dialogue was to be grounded both in the context of developments in their respective labour markets, including economic migration, and in the light of EU developments, including in the context of social dialogue at EU level. Significant work has yet to be undertaken to give effect to the agreements.

Towards 2016 Review & Transitional Agreement

North/South Consultative Forum

An important development sought by Congress in the negotiations leading up to the *Towards 2016* Transitional Agreement, was an undertaking from Government to make a formal proposal to the Northern Ireland Executive to establish a North/South Consultative Forum. A commitment to do so was included in the Transitional Agreement, that is for a Forum which would consider social, economic and cultural issues with a cross-border dimension and would include representatives of the Social Partners.

The recession means people across the island face common problems



President Patricia McKeown, Assistant General Secretary Peter Bunting and Jimmy Kelly of Unite lead the Congress rally for jobs



All Island Taskforce on Public Procurement

In September 2008, as part of our campaign to support employment standards through public procurement, Congress secured a further commitment in the Transitional Agreement that the Irish Government consult with the Northern Ireland Executive on the establishment of an All Island Taskforce on Public Procurement. Such a taskforce, when established, will include Congress representatives.

The taskforce is a Congress initiative taken in response to the all island infrastructure programme which has been developing between both Governments and business interests on a North South basis, for a number of years. To ensure that the interests of workers are represented and protected Congress has intervened in a series of all island conferences and economic roundtables over the past years. The President represented our interests at Infrastructure Investment Conferences in 2007 and 2008 and at the All Ireland Economic Conference in Dublin in March 2008. The General Secretary and President represented Congress in June 2009 at the First Intertrade Ireland Economic Forum, designed to make recommendations to Governments North and South on stimulus remedies and transformational opportunities in response to the economic crisis.

All Island Infrastructure Programme and All Island Economy

Foreign Direct Investment

In 2008 the President and vice President, Jack O'Connor (SIPTU) represented the Irish trade union movement at the US/NI Investment Conference, held in Belfast and attended by the Taoiseach, the British Prime Minister and United States' government representatives. They reiterated the Congress position that foreign direct investment must have equality and workers rights attached.

North South Ministerial Council

In order to progress our policies and influence the joint governments' agenda, Congress held a series of meetings with Irish Government officials and the North South Secretariat to the Ministerial Council. We have sought Congress representation on all six bodies established under the Good Friday Agreement. To date we have secured the nomination of the President to InterTrade Ireland and await confirmation of Congress seats on the other

Congress North South Projects

From a socio-economic standpoint, we have continued to develop the North South initiatives established through Congress in 2001. Two key initiatives are the North South Health Services Partnership and the Participation and Practice of Rights Project.

North South health Services Partnership - Formed in 2001, the North South Health Services Partnership brings together user/community representatives, trade union leaders, employer CEOs and senior Departmental appointees from both jurisdictions. The work of the partnership was in suspension for two years while the Northern Ireland Minister and the Department concentrated on the next stage of health service reorganisation. However, following submission of business cases to both Governments, funding has been secured for the next three years of project work.

The partnership reconvened in November 2008 to agree its work programme. Specific projects under discussion include:

- Employment and job progression opportunities – for people with disabilities
- Employment and job progression opportunities – regeneration of disadvantaged inner-city areas
- Health inequalities – reducing stress in the workplace, and preventing suicide in the wider community
- Reducing hospital-acquired infection
- Care of older people

Building on the success of the first phase the Partnership will:

- prioritise implementation at a local level
- place added emphasis on the participation of service users and local communities
- demonstrate sustainable benefits to encourage mainstreaming and wider dissemination of partnership initiatives.

The Participation and Practice of Rights Project - This project, established in 2001, works with local communities and groups North and South, who are the most marginalised, excluded and voiceless. It focuses on enabling groups, on a cross community and North South basis to use international human rights standards to reassert their voice; to challenge existing policy and process and to participate in and shape the decisions that affect them, as a matter of right. Details of the projects in Northern Ireland are set out in Section 6 of the report.

PPR as an all-Ireland project has begun the planning and implantation of a Republic of Ireland model to share learning on the application of a human rights based approach. Appropriate issues, communities and organisations have already been identified as has the Community Action Network as a potential partner.

Bill of Rights NI/All Ireland Charter of Rights: The Bill of Rights for Northern Ireland is awaited. During Direct Rule Congress lobbied both Governments for the creation of a Bill of rights Forum. The Forum was established in December 2007 with political parties and civil society organisations working together for a year on proposals. The Congress team was led the President who also chaired the Working Group on Socio Economic Rights.

To progress the agenda on socio economic rights in both Northern Ireland and the Republic, the General Secretary and President met formally with the Irish Human Rights Commission, while the President, alongside partner organisation on equality and human rights, also met with the Oireachtas Working Group on the Implementation of the Good Friday Agreement. The group draws its membership from both the Irish and British Government and includes all Northern Ireland MPs. Securing socio-economic rights, including workers rights and trade union rights, now becomes an even greater imperative given the impact of the recession on the economies in both parts of Ireland.

ICTU North South Group

The North South Group comprises members of the Executive Council and the Northern Ireland Committee.

Current membership is:

Patricia McKeown, Congress President / UNISON
Inez McCormack, UNISON
Brendan Mackin, UNITE
Peter McLoone, IMPACT
John Corey, NIPSA
Noirin Greene, UNITE
Larry Broderick, IBOA
Jack O'Connor, Congress Vice President / SIPTU
John Carr, INTO
Claire Treacy, INO
Eugene McGlone, UNITE
Avril Hall-Callaghan, UTU
Jim Moore, UCATT
Gerry Hanna, IBOA
Peter Bunting, Assistant General Secretary / Congress
Tom Gillen, Union Services Officer / Congress
David Begg, General Secretary / Congress



An all-island issue:
UTV workers protest
over pensions



John Corey of NIPSA
addresses the Belfast
Peace Rally

Our ads work.

Allow us to demonstrate



On February 21st, between 120,000 and 150,000 people thronged the streets of Dublin to take part in one of the biggest demonstrations of recent times - **the Day of Action** organised by the **Irish Congress of Trade Unions**.

We'd like to think our posters, placards, banners, press and online ideas helped motivate people to take to the streets to support the better, fairer way that Congress promotes.

We'd also like to thank Congress for the opportunity to be involved in such an important event, and look forward to many more fruitful collaborations.

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Society

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Chapter One – The Jobs' Crisis

Overview

The *Towards 2016 Review and Transitional Agreement* concluded in September 2008 provided for a reprioritising of strategic investments taking account of the following principles:

- maintaining a sound budgetary position that supports stable economic growth and ensures that the public finances will be in a position to meet future expenditure pressures, even in times of lower growth;
- recognising the complementarity of economic and social policy and the need to protect the most vulnerable;
- continuing investment in physical, social and environmental infrastructure including education, research, training, housing, sport, health, social and caring services is essential to underpin Ireland's long-term prosperity, maintain a high level of employment and address social disadvantage;
- working to restore and improve Ireland's competitiveness in all its dimensions and to achieve low inflation, including measures to support the small business sector;
- recognising the need for high quality and responsive education and training to support an innovation-driven economy, specifically the teaching of mathematics, science and engineering;
- continuing commitment to the sustainable development of a competitive farming and consumer-focussed agri-food sector; and
- promoting sustainable growth and an environmentally friendly society.

The commitment to work towards the long-term goals for each stage of the life cycle (children, people of working age, older people and people with disabilities) was restated albeit in the context of reduced resources.

In the event the deepening recession caused both IBEC and the Government to abrogate the terms of the agreement. This was compounded by a Supplementary Budget in April 2009 which imposed serious constraints on public spending.

The approach to the recession advocated by Congress was that the burden of adjustment to the new economic conditions should not be loaded on to the weakest in society. To that end we proposed a Ten Point Social Solidarity Pact which can be summarised as follows:

1. Keeping people in jobs is our greatest priority. We should allocate €1 billion immediately to a model that maximises the numbers working and upskills people for future opportunities;
2. Extending government borrowing over a longer timeframe to avoid the damage that will be caused by trying to repair the public finances over too short a period;
3. Resolving the banking crisis in way that restores certainty, which Congress believes can only happen through nationalisation. We must cap executive pay and benefits, overhaul corporate governance and provide legal protection for whistleblowers;
4. Ensuring no family loses its home because of the recession. Banks should use mediation in the event of a default and nobody should face legal action for two years after repayments stop;
5. Protecting those pension schemes threatened with insolvency and, ultimately, developing a new National Pension System;
6. Enacting the employment protection legislation already agreed and addressing non-compliance with the pay agreement;
7. Restructuring the tax system to ensure those who earn the most pay the most. Income from all sources – wealth and wages – must be taxed the same way. Closing all tax shelters that don't deliver national benefits;

8. Changing the Pension Levy to address the impact on low to middle income earners and commit to revisiting the issue in the context of a new National Pension System;
9. Protecting vulnerable people by safeguarding social welfare payments;
10. Developing the concept of a National Recovery Bond.

The plan was extensively promoted by Congress in a campaign culminating in a massive demonstration in Dublin on 21 February, 2009 aimed at persuading Government to negotiate on it. This was achieved and the negotiations are in progress at the time of writing.

Whatever the outcome it seems certain that the recession will wipe out ten years of economic and social development. In *Recovery Scenarios for Ireland* published by the ESRI in May, 2009 it is forecast that, in a best case scenario in which the world economy recovers significant momentum by 2011, the Irish economy will get back to where it was in 2007 by 2015.

From a social point of view the most severe consequence is that of unemployment. In the scenario outlined above this would peak at 17 per cent in 2010 and come back to 6/7 per cent by 2015.

The contribution of main stream economists to this debate is constant and profoundly depressing. It is permeated with an orthodoxy which sees the solution to lie in wage reductions, welfare cuts and public spending cutbacks. No other view can gain any traction in public discourse. The fact that this is bound to be highly deflationary, pro-cyclical and the polar opposite of what every other country is trying to do, seems not to have registered either with these people or with the media who report them. Were their perceptions to be followed the social consequences would be very damaging. For this reason it is to be hoped that the Government can be persuaded to the alternative course of social solidarity. (Please also see section on the National Economic and Social Council (NESC).

The Labour Market

The instability of the liberal, free market economy led to a severe downturn in employment in 2008 and 2009. Few anticipated the crisis would be so severe, but the inherent folly of our low tax, low regulation model meant that Ireland was among the most severely hit.

Employment & Unemployment ('000s, annual averages)

	2006	2007	2008	2009	2010
Agriculture	116	116	119	118	114
Industry (include. construction)	564	578	541	453	395
Services	1364	1432	1444	1375	1303
Total at Work	2044	2117	2104	1946	1812
Unemployed	95	101	136	290	370
Unemployment rate %	4.4	4.5	6.1	13.2 (April)	17%

Sources: CSO, Central Bank, ESRI.

As the chart over shows, total employment - which had doubled in the boom years - collapsed in 2008/2009 and is expected to continue its fall. By 2010 *total employment will have fallen by more than a quarter of a million workers from the peak just three years ago.*



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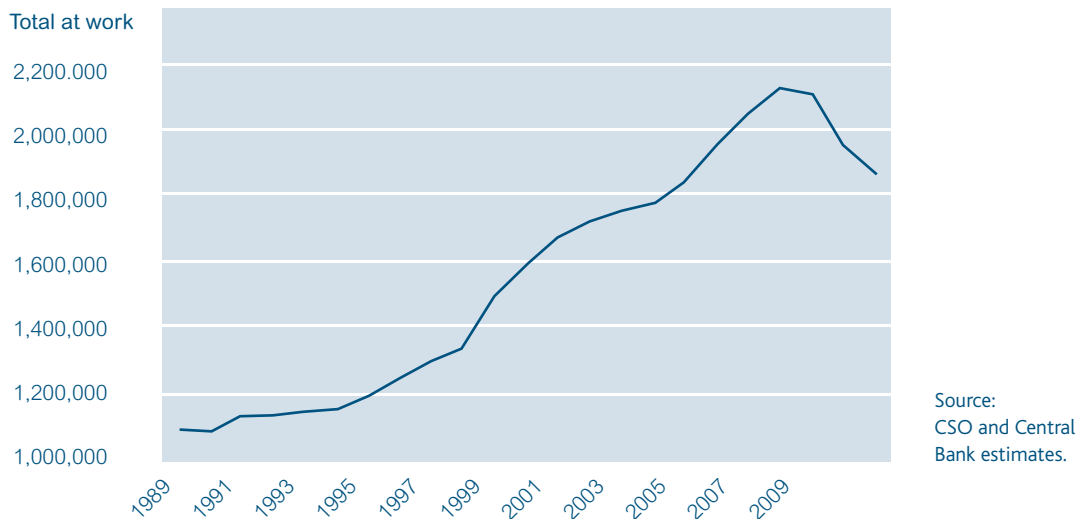
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Irish Jobs Machine 1987 – 2010 Doubled but now in Freefall.



The number of vacancies also fell by 32 percent in 2008, with falls in all occupations.

To date, the Government response has been wholly inadequate and has failed to comprehend the full scale of the crisis. As part of the recent talks with Government, Congress proposed the establishment of a €1 billion Job Creation & Protection Plan, which would see the entire machinery of the state harnessed to tackling the crisis, similar to the approach taken to the banking crisis. For more details, go to: <http://www.ictu.ie/press/2009/05/01/congress-calls-for-1-billion-job-creation-protection-plan/>

Generally, Congress has consistently advocated a policy of linking greater levels of training directly to the social welfare system, as happens in many EU states, particularly the Nordic countries.

The huge growth in unemployment means the ability of the labour market to absorb inflows of migrants has been cut and this is seen in the growth of foreign workers on the live register. Migrants from the EU25 have full access to the Irish labour market, but many have been discouraged by the economic crisis.

It can be seen from the above table that the numbers at work are falling fast and as stated above, total employment in 2010 will be down to around 1,812,800, a fall of 305,000 people. The 'shake-out' in construction is the biggest but manufacturing and services have been hit too, with all occupations affected. The fall in construction output will spill over to related services.

More people are discouraged from seeking work and are remaining at home or in education, in face of weak demand. The synchronised and severe nature of the global recession is such that there is now nowhere for Irish workers to emigrate to in search of work. While the fall off in labour force participation will reduce the impact of falling employment, nevertheless, unemployment will rise sharply in 2009 and will remain high in 2010. The unemployment rate will average over 13 percent in 2009 and may go as high as 17 percent in 2010.

i) Tackling the Jobs' Crisis

As the numbers out of work soared, protecting jobs and creating new work opportunities became the key priority for Congress.

Congress sought to impress on Government the necessity to be proactive in tackling the crisis, as opposed to simply reacting after jobs had been lost. It's too late by then. The focus must be on keeping people in work and getting the jobless back into work. The aim is to maximise the numbers working and minimise the amount of time people spend out of work.

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Training courses are run on behalf of Congress & the Construction Industry Federation

As unemployment soars, social welfare spending has risen rapidly. Congress has strongly urged Government to ensure that welfare and retraining are more closely aligned, in a similar fashion to other successful schemes that operate elsewhere in the EU. Spending on education and retraining must be substantially increased. This is investment in the future and will ensure that Ireland comes out of the recession more rapidly.

This concept was integral to our 10 Point Plan for a Social Solidarity Pact and the *Better, Fairer Way* campaign, around which the successful February 21 national demonstration was organised.

Congress engaged with Government and employers to try and draw up a concerted and coherent response to the crisis. We said the jobs crisis was of such severity that it merited the same focus and attention as that devoted to the banks.

You can fix a damaged bank, but it is far more difficult to repair a life broken by unemployment and lack of opportunity. However, the Supplementary Budget of April 7 contained precious little evidence that Government grasped this truth.

For Congress it was clear that the continued rise in unemployment – doubling in 12 months - was both socially and financially unsustainable.

On May Day 2009, Congress publicly called for a €1 billion Job Protection & Creation Plan. We said this would require radical, creative and innovative thinking. Ultimately, the aim was to protect jobs and make redundancy a last resort.

The following proposals were forward put by Congress, as part of our Job Protection & Creation Plan:

1) Redundancy as the least desirable option

Where jobs were at risk, it should be a compulsory for employers to explore alternatives with workplace representatives/unions, including short-time working, part-time working, career breaks and job rotation schemes, the key objective being to maintain people's links with the workforce.

2) Exceptional Wage Subsidy Scheme Measures initiated across the main EU economies demonstrate that targeted supports can help companies through difficult periods, whilst at the same time maintaining employment and improving skills. Both the Dutch and German employment protection measures - which

helped save over one and a half million jobs - were cited as successful examples.

Congress envisioned the introduction of a system wherein employers would discuss alternatives to redundancy with workers and their unions and where they agreed to options such as short time working, the social welfare system would support this by compensating for the 'off time'. In turn, workers would agree to engage in training during such 'off time'. Where there is a cost associated with the training, financial support would be available. The core elements of an Irish Exceptional Wage Subsidy Scheme included:

- Temporary employment subsidies to secure employment in businesses that were fundamentally viable and would be sustainable in improved economic conditions;
- Allow use of a wage subsidy scheme for an initial period of six months, renewable on a six monthly basis, up to a maximum period of 18 months;
- All schemes to be agreed with, and overseen by, the relevant trade union/trade union group either at the level of the workplace or on an industry/sectoral basis;
- Ensure that employment subsidy schemes are easy to access and responsive to industry needs, but put in place penalties for abuse or exploitative practice including situations where the measures fail in their objective to safeguard employment;
- Use periods of short-time work to improve the employability of the affected workforce through training, education and skills' development;
- The wage subsidy to businesses to be provided in the form of an income-related payment for workers from the social insurance fund, to replace lost earnings and guarantee maintenance of decent living standards;
- The income-related payment to be treated in the same way for tax purposes as the existing Jobseeker Benefit - it is not reckoned as taxable earning;
- Provide skills' assessment and training needs' analysis for affected workers to identify appropriate learning pathways;

- Ensure that training and educational establishments are geared-up to give flexible access to workers;
- Make agreed learning/training provision freely available to affected workers;
- In circumstances where a business is not viable, the affected workers should be facilitated to retrain in occupation areas where skills shortages exist or future skills needs have been identified, paid for by the state.

3) Use Social Welfare to Save Jobs These initiatives will require changes to the social welfare code. The principle underlying any such change must be to ensure that the system fully supports alternatives to redundancy. This to include:

- An end to the requirement that workers be ‘fully unemployed’ as this undermines participation in training opportunities;
- Base the social welfare payment on lost earnings, not on the number of days lost;
- Where workers have been in receipt of FIS allow them to retain this when their hours fall below 19;
- Modify mortgage interest supplement and other secondary benefit rules so they support alternatives to redundancy.

4) Redundancy & Tax Redundancy rules to be reformed to ensure that workers do not jeopardise any eventual redundancy payments through their participation in special measures such as short-term working for a lengthy period of time.

Tax should not be applied to severance payments that support alternatives to redundancy arrangements and where a severance payment or alternative to redundancy payment is made, workers to be permitted to take up education, which should be exempt from tax.

5) Prevent Excessive Flexibility Demands Protect workers against demands for excessive flexibility, such as requirement to be available for work on any day and for any hours, on very short notice. Employers should provide proper notice for work rotas.

6) Provide a Training Guarantee for Workers

Introduce legislation requiring employers to support learning through paid leave, or to spend a percentage of annual payroll on training. Employers should be legally required to provide continuing training for their workers and this should be backed up by state supports. Employment Law should set out an obligation on employers to provide support and access to personal skill enhancement training and guidance. This training guarantee would:

- support workers learning and
- provide access to training and
- provide minimum training rights - a guaranteed number of paid hours for upskilling and vocational training.

7) Role of the State Rights and obligations should be facilitated and partially supported by Government particularly where the worker is in a vulnerable job or has low skills. The state needs to:

- guarantee the right to re-training for the unemployed and guarantee apprentices they can finish their apprenticeship;
- provide workers (in and out of work) with access to a career coach to develop their own training plan and identify what they need to ‘future proof’ their employability in the smart economy;
- social welfare rules need to be modified to allow those who lose their job to immediately take up training options. Workers who have lost their jobs should have a guarantee of upskilling within four months of becoming unemployed;
- rules that bar people from availing of upskilling or training options to be scrapped.

8) Making Education more Responsive Central to this is the availability of flexible learning, at both second and third level. In addition, provision is required for those with higher skills’ levels to avail of ‘conversion courses’ whereby existing knowledge and experience can be augmented to avail of new opportunities. To be available free to affected workers or the unemployed.

9) Social Innovation Fund The objective is to enable unemployed workers put their skills to use in work that helps meet serious social needs and provide essential social infrastructure.

10) Developing Social Infrastructure Put in place social employment schemes to ensure that recent graduates and people who become unemployed have opportunities to access meaningful work and augment their skills and competencies. Of equal importance is that such a programme is used to develop and deliver essential services in areas where there is a significant deficit such as childcare and early childhood development, services for the elderly, community development and local facilities etc. This should be done in a way which enhances existing employment and does not displace or undermine the position of existing workers in these sectors.

All schemes introduced to be subject to the same employment safeguards that currently exist with community employment schemes which require that they gain prior trade union approval before commencement.

11) Job Rotation Rotation of people who are out of work with those in work to help provide work opportunities for the unemployed, whilst enabling those at work to benefit from accredited training. This could be run along similar lines to the FAS Paid Learning Leave Pilot (which subsidised employers with an amount equivalent to the minimum wage for the training hours of participating employees).

A supplementary payment in the case of job rotation would be paid towards the salary of the 'replacement' worker. The scheme should be aligned with the National Skills' Strategy and the sectors, occupation groups and skills' levels identified as priorities to meet current and future labour market requirements.

12) Construction Jobs Total employment in the construction sector is forecast to decline to 180,000 by the end of 2009. The forecast level of employment is contingent upon NDP infrastructural projects proceeding in civil engineering and construction works. Implementation of infrastructural development under the National Development Plan (NDP) is essential to shore-up jobs in the sector.

Training apprentices to guarantee future skills supply The system of allowing employers to determine the commencement numbers of first year apprentices has to change if skills shortages are to be avoided when the economy improves. Initiatives should be introduced to ensure a future supply of construction skills. Specifically, FAS should introduce a competitive scheme for school leavers and unskilled/ low skilled workers who have become unemployed,

for a defined intake across each of the construction trades. FAS should take on the role of securing public and private sector employers to sponsor apprentices and facilitate the completion of their training. Where this is not immediately possible, the apprentices should be taken into training centres and VEC classes to begin their training and allowed continue their education until on-the-job opportunities become available.

13) Union Learning Representatives The Union Skills Network can be used to address the task of upskilling those in employment, those in danger of redundancy, or already out of work.

14) Labour & Social Clauses for Public Contracts Public authorities – when contracting for construction works, or the supply of goods and services - would be required to concern themselves with maximising employment and the working conditions under which planned activities are carried out, an approach advocated by the International Labour Organisation (ILO). These clauses to be used to link spending on capital projects and services with public policy objectives such as reducing unemployment and would:

- End the exclusive application of the 'lowest price' principle as the adjudication criteria for public contracts;
- Introducing labour and social criteria as contract award criteria (article 53 of Directive 2004/18/CE) such as those related to job stability, decent working conditions and would require respect for collective agreements, rates of pay and conditions in the sector, along with respect for labour law;
- Explicitly exclude from public procurements those undertakings with serious breaches of employment legislation and provide a role for NERA in this regard;
- Specify an agreed number of employment opportunities, training opportunities and/or work placements are provided by the contractor;
- Specify a number of apprentices and a number of unemployed apprentices to be employed, by a ratio of contract value;
- Require vacancies in connection with the project to be notified to FAS and the Local Employment Service;

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- Aim employment opportunities at a target group, e.g. people on the live register, targeted age groups etc.

15) The National Development Plan (NDP) The Government can mitigate the impact of the recession with investment in key areas under the National Development Plan (NDP).

With the onset of the crisis, the scale of the NDP was reduced - but then so were prices and costs. We can now perhaps get more value for even less money. The overriding priority must be for labour intensive projects.

Continued public capital expenditure is a vital element in an overall recovery plan for the economy. It can have a number of benefits including the creation of employment and it can also play a significant role in stimulating economic activity. Alongside these benefits, a strong public capital programme is also required to address some of the major deficits in our economic and social infrastructure.

This should be an investment programme for the future, investing in those areas which create or preserve jobs, generate the best return and make the strongest contribution to social solidarity. Investment should be focused on facilitating and improving essential public services, such as schools, hospitals, clinics and community facilities.

Government should ensure contractors tendering under the NDP will be excluded - no matter how 'cheap' the tender- unless they show respect for collective agreements, agreed rates of pay and conditions in the sector and for labour law.

As part of the NDP, the Government intended utilising Public Private Partnerships (PPPs) to finance and operate some of the infrastructure to be developed.

Government argue that the use of PPPs can, in appropriate circumstances, provide better value for money. Congress has a long standing agreement with the Government in the Republic concerning the utilisation of PPPs, an agreement in which Government committed to honouring "sectoral norms in terms and conditions of employment".

Effective Oversight of all Schemes

The best way to ensure that programmes do not impact adversely on existing employment or are abused is to put effective governance is put in place at a national and local. Congress sought the establishment of a governance structure that would involve an Oversight Group for Schemes coordinated by the Department of Taoiseach, involving Congress and IBEC. The Oversight Group would be given responsibility for drafting the criteria for schemes, ensuring that the criteria are met and monitoring implementation and effect.

ii) Plotting Inequality: Social Class in Ireland

A Joint Congress- TASC Project

Congress and TASC, with academics Prof Terry MacDonough and Jason Loughrey, have been collaborating on a project that will present the realities of Ireland's class-based system in a highly accessible manner, using visual, written and online media.

Ireland has long had relatively high levels of income inequality for an advanced industrial economy. The Celtic Tiger years unquestionably made substantially more resources available to Irish society. The particular character of Celtic Tiger growth meant, however, that relatively little progress was made in the reduction of income inequality. Indeed, the growth greatly increased the dispersion of Irish household incomes.

As the Celtic Tiger era comes to a spectacular end, it is time to assess the impact of this period on Irish society. Irish economic growth had both positive and negative consequences. Average living standards rose while unemployment fell. On the negative side, Ireland has seen substantial increases in inequality and not all groups have benefited equally.

The first part of the project will involve the preparation and publication of a visually arresting poster which condenses this information, while still presenting it in such a way that the general viewer can relate it to their own position – or class – in Irish society.

The poster will represent households. The information provided on each household will include income level, family type and the occupations of adult members. This information illustrates how Irish society can be divided into four distinct income groups.

At the top of the income ladder are the super-rich: those with six or even seven figure incomes, many of whom – as hired executives paid in bonuses and share options – had a vested interest in the short term profitability rather than the long-term sustainability of their enterprises. They benefit not only from high incomes, but also from considerable asset wealth.

Below the super-rich are the comfortably-off – those sometimes referred to as the contented classes, who are rapidly becoming less comfortable and more discontented following the demise of the Celtic Tiger.

Below them are the working poor: those who, while employed, are unable to make ends meet. Trade union research has shown that half of the entire private sector workforce in Ireland – over 600,000 workers – earn substantially below the average industrial wage.

At the bottom of the income ladder – and at the bottom of the TASC/ICTU poster – are those who were bypassed by the boom and who, in the absence of concerted political action, will be by-passed by any recovery: the unemployed and the underemployed, those with no education or inadequate education, those dependent on the State to meet basic needs ranging from income to housing. This group may, in material terms, be called 'the resourceless'.

The second stage of this project involves preparing an explanatory booklet which will explain the poster material in more depth. This booklet will include additional material on regional, gender and other inequalities. Inequalities in wealth will also be covered.

The Three Ages of a Tiger

The Celtic Tiger can be divided into three ages. The first age from 1987 to 1994 is youth and awkward adolescence. From 1994 to 2001, the Tiger was in his prime. After 2001, the Tiger enjoyed somewhat mellower mature years before entering senescence and finally expiring. The three ages of the Tiger provide historical reference points when analysing the data and presenting the findings.

Key findings

Below are just a few of the project's key findings:

- Male-headed households did considerably better than female-headed households, especially during the 'Early Tiger' period
- The retired and the economically inactive did particularly badly, though there was an improvement in the 'Later Tiger'
- When households were broken down by housing tenure, private renters did very much less well than others especially during the 'Early Tiger' period, although they caught up somewhat subsequently. Owners, as might be expected, fared best.
- Over the whole Tiger period the Southern and Eastern region did better overall, thus extending the substantial lead which these regions had at the start of the Tiger

During the lifecycle of the Celtic Tiger, many at the top of the income distribution ladder developed a vested interest in the continuation of income inequality. One of the most effective ways of addressing inequality is the provision of basic services – such as education, health care, housing and infrastructure, including a clean environment – by the state. However, a widely dispersed distribution of income, combined with inadequate provision of public services, encourages the more well-to-do to provide for themselves privately. This deepens inequality of access as well as undermining the existence of a political constituency for change.

It is thus clear that tackling inequality in Irish society must become a national priority.

The TASC/Congress Income Inequality project is designed as a toolkit, providing us with the information we need to map inequality and its corollary, social class. That map, we hope, will help guide us to our ultimate objective: an end to inequality.

Chapter Two – Social Infrastructure

i) Childcare

Towards 2016 set out a number of high level actions in the area of early childhood development and care, and made a commitment to develop the childcare infrastructure to provide quality, affordable childcare and work towards increasing the supply of all types of places by an extra 100,000 during the lifespan of the agreement. This was to be achieved through the National Childcare Investment Programme (NCIP), which runs from 2006 until 2010, and appropriate successor programmes. The agreement identified €2.65 billion as the allocation for the strategy to 2010.

The NCIP, which is described as a childcare infrastructural development programme, is tasked with achieving 50,000 child care places by 2010, including 10,000 pre-school and 5,000 after school places. Funding of €575 million was allocated to the NCIP including €358 million – 62 percent of the total – for capital investment.

The impact of the NCIP to date is unclear. Congress has experienced some difficulty ascertaining concrete figures on actual places created. This information may be available at county level but has not been captured centrally. Improved systems for the collection and analysis of data must be put in place to enable ongoing assessment of the impact of the investment programme in achieving the targets set.

Whilst acknowledging that the number of childcare places has increased, demand is a long way from being met. Congress has continuously argued that the Government target of 50,000 places would meet only half the anticipated demand. The impact of this unmet need is that a high number of women are either being forced to drop out of the workforce or are being denied access to it. This is a significant factor contributing to the persistent problem of pay

differentials between males and females and the poor participation of women aged over 30, in the labour market. Of equal concern is the failure of Government to meet its obligations on childcare established under the Barcelona Targets.

A series of high profile reports all point to the need for the state to increase the level of support for Early Childhood Development and Care. In purely economic terms, quality early childhood education represents a win-win investment for both the economy and society. High quality education before a child turns five will yield significant long-term benefits. Early childhood education makes good economic sense. To date, childcare initiatives have been prioritised in the form of allowances to parents while early education remains under-developed. Congress is concerned that the quality of childcare / early childhood development has not been addressed thus far.

The quality standards relating to childcare apply to buildings, health and safety, staff to child ratios but not to the standard of care or learning that is provided. A commitment was made to address this initially through the development of a National Childcare Training Strategy and the provision of 17,000 childcare training places during the period of the NCIP. The outcome of a process to map the training needs of childcare workers is awaited but it now appears unlikely that the promised creation of 17,000 childcare training places and the delivery of the training will be met within the set timeframe. This will have a significant bearing on workers in the sector who are largely poorly paid with limited prospects of progression.

The introduction of the Community Childcare Subvention Scheme (CCSS) in January 2008 radically altered the funding of community childcare schemes from direct subsidies to a subvention. The tiered subvention system (100 percent for single parents accessing training, falling to 40 percent for low income working parents in receipt of FIS) makes it only commercially viable as a service to lone parents. This will undermine the equal opportunities dimension of the programme as it limits opportunities for children from different backgrounds to integrate.

The changes may lead to the closure of some community-based services, exacerbating the problem of provision. Congress believes this scheme needs to be urgently reviewed. An assurance is sought to guarantee that the funding is sufficient and is provided in a way that encourages improvements in the standards of childcare and in a manner that drives improvements in wages, conditions of employment and career advancement for childcare workers. It will also be necessary to ensure that facilities do not face closure as a result of the change in funding.

ii) Infrastructure of Care

Congress continued to express concern at the poor progress made towards the achievement of an infrastructure capable of delivering high-quality early childhood development and care that is both accessible and affordable for those who need it. We believe that the approaches adopted to date, including the Early Childhood Supplement (to be abolished in 2010), were not the correct ones. We made the point that high quality early childhood development and care can only be achieved by professionalising services and developing a universal approach. Such an infrastructure of childcare should be based on the principles of quality, universality, accessibility and affordability and we raised the following issues with the child care directorate, as part of the *Towards 2016* review in 2008:

- Better systems for the collection and analysis of data to enable ongoing assessment of the impact of childcare investment programme/s;
- Agree a quality standard - commensurate with the crucial nature of the work and the high skill level required - for the qualification of childcare workers;
- The commitment to address standards through the National Childcare Training Strategy and the provision of 17,000 childcare training places during the period of the National Childcare Investment Programme (NCIP);
- Develop and introduce strict compliance measures within the lifetime of the NCIP to ensure implementation of the staffing quality standard;
- The introduction of the Community Childcare Subvention Scheme (CCSS) in January 2008

which radically altered the funding of community childcare schemes;

- Undertaking an assessment and costing regarding the transfer of existing community childcare schemes into the local authority structures and redesigning and extending existing infant classes in national schools - currently catering for four and five year olds - to include three year olds, so ensuring that the three to five year preschool age group would be accommodated in the national programme, for inclusion in the forthcoming review of the NCIP.
- Ensure full social partner engagement in these developments.

The April 2009 Budget announced the introduction of a free pre-school year for all children aged between 3 years 3 months and 4 years 6 months, every year, and the abolition of the Early Childhood Supplement in January 2010. Congress tentatively welcomed this on the basis that it is a move towards the establishment of a care infrastructure, but we have serious concerns about the capacity of the private sector to deliver the educational/developmental aspect.

Our overall assessment is that the strategy and actions to date are insufficient to provide the basis for an infrastructure of quality childcare and development that is accessible and affordable for those who need to use it.

iii) Equality

Equality for All was the chosen theme of BDC 2007 – marking the European Year of Equal Opportunities for All. Motions on equality were the first to be debated and the conference heard from Niall Crowley, then head of the Equality Authority. This focus on equality and the Equality Briefing papers commissioned in 2007 were our main contribution to marking the year. We were also successful in ensuring a strong trade union component in the legacy action plan for the year, which included equality training and a challenge fund for unions. The implementation of the European Year in Ireland was highly praised both nationally and at European level.

The European Commission also proposed a cross-cutting directive aimed at combating discrimination on the grounds of age, disability, religion/belief and sexual

orientation in areas outside the field of employment. Trade unions across the EU warmly welcomed this as an important move to extend the protection against discrimination to all non-discrimination grounds mentioned under the EU Treaty, and to ensure that all people in Europe are equally protected from discrimination and enjoy the same rights.

On the national level, a new board for the Equality Authority was appointed in the autumn of 2007 under the Chairmanship of Angela Kerins. Congress nominated David Joyce and Louise O'Donnell to the board. A Congress delegation met with the Department of Justice, Equality & Law Reform as part of the review of *Towards 2016*. The meeting included discussions on Reconciling Work and Life Outside of Work; Equality Infrastructure; the Gender Pay Gap and the European Commission's reasoned opinion on Ireland's equality performance.

The issue of our equality infrastructure had been brought into the public domain when plans to amalgamate five equality related bodies became news, in the summer of 2008. Congress immediately wrote to the Minister expressing concern and seeking a meeting. While the amalgamation plans never came to pass, worse was to come with the announcement in the October 2008 Budget of a 43 percent cut in funding for the Equality Authority, along with an accelerated timetable for the further decentralisation of Authority staff to Roscrea and the abolition of the National Consultative Committee on Racism and Interculturalism.

Congress met with Junior Minister John Moloney to seek a reversal of the plans. The cuts also lead to the establishment of the Equality & Rights Alliance, in which Congress plays an active role. Nonetheless, the cuts were not reversed and prompted the eventual resignation of Chief Executive Niall Crowley and six board members – including the two Congress representatives. Congress is yet to renominate anyone to the board of the Authority and is seeking a commitment to an efficient and effective equality infrastructure as part of any national recovery programme.

iv) Education

Congress views education as a key part of promoting a fair society. This policy is promoted at a number of levels, in co operation with affiliated unions. In addition to work on upskilling – reported elsewhere, Congress advances our educational policy in discussions with government, and through the participation of congress nominees on the governing boards of educational institutions such as universities and IOTs. In addition Congress is represented on the following policy making bodies.

v) Expert Group on Future Skill Needs

This group works within Forfas and steers the national skill strategy. Congress is represented on this committee by Peter Rigney.

vi) Qualifications Framework

The National Qualifications Framework is administered by three bodies: the National Qualifications authority of Ireland (Congress rep Eamon Devoy, TEEU); the Higher Education Training Awards Council (Congress rep Margaret Duignan) and the Further Education Training Awards Council (Congress rep Ron Kelly, SIPTU). The government has decided that these three bodies will be combined in a single entity together with the Irish Universities Quality Board (Congress rep Peter Rigney. One single body will then have responsibility for all parts of the ten level qualifications framework.

vii) Skillnets

This body has a mandate to promote training in the workplace through training networks. A number of union-run networks are in operation, promoted by SIPTU, TEEU IMPACT, MANDATE, IBOA, and INO.

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- as a guide, earn between €25,000 to €58,000 a year if applying on their own and up to €75,000 combined income if applying with someone else.
(these are approximate limits only - lower and higher limits may apply)

The Affordable Homes Partnership (AHP) was set up to increase the supply and availability of affordable homes. The AHP in collaboration with all local authorities has created a website www.affordablehome.ie which provides information on affordable housing, details on how to apply and a comprehensive listing of homes currently available.

To view affordable homes available all over the country visit www.affordablehome.ie

affordable
homes
partnership

viii) Housing

The 'housing boom' – driven by irresponsible bankers and developers – caused major affordability problems for first time buyers and working people generally. Increased supply ought to have cooled house prices but this did not happen. Rather, buying for investment and speculation purposes increased. The last census (2006) showed an increase of 100 percent in non-occupied houses, which equates with a record 300,000 empty dwellings.

Congress had made the provision of affordable housing a priority in successive national agreements. Unfortunately the targets agreed in both *Sustaining Progress* and *Towards 2016* were not met. However the overall numbers of affordable homes did increase significantly between 2000 and 2006, up from 1,300 p.a. to 3,400 p.a. in 2006.

Lending institutions, developers and official policy created the price bubble. It resulted in annual house price inflation peaking at 21 percent in 2006. The same year the number of new house completions was an unprecedented 86,000.

The price adjustment since then should have made houses more affordable. However the credit squeeze has prevented potential purchasers gaining from the adjustment. As the recession deepened a major policy priority for Congress has been to secure measures that ensure falls in employment levels and the danger of negative equity do not result in families losing their homes.

ix) National Economic & Social Council (NESC)

At the request of Government and the Social Partners NESC prepared a report on one possible response to the recession which was published in March 2009. The report has informed all discussions between Congress and Government.

The key proposition is that, in addition to being affected by the global downturn, Ireland is simultaneously grappling with five sub crisis which are tightly tied up with each other viz:

- Banking Crisis;
- Public Finance Crisis;
- Economic Crisis;
- Social Crisis;
- Reputational Crisis.

The report argues that the current crisis is already having significant social consequences. It is critical to insulate the most vulnerable from the worst effects of the recession and not to ease up on, or postpone, the reforms and strategies that are in place to tackle existing social deficits. It is also imperative to adopt new measures that protect those now experiencing loss of employment, income, savings and pensions. Practical measures are needed that re-order and re-fashion existing education, training and social welfare budgets in ways that more effectively help workers now losing their jobs and those seeking jobs for the first time during this recession. Only integration and innovation in Ireland's education system, training and labour market policies, and welfare will ensure that a new problem of long-term unemployment is not created. The aim must be to stimulate the creation of '21st century' equivalents to the special labour market programmes that were introduced in the late 1980s and early 1990s.

Paradoxically, the economic recession and collapse of private construction provides an opportunity to address some outstanding housing issues in particular social housing, rental accommodation, sustainable communities and active land management. Social policy initiatives would be unsustainable and effective if they are not accompanied by measures to address the public finance crisis and the economic crisis.

The report concludes that an integrated policy approach that simultaneously addresses the banking, fiscal, economic, social and reputational dimensions of the current crisis is the one with the best chance of succeeding. There are advantages in engaging economic and social organisations in framing and implementing such an integrated, national response to the crisis. This is true. But it is not the general advantages of policy consultation and joint policy framing that is the first reason for seeking an integrated approach. Rather it is the analysis of the crisis as having five inter-related dimensions that warrants the integrated response. An effective integrated response must, of course, be able to depend on wide societal ownership of the need to respond to all five dimensions of the crisis. Framing a shared analysis and understanding of the crisis is only a first step in creating such wider ownership.

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Section 3

Partnership, Pay & the Workplace

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Chapter One – Partnership, Pensions & Repossessions

i) A New Deal

It took a remarkable seven months to negotiate, agree and formally ratify the *Towards 2016, Review & Transitional Agreement*.

While negotiations formally opened on Thursday, April 24, 2008 the final package of measures – covering pay and employment rights – was not put before a Special Delegate Conference for consideration, until November 17, 2008.

Along the way, the talks' process had to contend with almost every imaginable obstacle, delay and impediment: from the resignation of a Taoiseach (Bertie Ahern), his replacement by Brian Cowen, the Lisbon Referendum campaign, a global financial meltdown and a home-grown banking crisis.

Initially, strident voices in Ireland's corporate banking sector declared that our economy would be largely untouched by the global crisis, given the prudence and essential expertise of our own top bankers and business leaders.

That remarkable combination of arrogance and ignorance – a defining characteristic of the boom – was to be shortlived: on the night of September 29, the Government stepped in to guarantee the debts and deposits of all six Irish-owned banks and building societies, supposedly to prevent collapse of the entire banking system.

In fact, Ireland was to be the first Eurozone country to officially enter recession and we are likely to be the last to exit.

How different the world seemed in April 2008, as preparations began for the talks: inflation had hit 5 percent the previous month and Congress declared that it was "now eroding living standards" and would impact on the negotiations.

Indeed Congress repeatedly highlighted the fact that price levels in Ireland were well above the EU average, while a new Congress report highlighted a growing 'pay gap' and demonstrated that:

"Pay at top levels - in both private and public sectors - has been far in excess of inflation, in recent years, while at lower levels we have seen stagnation and even decline. In that context, calls for pay restraint cut very little ice with the bulk of our membership."
(http://www.ictu.ie/download/pdf/economic_briefing_narrowing_the_pay_gap.pdf)

On April 17, 2008 some 350 delegates gathered in Liberty Hall and voted overwhelming to enter new talks with Government and employers, on an agreed platform. The key issues to be addressed were:

- Pay rises to insulate against the cost of living and distribute wealth;
- A comprehensive pensions policy;
- Legislation on Agency Workers;
- Trade Union recognition and representation;
- Investment in Public Services.

Delegates heard Congress General Secretary David Begg strongly criticise the huge salary increases enjoyed by private sector executives and senior public servants. He warned that the concept of the 'common good' which had been central to partnership "appears to have diminished on the employers' side."

Negotiations were delayed somewhat by the (prolonged) departure from office of Taoiseach Bertie Ahern and only really gathered pace over the summer months.

Talks Collapse

But from the outset it was clear that there were significant difficulties – on pay, on the necessity for Government action on prices and inflation, pensions and trade union recognition. Ironically, the issue of equal treatment for agency workers had been substantially defused when agreement was reached at EU level, in June 2008.

Irish business and the Government had long battled to restrict the extension of equal rights to agency workers – with one business leader arguing publicly that this right to discriminate gave Ireland a competitive edge in Europe – but their efforts were frustrated, with the EU substantially endorsing the trade union position on the issue.

Nonetheless, even with the agency workers' issue put to one side, significant differences remained. In the early hours of August 2, negotiations collapsed and within days the Private Sector Committee had begun issuing guidelines for unions on lodging pay claims with employers.

Following the intervention of the Taoiseach Brian Cowen, in September, talks began again in Government Buildings, with a set of proposals finally hammered out on September 17.

The proposals covered pay and employment rights and provided for a six percent increase over 21 months, with a pay pause of three months applying in the private sector and an 11 month pause in the public sector.

It also contained important measures to combat exploitation and strengthen employment rights: a ban on the use of agency workers to replace striking workers; a change to competition law to allow freelance journalists and session musicians to bargain collectively; a commitment to restore the spirit of the 2001 and 2004 Industrial Relations' Acts (following the 2005 Supreme Court judgment in the Ryanair case) along with new measures to ban the victimisation of trade union activists and organisers.

The *Towards 2016 Review & Transitional Agreement* was formally ratified at a Special Delegate Conference on November 17, 2008, with 305 votes in favour and 36 against.

The employers' body Ibec indicated their acceptance of the terms at the same time, while the Construction Industry Federation stepped up its campaign of opposition to the deal and attempted to impose pay cuts across the sector. Their claim was eventually heard and rejected by the Labour Court.

ii) Addressing the Pensions' Crisis

Congress identified the provision of sustainable adequate pensions as a priority during the *Towards 2016* negotiations, in 2006. The response of Government was to commit to the publication of a Green Paper. While the resultant paper – published in October 2007 – was quite comprehensive, it failed to point a clear direction forward, in terms of new measures or initiatives.

The Green Paper consultation process saw many of the same arguments being repeated and the ultimate effect was to postpone vital decision making on national pensions policy. The climate for pension provision is not getting easier as the delays continue. Congress believes it is long past time to make brave political decisions if our pension system is to be protected and improved.

Pensions: Public or Private?

The Green Paper suggests that:

"There is a fundamental choice to be considered in addressing the question of pension adequacy between, on the one hand, concentrating largely on enhanced Social Welfare payments and, on the other, focusing mainly on measures to encourage greater personal savings through supplementary pensions."

In response, Congress said that enhancing public provision must always take priority for reasons of equity, certainty and sustainability. Enhanced public provision favours older workers and current pensioners who would fare poorly in any private sector solution. Collective risk-sharing is the optimum delivery model according to economic analysis and this is best achieved under a state run Defined Benefit approach.

Mandatory Pensions

Congress believes that a mandatory system of pension contributions, with equal contribution from the employer backed up by an SSIA contribution from the State, could achieve virtually full pensions' coverage.

Defined Contribution Schemes

It is generally recognised that insufficient contributions are being made to Defined Contribution schemes, which have also been damaged by poor investment performance. The reputation of Additional Voluntary Contribution (AVC) schemes has also suffered. This has focused attention on the charges – open and hidden – levied on these products. An SSIA style 'top up' rather than tax relief might help to increase contribution levels. However there is need for more transparency regarding charges and this will require legislation, or at least further regulation of the providers.

Approved Retirement Funds (ARFs)

Some years ago the Government decided that Revenue rule should be changed to allow wealthy people to avoid buying a pension with the bulk of their pension fund on retirement. As a result, the State now forgoes billions of potential tax take in order that high net worth individuals can have substantial

tax free savings, rather than a pension. If Government wishes to allow wealthy people to salt away large sums of tax free savings and investments then they should say so and drop the pretence that this is in any way related to the need to provide pensions for our older citizens.

A State Annuity

Congress has been calling for the State to provide annuities as a fair, cost free [to the State] and equitable element to pension provision. Such a development would also ensure that if a scheme was to be wound up, more of the existing resources could be allocated to active members.

Minimum Funding Standard (MFS)

The crisis facing defined benefit provision has highlighted the lack of security of pension entitlement. Workers were told that their pensions were guaranteed and involved no risk to them. We know now that members of a funded scheme can have no certainty about whether they will receive any pension. If the scheme is wound up while insolvent the active and deferred members of the scheme can lose all their accumulated entitlement. The Minimum Funding Standard is designed to give some security to scheme members. Some pension practitioners have argued that, as presently calculated, the MFS is too rigorous and encourages employers to abandon Defined Benefit provision. Others argue that the present standard is too weak and ascribes a valuation to employees' benefits well below a true economic cost of their entitlement. The problem is not the MFS, which only highlights the lack of investment performance and increased longevity.

If there was no MFS requirement the schemes which currently have problems would still have those problems. Therefore, on balance the MSF should be retained as it can give members and employers a signal that remedial action is required.

Pension Protection Fund

The need for a fund to compensate members of pension schemes that become insolvent has been discussed repeatedly and the pros and cons are well known. It is accepted that Ireland has the weakest benefit security in the EU, as witnessed most recently in SR Technics and Waterford Crystal. The European Court of Justice Robins' case - C 278/05 - which forced the UK Government to set up just such a fund, suggests we may be in breach of EU law.

Pensioner's Income Adequacy

Congress believes that the only way to ensure that most current pensioners can have an adequate income in retirement is through an increase in the State pension bringing it up to 50 percent of average industrial earnings or approximately €317 at current wage levels.

Retirement Age

Given increased longevity and improved health amongst older people, there is a strong case for flexibility regarding retirement age. Workers should be allowed but not compelled to work after age 65.

iii) Protecting Households Facing Repossession

Congress called on Government to take immediate action to protect households who are being badly affected by the current economic crisis. There has been a dramatic growth in debt in recent years and an increasing number of clients presenting at Money Advice and Budgeting Services with higher levels of debt, multiple creditors and mortgage arrears. Congress held meetings with representatives of the major NGOs working with people who are over indebted (FLAC, MABS, Society St Vincent De Paul) who assisted in drawing up Congress plan to protect households facing repossession. It is imperative that Ireland puts in place fair and appropriate laws and adjudication mechanisms to deal with the casualties of this crisis.

Summary of Congress proposals to protect households facing the threat of repossession

- 1 When someone has lost their job or income, protect the family home by introducing restrictions on lenders initiating proceedings for enforced sale or repossessions (at least two years breathing space);
- 2 During this 2 year period;
 - 1 Require lenders to conclude an 'affordable mortgage and debt payment arrangement' which protects a 'minimally adequate' standard of living;
 - 2 Debtors must be guaranteed access and representation by MABs personnel when they are negotiating the 'affordable mortgage and debt payment arrangement'

- 3 Suspend interest and other charges and penalties as these only exacerbate a families financial distress; (It would be cheaper if this was done by establishing an alternative more informal 'court'.)
- 3 Introduce a Court protocol which will allow the court to vary the debt/ repayments and to always require lenders seeking a repossession court order on secured debt to be forced to show they have tried to find all possible alternatives through the above debt settlement mechanism when borrowers get into trouble with their repayments. Repossession should always be the last resort;
- 4 Abolish imprisonment for non payment of debt and provide free legal representation for households at risk of repossession;
- 5 Properly protect debtors and their families from undue demands and harassment by their creditors and provide more information to people in financial difficulty about their rights and entitlements;
- 6 Give greater resources and powers to MABS to bring about early intervention and demonstrate a commitment to provide the best possible support to debtors and vulnerable borrowers.
- 7 Government should reverse the changes to social welfare which limit the payment of mortgage interest supplement, this payment provides much needed help towards the cost of a mortgage;
- 8 Banks must be made to pass on the interest rate cuts;
- 9 Government should begin work immediately with representative groups to develop other options for example a partial local authority buy and rent back scheme or shared equity schemes as an alternative, in the long run for those facing repossessions.

Many EU Member States have specific legislation concerning the collective settlement of debts which deal with the social, legal and economic treatment of over indebted people. Its clear that non-judicial procedures play a major role and have been subject to a pilot by the Money Advice and Budgeting Service (MABS) and recommended by FLAC in their report 'An End Based on Means' also of importance is the Vincentian study on what constitutes a 'Minimum Essential Budget'.

iv) Health & Safety First

Congress is developing new policies and initiatives to ensure that we are in position to meet the needs of a changing workforce and economy.

During 2008 and 2009 Congress worked to ensure the budget of the Health & Safety Authority did not suffer cuts, as it already under-funded. Whatever else occurs, we must make it clear that workers' health and safety must not itself become a casualty of the recession.

Ireland spends less on health and safety - just over €10 per worker - than most other EU countries. We have the lowest number of health and safety inspectors of any EU member: some 4 inspectors per 100,000 workers, compared to an EU average of about 10 per 100,000.

Health and safety should be fixed permanently atop every organisation's agenda, even in times of financial difficulty. Whether it is spending on safety training, personal protective equipment or providing sufficient staff and time to do the job safely, skimping or cutting corners is dangerous and bad for business. Cutting back on health and safety is a false economy - there is a proven link between safety and financial success.

However too many employers still don't get it. In 2009 Congress called for improved legislation on corporate governance and a central demand was for enactment of the Law Reform Commission's proposed Corporate Manslaughter Bill. If enacted it would mean that corporations could face serious penalties should they be found responsible for a worker's injuries. All employers who violate the law should face fines, criminal penalties and jail time.

Workers' Memorial Day

Around the globe, more than a million workers die each year due to job injuries and illnesses. In Ireland the figures published by the Health and Safety Authority show there were 57 work-related deaths in 2008.

This represents a 15 percent decrease on the 67 work-related deaths reported in 2007. However the official statistics count only those killed as the result of accidents inside the workplace. They omit to count deaths caused by work-related illnesses and diseases. They also exclude work-related deaths caused by road traffic accidents. Congress estimates that in 2008 about 1,400 workers died in Ireland, because of their work.

On April 28 last, we joined with our trade union colleagues around the world in marking Workers Memorial Day, by hosting a national conference on *Healthy and Safe Work – Your Right and Our Priority*.

We remembered those who have lost their lives at work or who have been injured and made sick. We recognised the loss felt by families and friends and called for an end to unnecessary deaths and for action on job hazards that kill and injure. Workers' Memorial Day is now recognised as a national day in many countries including: Argentina, Belgium, Bermuda, Brazil, Canada, Dominican Republic, Luxembourg, Panama, Peru, Portugal, Spain, Thailand, Taiwan and the United States.

Meanwhile trade unions in other countries including Benin, the Czech Republic, Finland, Hungary, Malta, Nepal, New Zealand, Romania, Singapore and the UK are pursuing official recognition for the day. The International Trade Union Confederation (ITUC) has called for worldwide recognition and observance and the ILO has designated April 28 as a World Day for Safety and Health at work.

New Standards for New Hazards

Congress continued to fight for ongoing investigation into new hazards and for the development of new standards to protect workers. Key areas in which we promoted new standards for safe workplaces included on nanoparticles. Frank Barry (Unite) represents Congress at EU level on nanotechnology and toxic chemicals.

In addition, more needs to be done to address ergonomic injuries which are among the biggest job-safety hazard faced by workers. We also need more information about the impact of night work. In other countries night work is being recognised as a threat to health and in March 2009 the Danish government began paying compensation to women who have developed breast cancer after long periods of working nights.

The International Agency for Research on Cancer (IARC) concluded that night-work that involves disruption to circadian rhythms carries a risk of cancer. It classified night-work as a probable human carcinogen particularly in relation to breast cancer. Congress called for better health surveillance and more information on work related cancers at the symposium *The Fight Against Cancer; Where Do We Stand?* held as part of the International Cancer Conference in May 2009.

Evidence that long hours of work cause injuries and illness is growing. The same can be said for stress arising from the ways in which work is performed and restructured - including the pace of work, the number of people performing the job (staffing levels), hours and days on the job, amount and length of rest breaks, workload, targets, layout of the work and the skills of workers on the job.

Restructured forms of work organisation following on from redundancies, for example, can increase exposure to physical hazards and elevate the level of psychological stress. In addition work organisation changes, such as machine-paced work, inadequate work-rest cycles, time pressures and repetitive work are also associated with musculoskeletal disorders, increases in blood pressure and risks of cardiovascular mortality.

Drug & Alcohol Testing

Drug and alcohol testing is becoming an increasingly common feature of many employments. Congress is concerned that this is taking place in an unregulated manner, with no legal standards or safeguards for the employees who 'voluntarily' agree or consent to drug or alcohol testing as a condition of employment, under fear of losing or not getting a job.

In December 2007 Congress supported a ground breaking case which placed limits on the rights of companies to drug test employees and which set out two important principles: firstly, that there should be collectively agreed guidelines covering all of the testing procedure, including the processing of results and secondly, that the standard of testing should be in line with international standards such as the EU Guidelines on workplace drug and alcohol testing. The Congress Health & Safety Committee has established a working group – chaired by George Maybury (PSEU) – to monitor drug and alcohol testing developments, to progress the positive principles established in this strategic case and to inform the development of the Health and Safety Authority's own guidelines on drug and alcohol testing.

Union Workplaces are Safer Workplaces

Health and safety is an important part of organising activity because union workplaces are safer workplaces. With a union, workers can raise job safety concerns without fear of retaliation, and make jobs safer. With a union, workers can bargain for increased safety and health protections, rights and training. With a union, workers have the power to make sure that safety and health regulations are followed and

fully enforced. With a union, workers have the promise of decent wages and benefits, and a secure future. Through the safety campaigns run by unions many lives have been saved. A prime example is found in the **Safety Representative Facilitation Project**, organised by Congress official Fergus Whelan.

The project has been working to improve safety in the construction industry for eight years and is run as part of the Construction Safety Partnership. Its mission is to promote co-operation between employers and workers and to spread the message that consultation with workers' Safety Representatives is not only a legal requirement for managers, but can be used to positive advantage in encouraging employee engagement with safe working practices.

The project has sought to achieve these aims through facilitators visiting as many sites as possible throughout the country. In 2007-2008 the project had to contend with severe budget cutbacks. Nonetheless, we almost reached our target of 400 site visits. The total number of visits completed was 312: in Dublin, Cork, Waterford, Wicklow, Tipperary, Offaly, Sligo, Donegal, Louth, Westmeath and Galway.

When a site is found to have a Safety Representative in place the name is added to our database. The facilitator will ensure that the Representative is given a complete suite of documents, such as the Site Safety Guidelines, Compliance Document and Posters etc. Where there is no Safety Representative in place the facilitator will give a Tool Box talk and try to encourage a volunteer. We then make a three day training course available to the person selected.

The Project Manager has observed great progress in terms of the number of Safety Representatives in place. On a recent visit to Tipperary six sites were visited and five had a fully trained Safety Representative. The safety managers believe the system is effective. However, they sometimes find it difficult to get a worker to volunteer for the position. The site visit by project personnel remains the most effective way to convince a suitable candidate to assume the role.

The **Construction Safety Representative of the Year Award** was presented at the conference of the National Industrial Safety Organisation, in October 2008. The winner was Mr Gerard Smyth of K& C Scaffolding, Drogheda.

Health & Safety Committee

Membership 2007-2009

In 2008, Esther Lynch, Congress Legislation & Social Affairs Officer took over responsibility for health and safety and was appointed to the board of the Health and Safety Authority along with Dessie Robinson (Impact). The Congress Health & Safety Committee continues to provide a central focus for action on workplace safety, health and welfare. The Committee meets bi-monthly and briefing sessions have been organised for committee members on vehicle safety, drug and alcohol testing and asbestos. The Committee is chaired by Eamon Devoy (TEEU) who is also the vice chair of the national Health & Safety Authority. Many thanks and much gratitude to outgoing Board members Sylvester Cronin (SIPTU) Louise O'Donnell (Impact) and Fergus Whelan (Congress)

Health & Safety Committee Members

Denis Farrell	BATU
Kevin Gaughran	CPSU
Mary Cahill	IBOA
Steve Tweed	IBOA
Michael McKillen	IFUT
Bobby Carty	Impact
Dessie Robinson	Impact
Catherine Samuels	INO
Patrick Coughlan	INPDTG/SIPTU
George Maybury	PSEU
Michael Dowling	SIPTU
Michael Tobin	SIPTU
Sylvester Cronin	SIPTU College
Eamon Devoy	TEEU
Frank Barry	Unite/ Amicus

Bobby Carty (Impact) is the Congress rep on the National Health and Safety Focal Point, which organises the Annual European Week for Health and Safety at work.

Chapter 2 – Flexible Working and Equal Treatment

i) The Skills Deficit

The development and maintenance of skills is the key to maintaining a worker's employability. Unions are increasingly involved in initiatives to promote skills development. All available evidence points to a strong correlation between high skills and high wages, and between low skills and low wage, precarious employment.

While there is general consensus on this, there is less agreement on practical measures to promote upskilling among those at work. This is because those in work have much less time at their disposal than schoolchildren, students, or adults who are outside the labour market for whatever reason.

Over the last five years there was a growing realisation in Government and policy making circles that the upskilling of the existing workforce had to be addressed if the development of a knowledge-based economy was to be anything more than just a slogan. Through our representation on bodies such as FÁS, Skillnets, the expert Group on Future Skill Needs, FETAC and HETAC, Congress has consistently advocated a coherent set of policies that would emphasise the centrality of upskilling in economic and social development.

The future skill needs of the economy will not be met solely by first time graduates of the education system. Shortages of skill can be met by upskilling, by migration or by some combination of the two. Ireland will have to follow other EU countries and accommodate aspiring adult learners through some form of learning leave. The reluctance of employers to agree to such a proposal is regrettable, if understandable in the short term. Less understandable is the unwillingness of the state to advance this debate, other than through a small trial scheme piloted by FÁS. This inaction is incompatible with the goals set out in the national skills strategy - to upskill thousands of workers in the decade ahead. It will require more than small pilot projects to meet this goal and address our growing skills' deficit.

Congress has sought to anticipate the challenges which will arise in this area by developing a union-based advocacy network for upskilling. The Union Skills Network (see Union Education & Training) will draw on the access of unions to workplaces, combined with unions' long tradition of providing education and training for their members.

As public expenditure becomes more constrained there seems to be a policy on the part of Government to view support for the unemployed and upskilling for those at work as mutually exclusive options. The view of Congress is that upskilling for those in work is a vital component in the protection of jobs, the support of enterprise and the promotion of competitiveness.

ii) Flexible Working & Leaves

Congress continued its participation in the National Framework Committee on Work Life Balance (www.worklifebalance.ie). This provides supports (including a consultant scheme) to enterprises seeking to introduce such measures. While Congress commends the good work done by the Framework Committee, we have repeatedly pointed out that the voluntary approach to these issues has failed to deliver and that we must now extend a legal right to flexible working to all; provide meaningful opportunities for the low-skilled and low paid to access skills' development and create an infrastructure of care that better supports working parents.

A study of Ireland's top companies by the National Centre for Partnership – *New Models of High Performance* – reveals a mere 17 percent national usage of flexible working systems, which confirms 2004 data from the Central Statistics Office showing some 80 percent of people enjoyed no discretion over their start or finish times.

The UK Example

In 2003 the UK provided a legal right to flexible working for parents, a right that was later extended to carers. It was strongly resisted by employers. However, by 2007, some 92 percent of their number expressed a willingness to seriously consider requests for changed work patterns from all employees. Quite obviously the initiative had delivered tangible benefits. More recent UK legislation includes provisions to extend the right to request flexible working (to parents of children up to the age of 16) and increased paid holiday entitlement.

Such initiatives should be introduced in the Republic of Ireland also. A scaled down Work Life Balance Day, in March 2009, encouraged employers and organisations to engage in activities that are aimed at highlighting the benefits that alternative working arrangements can provide, to both enterprises and employees. This message is especially important at a time of crisis - as more flexible working arrangements can be a means of averting the threat of redundancies and job losses. Unions can play a crucial role in preserving the economic benefits of work life balance for their employees and the productivity of employments, at this time.

Congress also carried out a revision of the work life balance toolkit and training manual, which are available on our website (www.ictu.ie)

Lack of Progress on Leaves

Ireland's leave arrangements continue to compare very unfavourably with those obtaining in most EU Countries. *Towards 2016* promised a review of the leaves and Congress made a submission, seeking:

- a legal right to request flexible working arrangements;
- a legal right to paternity leave;
- extended paid maternity leave;
- paid parental leave;
- learning leave for low-skilled workers.

Congress also met with the Department of Justice, Equality & Law Reform to discuss these issues, in the summer of 2008. The Department indicated that if there was no agreement between the social partners they would bring forward proposals in line with the commitments in the Programme for Government. The review is now stalled and Congress has had no further update from the Department.

In relation to parental leave, Congress participated in a European Social Dialogue on a Revision of the Parental Leave Agreement, the seventh and final meeting of which took place in Brussels, in February 2009, where the partners came to an agreement. Among the changes proposed to EU rules on parental leave are:

- The leave shall be granted for at least four months (previously three) and should, in principle, be provided on a non-transferable basis. *To encourage a more equal take-up of leave by both parents, at least one of the four months shall be non-transferable.*
- Member states and/or social partners should assess the need to adjust the conditions for access and application of parental leave to the needs of parents of children with a disability, or a long-term illness, and the specific needs of adoptive parents.
- Upon return, parents may request changes to their working hours and/or patterns for a set period of time. Employers shall consider and respond to such requests, taking into account both employers' and workers' needs.
- In order to facilitate the return to work following parental leave, workers and employers are encouraged to maintain contact during the period of leave and may make arrangements for any appropriate reintegration measures, to be decided between the parties concerned.
- All matters regarding income in relation to the agreement are for consideration and determination by member states and/or social partners, according to national law and collective agreements, taking into account the role of income – among other factors - in the take-up of parental leave.

It is generally acknowledged that even if the text of the revised agreement does not look as strong as trade unions would have liked (parental leave remains unpaid), in the current economic context, the deal was the best the ETUC team could achieve. It will now be sent to the Commission, informing them about the conclusion of the negotiations and the fact that these did not tackle any new form of leave – particularly Paternity Leave.

Congress has also commissioned research into the effectiveness of the various leave schemes and flexible working initiatives in order to inform our position on this issue. A questionnaire survey was widely distributed in order to examine the availability and extent of usage of Leave Options, Flexible Work arrangements and Lifelong Learning options.

European Court of Justice rulings on Equal Treatment

Following the very negative rulings in Laval, Viking and Rüffert, it is no harm to remind ourselves that the ECJ is also sometimes the source of good news for trade unions, with regard to equal treatment. Among the significant cases ruled upon during the period under review were:

- Congress affiliate union Impact brought a case on behalf of 91 civil servants under the European Directive on the protection of fixed-term workers, implemented as the Protection of Employees (Fixed Term Workers) Act 2003 in Ireland. The judgement confirmed that an existing EU directive entitles fixed-term staff to the same pay and pension entitlements as comparable colleagues on permanent contracts. It also confirms their right to enjoy the same entitlements as permanent staff to sick leave, training, access to promotion and other conditions of employment. The ECJ judgment is in an important step towards enforcing workers' rights and securing a better protection for fixed term workers around Europe. Fixed term contracts can only be accepted as a way to respond to specific and temporary needs of both employers and workers, not to create second class workers who would for long periods of time be denied the benefit of stable employment.
- Judgement of the Court of Justice in Case C-300/06, Ursula Voß v Land Berlin. A lower rate of remuneration for overtime than for 'normal working hours' can constitute discrimination based on sex. Legislation that leads part-time workers to be paid less than full-time workers for the same number of hours worked, breaches the principle of equal pay where it affects a considerably higher percentage of women than men and is not objectively justified. In Germany, certain categories of civil servants can receive remuneration for overtime instead of extra leave. However, the hourly rate of pay for overtime set out is lower than the hourly rate of pay for hours worked in the course of normal working hours.
- Judgement of the Court of Justice in Case C-54/07, Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma Feryn NV. Public statements by which an employer lets it be known that it does not recruit employees of a particular ethnic origin constitute direct discrimination
- Judgement of the Court of Justice in Case C-267/06, Tadao Maruko v Versorgungsanstalt der deutschen Bühnen. A life partner of the same sex may be entitled to a survivor's pension under an occupational pension scheme. The national court must determine whether a surviving life partner is in a situation comparable to that of a spouse, who is entitled to the survivor's pension at issue
- Judgement of the Court of Justice in Case C-559/07, Commission v Greece. Differences between men and women as regards pensionable age and minimum length of service required under the Greek civil and military pensions' code are incompatible with community law. Those rules merely apply more favourable conditions to women, particularly to mothers, than to men, without remedying the problems which women encounter in the course of their professional careers.
- ECJ judgement Coleman v Attridge Law and Steve Law Case C-303/06. This concluded that an employee who is not disabled can still allege direct discrimination on grounds of disability due to his or her association with a person who is disabled. The disabled person with whom the employee is associated does not have to be an employee of the organisation to establish a claim of direct discrimination. The ECJ concluded that an employee could allege direct discrimination on grounds of disability where the employee had a child who is disabled.
- ECJ judgement Mayr Vs Backerei und Konditorei (2008) IRLR335. The claimant was dismissed when she took off work to undergo IVF treatment. On the date of dismissal, her eggs had been fertilised and embryos created, but not yet implanted within her. The European Court of Justice ruled that this was not a pregnancy dismissal within the pregnant workers Directive because Ms Mayr could not be regarded as "pregnant" at the time of dismissal. However the Court ruled that the case fell within the scope of the Equal Treatment Directive's prohibition on sex discrimination: to dismiss a woman because she is at an

advanced stage of IVF treatment constitutes sex discrimination.

iii) Gender Pay Gap

Some 50 years after the principle of equal pay for men and women was enshrined in the first European treaty, a considerable wage gap still exists between men and women. Figures from the Central Statistics Office demonstrate that women earn 86.2 percent of male hourly earnings, a clear indicator sign of the persistent inequalities in the labour market. The gender pay gap continues to be a major item on the Congress' equality agenda. The pay gap is attributable to a wide range of factors, including:

- job segregation and stereotypes;
- the general undervaluing of women's work;
- unequal division of care and unpaid work at home, between men and women;
- long hours culture for men and part-time strategies for women leading to an over representation of women in low-wage jobs with poor career prospects and lack of pension rights;
- poor work-life balance facilities, forcing women to take career breaks;
- the absence of women in decision-making and pay bargaining.

It is clear this persistent problem must be addressed in a systematic fashion by the Government, employers and trade unions.

While the National Women's Strategy clearly identifies this as a priority, it is less specific on what steps to take. For example, the Finnish Government has an Equal Pay Programme which aims to reduce the gap by five percent by 2015. It includes a range of measures that focus on: remuneration systems; wage and collective bargaining policies in general; redressing the gender imbalance in industries dominated by men or women; career development; temporary work; gender equality planning; harmonising work and family life; improved data collection and enhancing the social responsibility of businesses and organisations.

A similar level of commitment will be required if we are to address unequal pay. Congress has argued for a positive obligation on employers to promote equality including a requirement on employers to carry out and respond to regular pay audits. We have agreed with IBEC that we would use the Equal Opportunities at the level of the Enterprise Framework Committee to try and agree a joint programme of action to include:

- Business Network on Gender Pay Gap to pilot pay audits and develop plans;
- Pay Negotiation Training for managers and unions;
- Programme to Roll-Out Congress Toolkit;
- Addressing the need for Cultural Change;
- Engagement with National Women's Strategy;

To date, progress on this joint programme has been very slow and budget cutbacks at the Equality Authority have reduced the capacity to see it through.



Pre-Budget Launch

Chapter 3 – Employment Permits and ‘Regularisation’

i) Securing Gains for Domestic Workers

People employed as domestic workers in the homes of others have the same rights and entitlements as other workers. However a lack of information and monitoring, combined with the extreme difficulties in changing job that are faced by migrant domestic workers, significantly increased their vulnerability to exploitation and abuse. In *Towards 2016 Congress* negotiated a Code of Practice for *Protecting Persons Employed in Other Peoples Homes*. The Code of Practice emphasises the entitlement of domestic workers to the employment rights and protections that are available to other employees and also of the employers’ obligation to inform these employees of their rights. At its 301st Session (March 2008) the Governing Body of the International Labour Organisation (ILO) agreed to place an item on decent work for domestic workers on the agenda of the 99th Session of the International Labour conference (2010) with a view to the setting of Labour Standards. The Code negotiated by Congress has been submitted as part of the preparations for the broader ILO discussion.

ii) Migrant Workers

Over recent years Ireland has experienced one of the highest rates of inward migration of all OECD countries. Immigration and integration are issues for the long-term: 12 percent of our population is non-Irish; 16 percent of our workforce is non-Irish; 10 percent of our primary school population is non-Irish; 7 percent of our secondary schools are non-Irish and now 20 percent of our unemployed are non-Irish.

Although it is premature to draw any definite conclusions from this, the emerging picture suggests that migrants may be more adversely affected by the current downturn than Irish workers. This is further supported by the fact that EU migrants, who previously had the highest employment rate of any group, have seen the highest increase of all groups signing on, with numbers rising by over 200 percent.

This points to the need for provision of retraining for unemployed immigrants, in tandem with Irish workers. Migrants have worked and paid their taxes in Ireland and have contributed significantly to our economy. All the signs are that they will continue to be a significant presence in our workforce. Measures to avert tensions between immigrants and the Irish-born population are especially important during the recession.

iii) Confronting Racism

Congress has stressed the importance of avoiding a Lindsey Oil Refinery type scenario in Ireland. But while we strongly supported the free movement of labour, we have also been clear about the need for clearer and stronger traffic rules in the EU, which guarantee equal treatment of workers regardless of nationality and the necessity to ensure that employers fully respect collective agreements. Some are undercutting such collective agreements and Congress has sought to ensure that workers’ anger is directed at them and not at the migrant workers. We are calling for a revision of the Posting of Workers Directive and the insertion of social progress protocol in the European Treaties to counter recent adverse decisions of the European Court of Justice.

In this context, Congress has also expressed concern at the Government’s decision to cut the allocation for language support teachers in our schools.

We also view the abolition of the National Consultative Committee on Racism and Interculturalism (NCCRI) as retrograde. The Government’s National Action Plan against Racism completed its four-year mandate in January 09, with the Steering Group expressing concern that there was no strategy to build on the work it has carried out.

We have also worked on seeking to obtain paths to regularisation for undocumented migrant workers (see below), the promotion of the Integrated Workplace Strategy in partnership with the Equality Authority and with the support of the Office of the Minister for Integration, and continued the support of the migration studentship in Dublin City University.

iv) Employment Permits

Congress continues to press for improvements to Ireland's employment permit regime. The various schemes are designed to facilitate employers to fill vacancies in situations where there are no available staff in Ireland or the EU or the European Economic Area. In 2007 there were 4,870 new permits issued, but this had fallen to 3,513 in 2008. The total number of workers employed on permits, including the so called 'green card' permit in 2008 was only 13,563. It is clear then that permission to work schemes are not contributing to the overall increase in unemployment.

Given the danger of people blaming migrant workers for the problems we face it is important to state very clearly the positive role that immigration plays, something which is consistently shown in research. For example, research from Amárach shows a generally positive attitude towards recent immigration, with 54 percent saying it had on balance been good for Ireland. Some 33 percent felt immigration had been bad for the country and 13 percent believed it had made little difference.

There are only a few job categories still seeking workers, as indicated by the 2008 FAS National Skills Bulletin. Congress has pointed out to Government – with regard to permits – that it is more sensible, at this time, to make all job categories ineligible and create a new list for a small number of eligible categories that are nationally determined. In this way job categories could be added or taken off the list in future in a logical and systematic way i.e. through consultation with trade unions, while it would also allow for effective data gathering to address the actual labour market needs and not just the requirements of individual employers.

Summary of Congress Recommendations for Amending Employment Permit Rules

- Be clear that permission to work schemes are in no way a contributing factor to the overall increase in unemployment.
- From April 1 2009 make all job categories for employment permits ineligible and create a new list for a very small number of eligible categories.
- Existing workers and their spouses/dependants should be allowed to remain and renew their permits without the need for their employer to fulfill the labour market test and any increased charge must be borne by the employer.
- The permit rules should be amended to allow short time working as an alternative to

redundancy and adequate periods should be provided to allow these existing workers to seek new employment.

v) Working Students

In September 2008 Congress agreed with the Department of Enterprise Trade & Employment (DETE) a Draft Employment Permit Scheme for non EEA Students, which aimed to fulfil the commitment in *Towards 2016* (Section 24.2, Migration Policy) which provides that: *"The Government has agreed that the Employment Permits Bill will be enacted at the earliest possible date and that economic migration will ensure the following: ... that the employment of non-EEA students is subject to an application for employment permits."*

Disappointingly this scheme was never introduced and despite numerous meeting no progress was made on the related commitment to regulate and ensure the quality of language courses and programmes for education and training for international students. Congress will continue to press for the full delivery of these commitments and for improvements to the regulatory framework.

vi) Undocumented & Trafficked Workers

There are no official figures for the number of undocumented workers in Ireland. For obvious reasons precise figures are difficult to obtain but there is no benefit whatsoever to be had in denying the presence of undocumented workers in Ireland. Experience shows that unscrupulous employers exploit the situation of undocumented workers and often intimidate them into accepting less than decent treatment and unsafe working conditions. Undocumented workers are quite simply too frightened to ask for their most basic rights or even begin to think about complaining about their exploitation and abuse. Similar to the experience of undocumented Irish in the US, these workers and their families are unable to access services or travel home to see loved ones and they live in constant fear of deportation.

Some form of 'regularisation' is unavoidable if a growing underclass of workers in an irregular situation is not to be created. During the 2007-2009 period Congress campaigned for a rights' based approach in



We're investing in
the next generation

Ensuring a sustainable energy future through continued investment

Supporting Ireland's continuing economic development

Delivering a value for money service and promoting energy efficiency to all our customers

Reducing our Carbon Emissions by 30% by 2012; 50% by 2020 and becoming Net-Zero by 2035



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which undocumented workers would be guaranteed access to and protection under all employment rights law, including their trade union rights. All workers regardless of their immigration status must be able, without fear of deportation, to seek redress for breaches of their rights. We also developed and put to Government proposals for a fair and transparent regularisation scheme for undocumented workers in Ireland.

The aim of the Congress scheme is to provide a 'bridge' for workers out of their irregular situation. We won commitments as part of the *Review and Transitional Agreement* (para 14.7) for the introduction of a scheme that would address the situation of foreign workers who previously held employment permits, but had become undocumented through no fault of their own. We continue to press Government for its introduction.

In addition Congress has sought special protective measures for trafficked persons, through amendments to Immigration & Residence legislation that would recognise the particular situation of these workers. This would include providing access to legal and rehabilitative services, agreed repatriation or access to the bridging visa and work status. In addition, we submitted proposals to the Garda Policing Plan for 2008.

We outlined how mass poverty in many countries means unscrupulous employers and private agents can take advantage of people without hope or opportunity; in some cases, the treatment of migrant

workers takes on the character of a criminal operation involving a type of modern day 'debt bondage' wherein the worker owes money to a recruitment/ placement agency, a course provider or some other bogus organisation, which invariably has links to organised crime.

Workers in these circumstances often owe large sums of money - between €7,000 and €10,000 - which they are required to pay back weekly from their wages. This is effectively a forced/bonded labour situation from which people have great difficulty escaping from.

Congress also set out proposals to address the special needs of women and children trafficked for sexual exploitation purposes – this issue requires a very specific response. Recent reports have highlighted that Ireland is part of an EU-wide smuggling and trafficking in persons route and recent cases taken before the courts have led us to believe that human trafficking is a much larger issue for us than currently understood. Congress participates in the Department of Justice Anti-Trafficking working group.

Finally, the Global Solidarity Committee has formed a working group that is focused on the issues of trafficking and forced labour. It has started to gather information on the best ways for awareness raising on these issues within the Irish union movement, and on how we can link our work to the International Trade Union Confederation's plan for a global alliance against trafficking and forced labour.



Protesters on February 21.

Chapter 4 – Employment Law: The European Dimension

i) Major Gains for Agency Workers

Research has found that agency work is typically accompanied by insecurity and inferior working conditions in terms of pay, holiday entitlement, training and career development opportunities. During the period under review Congress continued to fight for better conditions for agency workers and established a campaign team with affiliated unions.

The campaign highlighted the situation of agency workers and made presentations to Oireachtas committees, where we called on Government to end the unjust situation and act to improve the situation of the thousands of agency workers in Ireland, by introducing meaningful legislation that would:

- Provide agency workers with an entitlement to equal treatment, pay and conditions with permanent staff, so that they cannot be used to drive down pay and conditions generally or to undermine equality rights;
- Restrict the amount of time that an employer can fill a post with agency staff - insecure agency work must not be allowed to replace secure employment;
- Prohibit the use of agency workers in some circumstances e.g. to replace striking workers;
- Make both the employment agency and end user employer jointly and severally liable so that workers can ensure enforcement of their rights;
- Prohibit agencies from charging the employee for any aspect of the recruitment or placement process and prohibit unfair discriminatory 'profiling' practices;
- Licence employment agencies to a Statutory Code of Practice and require them to place a 'Bond' so that funds are available to secure the payment of wages owed to agency workers;

- Require any agency operating in Ireland (no matter where they are based) to be licenced and comply with the Code;
- Make it an offence for employers to use unlicenced agencies;
- Increase sanctions on employers who ignore workers rights and improve redress for the workers concerned.

Happily, we can report that significant progress has now been made on securing these demands. Firstly the long-stalled (by the UK and Ireland) EU Directive on Temporary Agency Work was finally agreed in June 2008.

Crucially, the Directive introduces the principle of equal treatment for agency workers from day one of their assignment, with limited possibilities for derogation that must involve the social partners. This was welcomed by Congress as a major step forward by Congress. Government and business in Ireland strenuously opposed any reform in this area.

When transposed into Irish law the legislation will bring an end to discrimination against temporary agency workers and ensure they have equal treatment with permanent workers from day one - in terms of pay, maternity leave and leave entitlement. In addition, they will benefit from being informed about permanent employment opportunities in the user enterprise and have equal access to collective facilities (canteen, childcare facilities, transport service etc); along with improved access to training and childcare facilities in periods between their assignments so to increase their employability.

The agreement marked a major step forward in European social policy that can also help to strengthen social dialogue.

Progress was also made through the national negotiations on the *Towards 2016 Review and Transitional Agreement* where a number of commitments to better regulate employment agencies were secured. Most importantly, Congress secured a commitment to prohibit the use by employers of agency workers to replace striking

workers in cases of an official strike, a lockout, or where the employees are acting in compliance with a Labour Court recommendation.

The Minister for Labour Affairs has invited Congress and IBEC to discussions on the possibility of creating a national framework on agency workers within the parameters laid out in the *Towards 2016 Review and Transitional Agreement*. The intended aim of the framework is to reflect the particular circumstances of the Irish labour market. Until the framework is agreed and the requisite legislation can be enacted, the Government proposes that this prohibition will be provided, on an interim basis, in the Employment Law Compliance Bill (see Chapter 5, *The Irish Dimension*)

ii) The Viking, Laval, Ruffert & Luxembourg Rulings

On December 11, 2007 the European Court of Justice (ECJ) delivered its judgment in the Viking case. This was followed on December 18 with the Laval ruling, the Ruffert ruling in April 2008 and finally, in June 2008 the ECJ ruled on the Commission's case against Luxembourg.

The judgments are of massive importance for workers and trade unions all across Europe. They are different cases with different possible implications, but the outcomes present us with a major challenge.

The core of the problem lies with the ECJ asserting the primacy of economic freedoms over fundamental rights, national labour law and collective agreements.

The judgments have transformed the Posting Directive from an instrument that was designed to protect workers, companies and labour markets against unfair competition on wages and working conditions, into an aggressive internal market tool.

For Congress this is unacceptable and the damage must be repaired as soon as possible by EU legislators.

Congress has been actively involved in this process, taking up the issues directly and meeting with the President of the EU Commission Jose Manuel Barroso and later with the Commissioner for Employment, Social Affairs & Equal Opportunities, Vladimir Špidla and his officials.

Congress also organised two briefing sessions with the ETUC to ensure the Executive Council was kept abreast of developments.

We are active at the ETUC executive and have participated in EU level delegations calling for reforms to make employment rights 'mobility proof', by amending the Posting Directive to deliver on its original intent.

Congress campaigned for the adoption of the ETUC developed Social Progress protocol to EU Treaties, which will confirm the primary goal of the EU as being the improvement of the living and working conditions of its citizens.

The Rulings

In the **Laval** case, the ECJ significantly undermined the improvements and gains made on the Services Directive, by ruling that collective action in pursuit of equal pay for migrant workers could be regarded as an obstacle to free movement of services and therefore unlawful. Although the ECJ recognised the right to take collective action to counter social dumping, this would only be justified when minimum rights were at stake and on the basis of legal provisions or legally binding collective agreements. In the Laval case it was left somewhat unclear as to the question of when collective agreements set standards above minimum levels.

In April 2008 the court delivered its judgment in the **Rüffert** case and unfortunately confirmed the narrow interpretation of the Posting Directive set out in the Laval ruling.

In June 2008 the ECJ ruled in a case brought by the European Commission against **Luxembourg**. The court upheld the Commission's complaint on all points and found that the manner in which Luxembourg had implemented the Posting Directive was an obstacle to the free provision of cross border services. Specifically, the ECJ did not recognise Luxembourg's right to define which national public policy provisions they should apply to national and foreign service providers on an equal footing, in order to counter unfair competition on wages and working conditions.

This judgment - in conjunction with Laval and Rüffert - demonstrates that the ECJ and the Commission seem intent on limiting the capacity of member states and social partners to ensure a proper functioning of their labour markets, with regard to foreign service providers posting workers to their

territory. It confirms the ECJ's narrow interpretation of the Posting Directive - allowing only for a limited number of host country rules to apply.

These three cases challenge the scope for Ireland - acting in the general interest - to secure decent wages for all workers on its territory, to demand respect for collective agreements and to devise effective mechanisms for the monitoring and enforcement of the workers' rights provided for in the Posting Directive. These ECJ judgment not only threaten workers' rights and working conditions, but also the capacity of local (small and medium) enterprises to compete on a level playing field with foreign (sub)contractors.

This may well serve to increase hostility towards 'open borders', which are a much stronger obstacle to the development of the single market and free movement than the ECJ and some in the EU seem to be aware of.

In the **Viking** case, although there are some positive features, one worrying point stands out. The court stressed that collective action must be "proportionate" to the issue in dispute. This has created intolerable uncertainty as the courts in each member state will define "proportionality" in the context of each future case. Therefore all unions are potentially affected as virtually any case of industrial action that includes a cross border dimension can be called into question, in a context where EU labour and services markets move towards greater integration.

This uncertainty is an issue of grave concern to Congress as the ECJ in this case gave 'horizontal direct effect' to the four freedoms of the Treaty. This means that any company in a transnational dispute has the opportunity to use this judgment directly against union actions, challenging in court that actions are not justified and therefore 'disproportionate.' This has the potential to significantly impact on unions in Ireland as, unlike unions in the majority of EU states who enjoy the right to strike, we in Ireland have a limited freedom in this area and must rely on 'immunities' for protected acts. The freedom to organise lawful industrial action that is protected from injunctions and damages claims is heavily constrained in Ireland.

But can collective action still fail the as yet undefined 'disproportionate' test and if so will it continue to attract the protection of immunities? For Congress this is unacceptable and we are working with our international trade union colleagues to develop a legal strategy bring about change.

iii) Hope from the European Court of Human Rights

Recent European Court of Human Rights (ECHR) judgements mark a new era in interpreting Article 11, on Freedom of Association. Building on the Wilson judgement, the ECHR in *Demir and Baykar v Turkey* (November 2008) and *Enerji Yapi-Yoi Sen v Turkey* (2009) took important steps forward by recognising that the right to collective bargaining and the right to strike are included in the fundamental right to Freedom of Association - Article 11 of the European Charter of Fundamental Rights.

Just as freedom from slavery is regarded as a fundamental human right, it is now clear that freedom of association and collective bargaining and the right to strike are now recognised as fundamental rights by the ECHR. These decisions highlight just how out of step Ireland is in recognising the fundamental nature of trade union rights. Congress is actively considering how to make best use of these judgements, in relation to the 2007 Supreme Court judgement in the *Ryanair* case (see Chapter 5).

Congress has informed Government that Ireland must now urgently adapt its law relating to the right to take collective action in order to bring it in line with essential human rights requirements. We are also working with the ETUC strategic litigation group as the Viking case law is clearly in contradiction with the recent *Enerji* judgment of the European Court on Human Rights, which sets out the principle that it is the potential limit to the right to strike which must be assessed on a case by case basis, and not the other way round. The ETUC considers that internal market restrictions are not sufficient to offset the fundamental right of trade unions to defend workers' interests.

Furthermore, this ECHR judgment underpins our calls for the urgent adoption of a social progress protocol to be attached to the European Treaties, firmly establishing that the Treaty and especially its economic freedoms shall be interpreted as respecting fundamental human rights.

iv) Friend of the Court Function Sought for Congress

In 2007 Congress was approved by the Bar Council for Direct Professional Access (DPA) to members of the Bar of Ireland. In addition in 2008 following on from Ireland's ratification of the Revised Social Charter and Protocol on Collective Complaints, Congress secured recognition as a body to make collective complaints under the Social Charter. The European Committee of Social Rights was established under Article 25 of the European Social Charter. Its function is to assess the compliance of contracting parties with their obligations under the Charter, based on national reports. It also supervises the collective complaints procedure under the Charter.

In 2008 Congress further sought recognition for the purpose of *amicus curiae* or 'friend of the court' function. Throughout common law jurisdictions the participation of *amici* is recognised as an important tool in the administration of justice particularly in the human rights law field. The Supreme Court in *HI v Minister for Justice Equality and Law Reform* ([2003] 3 IR 197) confirmed the ability of a court to hear *amici* in cases where it appears the court might be assisted in the determination of the issues before it. In freedom of association, collective bargaining, collective action, trade union and employment cases, where the outcome of the case will have ramifications beyond the individual interests before the court, Congress should have the capacity to apply as *amicus curiae*. This is particularly important as the principles of natural justice require that a court must assure itself that it is properly informed of all relevant matters. As the national trade union centre Congress is in a better position to contextualise the facts of the case within a wider ambit, thus demonstrating the potentially far reaching impact a given judgment is likely to have.

At the time of writing Congress was awaiting a response from the Minister for Justice, Equality & Law Reform on this issue.

v) Annual Leave

On January 20, 2009 the European Court of Justice delivered a positive judgment for workers in respect of two references on the correct interpretation of the Working Time Directive. The British reference (*Stringer v HMRC* C-520/06) and the German reference (*Schultz-Hoff v Deutsche Rentenversicherung Bund* C-350/06) both dealt with the proper interpretation of the annual leave provisions in Article 7 of the Working Time Directive. Congress' standpoint is that the ECJ judgment ends any question that workers who are on sick leave continue to accrue their statutory entitlement to annual leave (i.e. 4 weeks per year + public holidays). The ruling further confirms that workers must be allowed to carry over their entitlement to paid annual leave after they return to work, even where they do not work at all due to illness during the year and there is no limit on the 'carry forward' period. This ECJ judgment will be binding on all employers in the EU. The principle of Direct Effect means that it is immediately binding on public sector employers.

Disappointingly, private sector employers are raising doubts about what their responsibilities are and are claiming to be bound by the (unlawful) minimum work requirements in the Organisation of Working Time Act 1997 (in particular those set out in Section 19 of the Act).

To counteract this and to ensure that all workers received their entitlements, Congress contacted the Minister for Labour Affairs and requested that he immediately issue guidance to employers outlining that he expects them to review the operation of their annual leave policies and sick leave policies, to ensure compliance with the ECJ's decision and further that they ensure that holiday, sickness absence and maternity/adoptive leave policies deal appropriately and clearly with workers' statutory and contractual holiday entitlements. We also asked him to introduce as a matter of urgency amending legislation to ensure that the Organisation of Working Time legislation properly respects workers entitlements in accordance with the ECJ judgments. We are continuing to follow this up with the Minister.

Chapter 5 – Employment Law: The Irish Dimension

i) Collective Bargaining

The 2007 decision of the Supreme Court in Ryanair has caused significant confusion about how Ireland can secure effective observance of the fundamental ILO Conventions to which we are party.

In light of this Congress campaigned for the introduction of legislation to raise the protection for workers exercising their trade union right. Congress called for the introduction of legislation to ensure the effective observance of Freedom of Association, the Right to Organise and Collective Bargaining, in a manner consistent with the decisions of the European Convention on Human Rights (ECHR) and our obligations arising from the relevant ILO Conventions. Specifically we are calling for legislation that will:

- Ensure that the right of all workers to Freedom of Association, the Right to Organise and Collective Bargaining is guaranteed and respected;
- Prohibit any adverse treatment, prejudicial act or any less favourable treatment arising from the exercise of these trade union rights;
- Provide for enhanced protection, that is available rapidly, and in a manner that guarantees to prevent any adverse treatment from occurring, by providing for injunctions along with dissuasive sanctions and improved redress;
- Safeguard against anti-union activity and prohibit 'interference' including the use of 'inducements' or other measures, policies, or acts calculated to induce workers not to join or to give up their trade union membership or to not exercise their trade union rights, including the right to collective bargaining;
- Provide a definition for 'collective bargaining' and 'collective agreement' and require respect for the principle of 'good faith' in the collective bargaining process;
- Set out the legal obligations on parties to participate in collective bargaining and the facilities and arrangements to be put in place to ensure 'good faith' in the collective bargaining process;

- Establish the parties to collective bargaining, in line with ILO definitions and put in place safeguards against the use of non-union representatives to undermine the position of trade unions;
- Set out the institutional machinery to facilitate negotiations and the settlement of disputes;
- Clarify the legal effect of collective bargaining agreements and the extension of collective agreements;
- Re-establish fair employment rules.

The 2007 Executive Council Report made reference to the Supreme Court judgement in the Ryanair case. Congress holds that this judgement rendered the provisions of the Industrial Relations Amendment Act (2001) and the Industrial Relations (Miscellaneous Provisions) Act (2004) largely inoperable. This legislation had been put in place in order to provide balance in our largely voluntary system of industrial relations and to ensure that in employments where unions had members, but where the employer was not prepared to engage in collective bargaining, unions could progress claims through the state's industrial relations machinery. In the negotiations leading to the conclusion of *Towards 2016: Review & Transitional Agreement* a significant amount of time was spent seeking to establish a basis for restoring the credibility of the arrangements that had been developed. The agreement was ratified by Congress in November 2008 and provides that:

- A review process will be put in place that will consider the legal and other steps required to enable the mechanisms established under previous agreements to operate as they had been intended, and
- That Government will bring forward legislative proposals to prohibit victimisation, including dismissal and incentivisation, and to provide effective protection and means of redress to employees when engaged in the proper and legitimate exercise of their rights to trade union membership, or activity on behalf of a trade union.

At the time of writing arrangements for the implementation of these commitments was under discussion.

ii) Employment Orders & Wage Determination

The period under review saw a number of attacks on our industrial relations and wage determination systems.

Hoteliers Challenge ERO

In September 2007, the Irish Hotels Federation (IHF) challenged an Employment Regulation Order (ERO) made in respect of hotel workers. In November the High Court granted them leave to bring Judicial Review Proceedings against the Hotels Joint Labour Committee (JLC), the Labour Court, Ireland and the Attorney General.

This was no less than a constitutional challenge to the entire JLC system. Had it been successful, many already low paid workers would have seen their wages cut to minimum wage level. Indeed, the granting of the order by the High Court had the effect of denying a wage increase to many thousands of hotel workers. Had the judicial review succeeded it would have had adverse implications for Registered Employment Agreements. The challenge was mounted despite the fact that that Congress and IBEC had all but concluded a review and modernisation of the JLC system, which had resolved many of the anomalies the hoteliers had previously complained about. The case was withdrawn after the ERO was set aside and costs awarded to the IHF. However it remains open to any employer to constitutionally challenge any ERO at any time in future.

Challenge to the Registered Employment Agreement (REA)

In 2008, the self-styled 'National Electrical Contractors of Ireland' applied to the Labour Court seeking the cancellation of the Registered Employment Agreement for the Electrical Contracting Industry. The applicants relied on section 29(2) of the Industrial Relations Act 1946 which reads as follows:

(2) The Court may cancel the registration of an employment agreement if satisfied that there has been such substantial change in the circumstances of the trade or business to which it relates since the registration of the agreement that it is undesirable to maintain registration.

Labour Court hearings were held during January and February 2009. The parties to the agreement - the TEEU, the Electrical Contractors Association and

the Association of Electrical Contractors (Ireland) - opposed the application. The Labour Court came to the view that the changes in the electrical contracting industry since registration of the REA have not made it undesirable to maintain its registration. However, Congress was concerned that the claimants to the Labour Court might challenge the findings through the Civil Courts.

Congress therefore made the JLC and the Electrical REA priorities in the negotiations on *Towards 2016 Review & Transitional Agreement 2008-2009*. The following was agreed in clause 10(2) of the new agreement

- The introduction of legislation to strengthen the existing system for the making of both EROs and REAs and to provide for their continued effective operation; and
- Measures to provide for improved operational procedures to include the nomination of chairmen for JLCs, following consultation with the Social Partners, for a fixed term of office and the continued enhancement of expertise and competencies through the practice of nominating chairmen on the basis of their experience and qualifications for the role.

iii) Employment Law Compliance Bill & the National Employment Rights' Authority

Employment Law Compliance Bill

In March 2008 Congress welcomed the publication of the Employment Law Compliance Bill. This is the second in the suite of employment rights and compliance measures secured by Congress during the negotiations on *Towards 2016*. Congress considered that the provisions go a long way towards achieving delivery of the commitments contained in the agreement. When enacted, the Bill will modernise the labour Inspectorate by establishing the National Employment Rights Authority (NERA) on a legislative basis, strengthen the inspection and enforcement powers of NERA, including the power to issue 'compliance notices' and the ability to prosecute summary offences.

The Bill strengthens the obligations on employers as regards statutory record keeping. It introduces 'whistleblower' protection for employees who report breaches of employment law and

protects them from penalisation when claiming their employment rights. The Bill also increases the penalties for breaches of employment law; up to €5,000 and/or 12 months imprisonment for summary offences and up to €250,000 and or three years imprisonment for indictable offences along with allowing the use of 'name and shame' provisions.

In May 2008 Congress sought a number of amendments to improve the operation of the Bill and we succeeded in securing a number. Disappointingly some employer bodies campaigned vigorously against the Bill's provisions and have succeeded in delaying its enactment. At the time of writing the Bill was only at second stage in the legislative process. This is of particular concern as it is important to recall the backdrop against which NERA came about: it is a joint commitment of a national social partner agreement where all parties agreed on the need to strengthen resources to ensure that all workers were receiving their correct entitlements, in the aftermath of a number of high profile instances where serious breaches of employees' rights occurred. Congress remains determined to see the Bill fully enacted.

Nonetheless, NERA is having an impact and Government did deliver on the commitment to substantially increase the number of inspectors from 50 at the end of 2007 to 80 in 2008, although this is still 10 short of the promised 90 inspectors.

They are achieving important results. A summary examination of the inspections shows in some sectors non compliance among those inspected was greater than 60% (Catering, Contract Cleaning) while in other sectors the breaches were greater than 50% (Agriculture, Hotels, Security). In 2008, NERA's inspectors carried out a total of 27,900 calls, interviews and inspections. This is an increase of 96% on 2007. They detected 4,629 breaches of employment law in 2008, compared to 234 in 2007. Arrears totaling €3,112,064 were recovered.

An Interim Advisory Board for NERA was appointed in 2008, under the chairmanship of Mr. John Dennehy and with representation from trade unions and employer representatives. The Congress representatives are Patricia King (SIPTU), Linda Tanham (Mandate) and Owen Wills (TEEU). Following enactment of the Bill the Advisory Board will be established on a statutory footing.

Memorandum of Understanding

The ratification of *Towards 2016* demonstrated a significant shared commitment to securing better compliance with employment rights legislation. It has an overall objective of increasing public confidence in the system of compliance on the basis of increased enforcement and an informed and empowered working population that had been provided with a simple and workable means of redress.

To achieve this the agreement provided for greater co-ordination between organisations concerned with employment rights compliance, with a view to realising the considerable potential for synergy that exists. The agreement states:

"It is intended that [NERA] will develop an ongoing structured dialogue with all parties to this agreement, so that, building on close co-operation, a comprehensive and responsive system of compliance and enforcement can be developed. It will be open to the parties to this agreement to provide for this dialogue in memoranda of understanding to be agreed bilaterally with the existing Inspectorate and, subsequently, the new Office."

In September 2008 Congress concluded a Memorandum of Understanding (MOU) with NERA that formally sets out the relationship between that body and Congress, along with the arrangements that will operate in relation to trade unions and NERA in the future. This is in order to secure the greatest possible level of compliance with Employment Rights legislation.

The MOU sets out the practical measures that will give effect to the general aim of the ELCB which provides that employers and employees/unions will endeavour to "resolve at workplace level, in accordance with any arrangements in place for resolution of disputes or differences between them, any disputes or differences relating to the application of any employment legislation." The MOU is in place for a period of three years and is capable of renewal. The MOU is set out in a format that addresses the three NERA service areas of;

- Information, Promotion & Education on Employment Rights including information on trade union rights, the functions of unions and the details of the central contact point;
- Inspection
- Prosecution & Enforcement

Under its terms, NERA agreed to inform employees seeking information that they may;

- Ask their employer to rectify the matter
- Be assisted by a trade union and be provided with the central trade union contact details
- Take their case, either directly or with the assistance of their trade union or other representative, to a Rights Commissioner as the primary point of contact with the adjudication process.
- Refer the matter to the NERA Inspectorate for investigation in line with their powers under the Act.

NERA will also work closely with Congress in developing information, education and promotion campaigns and programmes in order to bring the knowledge and networks of Congress to bear on the design and delivery of these programmes.

Other parts of the MOU will become operational on foot of the enactment of the Employment Law Compliance Bill.

iv) Stress & Bullying

The number of High Court personal injury actions arising from stress in the workplace has increased. Recent landmark cases have highlighted the circumstances in which workplace stress may give rise to a personal injuries action against the employer. Central issues are, whether:

1) the injury (sickness due to stress) was reasonably foreseeable and attributable to work. 'Foreseeability' depends upon what the employer knows (or ought reasonably to know) about the individual employee.

2) the employer is entitled to take what he is told by his employee (including the employee's doctor) at face value unless there is good reason to think to the contrary.

3) the indications of impending harm to health arising from stress at work must be plain enough for any reasonable employer to realise that he should do something about.

In *Murtagh vs Minister for Defence, High Court [2008] IEHC 292* the Court found that a failure to diagnose and take remedial action constituted a breach of duty and made an award of €305,000

In *Berber v Dunnes Stores, Supreme Court, [12/02/2009]* the Supreme Court overturned the favourable decision of the High Court and found that the injury was not foreseeable. Some of the points made by the Supreme Court may have wider implications. Congress is examining the possibility of establishing a trade union led Commission on Stress & Bullying to address the decent work deficits caused by stress and bullying at work.

Dealing with Redundancy

The volume of redundancies has increased substantially since 2008. To ensure that affiliates were up to date on legal, tax and social welfare developments relating to redundancy, Congress organised a comprehensive briefing session for affiliates on the *Law & Redundancy*, in April 2009, involving a number of expert participants.



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Section 4

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Chapter One – Finance and Congress Committees

i) Financial Overview

The 2007 Biennial Delegate Conference passed a constitutional amendment to change the structure of the affiliation fees paid by unions to Congress. The change was introduced following a detailed financial review of Congress by the General Purposes Committee (GPC), which identified the precarious nature of the organisation's finances as an issue that had to be resolved.

The new arrangement for affiliation fees came into effect in January 2008, leading to an increase in the income to Congress of over €500,000. The additional income provided the resources to establish a reserve fund, a campaign fund and to re-affiliate to the International Trade Union Confederation (ITUC).

The affiliate funding has provided Congress with the means to increase its activities, particularly in the area of research, communications, campaigning and public awareness: for example, a provision of €150,000 was made available to part-fund the media advertising and information materials for the highly successful *Better, Fairer Way Campaign* and day of protest, on February 21, 2009. The enhanced funding put Congress in a position where, for the first time, it was possible to plan and undertake activities proactively without having to wait and see if or how funds could be raised to cover costs.

The affiliation fee increase was designed to provide long-term financial stability to Congress. However, what could not have been foreseen at the time was the undermining effect the global banking and economic crises and the domestic fiscal crisis, which emerged during 2008, would have on the financial position of Congress. Two significant problems emerged during the last year: the deterioration in the position of the staff superannuation scheme, which led to a sharp increase in the net deficit position of the scheme, and the reduction or withdrawal of funding provided from statutory sources for core trade union activities.

Included in the Government cutbacks was funding for work on the equality agenda, in education and training activities and for initiatives with unemployed people and marginalised groups. The impact of the cuts is far-reaching, particularly on trade union development and capacity building work and on the activities of the Congress Centres' Network (CCN), in the provision of essential advisory services. This matter will be reported on in greater detail at Biennial Conference.

Affiliations

The number of members affiliated to Congress rose to 843,995 at the beginning of this year, an increase of 9,544 over 2008. The total number of members in Northern Ireland is 231,319 (down 1,097 members from 2008) and in the Republic of Ireland the total reached 612,676 (up 10,641 from 602,035 in 2008). Although the overall total showed a decent improvement, there are significant variations in the figures with large losses experienced among most of the construction sector unions and significant gains in the service sector, such as retail, and in the public services.

The total female membership was 417,510 in 2009: 294,324 in the Republic of Ireland (up by 16,393 in the year) and 123,186 in Northern Ireland (up 4,045). The proportion of female members has reached its highest ever level at 49 percent of total membership. The proportion of female members in ROI now stands at 48 percent, whilst in NI, females make up the majority of members, at 53 percent.

ii) Women's Committee

The Women's Committee is one of the longest standing formal committees of Congress and continues to provide an opportunity for women in the movement to meet and discuss issues that pertain to gender equality. The committee was reconstituted in 2008 and the following were elected Officers

- Clare Treacy (INO), Chairperson;
- Carol O'Brien (Unite), Vice Chair;
- Maire Mulcahy (ASTI), Secretary.

The major initiatives during the period were the organisation of a very successful conference in March 2008 and a Seminar in March 2009. The theme for the conference was *Women & Leadership* and included inputs from Jo Morris of the TUC and Catherine Byrne of the Congress LIFT project. The conference also debated and passed 17 motions, on diverse issues, including: solidarity with women in Palestine, same sex civil partnerships, parental leave and the gender pay gap. The conference also marked the centenary of International Women's Day and heard an international perspective from Ambassador Ramaidi, Lesotho Embassy; Mr. Yahya Msangi of the Tanzania Plantation & Agricultural Workers Union (TPAWU); Cateleene Passchier of the ETUC; Kristin Blom of ITUC Campaigns and also from Grainne Healy, Marriage Equality and Therese Moriarty (SIPTU). The closing address was delivered by Congress President Patricia McKeown.

The theme for the Women's Seminar was *Women and the Recession* and included a range of inputs from speakers highlighting the probable impact of the recession on women workers.

The committee held a number of planning sessions during the period, including a joint north-south Women's Committee session, in September 2007. The main purpose of the meeting was to help build relations between both committees. It also gave members an opportunity to discuss issues facing women in trade unions and society more generally. There were presentations from David Joyce and President Patricia McKeown, outlining the structures of Congress and the role of the Women's Committee within this. Patricia assured her support for the committee over her period as President and encouraged the committee to make demands of her. Among the issues discussed were the challenges of working with the women on the Executive Council

and on the General Purposes Committee, in particular how best to ensure the voice of both committees is heard.

The committee subsequently held a planning day in November 2008 where members identified a range of issues to address, possible actions and desirable outcomes. These included: Older Workers, Agency Workers and Outsourcing, Strategic Communications for the committee and the Engagement of Women in Unions. The meeting ended with inspirational address by former Women's Committee Chairperson, Gaye Cunningham.

Some members took part in the LIFT Strand II programme on Leadership and provided regular feedback to the Women's Committee. Many others participated in LIFT Network events and the committee is working to ensure that such events can be mainstreamed into their overall work programme.

The committee has also taken a very strong interest in the implementation of the National Women's Strategy and heard a very informative presentation on the subject from Pauline Moreau of the Department of Justice, Equality & Law Reform at its June 2007 meeting. The strategy outlines 20 key objectives and over 200 actions to address all aspects of women's lives. There are three broad themes under the strategy:

- Equalising socio economic opportunity for women
- Ensuring the wellbeing of women
- Engaging women as equal and active citizens

Subsequently, Clare Treacy and David Joyce were nominated to represent Congress on the National Women's Strategy Monitoring Committee, chaired by Junior Minister John Moloney. The committee has met on three occasions and Congress has sought alliances with other key members of that group (National Women's Council and IBEC) to seek real progress in its implementation. Unfortunately it seems that the resources set aside have fallen victim to spending cuts and the future of the strategy is unclear.

iii) Disability Committee

The Congress Disability Committee meets five times a year and its agenda focuses on advising on disability policy and the representation of disability issues at the national level. This includes regular debates on employment and trade union policy for people with disabilities. It aims to achieve equality of opportunity for those at work and for those wishing to enter the labour market. The employment rate for people with disabilities remained stagnant over times of economic boom and it is important that disability issues are kept to the fore at a time of economic uncertainty.

The Disability Committee held its first Joint Disability Seminar in November 2007 in Dublin, and a second seminar was held in November 2008, in Derry. Speakers from the following organisations were represented at the events: Gerry Mulligan from the Office of the First Minister /Deputy First Minister; Gerard Quinn NUI Galway; Kevin Doherty Disability Action; Ann Marie Houston RNIB; Dave Parr TUC; Pauline Ryder AHEAD, Angela Kerins NDA and speakers from the Equality Authority and the Equality Commission. The themes for the two events were the employment of people with disabilities and accessibility of workplaces.

The committee is represented on the Department of Enterprise, Trade & Employment Consultative Forum for the Employment Strategy for People with Disabilities. This forum advises the Department on the implementation of an employment strategy for people with disabilities and is concerned with actively increasing the number of people with disabilities in the labour market. The committee was also involved in the steering groups for three pieces of research commissioned by Enterprise Trade & Employment on job retention for people with acquired disability, supported employment and the wage subsidy scheme.

The committee is represented on the board of the National Disability Authority (NDA) by David Joyce. The committee was also involved in a consultative group with the NDA on the introduction of the survey to measure the number of people employed in the public sector.

The committee has supported the Disability Champions project (see below) since it was launched in July 2007 and receives regular updates on the project and also acts in an advisory capacity to the project co-ordinator Jane Clare. This project was

initiated by the Disability Committee in 2007 and currently there are 90 trained champions in Ireland.

With regard to sheltered workshops the committee has identified the area of sheltered workshops and employment as a priority area of action, and requested that the Equality Authority carry out an inquiry under Section 58 of the Employment Equality Acts 1998 and 2004, into the discriminatory treatment of people with intellectual disabilities working in sheltered workshops. Given cutbacks to the Authority's budget, it remains to be seen if that inquiry will be completed.

The committee has also raised concern about budget cuts in the area of disability, specifically the deferring of the Educational for Persons with Special Needs Act and the Carers Strategy, along with the postponement of the establishment of an advocacy service for people with disabilities.

The committee is also represented on the National Disability Strategy Stakeholders Monitoring Group, the Congress Equality Committee, the Equality Rights Alliance, the FAS Advisory Committee on Disability and Social Inclusion, and the Department of Environment Advisory Group on the Development of a Housing Strategy for People with Disabilities.

Disability Champions Project

The Disability Champions at Work project is concerned with raising awareness of disability across the trade union movement, to increase participation rates in unions for people with disabilities and to improve the ability of individual unions to represent and negotiate for members. It is also aimed at increasing the accessibility of workplaces and of unions themselves. The overall aim of the project is to lobby for policy change and to create an atmosphere of inclusion throughout the trade union movement. The Disability Champions at Work originated in the UK in 2002 through an AMICUS project and the TUC then mainstreamed it throughout the UK. Disability Champions was introduced for the first time in Ireland in July 2007 and is currently in its second round of funding from FAS.

There are currently over 1,000 trained Disability Champions between the UK and Ireland, and the project is continuing to grow in popularity. To date, there are 90 trained Champions in Ireland, with eight training courses completed. The first course in Belfast in 2008 was the largest ever Disability Champions course in the history of the project with

20 champions. The champions training attracted trade union representatives who have experience in the area of disability in the workplace and also people with a more limited experience of disability issues in the workplace. The training includes modules on:

- Reasonable accommodation in the workplace
- Legislation and policy
- Accessibility in the workplace
- Assistive technology
- Advocacy and models of disability
- Awareness training
- Best practice for workplace policy

In addition to the growing numbers of trained Disability Champions there have been a number of outcomes as a result of people undertaking the training. Some of these include:

- Report on disability in Ireland
- Training courses on disability awareness for union members
- Presentations on the project
- Written articles
- Review of disability policies
- Developing disability forums
- Recruitment of new members
- Promotion of the project in workplaces and within the union
- Representing people on the disability ground
- Setting up disability committees
- Unions adopting a code of practice on the employment of people with disabilities

In addition a number of other events have taken place, including a seminar on mental health advocacy in the workplace and a Disability Champions Summer School and graduation. An action pack for disability in the workplace has also been produced as a support for the Disability Champions

The Disability Champions project has not only supplied the trade union movement and the labour market with the knowledge and skills to better represent people, but also with the opportunity to introduce or improve on disability policies and to create an active awareness of accessibility and discrimination in the workplace.

iv) Retired Workers Committee

The Retired Workers Committee is made up of delegates from the following unions, who are affiliated to Congress: AHCPs; ASTI; CPSU; CWU; GSU; IFUT; Impact; INO; INTO; Mandate; NUJ; SIPTU, TSSA; TUI; Unite-ATGWU; Unite-Amicus.

The committee meets three times yearly and its General Purposes Committee meets monthly.

The main activities undertaken in the period under review were the preparation of pre Budget Submissions for 2008 and 2009. The Committee also made a submission on the Green Paper on Pensions. As part of the preparation for this submission it organised a Pensions Seminar which was addressed by, amongst others, Professor Gerry Hughes of Trinity College.

A Joint Seminar was organised with the Retired Workers Committee of Northern Ireland. The Seminar was opened by Peter Bunting, Congress Assistant General Secretary. Seamus Lynch of Help the Aged spoke *on Issues Affecting Older People on the Island of Ireland* and Quentin Oliver, Director of Stratagem Public Affairs & Government Relations, spoke on *Developing Strategies for Influencing Political Change*. Margaret Galloway and Paddy Donegan, Chairs of the Northern and Southern Committees respectively, chaired the sessions and the feedback from the discussion group.

The committee is affiliated to the Irish Senior Citizens Parliament (ISCP), the largest older persons' organisation in Ireland and members of the committee are officers of the Executive of the ISCP. The Retired Workers Committee was the driving force behind the organisation of the Parliament in 1996. The Parliament organised a protest rally against the withdrawal of the universal right to a medical card for those aged 70 and over. Thousands attended the rally. The medical card has been partially restored and the Parliament is continuing its campaign for full restoration.

The committee is also affiliated to FERPA, the organisation for retired workers in the ETUC. Jim Keegan of the Guinness Staff Union represents us on the Executive Committee of FERPA. The main issues dealt with by the Executive Committee of FERPA on behalf of older people at European Union level were:

- A survey was carried out and a report was issued on the purchasing power of pensions in European countries and pension provision and poverty amongst older women in Europe;
- A report was also published on a new social deal
- Rights for retired and older people.

Other issues dealt with by the Committee in the period under review, included

- Waiting lists for hospital care;
- Home care package;
- Transport in rural Ireland;
- Housing;
- Fuel poverty;
- *Towards 2016*;
- Green Paper on Pensions;
- Quality of Public Services;
- Background to the Economy.

Facilities for the Retired Workers Committee

Assistant General Secretary, Sally Anne Kinahan indicated that Congress would provide a number of facilities to assist the work of the committee, including the appointment of a co-ordinator. Michael O'Halloran was subsequently appointed as co-ordinator. The other proposals by Congress to support the work of the Committee will be implemented in 2009/2010.

Jack Larkin Jones

It was with deep regret that the Committee learned of the death of Jack Jones, former General Secretary of the AT&GWU. Jack was a champion of the underprivileged in the UK and on his retirement helped establish the Retired Workers Section of his union and also helped shape the National Pensioners Convention into one of the most influential pensioners' organisations in the UK. He was the most senior trade unionist to give his time and commitment to the cause of pensioners in his retirement. Pensioners have lost a champion that will not be easy to replace. We in the Retired Workers' Committee were privileged to have shared a platform with Jack and to have collaborated on many issues affecting pensioners across the island of Ireland. May he rest in peace.

Jack Larkin Jones

Conor Farrell has left from Congress to take up a new position. Conor was the Congress officer who provided services for the committee which greatly assisted its work. The committee is deeply appreciative of the work carried out by Conor and wish him well in his new role. We look forward to working with his replacement.

(v) Youth Committee

The Committee held an Autumn School in September 2008, attended by 50 delegates. The theme of the training was the challenge presented by the *Globalised Labour Market*, particularly in the context of the current downturn. Through the training, there was also a focus on developing skills, leadership, advocacy and workplace participation for young people. The training was held over a weekend in Mullingar, and there were speakers from Youthreach, INO and the Youth Committee. This event was attended by members and non members of the Youth Committee.

Youth Rights Card

Due to the popularity and accessibility of the Youth Rights Card, it was re-issued and updated in 2008 to take into account recent changes in legislation regarding carers, the increase in the minimum wage and the addition of new agencies. The Youth Rights Card continues to be in demand from youth organisations, schools and employment services.



Campaigns

The Congress Youth Committee was involved in the organising and campaigning with the Dublin Trades Council in the Campaign for a Decent Health Service which held two protest marches in Dublin. The Youth committee was also involved in the Congress Day of Action and ERA campaign (Equality Rights Alliance)

ETUC

The ETUC Youth Committee organised a number of events in 2008/09 including a Study Session on Demographic Challenges from September 8-14, 2008, in Strasbourg and a conference on Young People & Organising from February 26-28, 2009, in Cyprus. The Congress Youth Committee was represented at both events. In Strasbourg, an official presented the European Commission's Green Paper on confronting demographic change and participants identified issues specific to individual countries. In Cyprus, a report was presented on the subject of youth representation in trade unions and there was discussion on ways of encouraging young people to join.

FAS Opportunities 2008

The Committee attended the Opportunities 2008 Conference, where Committee members handed out the Youth Rights Card to over 10,000 school students over a four day period. The Committee also attended Dail Na N-Og in February 2008

NIC ICTU Youth Committee

Since the last conference the Youth Committee has built itself into a vibrant part of the ICTU and has been involved in addressing a number of issues facing young people in Northern Ireland.

The NIC ICTU Youth Committee has been involved in a range of events over the past year including:

- Running workshops in a number of secondary schools to provide advice and information to school leavers
- Working with Trademark and other ICTU organisations to run education and training seminars for young trade unionists
- Working to raise the profile of the Youth Committee through designing t-shirts and other resources, which were present at the May Day events in both Belfast and Dublin.
- The Youth Committee has designed and printed leaflets on the economic crisis and on why young people should organise into unions. These were distributed in Belfast city centre.
- In 2008 the Youth Committee took part in a

training with Trademark and developed a three year strategy for building and strengthening the Committee.

The Congress Youth Committee welcomes the introduction of the SWAY and the Union Connect project (full report later in this section) and fully supports this initiative. The Youth Committee sees the recruitment and education of young workers and trade unionists as being of the utmost importance. In the coming year, the Youth Committee intends to develop its campaigns into wider areas that affect young people including the need for increased public housing. To continue to build on the work already done the committee needs all affiliates to encourage delegates to take part in the Youth Committee.



General Secretary David Begg

Construction Industry Committee (CIC)

At the Biennial General Meeting of the CIC (December 2007) Tommy White (TEEU) was elected Chairperson, Noel Dowling (SIPTU) was elected vice Chair and Denis Farrell (BATU) was elected Secretary. The other members of the committee are

Peter Kenny	Unite – ATGWU
Richard Hurley	NUSMWI
Niall Irwin	OPATSI
Eric Fleming	SIPTU
Charlie Prizeman	TEEU
Jim Moore	UCATT
Patrick Coughan	SIPTU – INPDTG
Brian Gormley	Unite
Michael Whelan	SIPTU

The CIC nominates representatives onto the following bodies:

The Construction Operatives Pension Scheme
The Construction Industry Monitoring Agency
Construction Training Committee, FAS
The Construction Workers Health Trust
The Construction Workers Benevolent Fund
The Joint Safety Council for the Construction

The main activity of the CIC involves negotiating on behalf of workers at the National Joint Industrial Council (NJIC). The issues can include pay and conditions, pensions, health and safety and apprenticeship and training. The main issues dealt with in the period under review were pay, unemployment and bogus self-employment.

Pay

The Construction Industry Federation (CIF) rejected the terms of the *Towards 2016 Review and Transitional Agreement* and demanded a 10 percent wage cut for construction workers. The CIC processed this matter through the Registered Employment Agreement disputes procedure and the Labour Court issued its recommendation in March 2009.

The Court recommended as follows

'It is agreed by the parties that there can be no doubting the current recessionary state of the industry..... During the years before 2008, when property prices and employment levels were at all -time record levels, there was considerable competition in the market for labour, which was partly supplied from other countries because of the skill shortages in Ireland. During that period, the REA rates tended to operate as a floor rather than a ceiling. This is borne out by the CSO quarterly statistics on average earnings and hours worked which reveal that in early 2008, the hourly rate for skilled workers in the construction industry stood at €21.28 per hour for an average 43.3-hour week, compared with the REA craft rate which was €18.60 per hour. The figure supplied to the Court for the whole of 2008, when rates had begun to drop, was €20.91 per hour. This was still 12.4% above the REA rate.

For unskilled workers, the average hourly figure in the first quarter of 2008 peaked at €17.99 over 46.1 hours, vis-à-vis rates between €14.88 and €18.04 provided for in the REA, but averaging, according to the C.I.F., about €16.00 per hour. For the whole of 2008, the C.I.F. put forward the view that the hourly rate averaged €17.80 per hour. This again is some 11.25% above the REA rate.

As the industry contracts and pay rates drop, as both sides agree they are doing, (and this is borne out by the CSO figures) they will, logically, bottom out at or near the REA rates (which can only be varied by agreement). Given the amount by which the market will naturally reduce the rates, the Court does not feel that a further reduction, as claimed by the C.I.F., is justified nor would it necessarily, of itself, create or maintain employment in the industry. The Court does not therefore recommend concession of the CIF's claim.

Discussions on the 3.5% increase due under the current phase of Towards 2016 have been perfunctory, largely obfuscated by the demand from the employers' side for a 10% deduction in pay.

The Court has noted, in the course of the hearing, a willingness on the part of both sides to engage in further discussions with a view to revisiting the increase of 3.5%. In this context, the Court reminds the parties that the Court has for many years, by the joint will of the Social Partners, been the guardian of successive National Agreements. Quite a number of Companies have already paid the terms and neither the Employer Organizations nor the Government have abandoned the Agreement despite expressing an economic inability to pay the terms due on time.

Given all of the above, the Court recommends that the parties re-engage meaningfully, as a matter of urgency, with a view to reaching an accommodation regarding the terms of the Agreement. As implementation of the terms has already been delayed by some nine months, the Court is of the view that this engagement, which would be most appropriately entered into at the Joint Industrial Council for the industry, should conclude within one month, at which stage, failing agreement, the parties may revert to the Court for a definitive Recommendation on this part of the claim.

The CIC accepted this recommendation but at time of writing the Construction Industry Federation have made no decision.

Unemployment

The major problem facing construction workers has been the collapse of employment. The CIC endeavoured to reach an agreement with the CIF on a central agreement for dealing with lay-offs. When no progress was made at NJIC level there were a number of lay-off disputes in individual companies processed through the Labour Relations Commission and the Construction Industry Disputes Tribunal. The CIC has called for the full implementation of the National Development Plan infrastructural programme in order to secure jobs

Bogus Self-employment

The CIC was happy to note the progress made by in the Hidden Economy Group towards tackling bogus self employment, though stricter application of Revenue rules and the re-designed RCT1 form



Peter Sands, Retired Workers
Committee

Chapter Two – Congress Networks

i) Strategic Implementation Committee

The work of the Strategic Implementation Committee (SIC) focused on a number of key priorities, over the past two years. These included:

- Overseeing the implementation of the **equality audit** within unions, as per Motion 34 at BDC 2005. This involved a complete revamp of the audit questionnaire and its piloting in a number of unions before dissemination to all unions North and South. The returns are currently being analysed and the report will provide us with a very useful snapshot of equality within trade unions on the island and a benchmark for measuring future progress.
- The Committee co-hosted a very successful lunchtime event on the importance of **workplace equality** around the globe at BDC 2007. This saw inputs from some of the authors of the equality briefing papers, Niall Crowley (then CEO of the Equality Authority) and Claude Akpokavie (ACTRAV ILO). The final papers are to be launched at BDC 2009.
- Keeping an eye on significant equality cases emerging from the Equality Tribunal and the Labour Court, as well as sharing information on such cases unions have been involved in. The Committee also feed into the Equality Tribunal Users Forum through the Equality Officer of Congress.
- Organising and attending events during European Year of Equal Opportunities for All (2007) and participating in European legacy activities planned by Congress: primarily, the Equality Champions training and subsequent seminars held in 2009.
- Advising on the equality agenda of Congress for participation in partnership committees, pre-Budget submissions, bilateral meetings with various government departments during the *Towards 2016* review.
- A subgroup of the SIC helped to organise (in conjunction with the Gay and Lesbian Equality Network, GLEN) a very successful LGBT seminar in the summer of 2008. Attended by about 60 people, it heard from various unions on their own LGBT initiatives and the personal experience of a transsexual person in the workplace. The meeting also reflected on the usefulness of the 10 point plan emerging from a joint ETUC/ILGA project which encouraged unions across the EU to make LGBT issues part of their equality agenda.
- Liaising with the National Consultative Committee on Racism and Interculturalism (NCCRI) on the decision of the European Commission to designate 2008 as European Year of Intercultural Dialogue. This provided a unique opportunity to focus on the challenges of living and working in a more diverse Ireland and unions were an integral part of the year. Ironically, the government took the decision to abolish the NCCRI during 2008 – a decision much criticised by Congress and affiliates.
- Participating in a consultation meeting with the Equality Authority on their Strategic Plan. Key issues raised by members at meeting included the need for adequate resources for the equality infrastructure, importance of implementing *Towards 2016* commitment to an expenditure review and the need to formalise the working relationships and means of communication with Congress into the Strategic Plan.

The Committee has been at the forefront of Congress' response to the recent attacks on our equality infrastructure. The initial proposal to amalgamate 5 bodies followed by the disproportionate budget cuts and accelerated decentralisation of the Equality Authority were areas of much concern to the Committee and many members have been actively involved in the subsequent Equality and Rights Alliance as well as organising a briefing from ERA to the Committee. They also invited Mr Niall Crowley to present his views on the future for equality after his resignation, in December 2008.

(ii) Trades Councils

In the period under review Fergus Whelan acted as Trade Councils' coordinator and Eric Fleming continued to represent them on the Congress Executive Council.

Local councils continued their activity according to the work programme agreed in 2006. Priority areas included:

- Trade Union organisation
- Protection of workers rights
- Tackling racism
- Protection of public services
- Working with Congress centres

Congress organised the 2007 National Trades Council Seminar from March 30 – Sunday April 1 in Bray, Co Wicklow. The seminar was held to coincide with the 90th anniversary of the Bray Council of Trade Unions. Delegates discussed the Trades Council Action Plan, enjoyed a visit to Glencree Reconciliation Centre and a presentation on 'Workers Memorials in Ireland' by Mr Francis Devine. A presentation entitled 'Using Sport to Combat Racism' was given by Mr Ken McHugh, from Sport Against Racism in Ireland (SARI). An address on Migrant Workers' Rights was given by Mr Tony Whelan and André Lunen. Mr Ross Connolly delivered a colourful paper entitled '90 Years of Trade Unions in Bray'. Twenty two participants took part in the event. The participation by northern delegates was adversely affected by the decision of the Northern councils to hold a protest rally on March 31, 2007.

(iii) Congress Centres Network

The Congress Centres Network (CCN) currently has 25 constituent Centres located in: Athlone, Athy, Ballina, Belfast, Bray, Caherciveen, Castlebar, Cork, Drogheda, Dublin 12, Dundalk, Dungarvan, Ennis, Fingal, Galway, Killarney, Kilkenny, Leixlip, Letterkenny, Limerick, Longford, Manorhamilton, Mullingar, Newbridge, and Tralee.

The Network was formerly served by four full-time staff based in Congress House in Dublin: Programme Manager, a Training & Development Coordinator, a Policy Officer and an Administrator up until January 2009.

Kathleen McCann served as Programme Manager from March 2005 to January 2009, after which funding for the post was no longer available. Louisa Gavin served as the Network Administrator from February 2005, before moving to another post in Congress in September 2007. She was replaced by Fiona Elward.

Policy Officer Conor Farrell Policy took up a position with another organisation in December 2008. After Mick Corrigan, the Network's Training & Development Coordinator, left the post in April 2007 it remained vacant for almost a year. It was eventually filled in March 2008 by Anne Casey, who later left to take up another position in Congress. Sylvia Ryan was hired as the Training & Development Coordinator in September 2008 and she has now taken on responsibility for the coordination of the CCN.



Aerial view of February
21 March

Over the period in question, the Centre Coordinators and Network staff continued to meet on a quarterly basis. In addition, Centre Coordinators now meet on a quarterly basis to discuss operational and service issues of importance to the group.

The current Chair of the Coordinator's Group is Brendan Mackin of the Belfast Centre. Vice Chairs are Margaret Fitzpatrick of the Dublin 12 Centre and Mary Maguire of the Athy Centre.

Planning for the Future

The Network's first Strategic Plan (2005-2008) focused on building a formal, structured and sustainable Network, and among its key outcomes was:

- the establishment of a formal, functioning Network with a common mission, vision, priorities, services, standards, and a shared 'brand'
- the identification of new sources of funding;
- the achievement of FETAC Quality Assurance;
- the development and delivery of a range of services to migrants;
- the development of a cohesive policy voice and high levels of active participation within Social Partnership.

The Network's second Strategic Plan (2009-2011) was drafted within the context of a contracting domestic labour market, and a national and global economic crisis of unprecedented proportions. Factors such as rapidly rising unemployment levels, high levels of personal indebtedness, the global nature of the downturn, persistent social exclusion and poverty were central to the development of the Plan.

Congress Centres are needed now more than ever and are ideally-placed at the heart of their communities to support vulnerable groups and ensure those already distant from the labour market are not further excluded during the current downturn. Copies of the Strategic Plan are available from the Network Office or from individual Congress Centres.

Governance

While the Executive Council continued to investigate the establishment of an appropriate legal identity for Congress, it was not possible to progress plans to gain legal status for the CCN as a company limited by guarantee - individual Congress Centres are all currently incorporated as companies limited by guarantee.

In the absence of formal governance for the Network, an Interim Network Board of Management was

established in early 2009 which plan to meet three times a year to oversee the running of the Network, until the legal status issue is resolved.

There are nine members on the Interim Board, with three representatives each from Congress, the Centre Boards of Management and Centre Coordinators. Representing the Coordinators are Margaret Cullinane (Galway), John Matthews (Dundalk), and Patricia Shortt (Wicklow). Patrick Cronin (Killarney), Michael Mc Grail (Kildare) and Frank O'Brien (Dundalk) represent the Boards of Management. The Congress representatives are Sally Anne Kinahan, Frank Vaughan and Fergus Whelan.

Branding & Identity

A new Centres logo was developed and adopted throughout the Network.

All signage, stationery and publications now carry the logo and each Centre has a bespoke version which carries their own individual Centre name. Centres have reported a very positive response to the logo and brand, from all sources.

Education & Training

Activity around education and training continues to be geared towards capacity-building through provision of a range of training courses to people vulnerable to redundancy and unemployed workers, as well as migrants, lone parents and adult returners.

By early 2009, there were 19 Congress Centres operating as FETAC training centres running a variety of courses at FETAC Levels 3, 4 and 5. A further three Centres were in the process of submitting their Quality Assurance applications to FETAC. In addition, Centres with FETAC QA status were registering with the FAS National Register of Training Providers to have their Centres approved to deliver training on behalf of FAS.

In December 2008 the Network Office, also a FETAC training centre, began delivering a series of Level 6 Train the Trainers courses aimed at tutors already operating with Congress Centres. Work also began on the development of a project to be run in conjunction with NALA and the Waterford Institute of Technology to recruit, train, deploy and support a pool of literacy and numeracy tutors from among Centres' staff and programme participants. Subsequently a tender bid was submitted to FAS in March 2009 - in partnership with BURC and with NALA endorsement - to train up to 40 literacy tutors nationwide.

Equality

In July 2008 an application was submitted to the Department of Justice, Equality & Law Reform, with regard to the Equality for Women Measure 2007-2013 project.

This is aimed at activating women who are currently distant from the labour market and will focus on lone parents and migrant women as groups experiencing multiple disadvantages. A final decision on the application has been delayed due to uncertainty over funding and ultimately over the future of the project itself.

Network staff continued to run the annual Social Welfare Training Programme, funded by the Department for Social & Family Affairs. Unfortunately, funding was suspended in January 2009 and consultations are ongoing to explore ways to secure funding in the future. In the interim, Congress Centres have been invited to attend training provided by Congress.

Staff and the Centres have been working closely with the new team running the Union Skills Network (USN). This included delivery by the Centres of USN learning programmes, the provision of accommodation and supports to the USN Regional Coordinators and a linkage role for the Centres around the organisation of Union Learning Representatives. We are looking closely at collaborating on future funding applications.

Information & Advocacy

The Centres continued to provide a comprehensive information and advocacy service, particularly around social welfare matters, to a range of client groups in their communities. A key strategic goal is to identify funding for the appointment of a Network Information Manager to develop these services, which is particularly important in light of the marked increase in numbers seeking advice and assistance, on issues relating to unemployment, social welfare and debt.

Response to Unemployment

In March 2009 the CCN held a workshop to establish and address the issues facing people newly unemployed or unemployed for the first time. The responses and data gathered from the workshop will inform policy, priorities and delivery of services.

In 2007 the Network published a suite of five information booklets detailing the services provided around employment rights, jobseekers, education

and training, welfare rights and migrants. We also published Congress Centres Network – A Trade Union Resource at Community Level.

In January 2008 we published A Short Guide to the Irish Social Welfare System in English, Russian, Polish, Latvian and Lithuanian.

The booklets were funded by the Department of Social & Family Affairs and publicly launched by the then Minister, Martin Cullen. The launch was also attended by Conor Lenihan, Minister for Integration; General Secretary David Begg and Congress President Patricia McKeown.

Gerry Mangan, Director of the Office for Social Inclusion; Niamh O'Donoghue, Director General of DSFA; Kevin O'Kelly, Combat Poverty Agency representatives from the language community groups, relevant embassies and migrant bodies also attended. The electronic versions of these booklets were posted on a number of Government websites

External Relations

In early 2007 the Network secured a three year grant from the Department of Community, Rural and Gaeltacht Affairs to support its involvement in Social Partnership.

Between 2007 and 2009, the Congress Centres Network was represented on the Community Pillar, the National Steering Group for Towards 2016, the Labour Market Group, the National Economic and Social Forum, the National Action Plan Against Racism Monitoring Group, the RAPID Monitoring Committee, the FAS Basic Workplace Education Monitoring Group, the Open University Cross Border Openings Project, the Board of Management of the National Organisation of the Unemployed, the FAS Community Employment National Monitoring Group and the European Anti Poverty Network.

The Network continued to build strong relationships with organisations in the sector, including the INOU, the National Migrant Rights Centre Ireland, Age Action, One Family, OPEN, the European Anti Poverty Network, the Community Platform, the National Women's Council, Combat Poverty and the New Communities Partnership.

Submissions

The CCN also made a number of key submissions to Government, covering areas such as medical cards, the National Carers' Strategy, activation, lone parents, the National Reform Programme and the National Report for Ireland on Strategies for Social Protection and Social Inclusion 2008-2010. In 2008 the Programme Manager addressed the Joint Oireachtas Committee on Enterprise, Trade & Employment, a pan-European meeting of the European Anti Poverty Network and was a speaker at an Open University conference on workplace learning. The Policy Officer also conducted a number of key pieces of research

Funding & Restructuring

With funding under pressure the CCN is exploring opportunities from other streams. Currently some Congress Unemployed Centres work with local Social Welfare Offices and accommodate training courses for those in receipt of jobseekers benefit and job seekers allowance. We are working closely with the USN project and facilitate training and services necessary for this initiative.

Conflict Resolution

In November 2008 the CCN participated in a Peace Project run by the Belfast Unemployed Resource Centre (BURC). The programme ran in two phases. The first consisted of two residentials which covered models premised on a Model Equality Clause and the Collective Bargaining Process. Phase two consisted of a five day visit to Messines, Belgium where the participants engaged in a programme on a shared history and the challenge of diversity and integration in a new and enlarged Europe. Ten participants from the CCN took part.

Leonardo Mobility Project 2009

In February 2009 an application was made to Leargas under the Vocational Education and Training Professionals (VETPRO) category to travel to Sweden and visit similar network centres. The City of Vasteras kindly offered to facilitate our visit. One objective of the trip is to exchange ideas and experiences in relation to vocational education and training provision. The aim of the project is to identify possible innovations in the area of service provision and delivery in the community services relevant to unemployed people in Ireland. This trip is planned for June 2009 and all participants will complete the FETAC Level 5 Community Development Practice module and also receive a Europass from Leargas.

(iv) The People's College

The College continues to hold its own in an environment where there is an ever increasing range of options available to seekers of adult education. Enrolments remain stable and interest in our core courses remains constant. We continue to provide the kind of courses that our regular participants – trade unionists, their families and the general public – want. Nevertheless, we are aware that there is no room for complacency: as is pointed out every year, it is increasingly hard to attract students to the more political, informative citizen-education kind of courses and we do very little in the area of basic/compensatory education. However, interest in courses in social, cultural, creativity and environmental subjects continues to grow.





An average of fifty courses was offered each year. They covered areas such as: Languages; Arts, Music & Creativity; Social, Cultural & Environmental Studies Personal Development & Social Skills.

Enrolments have remained constant at about 1,000 each year. The pattern of enrolments has remained consistent over the last few years: interest in personal development and self-improvement courses have remained constant as it has in art and music - with Yoga, Music Appreciation and Creative Writing Bird Watching remaining the most popular. Languages have also maintained their enrolment. An increase in younger people, including non-Irish, has been apparent recently; this is probably due to the widened access to the College through its website.

The college organises and facilitates a range of activities for its students:

The Writing Competition is now in its third year. Supported by some of the affiliated unions, the competition has attracted significant positive recognition for the College.

A seminar was organised on "The European Year of Equal Opportunities for All".

Cultural Trips Abroad:

Paris Trip: The Student committee organised its annual trip to Paris both years. Thanks are due to Evelyn Lucas and Paddy Glavin who work so hard to make this trip a highlight of the College activities.

Sicily Trip: Salvo Cacciato, the Italian teacher, organised a visit to his home region of Sicily in April 2008 and facilitated an intensive tour of the main historic and archaeological sites of the North West.

The Choir and Debating Society are integral parts of College life which are organised independently.

Our priority for the next two years will be to explore with our students the best means of continuing to provide them with any new learning opportunities they want to help them to develop their intellectual, social and creative potential and acquire the skills necessary to cope with a rapidly changing society.

Chapter Three – Private and Public Sector Committees

i) Private Sector Committee

The Private Sector Committee (PSC) does not hold regular scheduled meetings. It meets as required to plan strategy and discuss unfolding developments as they affect unions and workers in the Private Sector. The AGM of the PSC was held on September 12, 2007. Mr Jerry Shanahan (Unite) was elected Chairperson and Mr Eamon Devoy (TEEU) was elected Secretary. Linda Tanham (Mandate) was elected vice-chairperson. The committee held a number of meetings in preparation for the negotiations leading to the *Towards 2016 Review and Transitional Agreement 2008-2009*.

The non- pay priorities identified by the PSC included:

- The pension crises in the Private Sector
- The Supreme Court decision in the Ryanair case
- Employment Rights /Agency workers
- Workplace learning and upskilling

Formal presentations were given to the PSC on the following subjects: Tony Kerr addressed the Committee on the Supreme Court (Ryanair) decision; Fergus Whelan and Esther Lynch addressed the Committee on Pensions and Agency Workers respectively.

When negotiations broke down in August 2008 the PSC coordinated a strategy for a return to Free Collective Bargaining. Guidelines were issued to unions in terms of claim formulation and sequencing. In the event, these guideline were overtaken by events when national talks resumed.

In terms of the priorities identified above, each was dealt with on the basis of specific clauses in Part II of the Transitional Agreement.

- Section 5 deals with workplace learning and upskilling
- Section 6 deals with Pensions
- Section 7 deals with Employment Rights & Compliance
- Section 8 deals with Regulation of Employment Agencies and Temporary Workers
- Section 9 deals with Employee Representation.

ii) Public Services' Committee

As in previous years the work of the Public Services Committee was conducted through three committees which met regularly and engaged in official negotiations on pay, pensions, and the modernisation and change agenda.

The Economic Crisis

The negotiations on the review of *Towards 2016* were extremely difficult and broke down at the beginning of August, but resumed in September following a request by the Taoiseach. The results of the negotiations were in two parts – a Review of the general terms of *Towards 2016* and a new agreement on pay and workplace issues that ran for 21 months.

In the case of the Public Service, the final increase under Module I of *Towards 2016* (2.5 percent) was applied from September 1, 2008 and the agreement expired on September 30, 2008. Module II covered the period October 1, 2008 to June 30, 2010 and provided for a pay pause of 11 months from the end of Module I, followed by increases in two phases of 3.5 percent (9 months), and 2.5 percent (1 month). The application of the increases in the Public Service was due to be as follows:

Phase I	Sept. 1, 2009	3.5 percent
Phase II	June 1, 2010	2.5 percent

The second phase of 2.5 percent was to be increased to 3 percent for workers whose weekly pay was at or less than €430.49 per week (€22,463 per annum).With economic conditions worsening, the Government decided to advance the date of the 2009 Budget to October. New measures were designed to raise an additional €2 billion in 2009.

In January, the Government predicted a future deficit of €129 billion arising from borrowings year on year, if no corrective action was taken. A Plan for Stabilisation, covering the period 2009-2013, was produced.

In response, Congress sought the establishment of a Social Solidarity Pact designed to spread the burden of any adjustment fairly. On January 29, agreement was reached on a Draft Framework for a Pact for Stabilisation, Social Solidarity and Economic Renewal on 29 January.

The Framework stated that Government and Social Partners agreed that a credible response to the fiscal situation required a further adjustment of €2 billion in 2009. The Government proposed that Public Service Pay and related costs should make contribution of €1.4 Billion to the overall adjustment of €2 Billion. The main elements of the measures proposed were:

- non-payment of the increases scheduled under *Towards 2016*, Module II in the 2009 and 2010;
- an increased pension contribution on all pay of 3 percent on the first €15,000 of earnings (including basic pay, allowances overtime, shift etc.) 6 percent on the next €20,000 and 10 percent on the Balance;
- 25 percent reduction in Domestic Travel and Subsistence Rates.

The negotiations broke down in the early hours of Tuesday, 3 February. The Government proceeded to take decisions on the €2 billion reduction in the deficit, which followed the proposals above.

Arising from meetings of the Public Services Committee and the Congress Executive Council, it was decided to adopt a Ten Point Plan and to hold a demonstration in support of same on February 21. This proved extremely successful and involved between 120-150,000 people.

In the final few days of February, the Oireachtas enacted legislation providing for the implementation of the Pension Levy from March 1, 2009. The Congress Executive Council decided to call for a strike on 30 March, across the economy. Following contacts with Government, an invitation to restart talks was issued. The Executive Council agreed to accept this invitation and deferred the strike. These discussions concluded on April 30 and at the time of writing, Congress was awaiting word from Government on specific proposals submitted on jobs, pensions and home reposessions.

Benchmarking

Under the terms of the agreement on the second pay module of *Sustaining Progress*, there was to be a second Benchmarking exercise. The Benchmarking Body's Report was finalised at the end of December, 2007 and published on January 10, 2008. With the exception of a small number of grades, the Body concluded there was no basis for recommending an increase in pay.

Noteworthy features of the report included:

- a) The overall cost of the salary increases proposed comes to about 0.3 percent of public service pay;
- b) the Body had conducted an analysis of Public Service Pension Provision by comparison with Private Sector Pension Provision and had concluded that the difference between the two was worth an overall discount amounting to 12 percent of pay;

Following application of the discount, the Body compared the weighted average of the remuneration of the public service grades covered by its terms of reference with the weighted average of the remuneration of jobs of comparable size in the private sector.

Where the comparison between remuneration levels in the public service and the private sector, on the basis showed that the remuneration of a public service grade was below private sector levels, the Body recommended an increase. In other cases no increase was recommended.

The Congress Public Services' Committee issued a statement on the report on January 10, 2008. It criticised the changed methodology, the 'pensions' discount' and stated that it created huge challenges for the upcoming pay talks. A full copy is available at: <http://www.ictu.ie/press/2008/01/10/benchmarking-report-creates-huge-challenge-for-pay-talks/>

In the context of the First Benchmarking Exercise, the rates of pay for the craft grades and the related non-nursing and general operative grades outside of Dublin had been set by a parallel benchmarking process. Under the terms of the agreement on the second pay Module under *Sustaining Progress*, it was agreed that the arrangements in relation to the next parallel benchmarking process would be the subject of discussions between the parties. Such discussions took place and certain areas of disagreement on the processes involved were referred to the Labour Court, which issued a recommendation that was accepted by the parties. The parties did not agree on the outcome of the actual exercise with the result that the matter was referred to the Labour Court. The matter is still before the Court at the time of writing.

Module II of *Towards 2016* provided for the payment of these increases up to a limit of 5 percent from September 1, 2008. The issue of the payment of any balances was to be discussed between the parties in the context of any successor under Module II. Given the reaction to the Second Report, we stressed the need for a fundamental review of the Benchmarking process. Against this background, the Public Service Pay Agreement under Module II provided that, over the course of the agreement, the parties would conduct a joint review of the benchmarking process. It was envisaged that the review would consider the manner in which benchmarking had operated, the terms of reference for future reviews, the methodology to be used and the basis for comparisons between remuneration in the public service and the private sector.

It was intended that these discussions would also focus on the development of a more citizen-centred approach to public services (including the impact of the OECD Report on the Public Services) and consideration of how this might be comprehended as part of the benchmarking process. Sanction for the payment of the increases awarded in the Second Benchmarking Report up to the limit of 5 percent provided for in the Second Module of *Towards 2016* did not issue before the end of 2008 and the matter was raised in the discussions which took place at the end of January. Officials indicated that, in the context of agreement in those discussions, this sanction would issue. However, as mentioned above, agreement was not reached at the time.

Public Service Monitoring Group

Under the terms of the PPF, it was agreed to establish a Public Service Monitoring Group (PSMG) to oversee implementation of any future public service pay agreements (whether forming part of an overall national programme or otherwise). The PSMG deals with any overarching issues that arise in implementing these agreements as well as any other issues which both sides agree would help to improve the operation of public service pay and industrial relations arrangements. Membership of the PSMG comprises an equal number of employer and PSC representatives. The PSMG was continued under *Towards 2016*.

Report of the Commission on Public Service Pensions

The Report of the Commission on Public Service Pensions was published on January 31, 2000. The Chairperson of the Commission was Professor Dermot McAleese, TCD. The members included Senator Joe O'Toole, General Secretary, INTO; Brendan Hayes, SIPTU and Dan Murphy, General Secretary, PSEU, as well as senior Civil Servants, representatives of industry and experts in the superannuation field. During 1997, Rosheen Callender, SIPTU, replaced Brendan Hayes on the Commission. The trade union members of the Commission had reservations on certain aspects of the Report of the Commission. Since the publication of the report, working groups have been established to advance the agreed recommendations. In the period covered by this report some progress was made on the implementation of certain aspects of this report.

SPEARS

It has been agreed to establish joint working parties on Dependants' Benefits and SPEARS. Progress on the issue of SPEARS has been slower. It has not been possible to devote attention to it over the past year due to the concentration on other issues.

Dependants' Benefits

The Joint Working Party on Dependants' Benefits finalised its work in 2007/08. The Report of the Joint Working Party was published as an Appendix to the Annual Report of the Committee for last year. Unfortunately, at the time of writing, the Recommendations in this Report have not yet been implemented.

'Step Down' Prior to Retirement

As mentioned above, another recommendation of the Commission Public Service Pensions concerned working at lower levels of responsibility in the lead-up to retirement.

The idea is that a person might have worked in Grade 1 for a number of years and when approaching retirement wants to 'ease off'. He/she has 35 years service at that point. He/she then reverts to being a Grade 2 and retires 5 years later. The pension would then be based on 35 years service based on the Grade 1 Salary and 5 years service based on the Grade 2 salary. This has been outstanding for some time in the discussions with Finance. Finance have now indicated that (subject to approval by higher management) they have in mind drafting a circular to put in place arrangements to freeze superannuation benefits accrued at the higher grade for public servants aged over 50/55 years who are permitted to revert to a lower grade. This would be in the form of an "enabling" circular. It would not require public service employers to facilitate voluntary reversion as that might actually be possible in all cases. The Committee received a draft circular on the matter in December and some observations have been submitted on the draft.

Maximum of 40 Years' Contributions

The issue of refunds of contributions after 40 years contributions have been paid has been under discussion for some time. Eventually, the official side indicated that they were not prepared to accede to our position. However, we requested they consider the matter again - at least in respect of contributions paid before the final 40 years of contributions. The final response of officials on the issue was negative.

Representation on Various Groups

The representation of the committee on various bodies is as follows:

Negotiating Group

Peter McLoone	Chair & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Blair Horan	CPSU
Dave Thomas	AHCPS
Brendan Hayes	SIPTU
John Carr	INTO
Peter MacMenamin	TUI
Liam Doran	INO
John Clinton	POA
Finbarr Murphy	IMO
Mike Jennings	IFUT
John White	ASTI
Terry Casey	MLSA
Shay Cody	IMPACT
Tom Geraghty	PSEU
Liam Berney	ICTU
Dan Murphy	Secretary & PSEU

Public Service Monitoring Group

Peter McLoone	Chair PSC & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Brendan Hayes	SIPTU
Blair Horan	CPSU
John Carr	INTO
Liam Doran	INO
Peter Nolan	IMPACT
Peter MacMenamin	TUI
Dermot Mahon	AMICUS
Dan Murphy	Secretary PSC & PSEU

Joint Working Group on Pensions

Peter McLoone	Chair & IMPACT
Matt Merrigan	Vice-Chair PSC and SIPTU
Blair Horan	CPSU
Dave Thomas	AHCPS
Brendan Hayes	SIPTU
Billy Sheehan	INTO
Peter MacMenamin	TUI
Dave Hughes	INO
John Clinton	POA
Finbarr Murphy	IMO
Mike Jennings	IFUT
John White	ASTI
Terry Casey	MLSA
Shay Cody	IMPACT
Tom Geraghty	PSEU
Liam Berney	ICTU
Dan Murphy	Secretary & PSEU

Officers of the Committee

The Officers of the Committee elected at the 2008 Annual General Meeting were:

Chair:	Peter McLoone (IMPACT)
Vice-Chair:	Matt Merrigan (SIPTU)
Secretary:	Dan Murphy (PSEU)

In April 2009, after 40 years service as Secretary of the Congress Public Service Committee, Dan Murphy retired. In his report to the 2009 AGM, he wrote:

"As Delegates to the Committee will be aware, I am due to retire as General Secretary of the PSEU at the end of April, so this is the final Annual Report I will prepare for the Committee since becoming Secretary (pro tem!) of the Public Services Committee in 1969. In that context, I would like to express my thanks to Peter McLoone and Matt Merrigan as Chair and Vice-Chair of the Committee for making the job of Secretary so much easier than it might otherwise have been. I would also like to thank them, their predecessors and all of the Delegates for their comradeship, co-operation, advice and above all their trust and friendship over the years.

"As a Committee, we have travelled through many stages. We have had many successes and made considerable advances for trade union members over the years and also have had to surmount many difficulties.

"The one thing that I have learned, above all, is that we have secured these achievements and prevailed over the challenges through working together in a sensible way. While there can be differences between the various sectors of the Public Service as well as differences of emphasis between unions, there is far more uniting us than dividing us and this fundamental solidarity is what has enabled us to be successful.

"We are now confronted by major challenges because of the economic circumstances in which we find ourselves. However, if we continue to work together and build on the solidarity we have constructed over the years, I have no doubt that, while it will be very difficult, we can also come through these trials and I wish the Committee and, in particular, my successor every good fortune with the tasks in hand".



Special Delegate Conference
November 08.

iii) Representation & Dispute Resolution

i) Disputes

There was a fall in the number of days lost due to industrial action in the period covered by this report, compared to the previous two years. As the table below shows there were just over 10,000 days lost to industrial action, compared with over 34,000 in the previous two years. Over half of the days lost were as a result of disputes in the manufacturing sector.

This continues the pattern which has seen a year on year decline in industrial disputes since the start of this century. The graph below plots the number of days lost to industrial action in the period 2000- 2008.

ii) The Labour Relations Commission

The Labour Relations Commission (LRC) was established in 1990 with the aim of developing and improving industrial relations procedures and practices in Ireland. The LRC provides a wide range of services, including a conciliation service, a Rights Commissioner Service and an Advisory Service. The Commission is continuously updating its service to accommodate the demand of users and also the examples afforded by international developments and best practice.

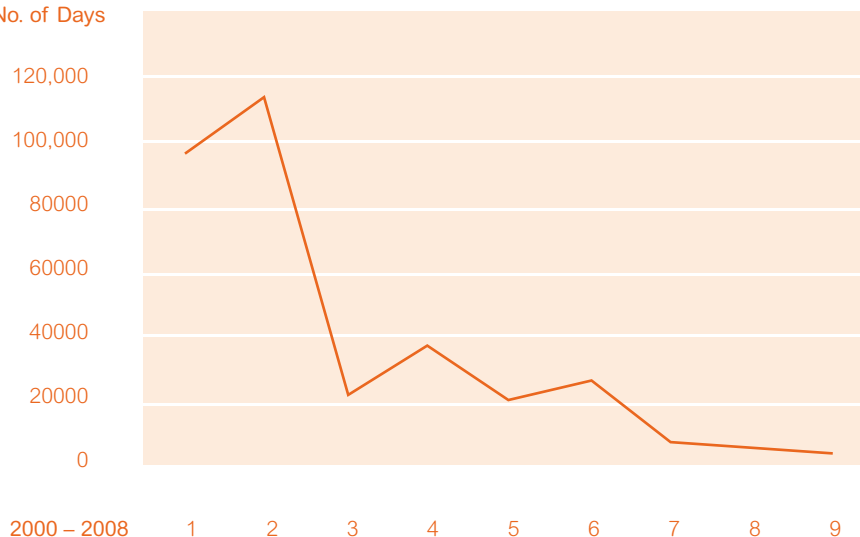
The principle industrial dispute resolution mechanism provided by the LRC is its conciliation service. This national service continues to provide an effective avenue through which unions and employers can resolve disputes. As the table below shows demand for the conciliation continues to grow year on year.

Year	Number of Disputes	Number of Firms Involved	Number of Workers Involved	Total Days Lost
2007	6	6	1,436	6,038
2008	12	10	356	4,197

Source: CSO

Days Lost to Industrial Action 2000 – 2008

No. of Days



Source: CSO

Conciliation

Year	Number of Referrals	Number of Meetings	Settlement Rate at Conciliation
2007	1289	1926	80%
2008	1317	1966	82%

Source: LRC

Rights Commissioner Service

The Rights Commissioner Service provides a means through which individuals can have disputes concerning their individual employment rights adjudicated. This is an invaluable service as it is operated on a relatively informal basis and at practically no cost to the parties. Again, demand for the Rights' Commissioner Service continues to grow with a 20 percent increase, in the period covered by this report (see table)

	2007	2008
	9077	10900

Source: LRC

The Advisory Service

This provides a range of specialist services, as detailed in the table below.

Cases / Projects	2007	2008
Industrial Relations Audit	10	10
Joint Working Parties	10	14
Preventative Mediation / Facilitation	24	20
Advice	8	4
Code of Practice Voluntary Dispute Resolution	25	8
Research	3	1
Training	16	13
Frequent Users	10	6
Other Projects	4	5
Total	110	80

Source: LRC

In the period covered the LRC produced a Guide on Workplace Stress and a Code of Practice on Information and Consultation was also published. The LRC also works closely with other services providers, including the Citizens' Information Centres. Working with the National College of Ireland the LRC has developed collaborative programmes aimed at improving the quality of workplace relations in a number of organisations.

The LRC successfully completed its 2006-2008 Research Strategy & Publications Programme. Among the publications produced were: *Employment Dispute Resolution & Standard Setting in Ireland* (2008). *Human Resource Practices in Multinational Companies in Ireland* and *Managing Workplace Conflict in Ireland*, both of which are due for publication in May/June 2009. Other published documents included: *Problems with Partnership at Work – an Irish Case Study*, *Struggling to follow the High Road*; *Unionised Employments in an Open Economy* and *Digest of Rights Commissioner Recommendations*.

iii) The Labour Court

The mission of The Labour Court is defined as “to find a basis for real and substantial agreement through the provision of fair, informal and inexpensive arrangements for the adjudication and resolution of industrial disputes.” The table below shows the number of cases dealt with by the Court in the period under review.

Source	2007	2008
LRC – Conciliation	273	261
LRC Advisory	21	3
LRC- Appeal Against Rights Commissioner Decision	192	278
Equality Appeals	42	31
Direct Referrals	123	124
Other	273	482
Total	924	1,797

Source: The Labour Court

The bulk of cases in the ‘other’ category relate to complaints by employers or unions of breaches of Registered Employment Agreements (REA). In the period under review the Labour Court was required in to rule on an application by a group of employers in the Electrical Contracting Industry that sought to have the Registered Employment Agreement discontinued. However the Court found that the REA was still appropriate and should continue to operate.

Labour Court Users’ Council

Congress continues to participate in the Labour Court Users Council which provides a forum for monitoring and ensuring the delivery of an effective and relevant service to its clients. As the parties who most frequently use the Court’s services, Congress and IBEC are represented. The Council met on a number of occasions during the intervening period with discussions focusing on administrative and procedural issues relating to the Court’s activities generally. The Council does not discuss individual cases before the Court. The issues discussed included trends in referrals to the Court, requests for postponement of Hearings, translation services, modernisation of the Joint Labour Court system and the impact of various relevant proceedings in the High Court. The Congress nominees are Esther Lynch, Congress, Brendan Hayes, Congress Executive Member & SIPTU, and John Douglas, Congress Executive member and Mandate, under the chairmanship of Mr. Finbarr Flood, former Chairman of the Labour Court. See table on Labour Court Referrals in Appendix 8.

iv) The National Implementation Body

The National Implementation Body (NIB) was established to oversee and ensure the implementation of the pay and workplace provisions of social partnership agreements. In the period covered by this report the NIB considered disputes in the following employments,

- SAICA Packaging and SIPTU / TEEU
- NUI Maynooth and IFUT
- HSE and INO and SIPTU
- Aer Lingus and SIPTU / Impact and Aer Lingus Craft Group of Unions
- Department of Agriculture and Impact
- Department of Social and Family Affairs and CPSU
- RTE and RTE Trade Union Group
- LGMSB and SIPTU
- MAYO County Council and SIPTU
- Waterford City Council and SIPTU
- Argos and Mandate
- Dun Laoghaire Rathdown County Council and SIPTU and Impact
- HSE and TEEU
- Shannonside Milk Products
- An Bord Pleanala and Impact.

v) Disputes Committee Reports

The Executive Council approved one Disputes Committee Report. The dispute between UCU and ATL concerned representational rights in the further education sector in Northern Ireland. A full copy of Disputes Committee 08/2 is appended to this report. The Executive Council also conducted an investigation at the request of the unions involved into matters relating to the classroom assistants dispute in Northern Ireland. The report of this investigation is also appended.



Voting at Special Delegate Conference

Chapter 4 – Building Union Organisation

i) Union Connect

The proposition for the Union Outreach Service (UOS) was presented to BDC 2007 as a collaborative venture to extend a union-supported service to hard-to-reach workers. The principles and broad strategy were enthusiastically endorsed and a mandate given to progress the initiative. The ambition was to develop a communications' campaign and test the proposition with a pilot phase, in a discrete region or sector during 2008, before the service was extended nationwide. Apart from recruiting hard to reach workers, a core campaign objective was the achievement of a discernible increase in understanding and perceptions about unions among the target groups and, across the workforce generally.

Significant resources were allocated from the LIFT Project to develop creative approaches and test them along with the service proposition following which, a range of recruitment methods were to be created and tested to inform the pilot phase of the recruitment activity. The LIFT involvement was established to fulfil its requirement to "promote a comprehensive approach towards improving the capacity of trade unions to attract and retain new members, and in particular female members, across diverse employment sectors and areas."

Appointment of Agency

At the end of August 2007, Congress commenced a procurement process to appoint an agency to support the development of the proposed service pilot. Tendering agencies were also asked to devise a sub-strategy to reach women workers, particularly those with low pay in sectors of low union coverage, and to develop and test creative propositions and media to best reach them. These elements were to be integrated with the overarching activity planned for UOS.

Proposals were submitted by five short-listed agencies to a selection committee comprised of representatives from the collaborating unions, Congress and LIFT. A thorough interview and assessment process was undertaken and an agency chosen on the basis of; their interpretation of the brief and understanding of

the challenges facing the trade union movement; their strategic approach to achieve member recruitment to UOS from the key target groups in the designated low-density sectors; innovation and creativity; integration of communications; research and evaluation methodology; gender sensitivity and value for money. The successful agency was Chemistry, along with Carat media brokers and Amarach Research.

Researching the Model

The first priority was to undertake research to understand the attitudes of workers from the targeted sectors/occupation groups, towards trade unions, the proposed model for UOS and the advertising campaign to promote it. The research was conducted through focus groups comprised of a representative selection of the workforce.

Main Research Findings

Understanding of Trade Unions Unions are seen to be large organisations that are responsible for looking after workers' rights. They are strongly associated with strikes and industrial action. The most commonly known unions were SIPTU, Impact and Mandate. There was awareness of 'a teachers' union', but a lack of clarity on the name. In some cases trade unions were seen very much as 'a necessary evil'.

Recall of individual trade unions was dependent on their coverage in terms of news stories, the only other exposure being through family or friends.

Reference to the trade union movement and the concept of trade unions did not feature in the education of those who took part. The only exposure to the concept in an educational setting was in the case of individuals who took Business Studies. There was a definite openness to the inclusion in the school curriculum of information on Unions and workers' rights.

The research checked views on the advantages and disadvantages of union membership. The advantages covered inclusion as part of a large group fighting for rights and entitlements, a sense of security if things take a turn for the worse and protection when there

are problems at work. The disadvantages included a fear of negative management reaction towards unions and any consequent impact this could have on promotional opportunities. There was a view on a lack of engagement from unions with members and a dearth of perceived benefit of membership among those who are not union members.

Reaction to Union Outreach Service The idea of the Union Outreach Service itself appealed to most. But there was a general view that advisory support services for people in and out of the workplace were already available. To succeed, UOS would need to distinguish itself from services already in existence, offering something which is not available elsewhere.

Reaction to Fee for the Service Charging a fee depended on the level of information to be provided. Information of a legal nature was seen to have a value far in excess of more general information, which could be accessed from a variety of sources free of charge. Existing union members were much more open to the concept of the new service, even at a regular fee, than non-members.

Research Summary The research found limited understanding of the role of unions among the groups targeted (workers in low-paid, low skilled employments in smaller workplaces, atypical, women, migrant and younger workers) although unions were recognised as serving an important purpose.

For workers in non-union establishments, unions were seen as only being for workers in large establishments and institutions and as being very distant from and inaccessible to those employed in small workplaces. The Union Outreach Service, although seen as useful, was weakened by the perceived availability of existing free advisory services. The overall view was that it made more sense to join the 'real thing', a union, directly rather than a related support service.

The research findings effectively showed that the Union Outreach Service, as originally conceived, was not seen as being of sufficient value by those it was targeting.

These findings led to a decision not to proceed with the UOS concept and to a shift in emphasis among the collaborating unions to look at finding the means to promote trade unionism and recruit workers directly into full union membership.

NERA

Coincidentally, in January 2008, the National Employment Rights Authority (NERA) launched a massive nationwide campaign to raise awareness of employment rights and its services. It also launched its website as a key source for information on employment rights. The high profile and high spend of NERA's public awareness campaign presented a challenge to the feasibility of the collaborative union initiative as NERA's rights advisory service was offered free with significant resources behind it. Also, running a high profile union recruitment campaign at the same time as NERA's campaign would have devalued both campaigns and placed Congress in a position of competing with an agency it had helped establish.

What has become clear during the past year is that the demand for the service provided by NERA has been enormous. However, there is a real limit on the support it can offer because its remit confines it to dealing with statutory minimum entitlements.

Thus, there is significant unmet need for advice and support on a range of employment issues, which only a trade union organisation can provide. The recently agreed Memorandum of Understanding (MoU) between NERA and Congress means workers who contact NERA are advised that they can contact a trade union (see Section 3, Pay & the Workplace). To this end, Congress put in place a central union contact point to deal with referrals - Union Connect – as part of the collaborative initiative

Union Central

The MoU agreed with NERA provided an opportunity to part pilot the Union Connect service and put in place a structure to facilitate union joining, membership fulfilment and information provision. The support services comprise:

- A communication and campaigning service to promote union membership and joining, plus public awareness activities to enhance understanding and awareness of unionism;
- Central support services to handle queries relating to membership, provide general advice about workplace issues;
- A high-level advisory unit based in Congress to deal with issues escalated from the central support service;
- ICT systems including the Union Connect website and database, which is under construction.



Patricia King and Sheila Nunan
at Government Buildings.

The service has the capacity to be scaled up or down as required and to be developed further to facilitate 'direct' joining over the telephone or online, to set up paperless direct debits on behalf of unions and to undertake all membership fulfilment including welcome packs, regular member mailings, emailing and texting.

The service is also capable of handling specific queries and if necessary being developed to provide direct backup to unions in advocacy services, including more detailed information on rights. It is conceivable that the advisory service could take on specific representational tasks, if unions so desire. This is most likely in the case of individual cases (Rights Commissioners, Social Welfare Appeals etc).

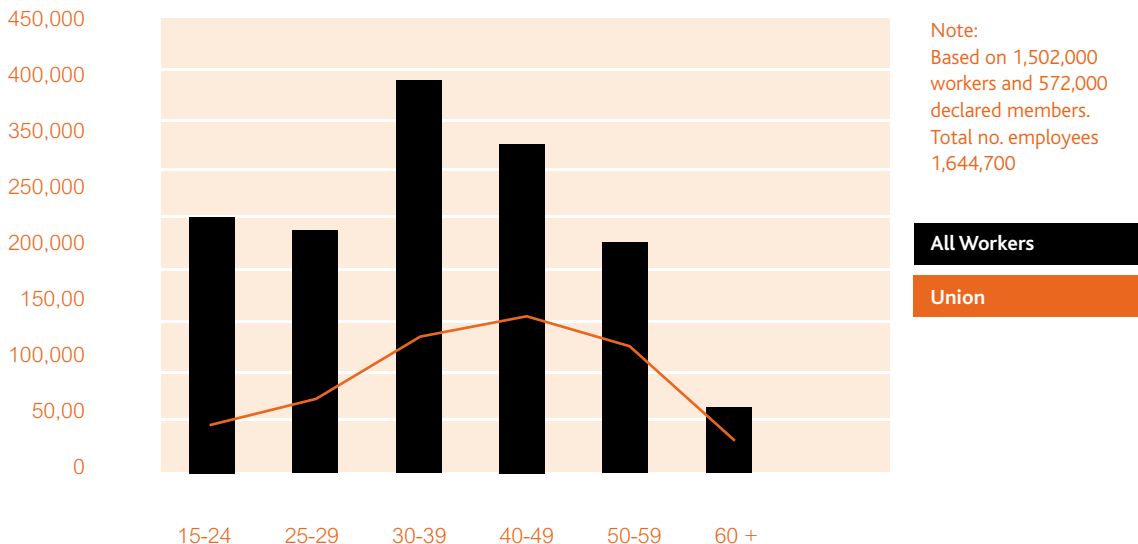
The next phase of the initiative involves 'external' testing through radio, press and online advertising, before a final decision is taken on a national rollout.

Union Connect: 0818 300 900 / www.unionconnect.ie

ii) Youth Connect

Congress has long recognised the importance of reaching young people and for many years ran the successful *Talks to Schools* programme. However, it came under pressure due to a growth in demand which Congress found difficult to meet. It was at this point that funding was accessed from the EU Youthstart Programme to establish the Skills, Work and Youth Project (SWAY). A number of resources were developed under SWAY, including a pack for use by teachers, covering a range of topics on the world of work and the role of trade unions. This was supported by a cadre of specially trained union speakers who were available to visit schools. It is widely acknowledged that SWAY made an enormous impact and was one of the most popular resources ever produced by Congress. However, the weakness of SWAY was that the resources lasted only as long as the funding and no direct relationships were established with the young people the project was directed at.

2006 Age Group & Distribution of Trade Union Members



Young People's Knowledge of Unions

Recognition of the urgent need to inform young people about the role of trade unions emerged from qualitative research undertaken at the end of 2007, by Amarach, for the collaborative union initiative/ LIFT (see above). The research threw-up the absence of any exposure to unions in the formal education system, except where some pupils took business studies. There was an openness to the need for trade unionism to be included in the school curriculum; with a preference expressed for inclusion of workers' rights in the education programme.

In addition to the Amarach research, the leadership development programme run under LIFT: Business-Driven Action Learning (BDALs), facilitated senior female officials in collaborating across union boundaries to identify and develop strategic responses to the main challenges facing the trade union movement. One of the main themes to emerge was the need to address the perceived absence of knowledge and awareness about trade unions, among young people today. Specifically, three of the BDALs recommended the development and implementation of youth-focused programmes.

Youth Membership

Union density levels are the subject of ongoing debate particularly the accuracy of the data. The most recent analysis available from the CSO National Employment Survey shows density levels for under 25s at about 19 percent. Although union membership increases with age and is always lowest among young workers, both research and experience have shown that propensity to join a union is enhanced by knowledge and understanding of the role that unions play, as well as having a union presence in the workplace.

The Need to Act

The Congress Youth Committee has set out to increase activism among young trade unionists, both in their individual unions and in the work of Congress Youth. The committee undertook campaigning initiatives, produced new resources and commenced training for its members, all of which contributed towards building the profile of young trade unionists. They also undertook to coordinate the Talks to Schools programme responding, within reason, to all requests made for speakers. The Youth Committee has urged Congress to renew its focus and better resource its work with young people both at work and in education, to raise awareness and understanding about the role of trade unions today.

The involvement of youth in unions has become an increasing priority as membership levels among younger workers are low. Our failure to increase participation of younger workers in the movement will have serious consequences in the years to come.

The priority placed on working with young people by the Executive Committee and the Congress Youth Committee became an achievable goal when the Tax Officials Branch of Impact agreed to fund part of the development of a schools' programme and web-site. This became the catalyst for the development of Youth Connect, as part of the Union Connect Project.

The aim of Youth-Connect is to raise awareness and understanding among young people of the role and relevance of unions in the world we live today. Through Youth-Connect we set out to get a better understanding of how young people are exposed to unions, their perceptions and understanding of them within workplaces and in wider society. We wanted to find the most effective ways to enable them to participate in unions and influence the evolution of our organisations.

The programme will be launched in Autumn 2009 and the Schools' Resource Pack piloted in schools in September, prior to a full roll-out during the academic year.

iii) Tax Relief

Following an announcement by the Minister for Finance of his intention to introduce a facility to simplify the method of receiving the tax relief, the Revenue Commissioners advised Congress that they intended to develop a system to allow individual trade unions to give details of their members directly to Revenue, to enable automatic application of the tax credit.

Following extensive dialogue this proposal was rejected as unworkable as well as presenting potential problems around data protection and the rights of members. In response, Revenue proposed a newer, simplified measure that provided for the tax credit to be applied directly at source by unions.

The amended proposal was seen as a significant improvement on earlier propositions. However, there were concerns around the need to introduce an obligation to compel employers to implement the 'net-off' and the implications on unions if Government was to end the scheme at any point in the future. The Executive Council established a working group chaired by Congress Treasurer, Joe O'Flynn to examine these issues. Its objectives

included establishing the level of support for the measure and, if positive, developing strategies to maximise take-up; clarifying administrative and/or policy concerns in relation to the scheme.

The group felt the measure was largely unworkable in the form proposed. A number of different models were considered, but only one option was deemed to be effective: a rebate model enabling unions to directly refund the value of the tax credit to members, as this would reduce the threat of decreased subscriptions in the event of the credit being removed.

This option was presented to Revenue, who then tabled an alternative proposal, which involved unions collecting member PPS numbers and forwarding them to Revenue, who would credit the allowance directly to those not already in receipt of it. The Working Group rejected this suggestion as a significant deviation from the proposal they had been working on and almost identical to the original, unworkable, proposal rejected by Congress.

Most recent negotiations have centred on a rebate scheme with PPS details collected by unions. This would necessitate Congress and unions putting in place effective database systems to gather and maintain member details. The work of the Group is ongoing but has been temporarily postponed until the Commission on Taxation delivers its recommendations.

Working Group Membership

Chairperson Joe O'Flynn, SIPTU, Shay Cody, Impact, John Douglas, Mandate, Tom Geraghty, PSEU, Blair Horan, CPSU, Paddy O'Shaughnessy, BATU, Jerry Shanahan, Amicus – Unite, Sally Anne Kinahan and Esther Lynch, Congress.



Animation for The Youth Connect Project.

Chapter 5 - Congress Education & Training

i) Union Skills Network

Congress has long championed the cause of upskilling workers, particularly those who may have missed out on initial education and training. *In Towards 2016* a commitment was secured to fund an upskilling project involving union workplace representatives who would assist workers in accessing education and training.

The Union Skills Network (USN) was jointly launched by FÁS, Congress and IBEC in June 2008. It grew directly out of the experience and lessons of the Wield project. Bill Halliden, the Director of Union Learning is assisted by eight full time Regional Coordinators.

Barbara Keogh
USN Head Office, Parnell Square, Dublin 1,
Ph: 01 8897721

Anne Casey
Dublin & NE
Ph: 087 636 9632

Mick Corrigan
Dublin South, Dublin West. Kildare
Ph: 087 955 0497

Seamus Dowling
South East & East Cork
Ph: 087 955 5573

Mary Muldowney
Dublin, Cork, Tipperary & Laois
Ph: 087 955 1925

Denise McBride
West & Mid West
Ph: 087 955 7302

Mary Guihen
North Midlands & Border Area
Ph: 087 956 7698

Hugh McConville
North West & Mayo
Ph: 087 956 4328.

The Coordinators work through affiliated unions to recruit and train workplace representatives in appropriate workplaces in their regions. The Union Learning Representatives (ULRs) will in turn undertake a training needs analysis of their workplace and utilise this as a basis to provide advice and assistance to workers, in conjunction with the Coordinators. The Executive Chairman of USN is Jim Dorney.

It mirrors a similar and very successful project run by the TUC in Britain. There, workplace representatives get time off to attend to their responsibilities – a provision that has yet to be secured in the Republic.

The project aims to assist the development and widen the options of workers and equip them to meet the challenges of a changing society, where unemployment, particularly amongst the low-skilled, is increasing. The extent of the problem was set out by the Expert Group on Future Skills, which stated that there are 70,000 workers who require upskilling from National Qualification Framework Levels 1 and 2 to Level 3 and 26,000 who need upskilling from Level 3 to Levels 4 and 5.

Progress to Date

In cooperation with relevant, affiliated unions the Regional Coordinators have recruited 100 ULRs, to date. , the project aims to recruit 480 ULRs. Liaison with employers through IBEC has been established through the appointment of an industrial relations official to act as liaison. Regular meetings with FÁS are held to ensure that they, as the national training agency, are fully briefed on the project. Overall

The ULRs have received an initial five days training to equip them with the necessary skills to undertake their work. The programme they undertake is certified at FETAC Level 6, on completion of which the participants will receive a FETAC Level 6 minor award.

Arrangements are currently in hand to train ULRs to assist workers in determining how to fulfil their educational needs through Individual Learning Plans, working closely with the Regional Coordinators.

The Future

In time it is hoped that all appropriate workplaces will be served by ULRs and that these representatives will become an intrinsic part of the movement, in the same way that health and safety representatives are. It is hoped that employers will be supportive of this initiative and that they, in conjunction with Government, will facilitate workplace representatives in this crucial work.

Further information about this exciting project can be obtained from Bill Halliden, USN head office, Congress House, 31 Parnell Square, Dublin 1. Tel: 01 889 7703

ii) How Members and Workers View Training & Education

Congress commissioned new research on the views and experiences of those who engage in training and education

Congress commissioned research to establish the views and experiences of workers in different sectors across the country in relation to Learning, Training and Education and to explore the role that unions could play in advancing the skills' agenda. The research looked at the type of education and training workers are interested in and the barriers to accessing opportunities and was funded by the Workplace Innovation Fund (WIF).

It is widely acknowledged that those with the least qualifications and most in need of access to skills' development, are often the least likely to be afforded the opportunity.

The Congress research set out to identify the level of interest among workers and what they see as the obstacles to participation. The research was undertaken in 2007 and 2008 and involved seven focus groups with over one hundred participants from eleven unions and included workers from non-unionised workplaces.

The research identified a high level of interest amongst workers in training. Where people had the opportunity to participate, their motivation to progress their education had been substantially increased. It also identified that a lack of interest in training was linked to a perception that barriers were insurmountable.

Whilst the motivation to learn was high opportunities to participate in training were seen to be limited. There is a general feeling among workers that there is insufficient training provided by employers. There were some positive examples of training provision but these tended to be limited to a small number of large employers. Where such employers had proactive 'development' policies, workers were supported to pursue education up to degree level. The research also showed that some industries provide training in a systematic way for 'core' business requirements such as 'regulation and compliance' within the banking sector (!) and 'health and safety' in construction.

But with the exception of a few employment sectors, the experience of the majority is training provision is very limited, that it needs to be increased and workers given better access to a wider range of education and training opportunities beyond simply those required for their current role, or to meet statutory obligations.

Critically, the research confirmed a strongly held view among workers of the importance of Lifelong Learning and a recognition that all learning potentially has a beneficial effect on their work. This was felt most strongly by those who left school early and by older workers.

The importance of recognition for skills and knowledge acquired on the job and in life was stressed as being very important in the research, with Accreditation of Prior Experiential Learning seen as an important first step in recognising existing skills and competencies and thus encouraging further learning.

Reasons why workers wish to undertake Training and Education

Most workers wish to undertake training in order to do their current job well. They identified the importance of ongoing training as a prerequisite to 'remaining on top of their jobs' in a rapidly changing world, where there are ongoing advancements in technology, system changes and changes in work practice. Training was also seen as important for workplace advancement but conversely, there could be a disincentive to participate in training if it is perceived that no opportunity to progress actually exists.

Workers see education as the key to breaking through ceilings in the workplace or to embark on a different career path when progression is not possible or jobs become vulnerable. Education is also seen as important for personal development, personal satisfaction, to improve self confidence and to for self-motivation. There is a belief that all training is beneficial as it leads to personal development. *"Knowledge and qualifications are power and without them you can be exploited."*

The research highlighted other crucial considerations: training is seen as helping flexibility and mobility in the workplace; enhancing employability and career opportunities; increasing knowledge and understanding about issues which impact upon them such as pensions, tax and PRSI; increasing capacity to participate in a range of activities (including their unions) and ultimately enabling working people to improve their earning power.

The Training Workers Want

The opportunities workers want to avail of are wide-ranging and diverse. Computer training is seen by many as being the single skill that all need to have today. For many, undertaking some computer training was the route back into education being without these skills is seen as a barrier to returning to education and advancement within the workplace/employability. Not being able to use a computer and fear of technology was identified as contributing to poor self esteem.

Return to Learning & Basic Skills including literacy and numeracy, are seen as essential in themselves and for accessing other types of training. This is the case particularly for workers who left school early without basic qualifications. Workers are also interested in skills related directly to their current employment. Further education, which provides an opportunity to gain qualifications, is seen as beneficial as it is transferable to other areas and different employment opportunities.

Many workers aspire to participate in second chance education - Junior Cert, Leaving Cert and degree level education, some for personal development reasons, others to avail of a 'second chance. Language skills were also seen as an important, for personal development and to cope with the increasingly global nature of business and the diverse society we live in. English as a second language was identified as a real need particularly for technical or job specific requirements. Personal Development and 'soft skills'

training, specialist subject areas and the recognition of qualifications from other states were all highlighted as part of the training and skills' development that workers want greater access to.

Awareness of rights and entitlements was identified as a training gap and union members and activists identified shop stewards training, labour law, health and safety, leadership and union induction, as areas they would like to see developed and greater access given.

Training Provision & Accreditation

Accreditation and qualifications which are recognised throughout the EU is seen to be vitally important to all. Participating in courses without the benefit of a recognised qualification is seen as being of limited value.

Flexible Delivery

Training and education delivery schedules need to be flexible to accommodate work and life commitments of trainees and students. Most would prefer to learn in a classroom setting, especially those returning to learning, or who had scarce exposure to training and education. It was felt that there is a role for distance learning, e learning and web based learning. But to engage in this required basic skills such as IT skills and study skills, to be highly motivated and possess a good level of self confidence.

Barriers to Training & Education

Time constraints including life commitments, work requirements and the absence of employer commitment are major barriers. Employers not allowing workers time for training either - paid or unpaid basis - is a very significant obstacle particularly in small and medium enterprises (SMEs). A recurring issue is that many employers expect their employees to undertake training in their own time, even when it relates directly to their work. The lack of study leave, assignment time and leave allowances for exams was also problematic.

This is compounded by the inequity of time off for training/ study being more available to those who already have high levels of education. Examples were cited where workers were given permission to attend training, but this was overridden by operational requirements if. Specific groups such as 'lone parents' have extra problems in relation to time and cost

A negative previous experience Distance from education or where past experience of training and education has been problematic is as an additional barrier, increasing the fears and anxieties of those affected. Similarly, the lack of basic skills particularly where individuals experience literacy or numeracy issues may lead to them counting themselves out of learning opportunities when they arise. Many workers also have huge fears and lack self confidence in relation to training and education including a real 'fear of failure'.

Lack of Information is one of the greatest barriers. Workers feel that there is a lack of easily digestible information on how to access appropriate training, progression routes, where and how to apply. Equally, there is also a dearth of easily understood information on how to obtain funding for 'projects' that will deliver training and education. Employers do not always know where to access appropriate training or how to tap into training resources and financial support to help deliver opportunities for their workforce.

Attitudes of Employers/management A range of employer issues were identified through the research, including the fact that employers don't necessarily know how to go about providing training, or supporting their workers to undertake training and that most organisations that don't have a strategic and planned approach to identifying training needs. Perceptions exist among workers that sometimes an employer does not want a trained workforce and that local management can actually 'block' access to training, or that when training is at management's discretion, access is not always fair and equitable.

Poor Availability Training available locally doesn't always meet the needs of the trainees. In addition transport and location can also be problematic in rural areas. Some organisations provide training but only at central locations requiring employees/members to travel.

Assessment methods Exams as the only way of assessing performance or learning attainment are a barrier to many people.

The cost of Training & Funding Many employers will only support training that is directly related to the current role, whilst others will pay the cost of training for their employee if and when they complete and pass the course. While this is seen as positive, it still means an employee had to get access to the cost of the course up front and this, coupled with the fear of failure and no refund, remains a big barrier.

Lack of Childcare This was identified as a barrier for many workers but particularly for women having to find the times to participate in training and also cover the cost of care.

Conclusions & Recommendations

The most obvious conclusion which emerges is that the picture in relation to training and education is complex, with many barriers to training and education and the role of trade unions arising.

Key Recommendations:

- **Government policy** needs to support and promote returning to learning for adults and Lifelong Learning for those at work through a range of measures, including financial subsidies, entitlement to leaves and the range and availability of learning options.
- **Employer organisations** need to support and encourage their members to recognise the economic case for training and to develop strategic learning strategies to meet the training needs of workers.
- **Develop a 'culture of encouragement'** within workplaces Individuals need support in helping them access information, make choices and undertake training or further learning. Personal development needs to be supported and encouraged and recognised as the stepping stone to further training and education. Unions have an important role to play in this regard, negotiating for training provision on behalf of members and developing local union roles to encourage and motivate participation.
- **Within workplaces** there needs to be an annual training needs analysis undertaken in a manner that involves unions, with the aim being to develop an annual training plan for each employee. Supporting employees to meet personal and career goals through training can also impact positively on commitment, retention, quality and productivity.

- **Equitable access** to training through the implementation of transparent training policies and procedures, which are applied in a fair and equitable manner. All training and education should be evaluated by participants to ensure appropriate quality.
- **Time to train** Paid learning leave should be provided, particularly when the training is job/role related; aimed at personal development. Without paid leave it is highly unlikely that the participant will be able to avail of the training. Matched time is one way of engineering time for training in organisations where the cost is high to the employer.
- **Develop progression routes** Unions and managements should collaborate to develop career pathways and ensure that training is available for those who wish to pursue these pathways.
- **Improve access** There needs to be a 'one-stop-shop' for information on training opportunities and pathways accessible to all employees.
- **Tackle the issue of cost** including the requirement for adult learners to be unemployed for several months in order to avail of the BTEA.
- **Ensure assessment methods** are suitable for adult learners Move away from the use of exams towards assessment based measurement.
- **Training delivery** to be more flexible Deliver training in more flexible work, life and family friendly ways, offered in a variety of different ways at a variety of different times.
- **Special focus** on individuals with low basic skills The research indicated a strongly felt view that there must be more focus on those in the workforce with low basic skills and whose educational attainment is at Level three or below on the National Framework. More resources need to be made available and innovative ways of delivering training to these groups need to be identified

The Role of trade unions

Working people want unions to drive the agenda of training at both a national and a local level, as they have a central role to play in negotiating access to training as a right, ensuring that training is not hijacked by employers or is simply meeting employer needs. Unions have a role in identifying training needs for skills for the future.

- Workers who already have a third level or professional qualification are not only more likely to take part in training and education in the workplace but they are more likely to have a different view on the role of trade unions in relation to work related training and education. They express strong views on the importance of their employers being the providers of work related training and education and their union as having an important role to play in ensuring that this happens, that employers finance the training and education and that the training and education be providing as part of the working day.
- Workers who have lower levels of education or who have left full time education earlier or who have no previous post-second level education are more likely to stress the important role of their trade unions in both providing training in basic skills and personal development and or assisting them to access that training. For many of these workers if their union had not provided or secured for them the opportunity to undertake training in a 'safe' environment, they would not have returned to training and education.
- Low basic skills which include numeracy, literacy, English as a foreign language and computer skills need to be a priority for any union that has members with these needs. Workplace union representatives and union learning representatives need to develop the skills that will allow them to support and identify their members with these needs.

- Workers should be involved in identifying their training needs. Unions have a role in ensuring that this happens in the workplace and also within their own organisations.
- The role of union learning representative is vital. Union members are searching for advice, guidance, support and information.
- All union members stressed the importance of their union providing training and education to enable members, union representatives and union staff, fulfil their role in the union.

A Strategic Role for Congress:

- Ensuring that national policy moves to a learner-led approach, reflecting the personal and work related training needs and aspirations of workers;
- Negotiating, through social partnership, on how adult learners can best be funded and supported in a more flexible way. This to include an examination of the issues of fees for part time courses and the BTEA scheme;
- Promoting local and regional level partnerships between unions and relevant agencies, to jointly identify future workforce needs;
- Ensuring that subsequent training provision is geared towards providing workers with the skills that will enhance their personal and working lives and opportunities;
- Providing information on training and education opportunities and solutions;
- Promoting core 'union led learning principles and values'.
- Developing greater cooperation between local agencies, training providers /agencies and unions.
- Establishing a comprehensive 'union led' learning website for workers and union representatives.



John White (ASTI), John Carr (INTO)

Chapter Six - Communications & Campaigning

Define yourself, or be defined by your opponents: this is the challenge facing Congress and the broader trade union movement, on a daily basis. Sometimes it is a simple battle to be heard, on other occasions it is a battle to be heard and reported correctly.

The primacy and dominance of the neoliberal model, over recent years, made that battle more difficult, as the values of that ideology shaped and drove debate across whole swathes of the media. Thus could the head of a major media concern recently describe his task as being to fashion a “pro enterprise, pro business” outlet. Which begs the obvious question: what constitutes an ‘anti-enterprise, anti-business’ newspaper, radio or television station?

Whether it was the assault on the public sector, the push for privatisation or the attack on standards, there was never any shortage of willing commentators and self-styled experts to push the free market agenda. And they were never short of media platforms from which to denounce the wrongdoings of unions and the sins of working people.

It should be noted that this element of the ‘commentariat’ is quite distinct from the bulk of people working in the media, who do a very professional job despite the enormous pressures they face.

In the early months of the current crisis, a neutral observer could justifiably have believed that the meltdown of the Irish economy was sparked by a bloated public sector and greedy workers squeezing increases from hapless, helpless bosses.

But the day of the neoliberal ideologues has passed, even if some still cling to the old faith – the Irish business and political class have always been slow learners. Across the global economy – in the US, the rest of the EU, developing nations – there is a clear acknowledgement that the era of free market racketeering is over.

Thus, in this changed and changing environment it is imperative that trade unions are best equipped and positioned to have their voices heard and their values

understood. As the space for progressive politics expands, so too must the trade union capacity to help fill that space. Otherwise, the movement will find itself hemmed in on all sides and defined only in negative terms.

New Website

In late 2007, work began on the construction of an entirely new Congress website. Much of this work is unseen, but it is also the most time consuming and tedious. It involves sifting through the huge volume of material that accumulates on a website over time – literally thousands of documents – that must be checked, sorted and either transferred across to the new website, or disposed of. Credit is due to the Congress staff who took time to complete this very necessary work and to Digital Revolutionaries, the company which oversaw the whole process and constructed the new website from scratch. The project was overseen for Congress by Frank Vaughan and Macdara Doyle.

The new website is easily-accessible and user-friendly. It's incorporation of the latest technology means that new material – press statements, reports, pictures, film clips - can be posted rapidly and the website kept reasonably fresh and up to date. It was utilised to great effect in the run up to the February 21 national demonstration, in particular the use of a 'viral campaign' film clip on the theme of Fat Cats. The website went live in May 2008 and in its first 12 months it has proven very successful – attracting some 85,775 visits from 60,120 different people, with just over 70 percent of that figure being new visits. Friday, February 20 – the eve of the national day of action - saw the single highest tally with just under 1500 people visiting the Congress site. And those visits came from all over the globe, from 158 countries: almost 10,000 from the UK (NIC-ICTU maintains its own website); 3,350 from the US; 630 from Germany; 500 from Belgium; 270 from Sweden; 430 from Australia; 189 from South Africa; 47 from Argentina and even 2 from Afghanistan.

The Union Post

The Union Post is a collaborative initiative that aims to address the deficit in the trade union press on this island. In many other EU countries, you will find a healthy, thriving union press that acts both as a platform and a forum for the national union movement. While Congress affiliates do produce regular high-quality magazines and journals, up to this point there was no overall publication encompassing and reaching the entire union movement on this island, no single publication that could communicate union news and views, both within and across the movement. The movement also lacked a vehicle that was capable of promoting its views, at an institutional level, on key issues and was therefore entirely dependent on the getting space in the mainstream media to do so. With some 850,000 members in affiliate unions, Congress has a ready audience and a responsibility to communicate efficiently and clearly with them.

The concept behind the publication was first put before the Executive Council, in December 2008. Subsequently, a three person committee – Peter Bunting (AGS, Congress), Macdara Doyle (Congress) and Seamus Dooley (NUJ) – was asked to explore the concept in greater detail. Following a report back to the GPC, a trial three issue run of the Union Post was authorised, following which it will go back to the Executive for further consideration.



The Union Post utilises technology to minimise costs and maximise distribution and readership. It is produced in electronic format (pdf) and is free. It can then be distributed via email or, alternatively, individuals can download it from the Congress website. Alternatively, print-ready formats can also be made available. It is hoped that the Union Post can become financially self-sufficient, with individual unions and union suppliers taking out advertisements on a monthly basis. But in order to convince advertisers, it is also necessary to ensure that the publication has the widest distribution and audience possible.

Those wishing to sign up for their free monthly issue of the Union Post just email to postsubscribe@btinternet.com



The Smart Economy & the Social Solidarity Pact

The Government response to the onset of economic crisis in the Autumn of 2008 could not be characterised as either adroit, assured or capable of inspiring confidence. In fact, it was universally criticised for being none of the above. In particular, there appeared to be a failure both to grasp the extent of the crisis and its impact on working people and the vulnerable.

Thus, there was a wholesale preoccupation with the banks and the public finances – the former had caused the problem, but the government strategy appeared intent on forcing the latter to foot the entire bill. On the alarming rise in the numbers of jobless, there was very little from Government.

The 2009 Budget was brought forward to October and exhibited clear signs that Government subscribed to the 'conventional wisdom', which held that cutting public services was the only way to proceed. Thus, the Budget saw abolition of the universal entitlement to medical cards, education cuts that hit the youngest and most vulnerable and other measures that indicated a belief in the ability to 'cut our way' out of the crisis. The echoes of failed 1980s politics were all too evident.

The October Budget also saw the introduction of the one percent income levy, which was applied in an indiscriminate fashion and included those on the minimum wage. Following representations from Congress, Government agreed to both exclude those on the minimum wage and significantly increase the thresholds in relation to the over 70s medical card.

From the outset, Congress had argued that what was required was not a series of ill-advised and sporadic measures, but rather a coherent response that mapped out a clear strategy for recovery. In particular, we pointed out that a major source of the problems facing Government was the 20 percent hole that had been blown in the country's tax base by an over-reliance on both indirect taxes and the property boom.

In December 2008, Government unveiled its own plan for recovery *Building Ireland's Smart Economy*. Congress responded with its own detailed submission in early January 2009, a copy of which is available at this link: http://www.ictu.ie/download/pdf/building_irelands_smart_economy_congress_preliminary_observations_16_jan_08

While acknowledging that Government had at least produced a plan that contained some positive elements it was, the Congress document concluded "more of a recasting of the objectives and aspirations of a National Development Plan but without the costings, and much less of a blueprint for the economic stabilisation and recovery of the country over the short term."

National Demonstration & Campaign

Crucially, the Congress response stated that jobs - their protection and creation - had to be the overriding priority. The document also expressly called for a coherent national response to the crisis, in the form of a Social Solidarity Pact. Out of this was to emerge the Congress 10 Point Plan, which was to be the basis on which talks with Government and employers began in late January, 2009,

However, as we are now aware, those talks eventually broke down in the early hours of February 3 and Government unilaterally proceeded to introduce a series of 'cost-cutting' measures, in particular the pension levy on public servants.

Congress responded by calling a national demonstration for February 21, in Dublin as part of a 'rolling campaign' of protest at Government inaction on: jobs, pensions and the levy, home reposessions and the employers' abandonment of the pay agreement. The campaign was based on the 10 Point Plan and was themed as *There is a Better, Fairer Way*. See http://www.ictu.ie/publications/fulllist/there_is_a_better_fairer_waydoc/

Within Congress, an organising committee immediately began planning for February 21. Liaison and contact points with affiliates were also quickly established and regular meetings were held to coordinate plans.

An ambitious national publicity campaign was devised - in conjunction with support agency Chemistry - and implemented with the aid of affiliates, in what was a relatively short timeframe. The campaign involved: a series of national and regional press ads, website banners, outdoor billboards, banner drops, leaflet distribution, leaflet doordrops in housing estates and other forms of outdoor advertising. All publicity material featured key points of the 10 Point Plan. A special edition of the Union Post was also published in the lead up to the march.

The campaign also utilised 'viral marketing' - a first for Congress - which saw a short film clip posted on the Congress YouTube channel parodying the concept of fat, pampered cats.

Ultimately, the campaign sought to communicate on a mass scale the broad Congress platform - comprising the 10 Point Plan - and also the rationale behind the protests, particularly the February 21 demonstration. In the 24 hours leading up to the demonstration the Congress website recorded its heaviest traffic in 12 months, with more than one visitor a minute visiting the site.

On the day, thousands of pre-printed posters outlining the key demands helped give the protest great colour, purpose and coherence. It was the largest demonstration seen in Dublin in 30 years with up to 150,000 people turning out to protest and support the Congress platform. A selection of video clips was posted to the Congress website in the aftermath of the march, in which protestors spoke of their own reasons for turning out on the day and proved very popular.

The Executive Council subsequently called a day of industrial action for March 30, targeted specifically at 'rogue' employers who either refused to pay the terms of the national agreement or to engage with unions. In advance of March 30, the chair of the Private Sector Committee, Jerry Shanahan said that although Government and employers groups had "walked away from the agreed terms of the national agreement.....a substantial number of employers have agreed to pay, while others are involved in the agreed disputes procedures."

On March 25, the Executive Council accepted an invitation from Taoiseach Brian Cowen to re-engage in talks with Government, with a view to achieving an "integrated national response" to the problems confronting the country.

In light of that decision, Congress deferred all action planned for March 30, pending the outcome of those talks. On May Day, Congress released details of the €1 billion Job Creation & Protection Plan which it had presented in talks, primarily in order to ensure that the jobs issue remained central to all engagement with Government.

LIFT

The LIFT (Leadership Initiative for Females in Trade Unions) Programme was devised as a Strategic Development Partnership between the National Centre for Partnership and Performance (NCCP), the Irish Congress of Trade Unions (ICTU), and the Institute of Public Administration (IPA). The programme was funded under Round 2 of the EQUAL European Social Fund for the period January 2005 to December 2007.

LIFT was launched following Congress Biennial Delegate Conference (BDC) 2005 which recognised the challenge of 'proportionality' of women's representation, especially at senior levels of trade union organisation.

The overall aim of the LIFT Programme was to support organisational change and develop skills targeted towards addressing the under-representation and participation by women at leadership level in the trade union movement. The programme was designed to complement rule changes approved by Congress at its 2005 BDC to improve women's representation at senior levels and facilitate the empowerment of women into leadership roles within trade unions by providing training, mentoring and coaching to build capacity within the movement.

Evaluation and Mainstreaming LIFT

An independent formative evaluation of LIFT was carried out in order to draw together the experiences and learning from the programme and to provide an evidence base to inform and shape future mainstreaming activities. The findings from the evaluation demonstrate that:

- The LIFT Programme has contributed to some women's progression to leadership positions in trade unions;
- It has demonstrated the potential for promoting cooperation across unions through the Business Driven Action Programme (BDAL);
- It has helped to bring a collective focus to recruitment, modernisation, sustainability and revitalisation of the movement;

- It has initiated the potential for Leadership development across the movement and for General Secretaries in Trade Unions;
- It demonstrated the value of working with strategic partners for research and learning purposes;
- It has supported a North/South trade union collaboration;

It has introduced a new set of leadership tools for trade unions which include networking, coaching and mentoring.

Mainstreaming LIFT

The training aspects of LIFT will be incorporated into the Congress Education and Training Programme, including the development of specific leadership programmes and a set of tools for use by affiliate organisations;

The Congress Equality Programme will continue to monitor the progress of women in the movement;

The Congress Women's Committee will design and develop networking events to encourage the participation and progression of women in trade unions;

Congress will develop a strategy to recruit women workers which will involve an initiative to set up an outreach service. Work is now underway to develop innovative, creative concepts to communicate with and inform women workers about the value of unions, and to test a range of recruitment methods to inform the Union Outreach activity and future recruitment/ organising activities undertaken by individual unions.

Publications

All publications available at:
www.ictu.ie/publications/fulllist.html

Education & Training Brochure (May 2009)

Construction Safety Representatives Training Courses
(May 2009)

Job Creation & Protection Plan (February 2009)

The Union Post (February 2009, May 2009)

There is a Better, Fairer Way (February 2009)

Congress Policy on Picketing (February 2009)

*Building Ireland's Smart Economy: Preliminary
Observations* (January 2009)

Bob Doyle Exhibition (January 2009)

Childcare in Ireland Today (January 2009)

An Economic Model for Additional Leave in Ireland
(January 2009)

Living to Work or Working to Live (January 2009)

Achieving Equality in Practice (January 2009)

Workplace Equality: Workplace Culture & the Law
(January 2009)

Equal Pay – An Overview Analysis (January 2009)

Proceedings of BDC 2007 (January 2009)

*Rewarding Productivity and Promoting Social Equity
– Tax Reform to underpin a New National Agreement*
(July 2008)

Information & Consultation Guide (July 2008)

Nationalise the Banks (November 2008)

Reversing the Budget Cutbacks (November 2008)

Congress Briefing on Lisbon Treaty & its Aftermath
(July 2008)

Globalisation & Workers in Ireland (July 2008)

The Big Squeeze: Inflation Up, Wages Stagnate
(June 2008)

Report of the Delegation Visit to Israel & Palestine
(June 2008)

Submission to Commission on Taxation (May 2008)

*Recommendations on the Employment Law Compliance
Bill* (May 2008)

*Observations & Recommendations on the Immigration,
Residence & Protection Bill* (April 2008)

Presentations to Congress Globalisation Conference
(various) (April 2008)

Narrowing the Pay Gap (April 08)

Response to the Green Paper on Pensions (April 2008)

Improving the Rights of Agency Workers (Oireachtas
Briefing) (March 2008)

Submission on the Rights of the Child (February 2008)

Submission on the Review of the Competition Act
(December 2007)

*Managing the Labour Market: Implications of EU
Expansion & Ireland's Experience* (speech)
(October 2007)

Pre Budget Submission (October 2007)

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Promoting the development and improvement of Irish industrial relations policies, procedures and practices through appropriate, timely and effective services to employers, trade unions and employees.

The Labour Relations Commission provides the following specific services:

- industrial relations Conciliation services
- industrial relations Advisory services
- a Rights Commissioners service
- A Workplace Mediation service
- assistance to Joint Labour Committees and Joint Industrial Councils in the exercise of their functions

The Commission undertakes other activities of developmental nature relating to the improvement of industrial relations practices including:

- the review and monitoring of developments in the area of industrial relations
- the preparation, in consultation with the social partners, of codes of practice relevant to industrial relations
- industrial relations research and publications
- training services
- organisation of seminars/conferences on industrial relations/human resource management issues.

The Labour Relations Commission
Tom Johnson House
Haddington Road
Dublin 4
Ireland

☎ (01) 6136700
📠 (01) 6136701
✉ info@lrc.ie
🌐 www.lrc.ie

The Labour Relations Commission wishes Congress and delegates every success with your Biennial Conference, 2009.

BUILDING
SOLIDARITY

BDC 09

Section 5

Northern Ireland Report

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Chapter One – Investing in Peace

In May 2007, against the expectations of many, Sinn Féin (SF) and the Democratic Unionist Party (DUP) became the dominant partners in the devolved Northern Ireland Executive and Assembly. Two years into the return of devolution, there seems no major threat to the stability of the arrangement and the murder of two soldiers and a police officer in March 2009 appears to have solidified the relationship between the two, in a united determination to make the institutions function.

If we examine the record of the Executive and Assembly and compare it with the priorities of NIC-ICTU, we can gauge at least a sense of the direction they are taking and then decide whether can walk in step with them.

This is especially important considering the architecture of the Belfast Agreement, which provides limited scope or opportunity for a constitutional opposition in the Assembly. Changes made during the St Andrews negotiations means there are fewer avenues for opposition within the Executive than heretofore.

This is both a threat and an opportunity for civil society. It is a threat if the Executive's two dominant parties agree to impose policies which many would see as detrimental to the interests of working people.

It is an opportunity if we can develop the strategies of a principled and constructive opposition - willing to work with all ministers, departments and agencies - but also prepared to challenge the permanent coalition government in defence of social justice, equality and prosperity for every resident of Northern Ireland.

Congress has entered submissions on the Draft Budget, the Programme for Government and the Investment Strategy, and followed up with meetings with ministers from every devolved department.

Congress has actively lobbied for the continuation of the Bi-Lateral Forum, formally established in 2004. This was chaired by a direct rule minister and attended by senior civil servants and representatives of the NIC.

In 2007, the main priorities for Congress were water 'reform', the Bill of Rights, the draft budget, the programme for government, the Investment Strategy for Northern Ireland, the equality agenda, the Review of Public Administration and the related Comprehensive Spending Review. Priorities were to shift dramatically in 2008.

Congress welcomed the importance given to the economy. In our view, the creation of wealth must be closely linked to the creation of more jobs and increased skill levels, and greater investment in R & D.

In response to job losses, Congress proposed new legislation to set up a Workers' Protection Fund, along the lines of the 2005 Pension Protection Fund (see below).

Congress called for more detail on matters regarding equality and 'the need to provide more social and affordable housing as a cornerstone of sustainable communities.'

We supported the aim of the Executive to tackle our massive infrastructural deficit. We noted the need to redress the maintenance backlog in our health and education sectors.

Congress supported the need for high quality and efficient public services and, it is our clear view that public services are best when provided by the public sector.

Congress has always supported the development of North/South and East/West linkages. Within our own structures we have developed a network of committees whose role it is to consider a range of economic, social, equality and infrastructural matters in an effort to create economic and social wellbeing throughout the island.

Central to this aim is the Congress North/South Committee. This committee is engaged in discussions and correspondence with both governments on the island and also with the North/South Ministerial Council.

As part of our endeavours to promote North/South and East/West linkages Congress, in conjunction with the Trades Union Congress, the Welsh TUC and the Scottish TUC, has established a Council of the Isles. This organisation meets on an annual basis throughout Great Britain, Northern Ireland and the Republic of Ireland. It seeks to promote issues of common interest and is in regular contact with the both the British and Irish Governments and the Devolved Administrations on socio-economic issues.

High Level Engagement

In October 2008, the NIC-ICTU met with the First Minister, Peter Robinson and the Deputy First Minister, Martin McGuinness, to discuss "increasing costs of living, the credit crunch, global price increases and the challenges that these present."

The Congress delegation emphasised the importance of stable devolved government and a functioning NI Executive and the need for structures for the major social partners to meet and discuss issues that impact on lives of all people in Northern Ireland.

It was pointed out that the economic consequences of the credit crunch were already visible, with major job losses in construction and retail, with potentially more redundancies in tourism and the financial sector.

The ICTU delegation offered some possible solutions to alleviate the adverse impact of the current crisis, including a programme of investment in infrastructure and skills development, better availability of affordable housing through the widening of co-ownership schemes, an end to outsourcing and a review of the effectiveness of PFIs. Congress also emphasised the need for a greater drive for IT skills and STEM subjects, in schools and an emphasis on R&D.

With regard to poverty alleviation, Congress called for: Increased fuel poverty allowances

- Moratorium in house foreclosures for one year
- Cost of Living oversight body involving the major social partners

- Welcome for further postponement of water charges
- Central advice line for users of all public services and simplification of forms for those seeking rebates on rates
- A Workers' Protection Fund, modelled on the existing Pension Protection Fund, which can ensure early payments of redundancy pay and other monies due to workers made redundant

Since then, there have been regular meetings with the First and Deputy First Ministers and their officials, as well as more regular meetings with other ministers and the 11 departmental oversight committees.

In December, the Minister for Finance & Personnel, Nigel Dodds, announced a package of measures aimed at alleviating hardship, and included some of the proposals made by NIC-ICTU to OFMDFM.

In April 2009, Congress attended the first meeting of the Cross Sector Advisory Forum, which could build on some of the work carried out by Concordia and the Economic Development Forum.

This greater openness from the governing parties was a direct reaction to the seismic events happening around the global economy. It was a recognition that the world changed in September, 2008.

Suddenly, politicians who had rubbished the public sector for being too large, for being 'inefficient' had either gone very quiet or had been converted into ardent defenders of public service. Peter Robinson stopped saying things like "the dependence on the public sector... is now an obstacle to our future development."

The credit crunch hiked the cost of borrowing for private firms, compared to the interest rates that would be offered to governments, something not missed by Peter Robinson when he told the Assembly on March 13, 2008: "The Executive has identified in their 10-year investment strategy for Northern Ireland, an average of £2 billion per year of capital spend in the public sector. That funding came directly from HM Treasury. In the present economic climate, therefore, that should remain unaffected. It becomes important that we roll out, perhaps in an accelerated fashion, the public spend that we are planning. Using conventional means might just be a method of bringing that out more expeditiously."

That last sentence, we hope, may signal the death-knell for the mania for PFIs and the lathering of consultants which has created a small but wildly expensive tier of parasites gorging on the public purse. For example, in its first six months as an independent entity, Northern Ireland Water's so-called 'reform' process wasted over £12 million of public money, of which £7.2 million went into the pockets of external consultants.

It is worth recalling the prescriptions made for the economy as late as spring 2008 by Sir David Varney, a confidante of Gordon Brown who issued two important reports. In his first he ruled out a cut in the rate of Corporation Tax to 12.5 percent.

Congress stood alone in its opposition to such a cut. The 'prevailing consensus' was reinforced by the local press, in particular the *Belfast Telegraph*, owned by Independent News & Media.

Varney's second report dealt the future of the local economy. He surprised nobody with his ideological insistence that the public sector was too big, rather than the private sector being too small, a view then alone held by Congress.

Unemployment Rises, Congress Responds

Of course the private sector is now even smaller, as unemployment has mushroomed, especially in manufacturing, construction, retail and associated services.

To offer some figures to illustrate the scale and suddenness of the contraction: 400 architects, one-fifth of the NI total, lost their jobs in the space of nine months.

Construction accounted for 44 percent of the rise in December 2008's claimants, and towns such as Magherafelt, Cookstown, Dungannon and Banbridge have seen huge increases in laid-off workers.

MFI, Woolworths, Zavvi, Calcast, Seagate and FG Wilson, Tyrone Brick laid off large numbers at the start of 2009, and things got even worse in April when, in the space of one week, 95 more workers were made redundant at the engineering firm FG Wilson, 87 jobs went at Nortel's Newtownabbey plant, 90 more careers ended at Hughes Christensen on top of 45

culled in February and 210 people were laid off as the Ford car parts supplier Visteon closed its Belfast plant. And then Bombardier/Shorts announced the 'unfortunate' cut of 975 jobs at their Belfast plant.

While the scale of the job losses in Bombardier created shock waves across all sectors, the treatment of the Visteon workers was particularly contemptible. Public opinion agreed and after long negotiations and campaigning, they won a degree of justice.

Congress produced *Dealing With the Economic Downturn*, a comprehensive guide for workers facing the threat of redundancy, with updated and detailed information on their rights and entitlements, with sections on workplace education and the best means to find a new job. The first edition was distributed free to affiliated trade unions and to independent advice centres. Due to considerable demand, an updated, edition was published in May 2009.

Difficult as times are in Northern Ireland, things would now be far worse if the trade union movement had not been prepared to challenge the neoliberal consensus. We stood almost alone in our opposition to the partial privatisation of the civil service through the now abandoned Workplace 2010. We prepared for a mass campaign of non-payment of separate domestic water charges. We exposed the plans to privatise the Water industry. We critiqued the economic direction of the 2007 draft budget and worked with community groups and NGOs to build a meaningful shared future.

We are participating with environmental NGOs and business groups to explore the potential of a Green New Deal. We challenged those who argue that climate change is of no concern to us, or is happening at all. We are engaged with colleagues across the EU and maintain strong links with our comrades in the Palestinian trade unions.

We strived to represent and organise migrant workers, some of whom faced conditions of near slavery. We helped reveal the scandalous treatment of non-EU fishermen by callous employers in Northern Ireland and employment agencies in their home countries. We demanded greater resources for employment inspection agencies, especially the Gangmasters' Licencing Authority and HM Revenue & Customs, after we used the Freedom of Information Act to expose the shocking levels of underpayment below the National Minimum Wage.

We stood up for the rights of workers with disabilities, for LGBT workers and for representation of women and ethnic minorities at the top of public life as well as in 'entry-level' occupations. We advocated for the full integration of ex-prisoners into the economy and lobbied for the full social inclusion of the most marginalised and easily denigrated communities in Northern Ireland.

We argued that the 11-plus was immoral to children and irrelevant to a modern education system. We argued, lobbied and campaigned for a Bill of Rights which was comprehensive and meaningful for the working people of Northern Ireland. We did what any trade union organisation in any corner of the world would do, and we became a key part of the constructive opposition that is essential for the functioning of both democracy and civil society.

We hosted a massive rally outside Belfast City Hall in opposition to the slaughter in and around Gaza, and challenged those who attempted to sectarianise even that humanitarian crisis. We protested against the farewell visit of George W Bush as politicians of all parties queued to shake his hand.

And when the stability of our local democracy was brutally interrupted by those who deserve neither the titles of 'dissident' or 'republican', the trade union movement was not found wanting. Within days, a large and inclusive public rally had been organised which sent a message to the world at large and the men of violence in particular that the public desire for a tolerant, pluralist, democratic and peaceful society would not be denied by killers and their apologists. No other organisation could have done that.



Gaza Rally in Belfast



Peace Rally, Our Peace Our Future

NERA

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Chapter Two – The Work of NIC-ICTU

At the Biennial Delegate Conference of the Northern Ireland Committee (NIC), in April 2008, the NIC proposed a motion critical of the Budget and Programme for Government presented by the Northern Ireland Executive to cover the 2008-2011 period. Detailed comments on these documents were published in the NIC's report to the conference. These comments were endorsed by the delegates present.

Review of Public Administration

The NIC continues to engage fully with Government on issues through the Central Joint Forum (CJF). The CJF consists of senior civil servants and representatives of the affected unions. The NIC continues to receive monthly reports on the issues. Substantial change has taken place in RPA affected areas, which include: Health; Libraries; Education; Local Government. Unions have been engaging to ensure the protection of services for the public and the rights of workers.

Water & Sewerage Charges

Following devolution, the Minister for Regional Development established an Independent Water Review Panel. After in-house lobbying by the NIC's Water Coalition the terms of the Review were set very broadly so as to examine the entire Water & Sewerage 'reform' policy and its outcomes. Congress and the Water Coalition presented a number of papers to the Panel. A series of meetings were also held. Their first report was published in December 2007 and agreed with much of the analysis of the trade union movement, including the abandonment of the proposal for water charges and a recommendation against privatisation of the service.

In a second report published in January 2008, the Panel advocated a restructuring of the water service. This did not recommend a complete return to the prior position, but advocated a complicated

structure which could protect the service from future threats of privatisation. The Trade Union Movement remains concerned about threats to job levels under this restructuring. Both Congress and the Coalition continue to monitor developments in this area.

North/South Committee

The North/South Committee met regularly during the period under review and continued to discuss issues around the public procurement and north/south economic issue. Unfortunately, due to the pressures on Congress resulting from the Partnership talks in the Republic it was not possible to hold any further meetings following the March 2008 meeting.

The Participation and Practice of Right Project

The Participation and Practice of Right Project (PPR) works with local communities and groups that face the highest levels of objective need in Northern Ireland, to enable them to use international human rights standards to challenge existing policy and shape the decisions that affect them. PPR has engaged in the following activities between March 2007 and March 2009.

- Working with a group of residents from the Shankill on the right of children in that area to play;
- As part of their work on the right to housing PPR launched findings of an international panel in September 2007, and in January 2009 residents from the Seven Towers outlined the progress that had been made on the human rights indicators and benchmarks they had set on their right to housing. This event also marked the launch of the group's Fourth Progress Report about their human rights indicators and benchmarks.
- In May 2008 a Residents' Jury was held on the right to participate in the regeneration of Girdwood Barracks and Crumlin Road Gaol, and a report was published on six major urban regenerations planned for North Belfast (*Changing the Patterns of the Past: Putting People First in the Regeneration of North Belfast*)

Equality & Human Rights

Women's Committee

The Women's Committee continues to have a high profile input to Government policies which impact on all aspects of equality but mainly on gender.

The Committee held a joint seminar on CEDAW in 2007 with the NI Human Rights Commission, and contributed to the ETUC's paper *Alternative /Flexible Working Patterns* looking at gender segregation in the workplace and socially.

Reports were produced on flexible and alternative working and on carers, whilst a substantial submission was made to the Assembly on the proposed budget for NI. The Women's Conference 2008 was held in Tralee with 170 delegates attending, and the Women's Seminar was held in Belfast in March 2009.

In relation to LIFT the Committee is pleased that a new education course on Leadership will be offered through Belfast Metropolitan College. The Committee is exploring ways to ensure that the other strands of LIFT are kept on the agenda and in the forefront of affiliates' programmes.

Disability Committee

The Disability Committee has been involved in a number of major initiatives since BDC 2007. During that period the Chair Max O'Brien (NIPSA) retired and Berni McCrea (Unite) was elected as Chair in December 2007.

November 2007 saw the first joint seminar which was held in Dublin. The theme was *Trade Unions – ensuring the rights of people with disabilities in the workplace*. Motion 3 on 'People with Disabilities' had been passed at BDC in July 2007.

The motion urged all affiliates to redouble their efforts to dismantle barriers and eliminate discrimination experienced by people with disabilities in accessing employment and in pursuing careers whilst in employment.

Speakers outlined their experiences and outlined the initiatives their organisations were taking in this regard.

The Committee is particularly pleased with the roll out of the Disability Champions project which will see a substantial number of union reps given the

knowledge, skills and tools to promote best practice for people with disabilities in the workplace in terms of genuine equality of opportunity. A two day seminar was held in Derry to mark the conferral of certificates to the Champions, a number of high profile speakers addressed the seminar which was attended by 40 delegates.

A large number of Committee also attended the Congress seminar on Suicide Awareness. The speakers were exceptional, some speaking from personal experience on the issue. In November 2008 the Joint Disability Seminar also took place in Derry. The focus was on sensory disability and legislative changes. The members of the Committee must be thanked for their hard work and dedication in raising awareness and informing policy and practice around disability.

LGBT Committee

The LGBT Committee has held and been involved in a number of high profile events. The Committee has a strong presence and representation at Belfast Pride 08. The Committee actively participated in the campaign for action to be taken against the MLA responsible for unwarranted, homophobic and dangerous comment made during a radio interview and subsequently repeated.

It has been involved in a number of consultations and pieces of research. An event dealing with the Government's *Sexual Orientation Strategy and Proposed Action Plan* attracted 30 delegates. Other issues included education, health, housing, same sex parenting, and poverty, access to employment and union strategies. A full report is available from Congress. The Committee also hosted an LGBT training day.

The CWU (UK) held their national 2008 and 2009 LGBT conference in Belfast and this event attracted around 80 delegates. A Congress representative spoke at both conferences. A joint sexual orientation seminar took place in summer 2008 in Dublin.

Black & Ethnic Minority Committee

To mark Intercultural and Anti Racist week the Committee hosted a production by Replay Theatre Company of *New Kid*, which tells the story of a family moving to NI. The Committee continue to work with other bodies including the Equality Commission in promoting awareness on Black and Ethnic Minority issues.

The committee sponsored two events as part of a wider campaign during Anti Racist Workplace Week. A relaunch of the committee took place in November 2008 and a Cultural Awareness Event focussing on Islamophobia was also held. A number of training seminars have taken place on Race and Migrant Workers.

Equality & Human Rights Committee

The committee continues to focus on the Equality Agenda with a strong emphasis on the human rights. Issues tabled have included: Hate Crimes; Disability and Government; Bill of Rights; Single Equality Bill; Gender Identity; Devolution and Reserved Matters; International Trade Unionism

The Committee meets with the Equality Commission and the Human Rights Commission to regularly review strategies and development and the trade union role in exercising influence on the equality and human rights agenda.

Bill Of Rights

The NIC was represented on the Bill of Rights Forum and continue to advocate for a strong and inclusive Bill of Rights for NI. The NIC was also represented on three of the working groups - Culture, Identity & Language /Social & Economic / Criminal Justice. Through the Human Rights Consortium, NIC has also had a strong input into all other working groups. NIC were particularly pleased that Patricia McKeown was appointed as Convenor of the Economic & Social Working Group, the largest group.

Two half day conferences were held on the Bill of Rights which included high profile speakers from the Committee for Administration of Justice, John Hendy QC and Chris Sidoti, independent chair of the Bill of Rights Forum. Congress continues to work with the Human Rights Consortium in raising the profile and in lobbying for the Bill of Rights.

Equality Training & Education

The seminars and events which have taken place include:

Equality Law Seminars Overview of Developments in Equality Law; Age Discrimination; Disability Discrimination; Challenging Harassment; Achieving Work Life Balance; Equal Pay; Migrant Workers; Disability Discrimination

Equality Training Days Equality Awareness – Section 75; Positive and Affirmative Action; Bullying and Harassment; Discrimination – Race and Migrant Workers; Managing Disability in the Workplace.

Other Work

In 2007/8 NIC ICTU ran several training courses in conjunction with Women's Aid on Domestic Violence. In 2009 the committees ran a series of training and development projects in partnership with **Belfast Unemployed Resource Centre** under the 'Who Me?' banner, which proved very popular and successful. The committees are also engaged in developing a three year programme of action with **Trademark** (see below). Members of the committee participated in **Belfast Voices** as part of a training and development programme using drama and the arts to raise awareness on equality issues.

Retired Workers Committee

The Retired Workers' Committee continues to with an ambitious agenda under the chairpersonship of Margaret Galloway. The Committee is actively represented on the National Pensioners Parliament and its members are also active in many different arenas, including the newly constituted Age Sector Platform.

Work is ongoing with the RWC from the Republic on a number of joint strategic initiatives and issues, and North-South Seminars were held in Dundalk. Lobbying continues on elderly care, free travel rights for all older people, and equal access to public services, such as water. The RWC was highly active in campaigns on Water Charges, the state pension and the 'Can't Eat and Eat' campaign.

Trademark

Trademark was established in late 2001 by a committed group of activists from the community/ voluntary and trade union sectors. Trademark is committed to the pursuit of social justice through the tackling of oppressive and discriminatory practices and support for redistributive forms of equality. It engages with a number of constituencies across the public / private and community/voluntary sectors delivering training, research and evaluation on a range of related themes including equality, human rights and peace and reconciliation. On November 30th 2007, a major new partnership arrangement between Trademark and Congress was launched to combat sectarianism and racism and to campaign on human rights issues. www.trademarkbelfast.com



Trades Council Consultative Committee

In 2007, the TCCC agreed a work programme with its colleagues in the Republic covering the 2007-2008 period. A range of issues were agreed for activity. These centred on:

- Trades Council Organisation
- Tackling Racism
- Protection of Migrant Workers and Their Rights
- Protection and Improvement of Public Services

The Trades Councils have also campaigned on a range of issues, covering:

- Water Charges
- Review of Public Administration
- The Minimum Wage

The Trades Councils have also been active with the support and recruitment of Migrant Workers, and have highlighted individual cases of injustice faced by vulnerable Migrant Workers. Another recent innovation has been the development of distinctive websites run by and for the nine Trades Councils across Northern Ireland, to assist with campaigns and recruitment. The TC websites can be accessed through the 'Affiliates' button on www.ictuni.org

Belfast, Newry and Craigavon Trade Councils have been raising their profiles locally by contributing to the culture, history and debates in their areas. Belfast TC organised events as part of the ICTU's centenary celebration of the 1907 Dockers' and Carters' Strikes.

Belfast and Craigavon TCs have sponsored and organised exhibitions and debates on the local contribution to the International Brigades who fought in the Spanish Civil War. Craigavon TC's exhibition has been displayed widely and Belfast TC was centrally

involved in a weekend of events surrounding the AGM of the International Brigade Memorial Trust, in April 2008. We must note the presence of both Bob Doyle and Jack Jones, veteran anti-fascists and inspirational human beings who have since passed on.

Belfast TC's memorial to the International Brigades and their Irish fighters has been unveiled in Writers' Square in Belfast, crafted by the renowned Belfast artist and trade unionist Anto Brennan.

In November 2008, the legacy of Jim Haughey, a Lurgan veteran of the International Brigades who was killed in September 1943, was memorialised in his home town at an event organised by Craigavon TC, who also published a pamphlet on his life. One month after his death, *The Times* of London published a poem written by Jim Haughey. It concludes with lines which speak of, and for, many of that heroic generation:

*"When peace descends once more like gentle rain,
Mention my name in passing, if you must,
As one who knew the terms – slay or be slain,
And thought the bargain was both good and just."*

Health & Social Services

During this period the Health Services Committee organised a series of public rallies designed to draw attention to the reduction of services proposed under RPA reorganisation. The NIC welcomed the co-operation and support of a number of non-affiliates in these rallies. New structures have now been established to oversee operational procedure in the Health & Personal Social Services. Following Congress representations to the Minister a number of trade union representatives have been appointed to the new bodies. The Health Services Committee has agreed that it should seek to meet with these new bodies on a regular basis in order to protect service provision and jobs.

Chapter Three – Education, Skills & Solidarity

Education Trade Union Group

The Education Trade Union Group has with key issues, including:

- RPA
- Comprehensive Spending Review
- Education and Skills Authority
- Area Based Planning
- Transfer Arrangements
- Consultation

Regular meetings on these issues have been held with the Permanent Secretary of the Department of Education.

Education, Training & Lifelong Learning

Accreditation

The Qualification Curriculum Authority (QCA) along with the CCEA in Northern Ireland and the regulatory bodies in England, Scotland and Wales, has introduced a Qualification Credit Framework (QCF). It is intended that all existing qualifications will be in QCF, by 2010. The NIC ICTU Education and Training Programme was part of a UK wide test and trial of the QCF programme. We have worked closely with Belfast Metropolitan College and the Open College Network in carrying out the test and trial period. As a result of these changes, all students going through trade union education will now have the opportunity to gain nationally recognised qualifications through a range of especially tailored pathways. Qualifications will take the form of awards, certificates and diplomas.

Programme development.

For the start of the 2007 academic year, it was agreed to pilot the education and training programme on an annual basis meaning that it was planned from September 2007 through to June 2008.

This means a more coherent and planned approach and for easier recruitment on to courses as trade union representatives can request time off further in advance.

But it remains a matter of considerable concern that we continue to hear of union representatives having to cancel attendance at courses because they are denied time off by their employers. Elected representatives have the right to have time off for training. These rights have been secured by trade unions and we must ensure they are protected.

The core programme focuses on training of workplace representatives and includes:

- 10 day Union Representatives stage 1
- Stepping Up – the advance Union Reps course
- 10 day Health and Safety Reps stage 1
- 10 Day Health and Safety stage 2
- Diploma in Employment Law
- Diploma in Occupational Health and Safety
- 5 day Union Learning Rep courses.

New courses and short courses have included:

- Pensions champions
- Disability Champions
- Employment Rights for Migrant Workers
- Trade Union Approaches to Managing Workplace Stress
- Planning an Industrial Tribunal

We were delighted to be working closely with a range of affiliates to offer bespoke training programmes. This has included extensive work with NIPSA to deliver their re-launched training programme.

Sector Skills Councils

The Education and Training Officer sat on the Sector Skills Development Agency project board. Sector Skills Councils are employer-led bodies aimed at developing more effective strategies, including skills, in sectors of industry. There are 25 Sector Skills Councils established across public and private sectors.

A Memorandum of Understanding between the Sector Skills Alliance and NIC ICTU was launched in March 2009 at an event attended by the Minister for Education & Learning, Sir Reg Empey.

The MoU is a broad framework document for collaboration and sets out ways to develop a long

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term strategic relationship in the area of workplace skills. The MoU further commits SSCs to fully engaging trade unions in the implementation of Sector Skills Agreements.

Union Learning Fund

The Northern Ireland Union Learning Fund is now in its seventh year and has supported the training and development of hundreds of Union Learning Representatives (ULR) and the skills development of thousands of union members in the workplace. In 2006 – 2008, the ULF supported a total of 8 projects in across public and private sectors. Projects which received funding were: CWU (UK), Amicus, ATGWU, BFAWU, UCATT, USDAW, Unison and the FBU. From April 2006 to September 2007, the ULF projects engaged 1,500 learners of which 469 were essential skills learners. In this same period a total of 119 ULRs were trained.

Following a positive evaluation, the Department of Education and Learning announced funding for a further three year period 2008 – 2012. Successful projects for this period are: Unite, BECTU, BFAWU, CWU (UK), FBU, NIPSA/PCS, TSSA, UCATT, Unison and USDAW. Arrangements are being made to transfer the management of the fund to the NIC as per England and Scotland.

Union Learning Works

The annual NIC ICTU *Union Learning Works* conference was held in November 2007 and over 100 ULRs, union reps and guests gathered to hear speakers, including award winning crime writer Val McDermid extol the virtues of union learning.

The first of the annual union learning awards were presented at the conference with award winners receiving crystal plaques for their exceptional contribution to union learning. Award winners were:

- Brian Magee – PCS Union Learning Representative
- Unite (Amicus section) for workplace learning partnership with Arntz Belting company
- Andy Gibb – CWU (UK) Senior Union Learning rep
- The Unison/Open University/ employer K100 learning initiative.

Also launched at the conference was a comprehensive new publication produced by the NIC office. The **Union Learning Works** publication highlights case studies of successful union learning projects in the workplace and details stories of individual learners and ULRs.

Developing Union Learning Representatives.

The first annual Union Learning Reps development conference was organised by Kevin Doherty in 2007 with an attendance of nearly 60 people. The conference focused on ways of supporting the growing network of ULRs including regular ULR update mail shots, seminars and briefings and an ongoing programme of training. A second Development Conference took place in 2008 and allowed Union Learning Representatives to meet with each other, exchange ideas and examples of best practice working. Meanwhile, training continues and courses have been oversubscribed throughout 2008/2009.

Culture & Arts Committee

The committee was established in 2007 and subsumed the May Day committee. A total of 9 unions have nominated 11 representatives to it.

The committee identified the under funding of the arts sector as a serious issue and threat to jobs and has prioritised campaigning in this area. Along with Assistant General Secretary Peter Bunting, the committee met with the Arts, Culture and Leisure Minister to voice deep concerns at budget cuts in Northern Ireland.

Arts funding in Northern Ireland has always traditionally lagged behind England, Scotland, Wales and the Republic of Ireland. Northern Ireland invests £6.13 per head of population in arts funding, in stark comparison to Scotland (£11.93) and the Republic of Ireland (£12.61).

The Culture and Arts committee has overseen the development and running of successful May Festivals in 2008 and 2009 with record numbers of trade unionists and their families attending the rally and family festival. The Northern Ireland Committee was pleased to receive continued support for the May events from the Community Relations Council and Belfast City Council. With some support from those organisations, Congress funded and organised some short tours of *Strike*, a short play by Vincent Higgins inspired by the 1907 Dockers' and Carters' Strike. An exhibition and historical talks accompanied the show.

Health & Safety Committee

The first conference aimed at supporting Health and Safety Representatives was held in October 2007, under the theme *Supporting Health and Safety reps in the Workplace: examining enforcement – does it work?* The second conference was held 28 April 2008 to

coincide with International Workers Memorial Day and focussed on supporting mental health in the workplace. This was addressed by, among others, the then Minister for Enterprise, Trade & Investment, Nigel Dodds.

Building on work around suicide awareness, a course was organised for affiliates in November 2007. The two day ASIST – Suicide Awareness Intervention Training – was facilitated by the West Belfast Suicide Awareness group and was extremely well subscribed.

A new trade union education course was piloted in 2008. The Supporting Mental Health in the Workplace is aimed at existing activists, particularly Health and Safety representatives and Shop Stewards.

Safety Reps Award

This annual award is jointly presented by the Health and Safety Executive Northern Ireland and the NIC and is open to all union appointed or employer nominated health and safety representatives. The winner was Sean Doherty of the CWU (UK).

Health & Safety Executive, NI

A close working relationship with the HSENI has been re-established. Liaison meetings are ongoing, allowing both parties to take up issues of common interest and concern.

In early 2009, NIC ICTU and the HSENI agreed to establish a new grouping to facilitate further partnership work. The Trade Union Health and Safety Executive Forum will meet quarterly and membership will include senior officials from the HSENI, NIC ICTU and the HSENI Board.

Representation on Other Bodies

Barbara Martin was nominated to sit on the re-established Working for Health Implementation Group. Colin Patterson was been nominated to sit on the NI Safety Group and Robert Thompson was nominated to sit on the HSENI Spring Conference Planning committee.

Global Solidarity

With an innovative combination of training, awareness-raising, campaigning and events, Global Solidarity demonstrated that development education is a core tool of trade unions keen to advance a workers' rights agenda at home and abroad. Among the many international visitors and speakers we helped arrange itineraries or events for, the following are noteworthy:

- Nancy Elias, an educator from Palestine
- this signalled the beginning of a more robust engagement between Congress and Palestine;
- P. Muthulingam, from the Sri Lankan Institute of Social Development;
- Henry Wejja from Tanzania and Timothy Kondo from Zimbabwe, speaking about Economic Partnership Agreements at Stormont and to other audiences across Ireland;
- Gladys Oliva, head of the Cuban Institute for Friendships with Peoples.
- Lovemore Matombo, President of the Zimbabwe Trade Union Congress (ZTUC).

Several films were sponsored or arranged, including: *Black Gold*, *Amazing Grace*, *An Inconvenient Truth* and *Bamako*, a Christian Aid-sponsored film on the effects of the World Bank in Africa.

We attended the European Trade Union Confederation (ETUC) twice yearly meetings of the Trade and Globalisation Working Group, feeding into policy debates and documents.

Funding from the UK Department of Foreign & International Development ended in 2008. The Global Solidarity Officer based in Dublin has now taken over the role formerly filled by Neil Alldred – he is currently working at the UNESCO Centre of the University of Ulster. We thank him for his hard work and wish him the very best in the future.

Migrant Workers Support Unit

The unit has been in operation since September 2007 and was established on foot of the recommendation included in the research on migrant workers commissioned by the NIC ICTU. The unit has the strategic responsibility of policy development through linking with relevant stakeholders and trade unions, a coordinating role of establishing a network of employment rights clinics in cooperation with Trades Councils, trade unions and migrant support organisations, collating information on migrant workers and organising seminars and information sessions. In the short period of several months there have already been some significant developments in implementing the above objectives.

Anti-Racist WorkplaceWeek

Anti-Racist Workplace Week 2007 was supported by the European Year of Equal Opportunities for All. A number of events were organised throughout Northern Ireland, with support from local councils, Trades Councils and ethnic minorities support centres in various localities including Belfast, Ballymena, Dungannon, Cookstown, Lisburn and Newry. With the support of affiliates from Unite, NIPSA, UTU, USDAW and Belfast Trades Council we held an Open Day in the course of which foreign nationals had an opportunity to meet representatives of trade unions, sign up for membership and receive expert advice on various aspects of employment legislation. In total, the NIC ICTU initiatives for the Anti-Racist WorkplaceWeek attracted around 300 foreign nationals, primarily Polish, Lithuanian, Slovak, Czech and Russian.

The week also saw the launch of *Your Rights at Work* card. This is currently available in seven languages. It has been distributed to migrant support organisations and among migrant workers. There are plans for translations into Chinese, Russian and Slovak. A second Anti-Racist Workplace Week was held in 2008.

Employment Advice Clinics

Recognising that discrimination, mistreatment and exploitation of migrant workers are major issues of concern, the Project's priority was to swiftly establish advice clinics in the areas of the greatest concentration of foreign nationals. The Project Worker has been running a support centre since October 2007, providing assistance to migrants in the Belfast area and has cooperated with a number of trade unions in providing advice and representation. Two service level agreements have been in operation with Dungannon and Newry & Mourne Councils on providing specialist employment advice. Regular clinics have been running in these two locations since early 2008. There are plans for similar agreements with Belfast and Lisburn Councils. The main types of advice or assistance sought related to: holiday entitlement, redundancy, unfair dismissal, gender and race discrimination and unlawful deductions from wages.

Youth Committee

Since BDC 2007 the Youth Committee has built itself into a vibrant part of the ICTU and has been involved in addressing a number of issues facing young people in Northern Ireland. The committee has active delegates from the CWU (UK), USDAW, IBOA, Unite, Strabane and Belfast Trades Councils. It is an important part of ICTU and provides young trade

unionists with the chance to engage with issues that specifically affect young people. The committee has been involved in a range of events over the past year including:

- Designing and publishing the *Young Workers Rights* card aimed at raising young peoples' awareness of their rights at work and the reasons for joining a union. As part of this the committee held a successful public launch of the card.
- Running school workshops to provide advice and information to school leavers
- Working with Trademark and other organisations to run education and training seminars for young trade unionists
- Working to raise the profile of the Youth Committee through designing t-shirts and other resources which were present at the May Day events in both Belfast and Dublin.
- Designing and printing leaflets on the economic crisis and on why young people should organise
- Taking part in a 2008 training residential with Trademark and developed a three year strategy for building and strengthening the Committee.

The committee intends to develop its campaigns into wider areas that affect young people including the need for increased public housing. To build on the work already done, we would encourage delegates to take participate committee and support our work.

Anti-Sectarianism Project

As the largest civil society body in Northern Ireland - and across the island - the NIC-ICTU plays a key community role, particularly in terms of developing tolerance and combating sectarianism. Congress organises workers across all sectors of the economy and society, without regard to race, creed or colour. In 2008, NIC-ICTU received £80,000 for its Anti-Sectarianism Project, which aims to develop skills and competencies in leadership that will ultimately provide a resource for preventing sectarianism within communities.



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i) The European Trade Union Confederation

Congress is affiliated to the ETUC and takes an active part in its work. In the period under review the key areas of activity have been:

- The Economic Crisis
- Campaign for a Social Europe

The Economic Crisis

Workers, through no fault of their own, are paying a very high price for the reckless and greedy excesses of the business world, especially the banks; unemployment is soaring, precarious work and poverty are spreading, purchasing power is falling, and public debt is increasing.

The ETUC is therefore on the offensive for a New Social Deal in Europe, based on the following five point plan:

- An expanded recovery programme to provide more and better jobs, to protect employment in key industries, to invest in new, sustainable technologies, and to maintain vital public services;
- Better pay and pensions, stronger welfare states, higher benefits to protect the purchasing power and effective participation rights needed to boost economies.
- An end to the recent decisions by the European Court of Justice favouring market freedoms over fundamental rights and collective agreements by confirming the social objectives of the internal market, and guaranteeing equal treatment and equal pay for 'posted' migrant workers;
- Effective regulation of financial markets, a fair distribution of wealth, and no return to casino capitalism or to the 'business as usual' of the past 20 years in financial markets;
- A European Central Bank committed to growth and full employment, not just price stability.

Days of action in support of this platform were held in Madrid, Brussels, Berlin and Prague from 14-16 May, 2009.

Campaign for a Social Europe

In addition, and complementary to the platform outlined above, the ETUC is advocating for a special protocol to be appended to a Treaty (perhaps on the accession of Croatia) to give priority to human rights issues when judgements are being framed by the European Court of Justice. Congress has worked closely with ETUC on this project in the context of the Lisbon Treaty.

ii) The Lisbon Treaty

Delegates to BDC 2007 debated and passed a motion which laid out the union view on the centrality of the Charter of Fundamental Rights to any developments within the European Union. The motion stated that:

This Conference considers that the application of the Charter of Fundamental Rights is essential to protect and promote workers' rights across the European Union. Conference therefore declares that, Congress support for a European Union Treaty will be conditional on the Charter remaining as an integral part of any proposed Treaty.

The previous month, in June 2007, the European Council had agreed the outline of a new treaty to replace the EU constitution that had been rejected by both the French and Dutch electorates. But as of July it was not certain if and when any new treaty might emerge, much less when the Irish electorate would be asked to vote on its provisions.

Almost immediately, the UK Government signaled that it would be seeking an 'opt out' from the Charter of Fundamental Rights, a concession that was agreed by other EU leaders. More ominously, media reports suggested that both Ireland and Poland were also considering this option.

Congress General Secretary David Begg sought clarification from the Government on this issue. Indeed, it was made clear at BDC 2007 that Congress would not support any new treaty if the Government was to opt out of the Charter.

Shortly afterwards, the Government confirmed that Ireland would not be pursuing this course of action.

Over the next six months, under the auspices of the Portuguese presidency, work proceeded on what had been agreed by the European Council, in June. Finally, on December 13, the Lisbon Treaty was signed in the Jeronimos Monastery, in the Portuguese capital. All it required now was ratification by all member states.

Uniquely in the EU, the Irish electorate was scheduled to vote on the Treaty's ratification on June 12, 2008. The original intention was that the EU wide ratification process would be complete by the end of 2008.

As it transpired, the referendum campaign and vote proved to be the first major challenge for newly-

installed Taoiseach, Brian Cowen TD and his new cabinet, following the departure of Bertie Ahern. The Executive Council of Congress – simultaneously involved in talks on the *Towards 2016 Review* – did not meet to adopt a formal position on the Lisbon Treaty, until May 21.

Prior to the meeting, there was some controversy when it was claimed that the European Trade Union Confederation (ETUC) was demanding the insertion of a 'social clause' in the Treaty, as the price of their support.

The General Secretary of the ETUC, John Monks, denied this was their position and said they were campaigning for passage of the Treaty in order to give effect to the Charter of Fundamental Rights, which could allow its workers' rights provisions to become legally binding. Mr. Monks said the ETUC wanted a social progress clause as a "complementary and separate" measure to the Treaty.

Following a lengthy and detailed discussion at its May gathering, the Congress Executive Council eventually voted by a majority of 14 to 5 (five) to support acceptance of the Treaty and campaign in favour of ratification. There were eight abstentions.

A proposal that Congress, as a body, would not adopt a formal position was rejected. Speaking afterwards, General Secretary David Begg expressed satisfaction that Congress had adopted a clear position, on "an issue of major public importance."

He also pointed out that the decision did not preclude individual unions from advising their members on a different course of action. Unions such as the TEEU and Unite opted to campaign for a No vote in the June 12 referendum.

In the event, the No Campaign was to emerge victorious, winning the referendum by 53.4 percent to 46.6 percent, with a turnout of 53.1%. In the immediate aftermath, differing reasons were put forward for the loss of the vote – fear of losing a commissioner, fears over taxation and abortion, a poor Government campaign.

However, when the Government later commissioned its own research into the reasons behind the No vote, a somewhat different picture emerged, as the research document itself reveals: "When asked directly, respondents cited the issue of protection of workers' rights as being 'very important' more often than any other issue..."

Speaking shortly after the June 12 vote, General Secretary David Begg pointed out that for Congress, the Charter remained central as it "had at least the potential over time to confer on workers a range of rights that will never be possible under our own constitution. Foremost among them is the right of trade unions to be recognised for Collective Bargaining purposes – a right in law uniquely denied to Irish people."

At the time of writing, while Government has confirmed that there will be a second poll on the Lisbon Treaty, although a date has yet to be confirmed.

iii) International Labour Organisation

The International Labour Organization (ILO) is the UN agency which seeks the promotion of social justice and internationally recognised human and labour rights. The ILO formulates international labour standards in the form of Conventions and Recommendations that set out minimum standards of basic labour rights: freedom of association, the right to organise, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues.

The Member States of the ILO meet at the International Labour Conference, held each June in Geneva, Switzerland. Each member state is represented by a tripartite delegation, consisting of two government delegates, an employer delegate, a worker delegate, and their respective advisers. In addition at four-yearly intervals, the ILO holds a Pan European Regional Meeting and in February 2009 the meeting focused on the global financial and economic crisis in Europe and central Asia.

Congress has been an active participant at each ILC and Esther Lynch, Worker Delegate from Ireland was elected to the drafting committee for the conclusions of the Regional Conference. The Workers' Group demanded a transformation of the world economy, to one built on social justice and which:

- Delivers decent work, with full respect for trade union rights, to all;
- Is based on effective, democratic and accountable global governance which puts the needs of people first;

- Ensures strong financial regulation, putting finance at the service of the real economy and the real economy at the service of people;
- Guarantees respect for the rights of all working people and puts an end to poverty, inequality, discrimination and exploitation; and,
- Secures sustainability through green investment and green jobs.

90th Anniversary of the ILO; 60th anniversary of Right to Organise & Collective Bargaining

In 2009 the ILO celebrates its 90th Anniversary, against a backdrop of financial crisis and critical levels of unemployment around the world. Looking to the future means understanding the past, and as such the ILO's 90th anniversary celebrations focus on the theme of *90 Years Working for Social Justice*.

In April 2009 Congress welcomed the publication of the memoirs of Edward Phelan – a former director of the ILO and a principal author of its constitution. *Edward Phelan & the ILO: The Life & Views of an International Social Actor* was launched by An Taoiseach, Brian Cowen, TD in Dublin's Mansion House. On the occasion, Congress stated that it was important to honour Mr Phelan's life and achievements. A significant achievement of the ILO under his leadership was the adoption of Convention Number 87 on Freedom of Association & the Right to Organise and Congress went on to call on the Taoiseach to honour this legacy by legislating for union recognition, the right to strike, the right to collective bargaining, in accordance with the Conventions and the decisions of the Committee on Freedom of Association.

iv) Global Solidarity

Our Global Solidarity work over the period 2007–2009 has made good progress and there are four key developments to report:

Lesotho Development Project Following a 2007 fact finding by Congress Treasurer Joe O'Flynn and David Joyce, Development Officer, Congress has embarked on a long term partnership with the **Lesotho Confederation of Democratic Unions** (LECODU). The Lesotho project started in August 2008. It is both a trade union capacity building project and a HIV/AIDS information campaign project. It will ensure that the leadership of LECODU is skilled in all major trade union organisational issues. The project is funded by Irish Aid, Impact and the PSEU.

Irish Aid support for ILO Child Labour Programme

The work of Congress was of utmost importance in helping to secure and realise the third phase of the Irish Aid/International Labour Organisation partnership programme. The third phase includes €1 million in support from Irish Aid to IPEC – the International Labour Organisation's (ILO) programme to eliminate Child Labour. It was launched on November 4 2008 in the Irish Aid volunteering centre, in Dublin. This was also the official opening of the Irish Aid and Congress-sponsored exhibition of photographs on the subject of *Ethiopian women with disabilities at work*

Development Education Project Our development education project *Global Solidarity Champions* started in March 2009 and will run for two years. It aims to identify and train 90 trade union members to become Global Solidarity Champions, with the aim of strengthening the solidarity work of Congress and affiliates by building stronger structures and developing more activities that will mobilise more people. The course covers many issues, including human and trade union rights, climate change, globalisation and the international trade union movement's role in the work for equality and justice in our world.

Report of Palestine/ Israel Delegation and Campaign

(see (vi) below) A senior level delegation, led by President Patricia McKeown, visited Palestine/ Israel in November 2007. The delegation was hosted by Histadrut in Israel and PGFTU in Palestine. A major report was published after the visit and its recommendations were adopted by the Executive Council (see separate section on the boycott campaign). The full report can be accessed here <http://www.ictu.ie/publications/fulllist/report-of-delegation-visit-to-israel-palestine/>

On foot of the recommendations, an international conference – *Progress in the Middle East* – was planned for Dublin, in June 2009.

Other Developments

The main body of our work is developed by the Global Solidarity Committees, North and South. This has resulted in a number of new initiatives in the period under review:

Solidarity with Colombian Trade Unions "Colombia is the most dangerous country in the world for trade unionists," according to International Trade Union Confederation's annual survey of violations of trade



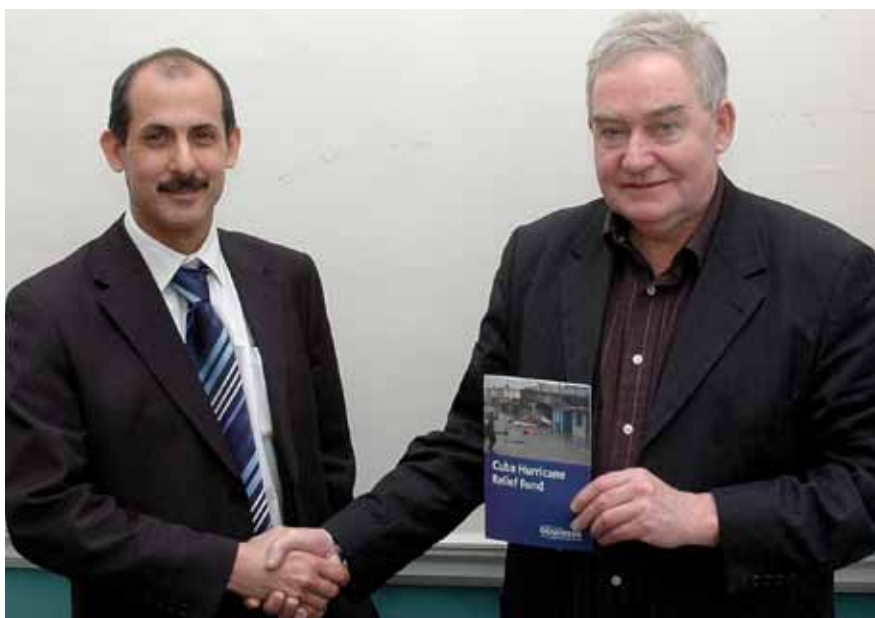
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union rights. Following a series of public meetings on this issue, branches of the trade union network Justice For Colombia (JFC) have been established in Dublin and Belfast. Their activities are focused on campaigns to free political prisoners (trade unionists), lobby work against Colombia's preferential trading status from the EU and concrete support for trade unions in Colombia.

Trafficking and Forced Labour A working group has been established to gather information on how best to raise awareness on these issues within the Irish trade union movement, and on how we can link our work to that of the International Trade Union Confederation's initiative of a global alliance against trafficking and forced labor.

World Day for Decent Work The Decent Work agenda plays a central role in the committee's work. A special working group prepared website information and press articles to mark World Day for Decent Work (October 7, 2008). The group is now planning a major event for October 2009.

The Global Solidarity Committee is charged with the responsibility to follow up Executive Council decisions on international solidarity. In October 2008, Congress agreed to organise an All Ireland fundraising **Campaign for Cuba** after a disastrous series of hurricanes hit the island and caused severe damage, in September 2008 that. A special leaflet was produced and more than €60,000 was collected for the Hurricane Relief Fund which contributed to the reconstruction of houses in the region, Pinar del Rio.

In January the Executive Council started an **Emergency Fund for Gaza**, following the Israeli attack on the strip. In a separate campaign, individual trade union members sold a limited number of specially-produced prints by the artist **Robert Ballagh**, in support of Medical Aid to Gaza. This raised more than €50,000.

Global Solidarity arranged a special meeting at BDC 2007 on Discrimination in Workplaces around the Globe, with Mr. Claude Apokavie from the Worker's Bureau in the ILO as main speaker. At the Congress Women's Conference in March 2008, Global Solidarity invited Ms Kristin Blom of the ITUC to speak on the **Decent Work** strategy. A special international solidarity event at the 2009 Women's Seminar heard addresses from Ms Nancy Aguiar of the Cuban Women's Federation and from Ms Tara Scott of the Ethical Consumer's campaign Ethical Pest.

Congress has continued its engagement with Irish Business on **Ethical Trading**. Delegations from Congress have met twice with the board of Penneys and discussed Ethical Trading and trade union rights.

In conjunction with the International Union of Food workers (IUF) Congress organised a **Fair Trade/Trade Union** conference in September 2008 in Dublin. Some 20 participants came from trade unions in the global South and Europe. Representatives from Fair Trade were also present. The conference aimed to examine problems in Fair Trade plantations where trade unions have not been fully respected.

Four issues of the Global Solidarity **newsletter** were published in the period under review, with the publication also undergoing a design makeover and relaunch. In addition, the revamped Global Solidarity **website** was launched in May 2009. Three resource brochures were also produced: *Trade Union Development Cooperation, Equality in the Workplace in Ireland, Europe and Beyond* and *Ethical Consumer Guide for Trade Unionists*.

Congress has actively taken part in ETUC's and ITUC's human and trade union rights meetings, as well as the international lobby work ahead of World Trade Organisation and international financial institution's meetings. Global Solidarity has also ensured that Congress is very active in international campaigns to free imprisoned and maltreated trade unionists all around the world.

Global Solidarity continues to represent Congress in broad coalitions, such as the Global Campaign for Education/Task Force against Child Labour, Trade Matters and the Debt and Development Coalition. Congress would like to acknowledge the continued support of **Irish Aid** for our Global Solidarity work.

v) International Trade Union Confederation

Congress worked closely with the International Trade Union Confederation (ITUC) to ensure the money we raised in Ireland to support rebuilding of livelihoods in areas affected by the 2004 Asian Tsunami was used to best effect and was part of a coordinated international trade union response. This included supporting:

- The ILO in Sri Lanka *Trade Union Assistance to Tsunami-affected Communities; Making Voices of the People Heard*. Economic Empowerment of coastal communities, rebuilding lives and job opportunities, organising the unorganised. Grant of **€300,000**
- ILO – ITUC/ICTU supported Project on Skills development & Vocational Training for the Tsunami Affected People, in Cuddalore and Nagapattinam, in the state of Tamil Nadu (India) in cooperation with ITUC affiliates, Hind Mazdoor Sabha (HMS) and Indian National Trade Union Congress (INTUC). **\$450,000**
- Grant of **€16,207.75** to the NCUB to assist victims of Cyclone Nargis. Maung Maung, General Secretary of Federation of Trade Unions Burma,

is also General Secretary of NCUB which is an umbrella body for all organisations campaigning for the restoration of democracy in Burma.

Congress Global Solidarity is also part of the ITUC Trade union development cooperation network. The network has formed working groups in the following areas:

- Trade Union Aid Effectiveness: to look at how trade unions deal with North-South cooperation, in terms of content and process.
- Trade Unions as Development Actors: discuss the various systems in both the North and the South providing support for trade union programmes/projects.
- Trade Unions and the multilateral development policy coherence & Aid Architecture. looking at the different approaches to international development policies by multilateral agencies such as the OECD, the UN (ECOSOC), the ILO and the WB, and the regional approaches such as the EU and the regional development banks.
- Development Education work of trade unions in the North (and relations with southern partners);

Congress continued to draw on the expertise of the ITUC in some of our international work, including our participation in NSAI on the development of an international standard for Corporate Social Responsibility.

vi) The Palestine Report & Boycott Campaign

The 2007 Biennial Delegate Conference unanimously adopted two resolutions on Palestine which committed Congress to a series of actions and high level political interventions.

These included representations to the Irish Government and the EU Council of Ministers; action through the international trade union movement; the holding of a high level conference and the initiation of a campaign of boycott targeted at Israeli goods and services.

Critics of the position claimed that Congress did not understand the reality on the ground. However, many Congress affiliates have longstanding policies on Palestine, backed up by regular contacts and practical projects with trade unions, human rights NGOs and aid agencies based in both Israel and the Occupied Territories.

In November 2007, an official Congress delegation went on a fact finding visit to the region, visiting both Israel and Palestine. A copy of the delegation's report is available at the following link: <http://www.ictu.ie/publications/fulllist/report-of-delegation-visit-to-israel-palestine/>

The report contained 10 recommendations (see below), all of which were later adopted by the Executive Council and are now the principle ground for Congress' work on the Middle East issues. This includes the imperative: *"To support and promote a boycott campaign of Israeli goods and services and a policy of disinvestment from Israeli companies as a means of encouraging the Israeli government to comply with International Law and to cease the human rights violations of the Palestinian people."*

Another of the recommendations calls for Congress to *"engage with the Israeli Labour movement and the Israeli Government to discuss the policies and to lobby for a change of policy focus, from primacy of security to the primacy of a political resolution."*

The Congress call had an important impact on political debate in Ireland and internationally in the trade union and solidarity movements worldwide. It is fair to say that there was some negative feedback also.

During the Israeli offensive against Gaza, January 2009, the Congress position was again highlighted and commented upon, across the spectrum.

In March 2009 further proposals from the Trade Union Friends of Palestine were discussed at the Executive Council. The proposals suggested a series of actions to promote the boycott campaign. Prior to the Executive Council discussion the General Purposes Committee had recommended that the broad principles of the submitted proposals be accepted but said that the practical implications would need more study.

The General Purposes Committee also recommended that the following would be elected to a working group: Ms Patricia McKeown, President, Mr David Joyce, Congress, Mr Peter McLoone, Impact, Ms Sally Anne Kinahan, Congress, Ms Mags O'Brien, Mr Eamon McMahon. Both these recommendations were agreed by the Executive Council. The working group will present their position on how to develop the boycott campaign as soon as possible.

'The Apartheid Wall'



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Dublin 2
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E-mail: eu-ie-info-request@ec.europa.eu



The Congress
Delegation visit to
Palestine and Israel.

Recommendations of the Report of the Congress Delegation Visit to Israel & Palestine

1. That the report is presented to the Executive Council and is published as a Congress document for widespread distribution throughout the Irish, European and International Trade Union Movement.
2. The Executive Council should meet with the Taoiseach and the Minister for Foreign Affairs to discuss the findings of the delegation and the content of the two resolutions carried at BDC 2007. The objective purpose of these meetings is:
 - to request the Irish government to initiate policy change on Palestine, at EU level with regard to the illegal actions of the Israeli Government;
 - to request the Irish government to oppose the withholding of EU funding for the Palestinian Authority and to call for the end of the preferential trading status afforded Israel under the Euro/Mediterranean Agreement.
3. The Executive Council should meet with the Minister for Foreign Affairs to discuss the financing of specific programmes for the Palestinian people. These should include:
 - building capacity in civic society including conflict resolution both intra and inter Palestinian and Israeli society;
 - encourage and provide expertise for Irish investment in the Palestinian economy;
 - for development of the Equality Agenda and a Rights Based Approach to the political and civic institutions in Palestine;
 - the provision of expertise from Ireland in building social partnership between the various pillars in both Israel and Palestine.
4. Following on from the distribution of the report a further meeting to be held with our sister confederations in GB with the objective of a Council of the Isles campaign on behalf of the Palestinian people.
5. Through ICTU membership of the ETUC and the ITUC to raise the plight of the Palestinian people with particular emphasis on building solidarity with the PGFTU.
6. To engage with the Israeli labour movement and the Israeli government to discuss the above policies and to lobby for a change of policy focus, from the primacy of security to the primacy of a political resolution.
7. To encourage other trade union delegations to visit the occupied Palestinian territories and Israel.
8. That ICTU pursue active engagement and collaborative working with Palestinian and Israeli human rights groups and other civic society organisations as necessary.
9. To support and promote a boycott campaign of Israeli goods and services and a policy of disinvestment from Israeli companies as a means of encouraging the Israeli government to comply with International Law and to cease the human rights violations of the Palestinian people.
10. That ICTU hosts a high level conference with international speakers, to develop trade union solidarity.

**BUILDING
SOLIDARITY**

BDC 09 Appendices

**BUILDING
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Appendix 1

Congress Financial Statements 2006 - 2008

Irish congress of trade unions

Income and expenditure account – number 1 account 2006 – 2008

	2008 €	2007 €	2006 €
Income			
Affiliation Fees	2,563,818	2,005,327	1,807,124
Conference Income	49,678	146,387	22,518
Administrative Charge to Education, Training & Advisory Service	79,501	110,237	150,000
Grant & Project Income	-	(27,752)	358,126
Other Income	196,588	203,016	301,292
Total Income	2,889,585	2,437,215	2,639,060

Expenditure

Administration

Staff Costs	1,458,916	1,237,003	1,150,891
Ex-gratia Pensions	113,329	98,636	64,503
Motor & Travelling Expenses	55,355	51,683	57,464
Light & Heat	19,980	28,759	19,951
Telephone	59,040	44,505	40,936
Postage	12,106	15,346	16,382
Rent & Rates	48,499	59,319	38,697
Repairs & Renewals	62,861	131,805	70,729
Insurance	4,359	13,676	17,446
Legal & Professional Fees	100,956	114,857	143,123
Events Costs	44,571	1,157	24,412
Activity Costs	290,251	42,113	298,065
Audit Fees	8,000	7,083	16,269
Grants & Subscriptions	1,599	8,223	20,805
Books, Papers & Periodicals	7,541	7,176	7,360
Leasing of Office Equipment	16,625	3,777	7,663
Bank Charges & Interest	53,760	60,389	51,918
Cleaning	19,445	15,821	22,736
Sundry Expenses	26,038	29,888	6,436
(Profit)/Loss on sale of Motor Vehicles	-	58	-
Advertising	2,018	-	1,271
Waiver of Northern Ireland loan	-	-	92,407
Total Administration Expenses	2,405,249	1,971,274	2,169,464

Publications & Stationary

Publications	-	2,175	6,592
Stationary	15,048	29,520	35,730
Total Publications & Stationary Expenditure	15,048	31,695	42,322

	2008 €	2007 €	2006 €
Expenditure			
Meeting Expenses			
Biennial Conference	10,251	123,740	15,172
Executive Council	1,532	555	1,742
Committees & Conferences	11,164	11,983	6,741
International	--	--	694
Total Meeting Expenses	22,947	136,278	24,349
Other Expenditure			
International Affiliation Fees	192,175	169,910	96,416
(Profit)/Loss on Foreign Exchange	(95,429)	(29,668)	-
Depreciation	40,804	34,733	30,887
Total Other Expenditure	137,550	174,975	127,303
Total Expenditure	2,580,794	2,314,222	2,363,438
Income	2,889,585	2,437,215	2,639,060
Operating surplus for year	308,791	122,993	275,622
Deposit Interest	-	-	-
Taxation	-	-	-
Surplus for year	308,791	122,993	275,622

Irish congress of trade unions

Balance Sheet

– number 1 Account 2006 – 2008

	2008 €	2007 €	2006 €
Fixed Assets	3,253,670	3,263,502	3,214,396
Current Assets			
Bank Balance & Cash	176,470	68,523	17,757
Debtors and Prepayments	706,178	635,800	527,532
Stock of Stationary	1,434	1,434	1,434
	884,082	705,757	546,723
Less: Current Liabilities			
Bank Loans & Overdrafts	(41,608)	(166,847)	(23,268)
Creditors & Accrued Expenses	(534,758)	(413,037)	(392,502)
	(576,366)	(579,884)	(415,770)
Net Current Assets / (Liabilities)	307,716	125,873	130,953
<i>Creditors: Amounts due after more Than 1 year</i>			
Bank Loans	(714,893)	(851,673)	(930,640)
Net Assets	2,846,493	2,537,702	2,414,709
Represented by:			
Accumulated Fund	783,740	674,949	751,956
Funding Accounts	2,062,753	1,862,753	1,662,753
	2,846,493	2,537,702	2,414,709

Irish congress of trade unions

Income and Expenditure Account

– number 2 Account 2006 – 2008

	2008 €	2007 €	2006 €
Income			
Department of Enterprise, Trade & Employment:			
- Main Funding	1,510,000	1,827,260	1,801,320
- WIF Project	-	153,104	-
Participants' Fees	1,045,306	798,541	984,595
CIE Group Secretariat	-	(38,100)	133,790
Grant & Project Income	607,952	615,380	117,752
Other Income	316,145	528,056	36,247
	3,479,403	3,884,241	3,073,704
Expenditure			
Staff Costs	1,643,322	1,216,691	1,251,624
Advisory Consultancy Costs	-	189,290	666,000
Administrative Charge – Head Office	54,327	82,015	122,000
Education Division – SIPTU	182,842	182,842	182,842
Education Division – Unite/ATGWU	31,743	31,743	31,743
Motor, Travelling & Subsistence	29,904	51,865	53,014
Research & Consulting	106,941	39,537	93,117
Training Courses & Seminars	814,025	856,542	789,990
People's College Grant	31,740	31,740	40,750
Activity Costs	82,182	-	-
Printing & Publications	34,076	50,483	7,577
Legal & Professional Fees	18,847	-	-
Lease of Office Equipment	-	85	7,478
Stationary	8,276	7,736	7,084
Insurance	7,260	4,102	9,981
Audit Fees	9,187	14,460	5,270
Light & Heat	17,078	14,163	6,000
Postage & Telephone	7,060	5,335	6,513
Rent, Rates & Service Charges	16,403	15,604	20,447
Repairs & Renewals	2,972	507	13,525
Bank Interest & Charges	155	90	90
Contributions to Project Expenditure	-	77,080	-
Information & Advisory Services	293,065	679,960	-
Cleaning & Sundry Items	37,132	34,385	27,568
Depreciation	9,920	8,401	6,716
Loss of Disposal of Fixed Asset	-	-	2,650
	3,438,457	3,594,656	3,351,979
Surplus (Deficit) for the Year	40,946	289,585	(278,275)

Irish congress of trade unions

Balance Sheet

– Number 2 Account 2006 – 2008

	2008 €	2007 €	2006 €
Fixed Assets	17,611	22,950	12,057
Current Assets			
Bank Balance & Cash	-	12,151	-
Debtors and Prepayments	1,423,983	747,189	743,055
Stock of Printing, Publications & Stationary	3,600	3,600	3,600
	1,427,583	762,940	746,655
Less: Current Liabilities			
Bank Overdraft	480,542	-	28,761
Creditors & Accrued Expenses	986,220	848,404	1,082,050
	1,466,762	848,404	1,110,811
Net Current Liabilities	(39,179)	(85,464)	(364,156)
Net Liabilities	(21,568)	(62,514)	(353,099)
Represented by:			
Accumulated Deficit	(21,568)	(62,514)	(352,099)

Congress Northern Ireland Committee

Training and advisory services account 2007 - 2008

Income and Expenditure Account

	2008 £	2007 £
Income		
Government grant funding	180,000	180,000
Contributions from TUC and similar bodies	29,801	16,939
Contributions from ICTU	799	--
Other income	--	500
	210,600	197,439
Expenditure		
Salaries and national insurance-training services	75,445	60,582
Salaries and national insurance-advisory services	38,117	29,294
Pension fund contributions-training services	27,845	14,144
Shop steward, health, safety & equality training	46,702	28,831
Publications, papers and magazines	4,370	10,359
Rent and rates	13,600	13,600
Insurance	1,600	1,600
Heat and light	2,400	2,400
Cleaning	3,200	3,200
Stationary	4,000	4,000
Postage	3,200	3,200
Telephone	4,000	4,000
Travelling and subsistence expenses	4,492	3,091
Professional fees	--	13,100
Audit and accountancy	1,880	1,880
Bank charges and interest	109	137
Subscriptions	668	940
Sundry Expenses	--	64
	231,627	194,421
(Deficit) / surplus for the year	(21,027)	3,018

Congress Northern Ireland Committee

Training and advisory services account 2007 - 2008

Balance Sheet

	2008 £	2007 £
Current Assets		
Debtors	13,436	10,253
Cash at Bank	-	12,929
	13,436	23,182
Current Liabilities		
Creditors: amounts falling due within one year	(13,436)	(2,155)
Nett Current Assets	-	21,027
Nett Assets	-	21,027
Represented by Accumulated Surplus	-	21,027

Appendix 2

Executive Council
General Purposes Committee
Northern Ireland Committee

The Executive Council held **18** ordinary meetings and **10** Special meetings (**28** in total) between July 2007 and May 2009.

In addition there was a number of briefing meetings for the Republic of Ireland members of the Executive Council during the negotiations on the ***Towards 2016*** and national talks on the economy.

The attendances at these meetings were as follows:

Executive Council

Name	Ordinary	Special	Total
P McKeown (President) (UNISON)	15	7	22
P King (Vice President) (SIPTU)	14	10	24
J O'Connor (Vice President) (SIPTU)	17	10	27
J O'Flynn (General Treasurer) (SIPTU)	15	4	19
L Broderick, (IBOA)	14	9	23
J Carr (INTO)	17	10	27
S Cody (IMPACT)	16	10	26
J Corey (NIPSA)	15	4	19
E Devoy (TEEU)	15	8	23
P Dooley (UNISON)	12	3	15
S Dooley (NUJ)	18	8	26
L Doran (INO)	15	8	23
J Dorney (TUI)	13	7	20
J Douglas (MANDATE)	15	10	25
S Fitzpatrick (CWU)	17	8	25
E Fleming (DCTU)	14	8	22
T Geraghty (PSEU)	18	9	27
N Greene (UNITE AMICUS)	17	9	26
B Hayes (SIPTU)	10	5	15
B Horan (CPSU)	18	10	28
E McGlone (UNITE ATGWU)	12	7	19
P McLoone (IMPACT)	15	10	25
J Moore (UCATT)	17	8	25
D Murphy (PSEU)	18	10	28
S Nunan (INTO)	15	10	25
L O'Donnell (IMPACT)	17	9	26
P O'Shaughnessy (BATU)	14	8	22
J Shanahan (UNITE AMICUS)	16	9	25
A Speed (SIPTU)	15	9	24
L Tanham (MANDATE)	11	6	17
C Treacy (INO)	11	8	19
B Tyrrell Collard (CPSU)	17	9	26
J White (ASTI)	17	10	27
O Wills (TEEU)	13	6	19

General Purposes Committee

Name	Ordinary	Special	Total
P McKeown (President) (UNISON)	13	0	13
P King (Vice President) (SIPTU)	17	6	23
J O'Connor (Vice President) (SIPTU)	17	7	24
J O'Flynn (Treasurer) (SIPTU)	12	2	14
J Carr (INTO)	16	7	23
N Green (AMICUS UNITE)	15	4	19
E McGlone (ATGWU UNITE)	15	0	15
P McLoone (IMPACT)	12	7	19
O Wills (TEEU)	10	3	13
*D Murphy (PSEU)	2	7	9
*J Shanahan (AMICUS UNITE)	2	5	7
*Eamon Devoy	2	4	6

*Members of Extended GPC for national talks on the economy.

Northern Ireland Committee

The Northern Ireland Committee's Biennial Delegate Conference was held in the Magherabuoy House Hotel, Portrush, Co Antrim, on 15 and 16 April 2008 and the following were elected as members of the Committee for 2008-2010.

K Smyth (USDAW), P McKeown and P Dooley (UNISON), K McKinney (SIPTU), E McGlone, K McAdam, T Trainor, D Edmont (UNITE), M Morgan and J Corey (NIPSA), S Searson (NASUWT), F Bunting (INTO), A Hall-Callaghan (UTU), L Huston (CWU UK), C McCambridge (TSSA), M Langhammer (ATL), M Corry (Craigavon Council of Trade Unions)

At its inaugural meeting in May 2008, John Corey was elected Chair and Avril Hall-Callaghan as Vice-Chair.

Obituaries

A number of close colleagues of the trade union movement died since BDC 2007, including:

Billy Bleese, died in May, 2008. He was the first Congress Northern Ireland Secretary.

Dick Kearney, died August 2008. He was a former General Secretary of OPATSI.

Dominc Murphy, died June 2009 (TSSA), former President of Congress.

On behalf of the Executive Council Congress wishes to extend its deepest sympathies to the families of those deceased.

Appendix 3

Affiliated membership

Unions affiliated to Congress 2009 (Membership figures in respect of 31 December 2008)

RO= Regional Officer

DS= District Secretary

NS= National Secretary

RS= Regional Secretary

JGS= Joint General Secretary

NO= National Officer

HC= Honorary Chairperson

AS= Area Secretary

R= Republic of Ireland

NI= Northern Ireland

HO= Head Office

GS= General Secretary

IR= Irish Representative

DO= Divisional Organiser/Officer

W= Women

Name of Union		Number of Members	General Secretary/Address	
ACCORD	R	0	GS	Ged Nichols, Simmons House, 46 Old Bath Road, Charvil, Reading, Berkshire RG109QR, England Telephone: 0044 118 9341808 info@accordhq.org
	NI	1,516		
	Total	1,608		
	WR	0		
	WNI	954		
Amicus (UNITE)	R	28,500	GS	Derek Simpson, Amicus, 35 King Street, Covent Gardens, London WC2E 8JG derek.simpson@unitetheunion.com
	NI	27,500		
	Total	56,000		
	W R	12,500	RS	Mr Jimmy Kelly, 26-34 Antrim Road, Belfast BT15, 2AA' Telephone: 048 90232381 jimmy.kelly@unitetheunion.com
	W NI	2,100		
			NS	Jerry Shanahan, Amicus, 15 Merrion Square, Dublin 2 Telephone: 01-6761213, Fax: 01 6611738 jerry.shanahan@unitetheunion.com
Amalgamated Transport and General Workers' Union	R	11,863	GS	Tony Woodley, Transport House, 128 Theobald's Road, Holborn, London WC1X 8TN tony.woodley@unitetheunion.com
	NI	25,300		
	Total	37,163		
	W R	3,926	RS	Jimmy Kelly, UNITE, 26-34 Antrim Road, Belfast BT15 2AA Telephone: (048) 90232381 jimmy.kelly@unitetheunion.com
	WNI	6,230		
			R	
Association of Higher Civil and Public Servants	R	3,464	GS	Dave Thomas Flemings Hall, 12 Flemings Place, Dublin 4 Telephone: 01-6686077 / 6686064 dthomas@ahcps.ie
	NI	0		
	Total	3,464		
	W R	1,047		

Name of Union		Number of Members		General Secretary/Address
Association of Irish Traditional Musicians	R	170	GS	Peadar Ó Ceallaigh 32/33 Belgrave Square, Monkstown, Co. Dublin Telephone: 01-2800295 enquiries@comhaltas.com
	NI	0		
	Total	170		
	W	66		
Association of Secondary Teachers in Ireland	R	18,064	GS	John White ASTI House, Winetavern Street, Dublin 8 Telephone: 01-6040178 Fax: 01-6719039 jwhite@asti.ie
	NI	0		
	Total	18,064		
	W R	12,349		
Association of Teachers and Lecturers	R	0	GS	Mary Bousted, 7 Northumberland St., London WC2N SDA Telephone: 0044 2079306441 info@atl.org.uk Mark Langhammer: 07918 195 070 Theresa Devenney: 07918 641 828
	NI	2083		
	Total	2083	IR	C2 Westbank Drive Business Park Westbank Drive Belfast BT3 9LA
	W NI	1489		
Bakers, Food and Allied Workers' Union	R	0	GS	Joe Marino, BFAWU, Stanborough House, Great North Road, Welwyn Gardens City, Hertfordshire bfawuho@aol.com
	NI	500		
	Total	500	NI	Billy Gallagher, 1 st & 2nd floor, 157 Bloomfield Avenue, Belfast BT5 5AB Telephone (028) 90454242 Fax: (028) 90451554 john.halliday@bfawu.org
	W R	0		
Broadcasting Entertainment Cinematography and Theatre Union	W NI	220		
	R	54	GS	Gerry Morrissey, General Secretary, 373-377 Clapham Road, London SW9 9BT Telephone: 0044 2073460900 info@bectu.org.uk
	NI	526		
	Total	580	IR	Pat Styles, 373-377 Clapham Road, London SW9 9BT Telephone: 0044 2073460900 pstyles@bectu.org.uk
	W R	16		
Building and Allied Trades Union	W NI	195		
	R	5,300	GS	Paddy O'Shaughnessy Arus Hibernia, 13 Blessington Street Dublin 7 Telephone: 01- 8301911 / 8301280 p.oshaughnessy@batu.ie
	NI	0		
	Total	5,300		
	W R	32		
Civil and Public Service Union	W NI	0		
	R	13,775	GS	Blair Horan CPSU, 19/20 Adelaide Road, Dublin 2 Telephone: 01-6765394/5 bhoran@cpsu.ie
	NI	0		
	Total	13,775		
	W R	9896		

Name of Union		Number of Members		General Secretary/Address
Chartered Society of Physiotherapy	R	0	HO	CSP, 14 Bedford Row, London WC1R 4ED Brenda Kelly, CSP , Merrion Business Centre, 58 Howard Street, Belfast BT1 6PJ Telephone: 02890501803 Fax: 02890501804 kellyb@csp.org.uk
	NI	965		
	Total	965		
	WR	0		
	WNI	932		
Communications Workers' Union	R	19,550	GS	Stephen Fitzpatrick CWU, Aras Ghaibreil, 575 North Circular Road, Dublin 1 Telephone: 01-8366388 Fax: 01: 8663099 sarah@cwuconnect.org
	NI	0		
	Total	19,550		
	W R	3,920		
Communication Workers Union (UK)	R	0	GS	Billy HayesCWU, 150 The Broadway, Wimbledon, London SW19 1RX Telephone: 0044 2089717200 bhayes@cwu.org Lawrence Huston, 27 Knockeen Crescent. Ballymena, Co.Antrim BT42 4DQ Telephone: 048 25 640679 Mobile: 0044 78 02 787733 l.huston@btoopenworld.com
	NI	5,222		
	Total	5,222		
	W NI	1147	RS	
CONNECT	R	11	GS	Adrian Askew, CONNECT 30 St. Georges Road, Wimbledon, London SW19 4BD Telephone: 0044 (0) 7803 018891 union@connectuk.org Philip O'Rawe 5 Lanyon Place Belfast BT1 3BT Telephone: 048 9041 4424 philip.orawe@connectnet.org.uk
	NI	555		
	Total	566		
	W R	2	IR	
	W NI	141		
Dairy Executives Association	R	700	GS	Mr Sean Lane, General Secretary DEA 33 Kildare Street Dublin 2 Tel: 01 6761989 Fax: 6767162 Email: dairyexe@indigo.ie
	NI	0		
	Total	700		
	W R	85		

Name of Union		Number of Members		General Secretary/Address
Equity (British Actors Equity Association)	R	0	GS	Christine Payne, Guild House, Upper St. Martin's Lane, London WC2H 9E Telephone: 0044 2073796000 info@equity.org.uk
	NI	308		
	Total	308		
	W R	0		
	W NI	151	IR	D McFarlane, 114 Union Street, Glasgow, G13QQ lgilchrist@glasgow.equity.org.uk
Electricity Supply Board Officers' Association	R	1,761	GS	Fran O' Neill 43 East James's Place, Lower Baggot Street, Dublin 2 Telephone: 01-6767444 franoneill@esboa.ie
	NI	0		
	Total	1,761		
	W R	968		
Fire Brigades' Union	R	0	GS	Matt Wrack, Bradley House, 68 Coombe Road, Kingston Upon Thames, Surrey KT2 Telephone: 0044 2085411765 davy.curry@fbu.org.uk
	NI	1,676		
	Total	1,676		
	WNI	67		
			IR	Mr Jim Quinn, The Regional Secretary, FBU, 14 Bachelors Walk, Lisburn, Co. Antrim BT28 1XJ Telephone: 02892664622 02office@fbu.org.uk
First Division Civil Servants (FDA)	R	0	GS	Jonathan Baume, 8 Leake Street, London SE1 7NN Telephone 0044 845 470 1111 jonathan@fda.org.uk
	NI	362		
	Total	362		
	WNI	151		
			IR	Mr Jim Caldwell FDA 104a Titchfield Street Kilmarnock KA1 1PH Mobile: 00447967126778 jim@fda.org.uk
GMB	R	56	GS	Paul Kenny, GMB 22-24 Worple Road, London SW19 4DD, Telephone: 0044 2089473131 info@gmb.org.uk
	NI	12,910		
	Total	12,966		
	WNI	5,957		
			IR	Eamonn Coy, 3-4 Donegall Quay, Belfast BT1 3EA Telephone: (048) 90312111 eamonn.coy@gmb.org.uk
Guinness Staff Union	R	1,005	GS	Sean Mackell, GSU, 107 James's Street, Dublin 8. Telephone: 01- 453 6700 sean.mackell@diageo.com
	NI	0		
	Total	1,005		
	W R	583		

Name of Union		Number of Members		General Secretary/Address
Irish Bank Officials' Association	R	15,052	GS	Larry Broderick IBOA House, Stephen Street Upper, Dublin 8 Telephone: 01-475 5908 larry.broderick@iboa.ie
	NI	5,330		
	Total	20,382		
	W R	11,586		
	W NI	3,726		
Irish Federation of University Teachers	R	1,832	GS	Mike Jennings IFUT, 11 Merrion Square, Dublin 2 Telephone: 01- 661 0910/661 0909 ifut@eircom.net
	NI	0		
	Total	1,832		
	W R	766		
Irish Medical Organisation	R	6,144	GS	George McNeice IMO, 10 Fitzwilliam Place, Dublin 2 Telephone: 01- 676 7273 imo@imo.ie
	NI	29		
	Total	6,173		
	W R	2,380		
	W NI	11		
Irish Municipal, Public and Civil Trade Union	R	61,450	GS	Peter McLoone IMPACT, Nerney's Court, Dublin 1 Telephone: 01-817 1500 pmcloone@impact.ie
	NI	0		
	Total	61,450		
	W R	43,200		
Irish National Teachers' Organisation	R	31,345	GS	John Carr INTO, 35 Parnell Square, Dublin 1 Telephone: 872 2533 jcarr@into.ie
	NI	8,001		
	Total	39,347		
	W R	26,550		
	W NI	6,024		
Irish Nurses Organisation	R	40,100	GS	Liam Doran INO, Whitworth Building, North Brunswick Street, Dublin 7 Telephone: 01-6640600 liam@ino.ie
	NI	0		
	Total	40,100		
	W R	39,500		
MANDATE	R	45,206	GS	John Douglas MANDATE, 9 Cavendish Row, Dublin 1 Telephone: 874 6321 johndouglas@mandate.ie
	NI	0		
	Total	45,206		
	W R	29,836		
Medical Laboratory Scientists Association	R	1,975	GS	Terry Casey, MSLA 5 th Floor, Liberty Hall, Dublin 1 Telephone: 8586472 Fax: 8780086 mlsa@siptu.ie
	NI	0		
	Total	1,975		
	W R	1,316		

Name of Union		Number of Members	General Secretary/Address	
National Association of Schoolmasters and Union of Women Teachers	R	0	GS	Chris Keates, NASUWT, Hillscourt Education Centre, Rose Hill, Rednal, Birmingham B458RS 0044121 453 6150 nasuwt@mail.nasuwt.org.uk
	NI	13,150		
	Total	13,150		
	W R W NI	0 9401		
			IR	Tom McKee Ben Madigan House, Edgewater Office Park, Edgewater Road, Belfast BT 3 9JQ Telephone: (048) 90784480 rc-nireland@mail.nasuwt.org.uk
National Union of Journalists	R	3,279	GS	Jeremy Dear Acorn House, 308/312 Gray's Inn Road London WC1 8DP Telephone: 0044 2078433700 generalsecretary@nuj.org.uk
	NI	857		
	Total	4,136		
	W R W NI	1198 299		
			IR	Seamus Dooley 2 nd Floor, Spencer House, Spencer Row, Off Store Street, Dublin 1 Telephone: 01- 8170340 seamusd@nuj.ie
National Union of Rail, Maritime and Transport Workers (RMT)	R	82	HO	Bob Crow, Unity House, 39 Chalton Street, London NW1 1JD info@rmt.org.uk
	NI	92		
	Total	174		
	W R W NI	11 12		
			IR	Ian McIntyre 180 Hope Street, Glasgow G2 2UE, Scotland Telephone: 0044 1413321117 i.macintyre@rmt.org.uk
National Union of Sheet Metal Workers of Ireland	R	750	GS	Mr Richard Hurley 56 Parnell Square West Dublin1 Telephone: 874 5701 Fax: 874 5874
	NI	0		
	Total	750		
Northern Ireland Public Service Alliance	R	0	GS	John Corey NIPSA, 54 Wellington Park, Belfast BT9 6BZ Telephone: (048) 9066 1831 john.corey@nipsa.org.uk
	NI	45,506		
	Total	45,506		
	W NI	30,451		
Operative Plasterers and Allied Trades Society of Ireland	R	2057	GS	Niall Irwin 72 Shantalla Road, Beaumont, Dublin 9 Telephone: 01- 8625185/8625188 niall@plastersunion.com
	NI	0		
	Total	2057		
	W R	0		

Name of Union		Number of Members		General Secretary/Address
Prison Officers' Association	R	3,441	GS	John Clinton POA, 18 Merrion Square Dublin 2 Telephone: 01-6625495/6768501 shirleysullivan@poa.ie
	NI	0		
	Total	3,441		
	W R	471		
Prison Officers' Association Northern Ireland	NI	1,689	GS	Brian Caton POA NI, Cronin House, 245 Church Street, Edmonton, London N9 9HW Telephone: 04890 861298
	Total	1,689		
	WNI	338	RS	June Robinson POA NI, Castelle House, 116 Ballywalter Road, Millisle, Co Down 048 91861928 adminni@poauk.org.uk
Prospect	R	1	GS	Paul Noon, Prospect, 8 Leake Street London SE1 7NN paul.noon@prospect.org.uk or amy.hong@prospect.org.uk
	NI	894		
	Total	895		
	W R	1		
	W NI	23		
Public Service Executive Union	R	12,000	GS	Tom Geraghty PSEU, 30 Merrion Square, Dublin 2 Telephone: 01-676 7271 tgeraghty@pseu.ie
	NI	0		
	Total	12,000		
	W R	6,972		
Public and Commercial Services	R	0	GS	Mark Serwotka 160 Falcon Road, London SW11 2LN Telephone: 0044 2079242727 Mark.serwotka@pcs.org.uk
	NI	2,970		
	Total	2,970		
	W	0	IR	Alastair Donaghy, PCS, 20 Brigadie Avenue, Ballymena, BT43 7ER David Cliff PCS 4th Floor 35 to 37 Dale Street Liverpool L2 2Hf Tel: 0044151 231 6120
	WNI	1700		
Sales, Marketing and Administrative Union of Ireland	R	520	GS	Liam Cassidy SMAUI, 9 Cavendish Row, Dublin 1 Telephone: 01-8870700 Fax: 01-8729581 smaui@eircom.net
	NI	0		
	Total	520		
	W R	70		

Name of Union		Number of Members	General Secretary/Address	
Services Industrial Professional Technical Union	R	209,881	GS	Joe O'Flynn SIPTU, Liberty Hall, Dublin 1 Telephone: 01- 8586300 gensec@siptu.ie
	NI	7,000		
	Total	216,881		
	W R W NI	77,580 3,000		
Society of Radiographers	R	0	GS IR	Richard Evans Chief Executive Officer 207 Providence Square, Mill Street London SE1 2EW info@sor.org Hazel Gilmore, 38 Carrisbrook Gardens Lisburn Northern Ireland BT27 4PN
	NI	803		
	Total	803		
	W NI	727		
Teachers' Union of Ireland	R	15,417	GS	Peter MacMenamin TUI, 73 Orwell Road, Rathgar, Dublin 6 Telephone: 01- 4922588/4922510 pmacmenamin@tui.ie
	NI	0		
	Total	15,417		
	W R	6,166		
Technical, Engineering and Electrical Union	R	45,035	GS	Owen Wills TEEU, 6 Gardiner Row, Dublin 1 Telephone: 01-8747047/Mobile: 0872522121 Owen_w@teeu.ie Fax: 01-8747048
	NI	0		
	Total	45,035		
	W R	574		
Transport Salaried Staffs' Association	R	1186	GS IR	Gerry Doherty, TSSA Walken House, 10 Melton Street Euston, London SW1 2EJ info@tssa.org.uk Carla McCambridge TSSA, Nerney's Court, Off Temple Street, Dublin 1 Telephone: 01-874 3467 mccambridge@tssa.ie
	NI	457		
	Total	1,643		
	W R W NI	376 135		
University & College Union	R	0	JGS IS	Ms Sally Hunt, General Secretary, UCU, Carlow Street, London NW1 7LH Tel: 0207 756 2500 Fax: 0207 756 2501 Jim McKeown UCU, 94 Malone Road, Belfast BT9 5HP N Ireland Tel 048 90665501 Fax 048 90669225 jmckeown@ucu.org.uk
	NI	4,120		
	Total	4,120		
	W NI	2,025		

Name of Union		Number of Members		General Secretary/Address
Ulster Teachers' Union	R	77	GS	Avril Hall-Callaghan 94 Malone Road, Belfast BT9 5HP Telephone: (048) 90662216 office@utu.edu
	NI	6,316		
	Total	6,393		
	W R	66		
	W NI	5,397		
Union of Construction, Allied Trades and Technicians	R	10,210	GS	Alan Ritchie, 117 Abbeyville Road, Clapham London SW4 9RN info@ucatt.org.uk
	NI	1,800		
	Total	12,010		
	W R	30	NS	
	W NI	110		Jim Moore UCATT, 56 Parnell Square West, Dublin 1 Telephone: 01-873 1599 info@ucatt.ie
Union of Shop, Distributive and Allied Workers	R	0	GS	John Hannett, 188 Wilmslow Road, Fallowfield Manchester M14 6LJ enquiries@usdaw.org.uk
	NI	13,782		
	Total	13,782		
	W NI	8,023	IR	
				Kieran Smyth USDAW, First Floor, Unit 2, 41 Stockmans Way Belfast BT9 7ET Telephone: (048) 90663773 Fax: 028 9066 2133 belfast@usdaw.org.uk
UNISON	R	0	GS	Dave Prentis 1 Mabledon Place, London WC1H 9AJ Telephone: 008453550845 (Lo-Call)
	NI	39,100		
	Total	39,100		
	W NI	32,050	IR	
				Patricia McKeown UNISON Galway House 165 York Street Belfast BT15 1AL Telephone: (048) 90270190 Fax: (048) 90327929 p.mckeown@unison.co.uk
Veterinary Ireland	R	1,037	GS	John Horan 13 Kilcarberry Park, Nangor Road, Dublin 22 Telephone: 01-4577976 HQ@vetireland.ie
	NI	0		
	Total	1,037		
	W R	228		
Veterinary Officers' Association	R	325	GS	J Broderick VOA, Fleming's Hall 12 Fleming's Place Dublin 4 Telephone: 01-668 6077/ 668 6064 petermul@iol.ie
	NI	0		
	Total	325		
	W	57		

Local councils of trade unions affiliated to congress 2009

Ballina and District Council of Trade Union

B Gibbons, Secretary, Ballina & District Council of Trade Unions, Rathnaconeen, Ballina, Co. Mayo

Belfast and District Trades Council

Mr. Kevin Doherty, c/o Unemployment Centre, 45-47 Donegall Street, Belfast BT1 2FG, N Ireland

Bray and District Council of Trade Unions

J Byrne, c/o Connolly Metcalf House, 7 Marine Terrace, Bray, Co Wicklow

Castlebar and District Trades Council

T Deffely, Clenisland, Castlebar, Co Mayo

Clare Trades Council

Tony Carroll, c/o Shannon Aviation Branch, SIPTU, Conroy Hall, Industrial Estate, Shannon, Co. Clare.
Tel: 061-471981 Fax: 061-471953,
E-mail: shannon@siptu.ie

Clonmel Trades and Labour Council

A Atcheston, Secretary, 15 Bolton Street, Clonmel, Co Tipperary

Cork Council of Trade Unions

S Creegan, c/o SIPTU, Connolly Hall, Cork

Craigavon Trades Council

D Harte, 13 The Brambles, Craigavon BT66 6LP

Derry Trades Union Council

L Gallagher, 35 Marlborough Place, Derry

Drogheda Council of Trade Unions

F Gallagher, 40 New Fields, Drogheda, Co. Louth

Dublin Council of Trade Unions

S Nolan, 194 Ballymun Road, Dublin 9

Dundalk Council of Trade Unions

F O'Brien, Old Schoolhouse, Dundalk, Co Louth

Dungarvan Council of Trade Unions

T Mansfield, 35 O'Connell Street, Dungarvan, Co. Waterford

Fermanagh Trades Union Council

M Steward, 114 Windmill Heights, Enniskillen, Fermanagh

Galway Council of Trade Unions

T Browne, c/o Galway City Library, St. Augustine Street, Galway

Kildare Council of Trade Unions

L Lynam, Kileen, Narraghmore, Athy, Co Kildare

Kilkenny Council of Trade Unions

M Butler, c/o 22 Vicar Street, Kilkenny

Killarney Trades Union Council

E Breen C/o Resource Centre 8 College St Killarney, Co Kerry

Letterkenny & District Trades Union Council

A Wilkinson, Unemployment Centre, Pearse Road, Letterkenny

Limerick Council of Trade Unions

K O'Loughlin, c/o SIPTU, John Street, Limerick

Longford & District Trades Union Council

R McGee, Dromod, Co Leitrim

Newry & District Trades Union Council

J Murphy, 24 Cherrywood Grove, Newry, Down BT34 1JW

North Down and Ards

J McNulty, c/o Dept of Education, Rathgael House, Balloo Road, Bangor, Co Down

Omagh Council of Trade Unions

A McCabe, 7 Sunningdale, Omagh BT78 1JX

Sligo Council of Trade Unions

J McDonagh, 6 Chapel Street, Sligo

Strabane Area Trade Union Council

F McCrossan, 18A Newtown Street, Strabane, BT82 8DN

Tralee Council of Trade Unions

C Casey, Connolly Hall, Upper Rock Street, Tralee, Co. Kerry

Waterford Council of Trade Unions

M Butler, c/o SIPTU, Connolly Hall, Summerhill, Waterford

Wexford Council of Trade Unions

M Wall, SIPTU Office, Town Park, Coolcotts, Wexford

Congress Centres Network 2009

Dr. Steven's Resource Centre,
Athlone, Lloyd's Lane, Athlone, Co. Westmeath
Co-ordinator: Bernie Mannion,
Phone: 090 647 3001
Fax: 090 647 8291
e-mail: coordinator.athlone@congresscentres.net

Athy Resource Centre,
38 Duke Street, Athy, Co. Kildare
Co-ordinator Mary Maguire
Phone: 059 863 8523
Fax: 059 863 1445
e-mail: coordinator.athy@congresscentres.net

Ballina People's Resource Centre,
Bury Street, Ballina, Co. Mayo
Co-ordinator Lucy Cunningham,
Phone: 096 70885
Fax: 096 71900
e-mail: coordinator.mayo@congresscentres.net

Belfast Congress Centre,
45-47 Donegall Street, Belfast BT1 2FG
Co-ordinator Brendan Mackin,
Phone: 04890 9611
Fax: 04890 96110
e-mail: coordinator.belfast@congresscentres.net

Caherciveen Congress Information Centre,
3 New Street, Caherciveen, Co. Kerry
Co-ordinator Peter Twiss,
Phone: 066 947 2866
Fax: 066 947 2123
e-mail: coordinator.caherciveen@congresscentres.net

Castlebar People's Resource Centre,
Burleigh House, Ellison Street, Castlebar, Co. Mayo
Co-ordinator Lucy Cunningham,
Phone: 094 902 2814
Fax: 094 902 2814
e-mail: coordinator.mayo@congresscentres.net

Congress Information & Opportunity Centre Ennis,
Elevation Business Park, Clonroad, Ennis, Co. Clare
Co-ordinator Amdrea Lynch
Phone: 065 684 1009
Fax: 065 684 2132
e-mail: coordinator.clare@congresscentres.net

Cork Congress Centre,
13 North Main Street, Cork
Co-ordinator Willie Fitzpatrick
Phone: 021 427 5876
Fax: 021 427 9661
e-mail: coordinator.cork@congresscentres.net

Killarney Resource & Information Centre,
8 College Street, Killarney, Co. Kerry
Co-ordinator Tom Murphy
Phone: 064 36863
Fax: 064 36876
e-mail: coordinator.killarney@congresscentres.net

Drogheda Resource Centre,
7 North Quay, Drogheda, Co. Louth
Co-ordinator Jacqui Taaffe/Bernadette Dowd
Phone: 041 983 5754
Fax: 041 983 9064
e-mail: coordinator.drogheda@congresscentres.net

Leixlip Resource Centre,
Unit 3, Leixlip Shopping Mall, Leixlip, Co. Kildare
Co-ordinator Joan Kenny
Phone: 01 624 2511
Fax: 01 624 6492
e-mail: coordinator.leixlip@congresscentres.net

Dublin 12 Congress Centre,
155a Drimnagh Road, Drimnagh, Dublin 12
Co-ordinator Margaret Fitzpatrick,
Phone: 01 405 9377
Fax: 01 405 9198
e-mail: coordinator.dublin12@congresscentres.net

Congress Resource Centre Letterkenny,
Celtic Apartments, 8/9 Pearse Road, Letterkenny, Co. Donegal
Co-ordinator Marie Slevin
Phone: 074 912 8010
Fax: 074 912 9491
e-mail: coordinator.letterkenny@congresscentres.net

Dundalk People's Centre for Information & Training,
30 Clanbrassil Street, Dundalk, Co. Louth
Co-ordinator John Mathews
Phone: 042-933 8820
Fax: 042 933 0696
email: coordinator.dundalk@congresscentres.net

Limerick People's Resource Centre,
Unit 6/7 Hunt's Lane, Dominick Street, Limerick
Co-ordinator Pdraig Malone
Phone: 061 416056
Fax: 061 411696
e-mail: coordinator.limerick@congresscentres.net

Dungarvan – The People's Centre,
33 Lower Main Street, Dungarvan, Co. Waterford
Phone: 058 44099
Fax: 058 44099
e-mail: coordinator.dungarvan@congresscentres.net

Employment Development & Information Centre Longford,
11a 2 Mastertech Business Park, Athlone Road, Longford
Co-ordinator Mary Smith,
Phone: 043 47515
Fax: 043 48823
e-mail: coordinator.longford@congresscentres.net

The Fingal Centre,
5 Cardiffsbridge Road, Finglas, Dublin 1
Co-ordinator Mary Ryan
Phone: 01 884 5228
Fax: 01 884 5226
e-mail: coordinator.fingal@congresscentres.net

Mullingar Congress Information & Development Centre
Harbour Court, Friars Mill Road, Mullingar, Co. Westmeath
Co-ordinator Barney Fitzgerald
Phone: 044 9345060
Fax: 044 9345675
e-mail: coordinator.mullingar@congresscentres.net
Newbridge Resource Centre,
Lower Eyre Street, Droicheada

Galway People's Resource Centre,
Canavan House, Nun's Island, Galway
Co-ordinator Elaine Harvey
Phone: 091 564822
Fax: 091 566758
e-mail: coordinator.galway@congresscentres.net

Noreside Resource Centre,
22 Vicar Street, Kilkenny
Co-ordinator Yvonne Moriarty,
Phone: 056 776 2146
Fax: 056 776 1580
e-mail: coordinator.kilkenny@congresscentres.net

d Nua, Co. Kildare
Co-ordinator Theresa Whelan Carroll
Phone: 045 432763
Fax: 045 433275
e-mail: coordinator.newbridge@congresscentres.net

North Leitrim Resource Centre,
New Line, Manorhamilton, Co. Leitrim
Co-ordinator Gerry Cornyn
Phone: 071 985 6029
Fax: 071 985 6185
e-mail: coordinator.northleitrim@congresscentres.net

Congress Employment Information Centre, Tralee
5 High Street, Tralee, Co. Kerry
Co-ordinator Marilyn Bulman,
Phone: 066 712 7617
Fax: 066 712 7920
e-mail: coordinator.tralee@congresscentres.net

Wicklow Trade Union Centre,
97 (rear) Main Street, Bray, Co. Wicklow
Co-ordinator Patricia Shortt
Phone: 01 286 6730
Fax: 01 282 9276
e-mail: coordinator.bray@congresscentres.net

Affiliated Membership

Total membership was 843,995 based on membership figures of 31 December, 2008, an increase of 11,879 over 2007. Total female membership accounted for 417,510. There are 54 unions affiliated to Congress.

Total membership in the Republic of Ireland was 612,676, in 36 unions, an increase of 9,877 on 2007.

Total membership in the Northern Ireland was 231,319 in 30 unions – an increase in membership of 2,022 over 2007.

Amalgamations

Algus (Associate Member) merged with CWU UK in 2007

New Affiliations

The Dairy Executives' Association affiliated to Congress in 2009.

Disaffiliations

NAPO ceased affiliation in 2008
SUI ceased affiliation in 2008
NLBI ceased affiliation in 2007
CSA incorporated into membership of UNITE AMICUS in 2008
Musician's Union did not renew its affiliation for 2009

Associate Membership

Four unions have affiliated to Congress as Associate Members. A full list of unions with associate membership is contained in Appendix 2.



**At least 2.8 billion
people have to
live on less than
\$2 (€1.50) per day**

**Find out how you and your union can act in
solidarity with the world's poorest people**

*The Solidarity committees (NI and
ROD) continue to be the vital link
between Congress and affiliates on
solidarity issues. These Committees
meet regularly and work closely with
Congress Global Solidarity to ensure
that an effective link with affiliated
trade unions is established.
They seek to encourage affiliates to
embed global solidarity issues within
trade union structures.*

Do you want to get involved?

If you are a member of an affiliated trade union and you want to get involved as a Global Solidarity Champion you can contact:

Republic of Ireland

Stellan Hermansson
Global Solidarity Officer
Irish Congress of Trade Unions (ICTU)
32 Parnell Square
Dublin 1

t: +353 (01) 889 77 04
e: stellan.hermansson@ictu.ie
w: www.ictuglobalsolidarity.org
w: www.ictu.ie

Northern Ireland

John O'Farrell
Northern Ireland Committee
Irish Congress of Trade Unions (ICTU)
Carlin House, 4-6 Donegall Street
Belfast BT1 2 FM

t: + 44 (0)28 9024 7940
e: info@ictuni.org
w: www.ictuglobalsolidarity.org
w: www.ictuni.org

Appendix 4

Congress Secretariat

Staff at Congress (as at May 2009)

Head Office, 31/32 Parnell Square, Dublin 1
(Telephone: 01 8897777 Fax: 01 8872012)

Northern Ireland Office, Carlin House, 4-6 Donegall
Street Place, Belfast BT1 2FN
(Telephone: 048 90247940 Fax: 048 90246898)

General Secretary's Department

General Secretary – David Begg
Assistant General Secretaries – Peter Bunting, Sally
Anne Kinahan
General Secretary's Program Manager – Eileen
Sweeney
Clerical Officer – Natalie Fox

**Finance, Administration & Communications
Department**

Communications Officer – Macdara Doyle
Communications Assistant/ PA to AGS – Deirdre
Keogh
Finance & Administration Officer -(Systems/Funding)
- Frank Vaughan
Finance/HR Program Manager - Paula McGrath
Reception - Jan Roche
Household Assistant - Una Herbert

Northern Ireland Department

Assistant General Secretary - Peter Bunting
Union Services Officer (Heath and Education) – Tom
Gillen
Union Services Officer (Education & Training) - Clare
Moore
Union Services Officer (Equality and Social Affairs)
– Pauline Buchanan
Union Services Officer (Communications) – John
O'Farrell
Project Worker (Union Learn) – Gillian Belch
Project Worker (Union Learn) – Kevin Doherty
Project Worker (Migrants) – Kasia Garbal
Administrative Officer – Laura Neill
Administrative Officer - Jacqueline McGonagle
Clerical Officer – Eileen Gorman

Policy Department

Development Education/Equality Officer - David Joyce
Economic Advisor – Paul Sweeney
Legislative/Social Affairs Officer – Esther Lynch
Disability Champion Project – Jane Clare
Global Solidarity Project – Stellan Hermansson
Administrator – Marian Flynn

Union Services Department

Union Services Officer Labour Research – Peter
Rigney
Union Services Officer Private Sector - Fergus Whelan
Union Services Officer Public Sector - Liam Berney
Construction Safety Partnership Program Manager
– Pat O'Neill
Administrator Union Services/ CSPP Project PA -
Louisa Gavin

Union Learning Institute

Director of Union Learning - Bill Halliden
Regional Training and Development Coordinators
-Michael Corrigan, Ann Casey, Seamus Dowling,
Mary Guihan, Barbara Keogh, Denise McBride, Hugh
McConville, Mary Muldowney (Part-time).
Administrator - Mary Twohig

Congress Centres Network

Co-ordinator - Sylvia Ryan
Administrator - Fiona Elward

Congress Secretariat Changes

A number of people have staff changes took place
during the period 2007-2009 as follows:

Retirement	Date	
Elizabeth Atkinson	April	2009
Left Congress		
Katarzyna Balcerszyk	September	2007
Neil Aldred (NI)	June	2008
Paula Carey	July	2007
Conor Farrell	Currently on career break	
Gareth Keogh	July	2007
Aileen McErlean (NI)	Currently on career break	
Noreen Moore (NI)	January	2009
Kathleen McCann	January	2009
Patricia McMullen (NI)	September	2008
Danyanne Quemper	March	2008

New Appointments	Date	
Anne Casey	March	2008
Jane Clare	July	2007
Michael Corrigan	September	2008
Seamus Dowling	September	2008
Kasia Garbal (NI)	September	2007
Eileen Gorman (NI)	February	2009
Mary Guihan	December	2008
Bill Halliden	January	2008
Stellan Hermansson	July	2008
Denise McBride	September	2008
Hugh McConville	September	2008
Mary Muldowney	September	2008
Pat O'Neill	January	2009
Sylvia Ryan	September	2008

On behalf of the Executive Council Congress wishes to extend best wishes to those who have retired, left or joined Congress since BDC 2007.

Appendix 5

Committees External Bodies

Membership of congress committees

Appeals Board

A Dolan (TUI), D Keatings (UNISON), G Light (MANDATE), C Martin (UNITE), P Ward (SIPTU), A Hall (Sub) (TEEU), B Lawn (Sub) (PCS), L Polin (Sub) (FDA)

Black & Ethnic Minority Committee (Northern Ireland)

J MacKay (UNITE), J Ford (UTU), M Houston (UTU), J McKeown (UCU), F Brown (NASUWT), L Stronge (NASUWT), A Rizza Cerezo (UNISON), S Skillen (UNISON), J Thomas (ATL), S Tweed (UNITE), K McCorry (UNITE).

Culture and Arts Committee (Northern Ireland)

B McAnoy (UCU), J Colgan (NUJ), F Brown (NASUWT), J Swallow (UNISON), P McGinley (UNISON), R McKinney (Belfast TC), D MacFarlane (EQUITY), A Ley (UNITE), S Macdonald (Musicians' Union), G Garrett (UTU), P O'Neill (UNITE).

Disability Committee (Northern Ireland)

B Crawford (NIPSA), J Foster (Belfast & District Trades Council), A Madden (INTO), B Rushton (UCU), B McCrea (UNITE), R Newell (GMB), P Dooley (UNISON), R Murray (UNISON), M Goligher (UCU), R Adams (ATL), S McKee (UTU), P McCluskey (CWU), G Kelly (UNITE), H McGowan (Belfast & District Trades Council), M Houston (UTU), P Macklin (GMB), J Coughlan (NUJ), M Cotton (IBOA), F Brown (NASUWT), M Dobbin (GMB), F Warwick (IBOA), M Hassard (UNITE), K Gribben (UNITE).

Disability Committee (Republic of Ireland)

J Kelleher (AHCPS), D O'Connor (INTO), T Cregan (SIPTU), M Gogarty (SIPTU), J McDonald (Sligo Council of Trade Unions), S Browne (ESBOA), C McCambridge (TSSA), B Padden (Ballina & District Trades Council), K Gaughran (CPSU), J Roe (CPSU), B Conway (CPSU), S Dooley (NUJ), M Brannigan (Unite), J O'Reilly (TUI), E McElligott (TUI), C McGrath (INO), N Muldoon (INO), M Naughton (DFI), B Lee (Irish Wheelchair Association), G Monaghan (IMPACT), D Gallagher (Unite), J O'Sullivan (Unite), B McCrea (Unite), M Lavin (PSEU), M Meegan (IBOA), F Warwick (IBOA), M Brennan (Mandate), P Fallon (IMPACT), M Masterson (INTO), M Mulcahy (ASTI), F Jones (SIPTU), C Scheffer (CWU), P Kenny (CWU), E McDonald (Mandate), B Hannigan (PSEU).

Disputes Committee Panel

F Barry (UNITE), M Cahill (IBOA), C Canning, (SIPTU) B Carty (IMPACT), P Coughlan, (SIPTU), S Cronin (SIPTU), E Devoy (TEEU)

General Purposes Committee

P McKeown, President (UNISON), P King, Vice President (SIPTU), J O'Connor, Vice President (SIPTU), J O'Flynn, Treasurer (SIPTU), J Carr (INTO), E McGlone (UNITE), P McLoone (IMPACT), O Wills (TEEU). E Devoy (TEEU), D Murphy, (PSEU) and J Shanahan, (AMICUS UNITE) are members of the "Extended GPC".

Global Solidarity Committee (Northern Ireland)

B Moore (NIPSA), M Baumann (UCU), T Maguire (FBU), J Barbour (FBU), C Curley (USDAW), T Smyth (NIPSA), J Reid (UTU), L Stronge (NASUWT), A Allaway (NIPSA), G Murphy (INTO), B Magill (INTO), F Browne (NASUWT), A Orr (UTU).

Global Solidarity Committee (Republic of Ireland)

D Bonass (DCTU), T Dowling (TEEU), M Leydon (ASTI), A Piggot (ASTI), A Dunne (INTO), D O'Donoghue (INTO), S Cody (IMPACT), B Harbor (IMPACT), P Wall (IFUT), M Killeavy (IFUT), A Atcheson (Clonmel TLC), M Rowe (Wexford CTU), M Roche (Wexford CTU), K Gaughran (CPSU), B Forbes (Mandate), D Miskell (Mandate), M Dowling (Kildare CTU), J Bowen (Cork CTU), T Erbsloh (Waterford CTU), B Archbold (ATGWU Unite), C McKinney (CPSU), A Speed (SIPTU), M Hegarty (TUI), P Healy (TUI), E Quinn (PSEU), P McCrea (PSEU), B Scanlon (INO), J O'Brien (AMICUS Unite), K Pollard (CWU), C Kelly (CWU), A Kane (Kildare CTU), L Dunne (AHCPS).

Health & Safety Committee (Northern Ireland)

C Patterson (GMB), P Archer (UCATT), B Martin (UNITE), S Doherty (CWU), P Hanna (INTO), B McAnoy (UCU), G Alexander (NIPSA), R Thompson (IBOA), N Boyle (UCU), A McCay (NASUWT), A Orr (UTU), S Larkin, (PCS), J Lynch (UNISON), B Mackin (UNITE), H Thompson (UNITE), L Brennan (UNITE).

Health & Safety Committee (Republic of Ireland)

F Barry (UNITE-AMICUS); M Cahill (IBOA); B Carty (IMPACT); P Coughlan (INPDTG/SIPTU); S Cronin (SIPTU College); E Devoy (TEEU); M Dowling (SIPTU); D Farrell (BATU); K Gaughran (CPSU); G Maybury (PSEU); M McKillen (IFUT); M Meegan (IBOA); D Robinson (IMPACT); C Samuels (INO); M Tobin (SIPTU).

Industrial Relations Committee

L Broderick (IBOA), S Cody (IMPACT), E Devoy (TEEU), S Dooley (NUJ), L Doran (INO), J Dorney (TUI), J Douglas (MANDATE), S Fitzpatrick (CWU), E Fleming (DCTU), T Geraghty, (PSEU), B Hayes (SIPTU), B Horan (CPSU), P McKeown (UNISON), P McLoone (IMPACT), J Moore (UCATT), D Murphy (PSEU), S Nunan (INTO), J O'Connor (SIPTU), L O'Donnell (IMPACT), J O'Flynn (SIPTU), J Shanahan (UNITE), L Tanham (MANDATE), B Tyrrell Collard (CPSU), J White (ASTI), O Wills (TEEU).

Lesbian, Gay, Bisexual & Transgender Committee (Northern Ireland)

J Reid (UTU), S Morrin (UNISON), S Brogan (UNISON), K O'Kane (NASUWT), G Lee (PCS), R Gillespie (PCS), S Mottram (UNITE), I Brown (UNITE), B O' Dochartaigh (INTO), M Houston (UTU).

Private Sector Industrial Committee

L Broderick (IBOA), B Byrne (UNITE), L Cassidy (SMAUI), S Cody (IMPACT), T Delany (CWU), E Devoy (TEEU), S Dooley (NUJ), J Douglas (MANDATE), A Hall (TEEU), J Kelly (UNITE), S Mackell (GSU), G McCormack (SIPTU), J O'Connor (SIPTU), P O'Shaughnessy, (BATU), C Rowland (SIPTU), J Shanahan (UNITE).

Public Services Committee

J Broderick (VOA), J Carr (INTO), T Casey (MSLA), J Clinton (POA), L Doran (INO), B Horan (CPSU), M Jennings (IFUT), F Maunsell (UNITE), P McMenamin (TUI), G McNeice (IMO), M Merrigan (SIPTU), Peter McLoone (IMPACT), D Murphy (PSEU), D Thomas (AHCPS), J White (ASTI).

Retired Workers Committee (Northern Ireland)

R Gray (NASUWT), J Mathews (UNITE), E Harvey (UNITE), M Colgan (NIPSA), J Ley (NUJ), J Hanna (GMB), M Galloway (PCS), J Hughes (FBU), S Dodds (NIPSA), R Atkinson (UTU), V Murphy (UNISON), M Holmes (GMB), G Cassidy (UNITE), F Hughes (PCS), J Martin (CWU), J Clarke (CWU), H Rafferty (UNITE), L McConnell, (NUJ), R Murray (UNISON). Observers: S Caul (CSPA), S Durnien (GMB), B Alexander (CWU), W Somerset (CWU).

Retired Workers Committee (Republic of Ireland)

P Donegan (SIPTU), M Doyle (ASTI), N Fitzpatrick (MANDATE), C Foster (IMPACT), C Hammond (CPSU), B Harnett (UNITE), J Keegan (GSU), C Kerrigan (UNITE), E MacCurtain-Pearse (NUJ), M O'Halloran (SIPTU), T Quigley (AHCPS), P Sands (IMPACT).

Strategic Implementation Committee

A Dolan (TUI), M Mulcahy (ASTI), C Bond (BECTU), M Geoghegan (IBOA), S Searson (NASUWT), J Caldwell (FDA), J Quinn (FBU), C Treacy (INO), S Browne (ESBOA), L Huston (CWU), J Boushell (SIPTU), P Dooley (UNISON), J Reid (UTU), P Keating (IMPACT), D O'Connor (Disability Committee), R Donaghy (Women's Committee), R Higgins (Youth Committee), M Malone (BATU), T Dwyer (CPSU), Sally McKee (UTU), B Hannigan (PSEU), C Scheffer (CWU), K McCorry (Unite), T Trainor (Unite), N Ward (INTO).

Women's Committee (Northern Ireland)

P Dooley (UNISON), G Partridge (UNITE), G Alexander (NIPSA), M Morgan (NIPSA), T Graham (NASUWT), A Hall-Callaghan (UTU), L Rowan-O'Neill (FBU), K Jeffers (UCU), U Murphy (NUJ), L Miskelly (UTU), L McPolin (PCS), I Borrowes (CWU), A McMillen (Belfast & District Trades Council), E Captain (Belfast & District Trades Council), T Devenney (ATL), T Trainor (UNITE), P O'Neill (UNITE), P O'Farrell (INTO), F Stanley (FDA), M McKee (UNISON), R McCay (NASUWT), B Callaghan (Belfast & District Trades Council), L Press (UCU), J Reid (UTU), A Donnelly (Derry Trades Council), P Thompson (UNITE), F Stevenson (UNITE).

Women's Committee (Republic of Ireland)

A Atcheson (IMPACT), M Brady (SIPTU), M Brannigan (UNITE), S Browne (ESBOA), A Byrne (IMPACT), S Casey (CWU), M Cox (TUI), C Curraoin (SIPTU), C Degrave-Kane (MANDATE), A Dolan (TUI), C Treacy (INO), R Donaghy (SIPTU), T Dwyer (CPSU), J Gaffney (MANDATE), M Geoghegan (IBOA), E Gorman (Kildare CTU), Y Harvey (UNITE), C Henegan (ASTI), H Long (PSEU), M Mulcahy (ASTI), E Mulvey (CPSU), B Murray (GSU), C O'Brien (UNITE), K O'Loughlin (Limerick CTU), M O'Reilly (UNITE), B Perry (ESBOA), R Robinson (IMPACT), C Scheffer (CWU), M Sexton (IBOA), H Sheridan (VOA), D Smith (GSU), P Tobin (PSEU), K Wrigley (VOA).

Trade Union Education & Training Committee (Northern Ireland)

G Sachno (UNITE), A Jones (GMB), A Donaghy (ATL), L Rowan-O'Neill (FBU), M Kiddle (UCATT), B McAnoy (UCU), M Leacock (NIPSA), M McSherry (PCS), W Carville (NASUWT), C Friel (UNISON), K Smyth (USDAW), N Boyle (UCU), A Stewart (UTU), J Reid (UTU).

Youth Committee (Northern Ireland)

K Fleck (Belfast TC), A McErlean (UNITE), T McGovern (Strabane TC), D O'Liathain (UNITE), C Hanna (UNITE), K McCann (IBOA), P Best (USDAW), S Gribben (CWU), D McCusker (USDAW), M Patterson (CWU), G Devlin (Craigavon TC).

Youth Committee (Republic of Ireland)

M Anderson (INTO), K Byrne (SIPTU), S Byrne (SIPTU), B Cantillon, (SIPTU), J Davis (SIPTU), F Elward (SIPTU), B Furey (IMPACT), D Ginley (SIPTU), T Guildoyle (TEEU), M Hamilton (SIPTU), C Hanna (UNITE), N Hayes (SIPTU), R Higgins (SIPTU), J Hogan (MANDATE), S Kelly (TEEU), G Keogh (SIPTU), D Lyons (UNITE), E Mathews (INO), R McNamara (BATU), J Moran (UNITE), L Mulligan (SIPTU), P Mulville (SIPTU), H Nolan (SIPTU), R O'Doherty (SIPTU), J O'Donnell (GSU), K Pollard (CWU), B Quane (ASTI), K Reilly (MANDATE), D Stanford (UNITE).

Bodies on which Congress is represented

Republic

Industrial Relations

Civil Service Arbitration Board
Employment Appeals Tribunal
Employment Rights Group
Equality Authority
Labour Court
Labour Court Users Council
Labour Relations Commission
National Centre for Partnership & Performance
Personal Injuries Assessment Board
Private Security Authority

Economic Affairs

County and City Development Boards
County Enterprise Boards
ERSI Council
EU Structural Funds – Monitoring Committees
FAS
Harbour Boards
Hidden Economy Working Group
Informal Advisory Group on PPP's
Information Society Commission
Local Government Strategic Policy Committees
Local Partnerships
Monitoring Committees for Community Employment Programme
National Development Finance Agency
National Competitiveness Council
National Economic & Social Council

National Economic & Social Forum

National Statistics Board

Pobal

Education and Training

Expert Group on Future Skill Needs
FAS (various committees)
Further Education Training Awards Council
Governing Bodies of Institutes of Technology
Governing Bodies of Universities
Higher Education Training Awards Council
National Adult Learning Council
National Apprenticeship Advisory Committee
National Council for Curriculum and Assessment
National Qualifications Authority of Ireland
Performance Verification Group for Education Sector
Qualifax
Quality Assurance Group Education Sector
Skillnets
Teaching Council

Safety, Health & Welfare

National Health and Safety Authority
National Irish Safety Organisation

Social Affairs

Dublin Employment Pact
Equal Opportunities Framework Committee
Equality & Rights Alliance
Equality Tribunal Users Forum
Global Campaign for Education for All
Health Services Skills Group
Irish Child Labour Taskforce
National Courts Services Board
National Disability Authority
National Medical Council
National Pensions Board
Immigrant Council Policy Group
Social Welfare Tribunal

Towards 2016

Advisory Group on Social Finance
Alcohol Marketing, Communications & Sponsorship Consultative Group
Anti-Inflation Group
Consultative Group Housing Strategy for People with Disabilities
DETE Consultative Group on Development of Comprehensive Employment Strategy for People with Disabilities
E-Inclusion Stakeholders Group
Employee Representation
Equality Proofing Working Group

Forum on the Health Sector
 Hidden Economy Working Group
 High Level Group on Business Regulation
 Housing Forum
 Industrial Relations/Workplace Change
 Implementation Group on Alcohol Misuse
 Labour Market Employment Trends & Employment Standards
 Labour Market Issues
 National Advisory Committee on Social Inclusion
 National Childcare Co-ordinating Committee
 National Disability Strategy Stakeholder Monitoring Group
 National Framework Committee for Work Life Balance
 National Implementation Body
 National Traveller Monitoring & Advisory Committee
 North South Consultative Forum
 Pensions Review Group
 Public Transport Partnership Forum
 Review Group on Part 2
 Social Partnership Group on Activation
 Steering Group
 Technical Advisory Group on Poverty Measurement

Social Partner Representation

Comhar

Other Bodies

Abbey Theatre
 An Board Pleanala
 Coillte
 Company Law Review Group
 Dublin Airport Stakeholders Forum
 Dublin Foundation Board
 Fair Trade Mark Ireland
 For Diversity Against Discrimination
 Institute of Public Administration
 Justice for Colombia
 National Centre for Performance and Partnership (NCPP)
 National Forum on Europe
 National Roads Authority

Northern Ireland

Industrial Relations

Fair Employment Tribunals
 Health & Safety Executive
 Industrial Court
 Industrial Tribunals
 Labour Relations Agency
 LRA Arbitration Panels
 Staff Commission for Education & Library Boards

Economic and Social

Economic Development Forum
 Peace III Cluster Groups
 Economic Research Institute for Northern Ireland
 Northern Ireland Housing Executive
 Statistics Advisory Committee

Education and Training

Essential Skills Taskforce

EU Structural Fund Monitoring Committees

EQUAL
 PEACE III Monitoring Committee
 NI Competitiveness and Employment EU Structural Funds Programme

Other Bodies

Bar Council Professional Conduct Committee
 Basic Skills Committee
 Trademark
 District Policing Partnerships
 Equality Commission
 Intertrade Ireland
 Northern Ireland Local Government Superannuation Committee
 Social Economy Agency

International Bodies

Consultative Committee of the European Coal and Steel Community
 CEDEFOP
 EU Advisory Committee on Freedom of Workers
 EU Advisory Committee on Safety, Hygiene and Health Protection at Work
 EU Advisory Committee on Vocational Training
 EU Economic and Social Committee
 EU Social Fund Advisory Committee
 EU Social Security for Migrant Workers
 EU Standing Committee on Employment
 European Foundation for the Improvement of Living and Working Conditions
 European Social Fund Committee
 European Trade Union College
 European Trade Union Confederation, (ETUC)
 European Trade Union Institute
 International Labour Office
 International Trade Union Confederation (ITUC)
 Trade Union Advisory Committee, OECD

Appendix 6

Action on motions to bdc 2007

1. Equality (Executive Council)

This is such an all encompassing motion that a read of the full report will give a sense of how the many issues addressed therein were implemented. Chief among these was our reengagement with the international trade union movement through participation in ITUC events/structures. See equality report for specific references to trafficking and the Global Solidarity section for work in relation to global supply chains.

2. Gender Equality (Executive Council)

The Congress Joint Women's Committee (North and South) continue their work in pursuit of women's rights. This included a conference (March 2008) and a seminar (March 2009) with a focus on many of the issues identified in the motion. See equality report for more detail.

3. People With Disabilities (Executive Council)

Congress, as advised by the Disability Committees North and South has continued to pursue the rights of people with disabilities. This included engagement with the Department of Enterprise Trade and Employment's consultative group on the development of an employment strategy, a request to carry out an inquiry into the rights of people with intellectual disabilities in sheltered workshops, and the roll out of the Disability Champions project.

4. Equality (Public Services Executive Union, Amendment Technical Engineering & Electrical Union)

Continued participation in the work life balance framework committee; submission to the review of leaves promised in *Towards 2016*; participation in EU Social dialogue on parental leave; and raising of childcare issues through budget submissions and review of *Towards 2016* – including a bilateral with the office of the Minister of Children.

5. Protection of Rights of Cohabiting Couples (Executive Council)

Letter to Government urging action on Colley Report; participation in joint ETUC/ILGA European wide project on rights of LGBT people; organisation of a joint seminar with GLEN on LGBT rights attended by over 60 people.

6. Employment Equality Act (Association of Secondary Teachers of Ireland)

Representations made to Minister and meeting held with Minister Moloney. Also dealt with through submissions to *Towards 2016* Review.

7. Mental Health (Communications' Workers UK)

Mental health issues are an integral part of the disability champions training. A seminar was held in December 2008. The NESF published a report on mental health issues which could form the basis of an agreement by the social partners on a number of practical measures to be taken in workplaces. NESF planning to hold a special meeting of social partners to take this idea forward.

8. Affiliation Fees (Executive Council)

New affiliation fee structure implemented for 2008 and 2009. Constitution amended.

9. Congress BDC (Executive Council)

Working Group established and reported back to the General Purposes Committee and Executive Council.

10. Constitutional Amendment- Local Reserve Panel (Galway Trades Council)

Defeated – no action required.

11. Support for Trades Councils (Craigavon & District Trade Union Council)

Trades Councils have continued the activities in their local areas based on the agreed Programme of Work. Eric Fleming has continued to represent the Trades Councils on the Executive Council and Fergus Whelan, Industrial Officer has continued in his role as head office liaison with Trades Councils.

12. Right to Organise (Services Industrial Professional Technical Union)

The aims of this motion were pursued in the context of negotiations on the second phase of *Towards 2016*.

13. Protection of Trade Union Representatives (Dublin Council of Trade Unions)

The aims of this motion were pursued in the context of negotiations on the second phase of *Towards 2016*.

14. The Peace Process (UNISON)

The objectives enshrined in this motion have been the subject of much representation to both Governments in the Republic in the context of *Towards 2016* negotiations and the working group in the Assembly in Northern Ireland. Further progress was achieved

in the publication of Procurement Guidelines by the Equality Commission following the deliberations of the Working Group.

15. Good Friday Agreement (UNITE – Amalgamated Transport General Workers Union)

Congress has vigorously promoted the aims of this motion at all levels of institutions in NI Governance from political parties to the OFMDFM and through the mechanisms of various submissions and representation on socio-economic and employment rights.

16. Trade Union Representation (Craigavon & District Trade Union Council)

This matter was raised and has been successfully resolved.

17. Pensions (Executive Council)

The defence of occupational pension schemes has continued to be given the highest priority by Congress. Pension policy was given detailed attention in both the negotiations of *Towards 2016* agreement and the Transitional Agreement. The Government published the Pensions Green Paper in October 2007. The climate for pension funds has continued to deteriorate. Congress has put forward radical and innovative solutions which have not yet been responded to by Government.

Towards 2016 makes provision for the Transfer of Undertakings Provisions to apply to Pensions.

Congress succeeded in getting the Pensions Board to examine the implication of closing DB schemes to new members.

18. Occupational Pension Schemes (Irish Bank Officials Association, Public Services Executive Union, Technical Engineering & Electrical Union, Amendment: Amicus)

The defence of occupational pension schemes has continued to be given the highest priority by Congress. Pension policy was given detailed attention in both the negotiations of *Towards 2016* agreement and the Transitional Agreement. The Government published the Pensions Green Paper in October 2007. The climate for pension funds has continued to deteriorate. Congress has put forward radical and innovative solutions which have not yet been responded to by Government.

Towards 2016 makes provision for the Transfer of Undertakings Provisions to apply to Pensions.

Congress succeeded in getting the Pensions Board to examine the implication of closing DB schemes to new members.

19. Pensions (Union of Construction Allied Trades & Technicians)

The defence of occupational pension schemes has continued to be given the highest priority by Congress. Pension policy was given detailed attention in both the negotiations of *Towards 2016* agreement and the Transitional Agreement. The Government published the Pensions Green Paper in October 2007. The climate for pension funds has continued to deteriorate. Congress has put forward radical and innovative solutions which have not yet been responded to by Government.

Towards 2016 makes provision for the Transfer of Undertakings Provisions to apply to Pensions.

Congress succeeded in getting the Pensions Board to examine the implication of closing DB schemes to new members.

20. Portability of Public Sector Pensions (Ulster Colleges Union)

Congress considered this issue but was unable to make progress due to the uncertainty surrounding the status of occupational schemes in third level education in the Republic. The arrangements for pension portability are clear for funded schemes but do not exist in relation to PAYGO schemes. However now that some clarity has been reached re the status of these schemes. It might be possible to raise this again at an appropriate time.

21. Employment Standards (Communication Workers' Union, Amendment: Irish Municipal Public and Civil Trade Union)

Congress pursued a range of strategies to defend workers rights, pay and conditions, including demanding and securing through the social partnership process improved legislation, increased inspection and enforcement. In addition Congress undertook direct campaigning and lobbying at national and EU level and improved employment rights were a cornerstone of Congress national day of action.

**22.Establishment of Department of Labour
(National Union of Journalists, Amendment:
Technical, Engineering and Electrical Union)**

The need for a dedicated Department of Labour was raised during negotiations with Government on the Transitional Agreement on *Towards 2016*. The Government pointed to the proposal to establish the National Employment Rights Authority and other developments which will enhance the suite of employment rights. Congress will continue to pursue this with Government.

23.Employment Agencies (Services Industrial Professional Technical Union)

Congress vigorously campaigned to secure equal treatment for agency workers and for a limit on the amount of time that employers can fill a post with an agency worker. Commitments were secured as part of the national agreement and work is ongoing in the context of the transposition of the EU Directive on Agency Workers.

24.Exploitation of Seafarers (National Union of Rail Maritime and Transport Workers (RMT))

Congress has established a regular schedule of meetings with the representative of the ETF/ITF in Ireland. Congress continues to provide support to the ETF/ITF for improved protection for seafarers and supports the various campaigns for improved rights for seafarers at national, EU and at international level. Work on this is ongoing.

25.Collective Bargaining (Irish Nurses Organisation)

Collective Bargaining has been co-ordinated through the Private Sector Committee. Amongst the issues which have been considered are: Pay, Pensions, the impact of the Ryan Air decision and Training and Development.

26.Low Pay (Civil & Public Services Union)

Congress pursued the aims of this motion in the context of discussions with Government in the context of our negotiations on the Transitional Agreement of *Towards 2016*. In particular, Congress pressed for a pay agreement that weighted increases to favour those on low incomes.

27.Conditions of Service (Teachers Union of Ireland)

Ruled Out of Order – No action required

28.Public Holidays (Galway Trades Council)

Fell – No action required.

29.Health and Safety (Dublin Council of Trade Unions)

Congress campaigned rigorously to secure the establishment of a National Register of Occupational Illness, Injuries and Diseases. A central feature of the campaign was the conference held on the 27th April 2009, on the eve of Workers' Memorial Day. This event provided a high level focus for Congress demands for the proper recognition and counting of all work related deaths, accidents and illness. Work on this is ongoing through the Congress Health and Safety Committee.

30.Safety and Security of Staff (Irish Bank Officials Association)

To progress this motion Congress arranged for high level meetings with the Private Security Authority and trade union representatives. Congress placed the development of a safety and security standard to ensure against 'tiger kidnapping' on the Health and Safety Authority Work Programme for 2009. Work is ongoing on this.

31.Oppose Mandatory Testing (Guinness Staff Union)

Congress has fought against the introduction of mandatory testing of the workforce and has further fought against the introduction of 'voluntary' drug and alcohol testing. Work is ongoing on this issue through the Congress Health and Safety Committee which has established a working group to examine international best practice, monitor development and make recommendations for action.

32.The Economy (Executive Council)

The motion was pursued under *Towards 2016* and an Congress Economic Conference on Globalisation was held in April 2008. Submissions to Government were made on the NDP, in each of the three Budgets and to the Commission on Taxation, in light of the motion to shift Ireland to a more progressive economic model.

33.All Island Economy (AMICUS)

Congress promoted the aims and objectives in this motion at all times with the economic institutions and Governmental representatives in both jurisdictions.

34. Energy and Climate Change (Executive Council)

Congress pursued the aims of this motion in conjunction with actively pursuing the implementation of the recommendations in the Congress Policy Paper on Sustainable Energy published in April 2007. Working with Comhar, Congress made a significant input into the Government's Sustainable Development Strategy. Congress commissioned further work in this area in 2009 aimed at identifying employment opportunities in environmentally sustainable sectors of the Irish economy.

35. Climate Change (AMICUS)

Congress pursued the aims of this motion in conjunction with actively pursuing the implementation of the recommendations in the Congress Policy Paper on Sustainable Energy published in April 2007. Working with Comhar, Congress made a significant input into the Government's Sustainable Development Strategy. Congress commissioned further work in this area in 2009 aimed at identifying employment opportunities in environmentally sustainable sectors of the Irish economy.

36. Broadband (Communication Workers' Union UK, Amendment Communication Workers' Union)

The aims of this motion were pursued in the context of negotiations with Government on the second phase of *Towards 2016* and in particular in respect of the aspects of the agreement relating to the All Island Economy.

37. Public Transport (Derry Trades Council)

Congress pursued the aims of this motion in the context of discussions with Government in the Republic of Ireland on the Establishment of a Transport Authority for the Greater Dublin Area and in Northern Ireland as part of the Congress submission to the consultation process on public transport reform conducted by the Department of Regional Affairs and the Northern Ireland Assembly sub Committee on Regional Affairs.

38. Private Equity Buyouts (MANDATE)

A special section on a progressive taxation policy in regard to Private Equity Buyouts and Buyout firms was dealt with in Congress Budget 2008 submission on page 16 where Congress called for the end of subsidies to these firms by allowing the offset of interest as a cost against profits (published in Oct 2007). It was again referred to in the Congress submission on the first Budget of 2009 on p6 (Sept 09).

39. Independent Radio Stations (National Union of Journalists)

These issues were raised in a 2008 Congress Submission to the Advisory Group on Media Mergers, particularly the loss of community and local identity. The group reported in June 2008.

40. Time for the Arts (EQUITY)

Congress has through two meetings with the relevant Minister in the NI Assembly and submitted written submissions to pursue the aims of this motion.

41. Companies Act 1963 (BATU)

The issue of non-compliance of contractors from outside the jurisdiction with Registered Employment Agreements and other employment rights was made a priority by Congress in the *Towards 2016* Agreement. Congress sought the establishment of the National Employment Rights Authority. We have also sought to have this matter addressed through the provision of the Employment Rights Compliance Bill.

42. VAT on Registered Charities (UCATT)

A specific reference to VAT on Charities was made in our Submission to the Commission on Taxation (May 2008) and the general area of indirect taxes is covered in Congress Budget submissions.

43. Sole Traders (BATU)

In relation to the Construction Industry, Congress has clarified that Sole Traders have the same obligations as other employers to meet the statutory obligation of Registered Employment Agreements. Through our input into the Hidden Economy Group we have ensured that bogus self employment has been tackled and that the status of Sole Trader will not be available where the status of employee is appropriate.

44. Public Service Staffing (IMPACT)

Congress pursued the aims of this motion in conjunction with the Congress Public Services Committee. We made particular reference to the issue of public sector numbers in the context of our discussions with the OECD in their review of the structure and functioning of the Irish Public Service. Congress also pursued the aims of this motion as part of the negotiations on the second phase of *Towards 2016*.

45.Tackling Privatisation and Promoting Public Services (UNISON)

The aims of this motion as they relate to the Republic of Ireland were pursued in the context of negotiations with Government on the second phase of *Towards 2016*. Congress also pursued the motion together with the Public Services Committee of Congress in the context of the discussions with the OECD group reviewing the Irish Public Service. Congress also played an active role in the campaigns run by various public service unions promoting the role of public services in the economy.

The Northern Ireland Committee has consistently at all levels of governance in Northern Ireland conveyed its strong opposition to any attempts to privatise public services and equally in the same vein conveyed its opposition to PPP/PFI in the context of the public sector.

The Northern Ireland Committee has also established a Public Services Campaign Group to promote the interests of workers both in terms of equality and fairness.

46.Public Water Service (NIPSA)

Congress pursued the aims of this motion in conjunction with the Congress Public Services Committee. We made particular reference to the issue of public sector numbers in the context of our discussions with the OECD in their review of the structure and functioning of the Irish Public Service. Congress also pursued the aims of this motion as part of the negotiations on the second phase of *Towards 2016*. Congress in Northern Ireland, through a public campaign, successfully dissuaded those who wish to impose Water Charges on households across NI from implementing this measure. This campaign is ongoing.

47.Quality Public Services (IMPACT)

Congress pursued the aims of this motion in conjunction with the Congress Public Services Committee. We made particular reference to the issue of public sector numbers in the context of our discussions with the OECD in their review of the structure and functioning of the Irish Public Service. Congress also pursued the aims of this motion as part of the negotiations on the second phase of *Towards 2016*.

48.PPP / PFI (NIPSA)

This motion called for the organising of an All Ireland Conference on PPP/PFI and for additional actions arising from the holding of this conference. For a

number of reasons the holding of this conference was delayed. The extant measures in the motion continued to be pursued.

49.Services Directive (TEEU)

Congress continued to monitor the transposition into Irish Law of the European Directive on Services in the Internal Market. At the time of writing Congress had not been informed of the intention of the Irish Government in respect of the content of any proposed national legislation or the precise method of transposition.

50.Establishment of Transport Authorities North and South (TSSA)

Congress pursued the aims of this motion in the context of discussions with Government in the Republic of Ireland on the establishment of a Transport Authority for the Greater Dublin Area and in Northern Ireland as part of the Congress submission to the consultation process on public transport reform conducted by the Department of Regional Affairs and the Northern Ireland Assembly sub Committee on Regional Affairs.

51.White Paper on Energy ESBOA

This motion was pursued by Congress in conjunction with the ESB unions directly with the Minister for Energy, Communication, and Natural Resources and in the context of negotiations on the second phase of *Towards 2016*.

52.ESB (ATGWU)

This motion was pursued by Congress in conjunction with the ESB unions directly with the Minister for Energy, Communication, and Natural Resources and in the context of negotiations on a the second phase of *Towards 2016*.

53.Nuclear Power (Waterford Trades Council)

Congress continued to keep this motion under review in light of developments in the energy sector and having regard to the Congress wider policy on sustainable development.

54.Shell to Sea (Waterford Trades Council)

The Executive Council, aware of the concerns raised in this motion, sought in dialogue with Government to have mechanisms put in place that could lead to the resolution of the dispute concerning the routing of the gas pipe line in the Corrib gas field. The Executive Council in seeking a resolution to this dispute also recognised the vital importance to the economy of having access to the considerable natural resource.

55.Education and Workers Rights Programme (Fermanagh Council of Trade Unions)

This motion was progressed through the union based learning initiatives operated from the Dublin and Belfast offices.

56.Academic Freedom and Diversity (IFUT)

The motion was forwarded to Congress representatives on the boards of universities and the IUQB.

57.Taskforce on Student Behaviour (TUI)

This matter was raised with the Department of Education.

58.Class Size (ASTI)

This matter was raised with the Department of Education.

59.Cyber Bullying (NASUWT)

Congress pursued the proper protection of teachers and young people against cyber bullying directly with the Minister for Education. Work is ongoing on this as part of the Congress campaign against stress, bullying and third party violence.

60.Early Childhood Care and Education (INTO)

The Budget of April 2009 introduced for the first time a year of pre-school education for all children – a long standing demand of Congress. However, the fact that the funding for this is being channelled through the Department of Health & Children underlines the failure of the Department of Education and Science to engage on this issue. This lack of commitment was highlighted by the decision to close the Centre for Early Childhood Development and Education in the October 2008 budget. Most disappointing of all was the decision of the Department of Education and Science to increase class size at primary level.

61.Privatisation of Education (IFUT & UCU)

The objectives in this motion were pursued in negotiations with Government in the Republic of Ireland on the second phase of *Towards 2016*. The objectives were also pursued in discussions with the Northern Ireland Executive and its Education sub-committee.

62.Education Provision (INTO)

The nature of the education cuts introduced by the Government runs counter to every aspect of this motion. Budget cuts targeted English as an additional language (EAL) teaching, special classes for children with learning disability, book grants for disadvantaged children, and the implementation of the Education

for Persons with Special Educational Needs Act 2003, as well as increasing class size. A sustained campaign against the cut backs was mounted by the teachers' unions in late 2008, with 100,000 people marching through Dublin on 6th December 2008. Failure to address the school accommodation difficulties at a time when the construction industry needs support means that schools where children are educated in sub-standard or prefabricated accommodation can see little prospect of their situation improving.

63.Violent and Disruptive Pupils (NASUWT)

Congress pursued the proper protection of teachers against intimidation, physical assault and bullying directly with the Minister for Education, the Minister for Justice Equality and Law Reform and with the Health and Safety Authority. Work is ongoing on this as part of the overall Congress campaign against stress, bullying and third party violence.

64.Paid Learning Leave (Sligo Trades Council)

This matter was raised in talks with government in the talks on *Towards 2016*. FAS are currently carrying out a pilot study in this area and the results when available will inform the operation of the ULR project.

65.Health Care (Executive Council, Amendment – Amicus)

Congress promoted the report on Health Strategy *How Ireland Cares: the Case for Health Care Reform*, published by the Executive Council and opposed the continuing privatisation of health care in Ireland by government with its array of subsidies and the attempts to undermine Community Rating and Risk Equalisation in publications in negotiations with government and in our Budget submissions etc.

66.Privatisation of Health Care (IMO, INO, MSLA)

Congress pursued this motion in the context of negotiations on the second phase of *Towards 2016*. In particular Congress sought and agreement was reached on the establishment of a health forum to plot a partnership approach to reform of the Health Sector. Congress has continued to publically oppose the development of collocated private hospitals.

67.A Fairer Society (MANDATE)

Congress pursued this motion in the context of negotiations on the second phase of *Towards 2016*. Particular emphasis was placed by Congress in these negotiations on securing distributional measures aimed at benefiting those on lower incomes.

68.Social Housing (GSU)

The Social Partners agreed that a major element of strategy for dealing with the lack of social and affordable housing was to increase supply. Increased supply ought to have cooled house prices but this did not happen. Rather buying for investment and speculation purposes increased as did second home ownership. The last census (2006) showed an increase of 100% in non-occupied house at a record level of 300,000 homes.

Congress had made the provision of social and affordable housing a main priority in successive national agreements. Unfortunately the target for affordable housing agreed in both Sustaining Progress and *Towards 2016* were not met. However the overall numbers of affordable homes increased significantly between 2000 and 2006 up from 1,300 p.a. to 3,400 p.a. in 2006. The output of Social housing increased significantly over the periods of the various agreements. However the collapse of house building activity and the state of the public finances will probably result in the loss of any gains made.

69.Consumer Price Index and Tobacco Addiction (IMO)

Tobacco is already excluded from the Consumer Price Index. When inflation is high, the exclusion of CPI from wage negotiations would be against workers' financial interests, facilitating a transfer of cash to employers. However, in the rare times of negative inflation, as in 2009, increases in tobacco products would not impact on overall wages.

70.Palestinian Solidarity (Belfast & District Trade Union Council)

Congress has through a series of actions implemented the objectives of this motion and is in the process currently of ensuring that the recommendations of the delegation which visited both Palestine and Israel are actioned.

71.Implementing ICTU Policy on Palestine (Derry Trades Council)

Congress has through a series of actions implemented the objectives of this motion and is in the process currently of ensuring that the recommendations of the delegation which visited both Palestine and Israel are actioned.

72.European Social Model (CWU)

Congress actively participated in all ETUC (European Trade Union Confederation) campaigns and joined with trade unions throughout Europe in demanding and campaigning for improvements to workers rights and fighting against the proposed reduction in employment rights and the proposals to weaken employment security. This work continues at EU level thorough committees of the ETUC and by direct lobbying of MEPs and at national level through social partnership arrangements and direct campaigns.

73.European Union Treaty (CPSU)

Congress issued a public statement seeking a yes vote in the Lisbon Treaty in line with the provisions of this motion, particularly the inclusion in the Treaty of the Charter of Fundamental Rights.

74.EU Labour Law Reform (RMT)

Congress is concerned at the decision of the European Commission to launch the Green Paper, "Modernising Labour Law to meet the challenges of the 21st Century." Congress is further alarmed that under the central principle of "Flexisecurity" the paper is seeking to portray its objectives as wider participation in the labour market for vulnerable workers.

Congress believes, however, that the central purpose of the paper is to encourage proposals which will reduce employment protection, encourage casualisation and drive down wages and conditions. The Green paper implies that overly protective terms and conditions are a barrier to job creation and reduce the dynamism of the labour market. The paper proposes measures which will dilute unfair dismissal rights, reduce health and safety and weaken permanent employment contracts. Congress therefore agrees to work with our fellow unions throughout the EU to resist this attack on workers and trade unionism.

Appendix 7

Disputes Committee Report

Report of the Committee Established under Section 41 of the Congress Constitution to Investigate Matters Arising For Classroom Assistants Dispute Northern Ireland

Adopted by the Congress Executive Council October 2008

1 Background

- 1.1 The Executive Council at its meeting in December 2007 decided to establish a committee under paragraph 41 of the Constitution of Congress "to investigate all matters pertinent to the classroom assistants' dispute and try and rebuild relationships". The committee was established on foot of complaints lodged separately with Congress by NIPSA and UNISON and at a later date by GMB alleging that the action of one or other of the unions involved had damaged the standing of that union. While the complaints of UNISON and GMB were made under Section 41 of the Constitution, the NIPSA complaint was not so made but, rather called for an enquiry into the matter. The members of the committee were Dan Murphy, Peter McLoone, Louise O'Donnell and Séamus Dooley, Chairperson. The committee was assisted by Liam Berney, from the Congress Secretariat.
- 1.2 We have set out in Sections 3, 4 and 5 of this note the detail of the complaints lodged with Congress by each of the unions but they can be summarised as follows. In the case of NIPSA the union alleges that the established collective bargaining machinery was used to force through an agreement that had not been accepted by the majority of classroom assistants in dispute. NIPSA alleged that by this action the respective unions had brought the trade union movement in Northern Ireland into disrepute. UNISON and GMB allege that NIPSA had issued statements that were untrue and had questioned the veracity of ballots carried out by both unions. UNISON / GMB contend that this action undermined the established industrial relations machinery thereby bringing the trade union movement in Northern Ireland into disrepute.

- 1.3 In carrying out our investigation the committee decided in the first instance to hold a series of bi-lateral meetings with all of the unions followed by a formal plenary meeting of all the unions which was held on the 30th September 2008. The committee also met with Peter Bunting to ascertain the extent of the Congress involvement in the Dispute.

- 1.4 The committee has been mindful of the complex nature of the inter-union relationships and of the need to respect the rights of all complainants while attempting to develop proposals aimed at serving the interests of the wider trade union movement in Northern Ireland.

2 The Classroom Assistants Dispute

- 2.1 The dispute involving classroom assistants in Northern Ireland has been ongoing for a number of years. While the numbers of classroom assistants in each union is one of the issues to be considered by the Committee it has been established that there are 6663 classroom assistants employed in Northern Ireland.
- 2.2 While the issues involved are complex they essentially involve the implications of the implementation of the results of a job evaluation exercise and the proposed realignment of the working hours of classroom assistants in Northern Ireland.
- 2.3 The job evaluation exercise involved a comparison between the work of the classroom assistants on the one hand and clerical and executive grades employed by the Education and Library Boards in the Northern Ireland on the other hand. While this exercise did result in a recommendation that aligned the pay scales of classroom assistants with some clerical grades, this was complicated by the fact that classroom assistants contract of employment was for a 32.5 hour week while the comparator grades worked 36 hours. The management argued that they had received legal advice that in order for them to avoid equal pay claims by workers in the comparator grade they would have to effect a change in the classroom assistants pay to be calculated on a 36 hour week even though they could work only a 32.5 hour week.
- 2.4 In June 2007 the employers formally tabled

- proposals to implement the job evaluation for Classroom Assistants on the above basis. At that stage all trade unions rejected the offer. NIPSA and UNISON commenced consultations with Classroom Assistants to take strike action. In the event, only NIPSA conducted a statutory strike ballot and their Classroom Assistant members took 17 days of strike action.
- 2.5 In late September 2007, after this strike action had commenced, the employers tabled a new improved offer. However strike action continued. In mid October 2007, with involvement of Congress, NIPSA agreed to suspend strike action to allow two weeks for intensive talks to be conducted under the auspices of the Labour Relations Agency.
- 2.6 These talks did not secure an improved offer over and above the offer made in late September mentioned above. NIPSA members resumed strike action. In due course the employers called a meeting of the Joint Negotiating Council for 30 November 2007 to formally table their offer to the unions to finalise a collective agreement.
- 2.7 The unions involved have supplied the committee with very detailed information on the events leading up to this of the Joint Council on the 30th November 2007 at which the employers formally confirmed their final offer to settle the dispute. This offer was that which had been tabled in September. The employer's final offer comprised a number of elements. However the main change was an additional £15 million package to buy out the change in working hours.
- 2.8 When this offer was made in September both UNISON and GMB began to ballot their members on the offer. While both unions suspended balloting during the negotiations at the Labour Relations Agency, the results of the ballots of both unions showed majorities in favour of the offer. NIPSA did not ballot their members but engaged in consultation with their members which resulted in rejection of the offer and a continuation of their industrial action. In order, however, for the offer to be formally ratified it needed to be approved by the Joint Council at which collective bargaining for the classroom assistant grade was conducted. This Joint Council essentially operates on the same basis as the Whitley Councils in Britain where, in order for a matter to be adopted, it must win the support of a majority of members from both the employer and union side of the council.
- 2.9 The combined number of union seats on the Council is seventeen. The 17 seats are divided amongst the unions as follows, NIPSA **5.5**, UNISON **4**, UNITE ATGWU **3**, GMB **3** and others **1.5**. When the council voted on the offer all of the unions, with the exception of NIPSA, voted to accept the offer. The combined vote of the unions excluding NIPSA, comprised a majority and with the management side also voting in favour the proposals for settlement were adopted.
- 2.10 In order for the proposals to be implemented it required the employer to contact each classroom assistant individually and offer them a revised contract incorporating the terms of the settlement. The Committee have been supplied with a document by UNISON, which is titled "**JNC Circular no 142, JNC Collective Agreement to Implement Job Evaluation for Classroom Assistants**". This document lists various regions of Northern Ireland and lists the number of revised contract issued to classroom assistants and the numbers of revised contracts that have been returned. It appears that, over all of the Education and Library Boards, about 88% of the Classroom Assistants have accepted the revised terms.
- 2.11 It would, however, be dangerous to rely on this as evidence of support amongst Classroom Assistants for the settlement terms as it may simply reflect the fact that they saw no practical alternative open to them as events had unfolded.

3 The NIPSA Complaint.

- 3.1 The NIPSA complaint comprises two main allegations. Firstly, that the majority of classroom assistants did not vote to accept the terms on offer to settle the dispute and secondly the use of the Joint Negotiating Council to approve the terms of the settlement was contrary to the wishes of the majority of the classroom assistant grade.
- 3.2 In support of their allegation NIPSA cite information they had received from a freedom of information request on the numbers of Classroom Assistants in the various trade unions paying subscriptions by check off to those Unions. The information showed the following:

NIPSA	2,687	69.5%
UNISON	912	23.6%
GMB	243	6.3%
UNITE- ATGWU	24	0.6%
Total	3,866	100.0%

- 3.3 In the view of NIPSA, given the respective membership of the unions, it was not possible for the other unions to have secured a majority in favour of the employers offer and that the use of the Joint Negotiating Council to force a settlement was erroneous.
- 3.4 NIPSA state that it is clear from these figures that they represented the vast majority of Classroom Assistant who were in membership of Trade Unions and that, as a result, for the other Trade Unions to have used the technical voting arrangements applying in the JNC to make a settlement in respect of the Classroom Assistants against the wishes of NIPSA as the majority Union was an absurdity and could not be said to be compatible with basic trade union principles. NIPSA emphasised to the Committee that the decision of the other two trade unions to conclude the collective agreement at the Joint Council had caused deep anger within their Classroom Assistant members who had been involved in taking strike action.

4 The UNISON Complaint.

- 4.1 UNISON alleges that NIPSA publicly attacked and defamed UNISON. They further allege that NIPSA disregarded the democratic decision taken by UNISON members and accused UNISON of ballot rigging. They also allege that NIPSA manipulated information received under a freedom of information request and that the information they relied upon was incomplete.
- 4.2 UNISON claim that following the receipt of management’s final offer they proceeded to ballot their members in line with the rules of the union. They claim that they have a very accurate membership database and that they can track, with a considerable degree of accuracy, the numbers in membership at any one time.
- 4.3 UNISON emphatically rejected any allegations of ballot rigging which they considered to be an outrageous slur on their functioning as a trade union. Their members were perfectly satisfied with the conduct of the ballot and resented the allegation that the ballot was other than proper and accurate. They supplied to the Committee the details of their ballot result. They said that they had, at the time, 1820 classroom assistant members entitled to vote in a ballot. 1,603 members voted and 1,243 members accepted the terms.
- 4.4 UNISON state the approach of NIPSA in relying on information from the FOI request for the membership of the different Unions produced an erroneous result for the actual membership of UNISON for two reasons. Firstly, a substantial number of their members pay their Union subscriptions by direct debit and this would not appear on check-off records. Secondly, some members who worked as Classroom Assistants on a part-time basis also worked for the same employers in other capacities and would appear on check-off records as being employed in that other capacity.

5 GMB Complaint

- 5.1 The GMB complaint largely mirrors that of UNISON save in one regard. The GMB officer, Eamon Coy, further alleges that on the way into a meeting on the 4th October, 2007, he was exposed to sectarian attacks from NIPSA representatives and he alleges that attempts were made by NIPSA representatives present to physically assault him.
- 5.2 GMB also state that the reasons for the difference between the NIPSA FOI figures for membership and their actual membership was similar to those put forward by UNISON.

6 Conclusions and Recommendations

- 6.1 There are a number of elements to this dispute. The committee was given a wide brief by the Executive Council and in carrying out its mandate has attempted to adopt a constructive approach to seeking to solve what are deep-rooted problems.
- 6.2 The committee does not believe that attributing blame or seeking to establish a hierarchy of wrongdoing would serve the interests of the trade union movement or classroom assistants whether they are members of a trade union or one of the sizeable number of classroom assistants currently not represented by any trade union. Indeed such an approach could further damage the fragile relationships that already exist.
- 6.3 Our conclusions and recommendations should be viewed as an attempt to develop a roadmap for the future with the primary purpose of averting a recurrence of this dispute. We recognise that requesting trade unions to set aside complaints about which they feel strongly is extremely difficult but we do not believe that proceeding to make formal findings on each and every complaint in this case will serve the interests of the Classroom Assistants, the Unions involved or the trade union movement generally.

- 6.4 There are three issues which are central to this dispute:
- (a) the actual number of members of each trade union;
 - (b) a potential for dichotomy between the memberships of the various trade unions amongst Classroom Assistants and the voting procedures at the JNC; and
 - (c) difficulties which arose between the Trade Unions in the prosecution of the industrial dispute.
- 6.5 There are clear differences between the Unions concerning the size of their respective membership. While the committee has **not** sought to determine the precise levels of membership in each of the unions concerned the committee is satisfied that the following has been established. Based on the deduction at source material supplied to the committee, NIPSA had at least 2,687 classroom assistants in membership at the time of the dispute. UNISON had a membership of 1,820 classroom assistants on their workplace register at the time of the dispute which is a combination of members who paid subscriptions by deduction at source and those paying by direct debit. It is the view of the committee that both GMB and UNITE – ATGWU had a substantially smaller number of classroom assistants in membership than either NIPSA or UNISON at the time of the dispute.
- 6.6 As a result, it seems clear to the committee that NIPSA has the largest number of Classroom Assistants in membership of a trade union and may well have as many members as, or more than, the other Unions put together.
- 6.7 The committee considers that there must be an agreed mechanism for reviewing membership levels on a periodic basis in the future.

- 6.8 The potential for a dichotomy between membership of the various trade unions and the decision making processes of the JNC where there are pre-determined voting strengths for the various trade unions which are not necessarily related to membership in the category of worker concerned in a particular dispute is obvious. The Union Side seats on the JNC are related to overall membership of the various trade unions in the Education and Library Boards, not the membership amongst Classroom Assistants. This potential dichotomy is not unique to Classroom Assistants. It is capable of occurring in respect of any category where trade unions share membership of a category of worker and in any situation where the voting strengths of trade unions on the Union Side are pre-determined by reference to overall membership in the particular employment concerned.
- 6.9 Given the relative membership strengths of the various trade unions amongst Classroom Assistants, the Committee can understand the strength of feeling amongst NIPSA members about what happened. On the other hand, it is indisputable that the decision taken by the JNC at the behest of the other trade unions was, itself, in conformity with the prevailing rules of engagement and, of course, the Unions also had to take into account the potential problems which could be created for members of categories other than Classroom Assistants in the context of the existence of an industrial dispute.
- 6.10 While these were underlying problems, the fundamental difficulties between the Unions arose in the context of the development of industrial action. In this context, the relations between the Unions simply broke down and led to a welter of accusations and counter-accusations which resulted, almost inexorably, in the conflict which the Committee has sought to handle. There appear to have been, at the least, misunderstandings between the Unions about the way in which the issue would be handled. In retrospect, it can be seen that, given that there were a number of trade unions representing a single category, there should have been a clear process involving all of the Unions which would have covered all aspects of the prosecution of the dispute and associated decision-making between them on the handling of the dispute. The absence of a clearly understood process on the prosecution of the dispute is at the heart of the problem.
- 6.11 The committee notes that the JNC has traditionally operated on the basis of consensus and it is important that, as far as possible, the trade union side should continue this practice. The reliance on "custom and practices" and on historic understandings alone has however proved unsatisfactory and the committee is of the view that more formal structures are needed in order to avoid a repetition of the current dispute, which has been extremely damaging to the trade union movement. The need for better structures is all the more pressing in a situation where an industrial dispute is in contemplation because, as in this case, the absence of clarity on the approach to be taken, is almost calculated to give rise to problems with the associated recriminations between trade unions and bitterness amongst members.
- 6.12 It is recognised that inter-union groups work best in a spirit of mutual trust and co-operation. Adherence to procedure and mechanistic rules is no substitute for solidarity. While acknowledging and having due regard to the independence of affiliates, the committee have formed the view that lack of any formal role for Congress in the prosecution of disputes involving more than one union was a factor that contributed to the difficulties in that arose in this instance. The Committee acknowledges the depth of feelings among individual members of all unions and does not underestimate the sense of grievance felt by many of those interviewed. The prize of a united and effective trade union movement requires all concerned to move beyond these adversarial positions.

- 6.13 At our plenary session the committee noted the shared desire of the parties to constructive engagement aimed at ensuring that the lessons of this dispute were learned. All parties appear to acknowledge that matters could have been handled better at various stages. In this regard the committee believes that direct dialogue between the parties would be useful to resolve specific areas of difference. The committee notes and is encouraged by the fact that the unions continue to co-operate across a range of employments where there is shared membership.
- 6.14 The committee therefore recommends that Congress in conjunction with parties to this dispute develop a protocol to for the function of trade union groups in the public sector in Northern Ireland. In this context, the Committee recommends that Congress, in conjunction with the parties to this dispute, should develop a protocol for the future functioning of the trade union group in this sector and other public sector areas in Northern Ireland where appropriate. The protocol should address the most appropriate mechanisms to ensure, that where any category of workers are in dispute, there are agreed arrangements in place so that, for example, all trade union members in that category are included in any ballots to make decisions on the issues involved. As part of this protocol particular provision should be made for a role for Congress in the work of trade union groups.
- 6.15 In parallel with the development of this protocol the committee recommend that a strategy should be developed to seek to recruit into the membership of trade unions the large number of classroom assistants currently not members of any union. It is the view of the committee that the potential for the success of any such strategy would be enhanced if the unions agreed to fund a joint campaign aimed at targeting these members and if all unions had the potential to benefit in an agreed way from such a strategy.
- 6.16 The committee was concerned at the very public nature of the differences between the trade unions. The decision of key parties to use the media to vent differences of opinion was at best unhelpful and served to undermine confidence in the movement among current and potential members. The committee also heard allegations of unacceptable behaviour and welcomes the assurances that inappropriate behaviour towards any official or union representative would not be sanctioned by any of the parties to the dispute. As part of the protocol governing the operation of the JNC, a common understanding should be reached on internal and external communications, with particular reference to media interviews.



Association of Garda
Sergeants and Inspectors
Cumann Sairsintí agus Cigirí
de'n Gharda Síochána



Fraternal greetings

to the

ICTU Biennial Conference

from the

***Association of Garda Sergeants
and Inspectors***

***Cumann Sairsintí agus Cigirí
de'n Gharda Síochána.***

Disputes Committee

Report 08/2

Parties: UCU and ATL

Date of Hearing: 20th November 2008

Dispute: Complaint by UCU against ATL alleging that ATL had embarked on a campaign to recruit workers in the further education sector in Northern Ireland contrary to the provisions of the Congress Constitution.

Committee: Louise O'Donnell (Chair and Executive Council Member) Maurice Cunningham (UNITE ATGWU) and Paddy Mackel (NIPSA).

1. Background

1.1 The University College Union has complained to Congress that the Association of Teachers and Lecturers have embarked on a campaign to recruit workers in the Further Education Sector contrary to the Congress Constitution. Congress arranged for a conciliation meeting between the parties as per the Congress Constitution and a meeting was held on 1st September 2008 however the dispute could not be resolved.

2. UCU Complaint

- 2.1 The UCU allege that the ATL are involved in a campaign to recruit workers in the FE Sector in Northern Ireland. They claim that this campaign is contrary to the Congress Constitution as they have a long established sphere of influence within the collective bargaining machinery for workers in that sector and that the ATL are not a recognised union.
- 2.2 In support of their claim they cite the following.
- 2.3 That a collective agreement exists with the employers in the FE sector that provides that UCU are a recognised union for the purposes of collective bargaining.

- 2.4 That an email was sent from ATL to a member of management in the FE Sector which contained material which the UCU allege was seeking to portray the ATL as having bargaining rights within the FE Sector and seeking to recruit into membership workers in that sector. This email was subsequently emailed onto a large number of UCU members in the FE Sector. UCU alleges that at least one of their members on foot of this email left the UCU and joined the ATL.
- 2.5 UCU also claims that the action of ATL was deliberately aimed at undermining the position of UCU at a time when that union was involved in a very serious dispute with the employers in the sector.
- 2.6 In the course of their presentation to the Committee UCU alleged that the action of ATL contravened a number of provisions of the Congress Guidelines on paragraph 46 of the Congress Constitution.

3. ATL Response

- 3.1 ATL responded to the allegations made by UCU as follows.
- 3.2 They accept that they have no recognition rights in the FE Sector in Northern Ireland and that UCU have an established sphere of influence.
- 3.3 ATL agrees that an email was sent to a member of management in the FE Sector which contained material on the benefits of membership of the ATL. They claim that this arose from an agreement which had been entered into by ATL in Britain with another organisation the Association of Managers in Education. Under this agreement ATL agreed to provide representational services to the members of (AMiE) in Northern Ireland. The email to which the UCU refer was sent to a person who was a member of that organisation.

- 3.4 The ATL agree that this email was subsequently sent to a large number of UCU members however this was done in error and not at the behest of ATL.
- 3.5 ATL rejects the allegation that they are involved in a campaign to recruit members of UCU in FE Sector.

4. Conclusions

- 4.1 The Committee has examined the evidence provided to it by both ATL and UCU.
- 4.2 The Committee accepts that UCU have established collective bargaining rights in the FE Sector in Northern Ireland and that the ATL are not recognised for collective bargaining purposes.
- 4.3 The Committee accepts that the email sent by ATL to a manager in the FE Sector and in particular the attached promotional material did give the impression that ATL had collective bargaining rights for the FE sector and the material was therefore misleading in that regard.
- 4.4 ATL did not provide any evidence at the hearing to refute the UCU allegation nor did they offer any evidence that they had attempted to rectify the matter once it became clear what had happened.
- 4.6 However the Disputes Committee could not conclude with absolute certainty that ATL had actually requested that the College Director's circulate the literature in the manner it was.

5. Findings

- 5.1 **The Disputes Committee finds that the UCU are a recognised union within the FE Sector in Northern Ireland with a long established sphere of influence. The Committee further finds that ATL have no established status within the FE Sector and draws the attention of the ATL to the provisions of the Congress Constitution and Guidelines regarding spheres of influence.**
- 5.2 **The Disputes Committee finds that the ATL should examine their membership records with a view to identifying any person who has been taken into membership of ATL and who falls within UCU sphere of influence. In the event that ATL identifies such members, they should advise them that they have no negotiating rights in the FE Sector and should encourage them to join the UCU.**
- 5.3 **The Disputes Committee further finds that ATL should review their promotional material and membership application systems in light of this finding and in order to ensure compliance with the Constitution of Congress.**

Appendix 8

Referrals to Labour Court in 2008

Section /Act /Application	2008	2007	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	246	178	+68
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	12	1	+11
Section 33(3), Industrial Relations Act, 1946 (Interpretation of REA – ref by Court of Law)	1	1	0
Section 57(1), Industrial Relations Act, 1946 (Question of scope of JLC or ERO)	1	0	+1
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	109	20	+89
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	131	103	+28
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	117	109	+8
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	9	15	-6
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	256	263	-7
Section 26(3), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC without conciliation)	1	0	+1
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	1	3	-2
Section 43(1), Industrial Relations Act, 1990 (Interpretation of code of practice)	0	0	0
Section 43(2), Industrial Relations Act, 1990 (Complaint of breach of code of practice)	0	1	-1
Section 2(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Cases where negotiating procedures are not in place)	4	25	-21
Section 6(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Request for Determination in relation to Recommendation)	2	4	-2
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	2	-2
Total Industrial Relations Cases	890	725	+165

Section /Act /Application	2008	2007	Difference
Equality			
Section 77(12), Empl. Equality Act, 1998 as inserted by Equality Act, 2004 (Appeal against decision of Director of Equality Tribunal - time limit)	4	4	0
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	27	38	-11
Total Equality Cases	31	42	-11
Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	88	39	+49
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	102	54	+48
Total Organisation of Working Time cases	190	93	+97
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	6	6	0
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	7	12	-5
Total National Minimum Wage cases	13	18	-5
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	9	7	+2
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	1	1	0
Total Part-time Work cases	10	8	+2
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	30	22	+8
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	1	2	-1
Total Fixed Term Work cases	31	24	+7
Safety, Health and Welfare at Work			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	14	13	+1
Total Safety, Health and Welfare cases	14	13	+1
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	0	1	-1
Total Information & Consultation cases	0	1	-1
Total referrals received	1,179	924	+255

Categories of Referrals – as Proportion of Total Referrals

Category	2008	2007
Industrial Relations	75%	78%
Organisation of Working Time	16.1%	10%
Equality	2.7%	4.6%
Fixed-Term Work Act	2.7%	3%
Safety, Health & Welfare at Work	1.2%	1.4%
National Minimum Wage	1.1%	2%
Part-time Work Act	1%	0.9%
Information and Consultation	0	0.1%
All Employment Rights -	25%	22%

Acknowledgements

Congress would like to acknowledge the support of our exhibitors at conference including Affordable Homes Partnership, AVC Audio Visual, CIE, Construction Safety Representatives, the Construction Workers Health Trust, Disability Champions, the Equality Authority, the European Commission Representation in Ireland, Fairtrade Ireland, Hotel Solutions, HSF Health Plan, Irish Aid, the National Employment Rights Authority, Newpark Hotel Kilkenny, TASC, Thompsons McClure Solicitors, Solidarity Project, the Pensions Board, Unity Bank and Union Skills Network. We are also very grateful for the support of the following advertisers in this report:

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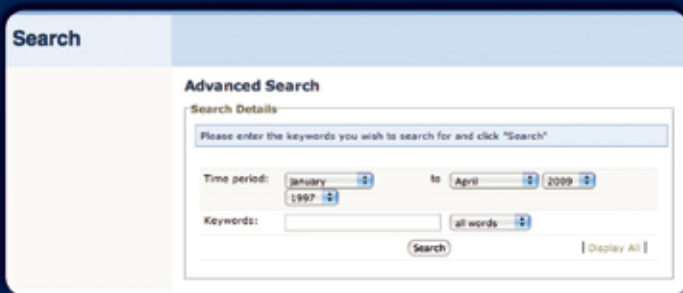
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An Roinn Gnóthaí Eachtracha



Malako Selepe, who is receiving life-saving ARV treatment with the support of ALAFA and her employer.
Photo: Daniel Rowan

Lesotho's textile industry employs over 40,000 people and produces clothing for large US brands such as GAP and Old Navy. Irish Aid is supporting ALAFA, a local NGO which works with employers to enable staff to access HIV testing, treatment and counselling services.

Makalo Selepe, a mother of two, has worked for Precious Garments in Maseru, the capital of Lesotho, since 2000. In 2006 she availed of the testing facilities provided in the factory and discovered she was HIV positive. She was registered on life-saving Anti-retroviral (ARV) drugs which enable people with HIV to live normal, healthy lives.

"The ARVs are a blessing" she says "I would not have been able to afford them on my own."

By supporting ALAFA, employers are investing in the well being of their staff. As Nkopane Monyane, Regional Manager for Precious Garments points out, there is an element of enlightened self interest in the partnership, "Supporting ALAFA is ethical, it's good for staff morale and, on a purely commercial level, it makes good business sense."

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RITY

G
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TY

Y

32 Parnell Square,
Dublin 1
T +353 1 8897777
F +353 1 8872012

congress@ictu.ie
www.ictu.ie

Carlin House,
4-6 Donegall Street Place,
Belfast BT1 2FN
T +02890 247940
F +02890 246898

info@ictuni.org
www.ictuni.org