Civil servants deserve a 7% rise – it’s just and fair

ON September 10, the Civil Service Executive Committee met to consider the outcome of the branch consultation ballot held over the summer. The vast majority of branches agreed with the proposals, which included:
- A 7% increase on all pay points including the maximum;
- A 7% increase on allowances;
- A review of all allowances to ensure they reflected an appropriate rate given that most allowances have not been increased for more than 15 years;
- Further scale shortening for all scales from AA to Grade 6;
- The claim has been lodged with the Management Side and a meeting has been sought to open negotiations.

NIPSA wants to negotiate directly on the key issues impacting on members. This year the Civil Service Executive Committee has made it clear that failure to negotiate for weeks or months because there are no Ministers in place or a sitting Assembly is unacceptable.

The Committee insisted that it was imperative that proper and meaningful negotiations take place to ensure members receive their pay increase “in a timely fashion” – especially important given it is already two months past the date for implementation.

Continued on page 2.

NIPSA joins Whitehall unions in legal action on pay

NIPSA’s General Council has agreed to join sister unions PCS, FDA and Prospect in taking a legal challenge against the Cabinet Office-imposed Civil Service pay guidance for 2018-19.

The unions are seeking a judicial review on the guidance that states departments – including NICS – can only make average awards above 1%-1.5% in exchange for further cuts.

According to union sources, it is clear the UK Government had never intended to consult unions on what is effectively a new pay cap.

NIPSA has agreed to provide £15,000 towards the cost of the proceedings demonstrating its commitment to breaking the pay restraint endured by civil servants for far too long.

The legal proceedings have been issued against the minister for the Cabinet Office and relate to the 2018 Civil Service pay guidance produced by the Government in June.

Unions have slammed the below-inflation pay remit guidance as well as what they claim is an inadequate consultation process.

Continued on page 2.
NIPSA seeks update on Brexit uncertainty

SINCE the last NIPSA News, the issue of exiting the European Union has continued to dominate the political agenda with the Prime Minister’s position – i.e. the Chequers Plan – being rejected by the EU’s other 27 leaders. It is clear the issue of the border between Northern Ireland and the Republic of Ireland is not settled. All the talk of a solution this last year is receding with the possibility of a ‘no deal’ becoming a more realistic scenario.

Across the public services in Northern Ireland, NIPSA is aware that planning is happening for a ‘no deal’. This is not good for public services or members working in areas with this uncertainty.

NIPSA does raise the issue through the Civil Service and other areas of the public sector centrally and with each employer. It is clear that the current uncertainty means that with less than six months to go, emergency planning is having to be put in place.

NIPSA has sought a meeting with Dr Andrew McCormick to seek an update on the issue and to find out from him how NIPSA members will be protected.

Meanwhile, on the benefits front, Universal Credit continues to be rolled out with members reporting insufficient training. Also those receiving Universal Credit have continued to find it difficult to access the benefit in a timely fashion.

This is not the fault of NIPSA members who are delivering Universal Credit but a problem with the system. The union has argued for years that UC is not fit for purpose, leaving many in-work and out-of-work families in financial hardship.

NIPSA is continuing to monitor the situation and is concerned that in the absence of a devolved administration the mitigations that are due to run out will not be extended.

It is regrettable that as a result of further budget cuts, the Chief Electoral Officer has announced that four regional electoral offices are to close next year. This will mean that some members will lose their jobs while others will be compulsorily transferred to the Belfast office.

As NIPSA News goes to press, the union is consulting members on these proposals. This is a direct result of NIO cuts to the Electoral Office budget and is also linked to the introduction of online registration.

However, many of the outreach work which the staff of the Electoral Office carried out will also be impacted, meaning that it is likely that those disadvantaged and hard-to-engage groups will be impacted upon negatively.

Alison Millar, General Secretary

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Civil Service deserve 7% pay rise

Continued from page 1

A NIPSA source said: “In addition members have made it clear that they will not accept the imposition of a 1% pay increase for 2018/19. While the absence of an Assembly is an issue for the Management Side, NIPSA cannot be hamstrung in our negotiations.

“We must demand that the Management Side engage with the Permanent Secretary and, if necessary, the Head of the Civil Service to bring this issue to a head so that hard working civil servants get a fair and decent pay increase.”

Claiming the 7% claim was “just and fair”, the source continued: “Since 2013 had RPI been applied, then the amount civil servants would be receiving would be in the region of our claim, so it is fair and just – our members deserve no less.”

Meanwhile, as reported elsewhere in NIPSA News, NIPSA has thrown its weight behind its sister unions in GB – PCS, FDA and Prospect – in a Judicial Review against the Government’s decision to implement without consultation a new “pay cap/range” of a maximum of 1%-1.5%.

NIPSA has contributed £15,000 towards the Judicial Review, which according to the latest information and as NIPSA News goes to print, will be heard on October 4.

An initial informal meeting has also been arranged for October 15 to lay out NIPSA’s claim in detail. Following this meeting further branch/regional meetings will take place to ensure members are kept up to date.

During the consultation period the Executive Committee promised further engagement with members over a strategy to deliver for members.

To this end, a small sub-group has been set which will meet in the next couple of weeks to bring forward a strategy.

The NIPSA source said: “Over October there will be further engagement with members to develop the strategy to build our campaign to ensure that members are informed. Leaflets and posters are being distributed to branches and further work will be carried out to ensure all members become engaged in the strategy which may include industrial action if we have no meaningful negotiations.

“Members deserve a decent and fair pay increase – and 7% is fair and just.”

NIPSA joins Whitehall unions in legal action

Continued from page 1

The pay guidance limited pay increases to 1%-1.5% next year which the unions have pointed out is a rate far below offers being made to other public sector workers. It is understood the Government has refused to withdraw the guidance.

PCS General Secretary Mark Serwotka insisted such a “shambolic state of affairs” could not go unchallenged, confirming the unions’ determination to pursue the case to the High Court.

FDA General Secretary Dave Penman described the guidance as a demonstration of the “perilous state of industrial relations in the Civil Service”. He said the Government’s defence was “that they never intended to consult us on the new pay cap and rushed the guidance out because they didn’t trust us not to leak the 1.5% figure”.

Prospect General Secretary Mike Clancy claimed the failure to consult in a meaningful way demonstrated a “disdain not only for the unions, but for hundreds of thousands of loyal, hard-working civil servants”.

Are Your Details Up to Date?

It’s important that you keep all your contact details up to date with our Membership section, so we know you are receiving important information about the Union.

Maybe you have a new home or work address, moved to a new position or branch or maybe retired?

You can click on the Contact Us form on the homepage of the NIPSA website or email membership@nipsa.org.uk for more information.

NIPSA NEWS

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Unless otherwise stated, the views contained in NIPSA NEWS do not necessarily reflect the policy of the trade union NIPSA.
Six-figure payout to unfairly dismissed staff at ILEX

AFTER almost three years of protracted negotiations and legal action against The Executive Office (formerly OFMDFM) and the Strategic Investment Board, a substantial six-figure settlement was made to four NIPSA members who lodged cases for unfair dismissal by the Derry/London-derry-based regeneration body ILEX.

Explaining the background to the legal action, General Secretary Alison Millar told NIPSA News: “When the staff of ILEX were advised in October 2015 that the organisation was to close by the end of the financial year and they would lose their jobs, it was a huge shock to them.

“This came following a review of ILEX, during which its Board had been assured that there would be no surprises when the review report was published.

“At the time, NIPSA argued vehemently that, as some of the work of ILEX was being transferred to The Executive Office and the Strategic Investment Board, its staff should also transfer under the Transfer of Undertakings Protection of Employees (TUPE) regulations.

“This was rejected out of hand, the staff lost their jobs and NIPSA was forced into lodging industrial tribunal proceedings for our members.”

Ms Millar pointed out that those workers not been members of the union they would not have been in a position to take the legal challenge themselves and expressed delight that “NIPSA and our brave members have been totally vindicated” by the outcome of the case.

She continued: “While no financial compensation can replace someone’s job and the trauma that these unfair dismissals caused, the substantial six-figure settlement reached in these cases shows that The Executive Office and the SIB were wrong in dismissing these individuals.

“As a result, this is money which will now come out of the public purse to compensate the individuals concerned.”

John McShane, of McCartan Turkington Breen (MTB) Solicitors who represented NIPSA in the landmark case, said: “This action on behalf of NIPSA’s members has resulted in one of the largest employment law settlements of its kind in Northern Ireland.

“Employment law exists for the legal protection of the rights and responsibilities of both the employee and the employer and TUPE regulations are well-known for providing employee protection when a business changes hands.

“We are very pleased with the outcome for our clients. This is a stark warning to employers of any size or sector that they should obtain legal advice in relation to their responsibilities to employees, as this case clearly shows that the financial implications of not following the legal protections of TUPE can be very serious indeed.”

Tony McMullan, the NIPSA Official who represented the members throughout, said: “Our members who worked in ILEX were treated disgracefully. They went through considerable trauma at being made redundant and, undeniably, their professional reputations were tarnished by the public speculation and discussion around the future of ILEX.

“The staff have everything to be proud of in the development of Ebrington and the Fort George site. The iconic Peace Bridge is there for all to see and a unique testament to the work, imagination, commitment and dedication of the staff concerned.”

Mr McMullan claimed the substantial settlement was a “strong indication” that the staff and NIPSA were “fully justified” in lodging tribunal applications.

He added: “NIPSA is delighted for our members but of course we wish they had not had to undergo the concern and stress they have faced over the last three years.

“Employers should be aware that NIPSA will not allow our members to be treated in an unfair and unjust manner and will use the resources of the union to ensure that justice is achieved.”

JTUS to ‘explore and exhaust’ options to resolve Council dispute

A CONSULTATIVE ballot of union members drawn from NIPSA, SIPTU, UNITE and GMB working at Newry Mourne and Down District Council closed on September 12.

Speaking to NIPSA News before the result of the consultative ballot was known, a JTUS spokesperson said: “We would again emphasise that strike action remains a very last resort for the JTUS and we will continue to explore and exhaust every other avenue possible in our joint quest to achieve resolution to all issues in dispute on members’ behalf.”

A Joint Trade Union Side delegation, comprising representatives from all four unions, had been set to meet with senior managers at the Council on Monday, September 3 in a bid to resolve the ongoing dispute.

However, face-to-face negotiations did not take place because of Council chiefs’ refusal to commit to full and meaningful negotiations on restructuring as well as their continued insistence that they would only discuss the implementation of the draconian Managing Attendance Procedure.

Ms Millar explained: “It was apparent from the outset that Management Side was maintaining its position that it was not clear on the detail of the issues in dispute – a position which is extremely difficult to comprehend given the intense verbal and detailed written clarification provided by the JTUS to date.” However, agreement was reached between both sides to meet again “to explore the issues in details” with help from the Labour Relations Agency.

In early August, the JTUS secretariat wrote to councillors seeking their help to resolve the dispute. Meetings were subsequently held with SDLP, Alliance and Independent representatives.

The JTUS spokesperson said: “It was agreed [that these meetings] were very useful in clarifying the details of the issues in dispute and explaining the reasons for the growing frustration and anger of members over the JTUS difficulties caused by the Council’s decision makers adopting and maintaining a position of intransigence towards industrial relations.”

It is understood the JTUS is pressing for a joint working group to be set up with councillors to “develop and repair” industrial relations at the Council – and it is hoped further meetings will be held.

Newry Mourne and Down staff stage a protest in September outside the council offices
**HSC pension contributions hit staff pay again**

RECENTLY a row broke out concerning the impact on HSC staff of over-payments made to their pay after pension contribution assessments.

At an August 29 briefing, attended by NIPSA, BSO apologised for any distress caused to employees as a result of the pension band review. The August 2018 changes to the HSC staff pay result from mandatory assessments of any permanent changes in an individual’s pay against the following employee contribution tiers for 2018/19:

<table>
<thead>
<tr>
<th>PENSIONABLE PAY FROM (£)</th>
<th>PENSIONABLE PAY FROM (£)</th>
<th>EMPLOYEES CONTRIBUTION TIER</th>
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<tr>
<td>...</td>
<td>15,431.99</td>
<td>5.0%</td>
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<tr>
<td>15,432.00</td>
<td>21,477.99</td>
<td>5.6%</td>
</tr>
<tr>
<td>21,478.88</td>
<td>26,823.99</td>
<td>7.1%</td>
</tr>
<tr>
<td>26,824.00</td>
<td>47,846.00</td>
<td>9.3%</td>
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<tr>
<td>47,845.99</td>
<td>70,630.99</td>
<td>12.5%</td>
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<tr>
<td>70,631.00</td>
<td>111,377.00</td>
<td>13.5%</td>
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<td>and above</td>
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According to the BSO, they undertake pension reviews to assess if employees are contributing sufficiently to the pension scheme based on the super annuable earnings.

Once each assessment is completed, BSO adjusts the employee pension contribution tier meaning either refunding or collecting additional pension contributions (in arrears where applicable). Consequently, this affects employees’ future take home pay as contributions will continue to be taken at the new rate.

Across the HSC region more than 6,000 employees have been affected by the recent assessment – approximately 90% of these have moved into a higher pension contribution tier.

Several hundred other staff received a refund.

Of the 6,000 impacted, less than 500 employees have seen an impact greater than £200, with the average being about £120. No member of staff has been left without pay in August 2018 as a result of the pension tier assessment.

BSO concluded the briefing by pointing out that there was an acceptance that the impact was greatest for weekly and fortnightly staff, especially those in lower pay. It was agreed that any staff member adversely affected as a result and who requests a reimbursement and repayment plan would be supported.

This plan will be automatically agreed at three months with employees having the option to request a longer period if their personal circumstances require this.

NIPSA has indicated it will liaise with staff and employers to ensure that communications are “timely and effective” to “mitigate against similar issues arising”.

The next pension contribution rate review is due in 2019 but the trade unions stressed their commitment to continue to raise the issue at the Joint Negotiating Forum and to explore if there are better ways of resolving this ongoing problem and the negative impact it is having on members.

**THE HSC trade unions, the Department of Health Officials and representatives from employers have now met twice to consider HSC pay for 2018/19 and beyond.**

The last discussions were held on August 24. According to union sources, although the basic pay modelling was carried out, little progress was made, as the Department of Health is still awaiting clarification and approval from the Department of Finance of any Barnett consequential monies.

This was disappointing for all involved in the talks as the trade unions had managed to secure a response from the National Staff Joint Council to assist in the pay negotiations. The Department also had some resources from the Northern Statistics and Research Agency. However, without information that was required, progress was extremely limited.

The trade unions indicated that they wanted to see a high level of engagement from the Department of Health at the next meeting in September and asked that the Permanent Secretary attend.

For its part, the Department welcomed the structured, ongoing engagement with trade unions and HSC employers, to prepare for potential future discussions on Agenda for Change issues, including pay and performance.

In the absence of Ministers and an Executive Pay Policy for 2018/19, the Department of Health indicated it was unable to enter into negotiations.

But it welcomed an engagement process to allow for employers and trade unions to gain a “detailed understanding of the position on all the issues; provide for exchange of information; and keep an ongoing line of communication open as we move forward”.

It set out a list of recent developments to inform and influence future talks:

- The framework agreement on the proposed reform of NHS pay structure for Agenda for Change staff in England;
- Proposals for reform of Agenda for Change in NHS Scotland;
- HM Treasury announcement supporting framework agreement with substantial additional investment for the next three years, which would see associated consequentials flown to Northern Ireland in the Autumn Budget according to the Barnett formula; and
- Any other pay bids made by the Department of Health in the current year.

In a bulletin to members, NIPSA said it would, along with other HSC trade unions, argue for the restoration of pay scales and pay parity to reflect developments in the other three countries – in particular, Scotland.

NIPSA has pointed out that poor pay means the HSC (NI) is already haemorrhaging expensively trained staff across the water, across the border and out of the service altogether at an unsustainable level.

A NIPSA source said: “While the union welcomes the additional money currently available in terms of the Barnett consequentials, NIPSA branches have expressed concern about the current ‘English Framework’ in its present form.

“The there is also concern that if the Department of Health is not ready or in a position to negotiate a Framework in Northern Ireland, staff in Northern Ireland should not be placed at a disadvantage. And the union would reiterate the need for an in-year pay rise if these circumstances prevail.

“Such an in-year pay rise would need to be equivalent to NHS Scotland who have paid 3% to staff in 2018/19,” the source added.

**Health and Safety conference date**

THE ninth annual NIPSA Health and Safety Conference will take place on Tuesday 23 October 2018 in the Wellington Park Hotel, Belfast from 9.30am to 4.00pm.

The conference is being held to coincide with European Week for Health and Safety at Work. The theme of the conference will be ‘Say No to Stress: Challenging the Employer’s Agenda’. A copy of the outline programme is available to download at https://bit.ly/2xtz20U

The conference is open to all NIPSA appointed health and safety representatives only.

Nomination of delegate(s) to attend should be made on Form T1a and returned to NIPSA Headquarters by 2.00pm on Friday 12 October 2018. More than one delegate from each branch can attend.

An election for the Health and Safety Committee will take place at the conference.

Branches are entitled to nominate one health and safety representative from their own branch only for election. Nominations must be made on Form T1b and returned to NIPSA Headquarters by 2.00pm on Friday 12 October 2018.

You can access documents to download at https://bit.ly/2xtz20U
NIPSA has called on all political representatives to join its campaign to retain regional electoral offices in Banbridge, Derry/Londonderry, Newtownabbey and Omagh following an announcement on September 10 that offices could be closed by June 2019.

Chief Electoral Officer Virginia McVea confirmed she plans to close all remaining regional electoral offices and centralise functions into Belfast as a result of the introduction of digital registration as well as drastic cuts to funding by the Northern Ireland Office. According to the union, this is despite no agreement with local councils to provide support and assistance to the electorate and without any decision on if — or when — elections will transfer to Councils.

NIPSA Official Dooley Harte told NIPSA News: “We have been warning for some time that the continuing cuts to the Electoral Office’s budget would have a serious and detrimental impact on the services provided to local communities, especially those outside of Belfast.

“NIPSA has now been told that plans are to be put in place to close all remaining regional offices and centralise functions into the Belfast Office. The electorate are being forced to go online for all of their electoral services regardless of what access they have to those services.”

He continued: “We are calling on all our political representatives to publicly call for the retention of regional electoral offices and to apply whatever pressure they can on the Chief Electoral Officer, the Northern Ireland Office and the Secretary of State to allocate the small amount of funding needed to keep offices open.”

Crisis is costing lives

WHILE money is wasted by the Government in a bid to convince tenants to transfer their homes to housing associations, the situation elsewhere is becoming critical due to lack of services.

And, in the absence of an Assembly Minister, NIPSA has claimed the situation is only likely to get worse.

NIPSA Official Paddy Mackel, who has responsibility within the union for housing, explained: “With no Minister in place to decide on priorities and how to fund vital services, the wrong decisions are being taken by unaccountable officials. Some of these decisions have been scandalous and the impact shocking.

“The Housing Executive ‘Supporting People’ budget was slashed last year, with £1.3m removed earlier this year. This programme funds support services for homeless and vulnerable people across the community.”

Mr Mackel underlined that there was already a crisis in housing with more than 11,000 officially registered as homeless.

He warned: “What is needed is MORE money, not less. Homeless and vulnerable people will now be further at risk.”

Meanwhile, cuts to the NIHE budget have led directly to staffing problems in the service that assesses complex needs cases.

These are cases where tenants need to be assessed for adaptations to their homes to enable people with disabilities to live a normal life at home.

At a recent meeting of Derry City and Strabane District Council at which the NIHE Chief Executive was present, the CEO revealed there had been cases of individuals needing adaptations to their homes who had died before the work was carried out.

Commenting on this admission, Mr Mackel described it as a “situation that can’t be allowed to continue”.

He said: “It simply isn’t good enough for the Chief Executive to state publicly that he is ‘…embarrassed to say this, but there have been cases where people who needed work done have passed away’. It isn’t good enough to simply blame lack of resources and glibly comment that ‘We need to do our business better’.

“This isn’t tolerable any more. People are literally dying while politicians procrastinate. The message is clear. All citizens need to be treated equally and with dignity. The Assembly is needed now so that accountable Ministers can take action to save lives.”

Housing transfer result is imminent

EACH week the crisis in housing worsens with the lack of a functioning Assembly largely to blame.

However, in the absence of a Minister, the Department for Communities last year opted to push ahead with a vote to transfer NIHE homes to a housing association.

In the event, residents overwhelmingly rejected the proposal — with 94% voting No. NIPSA subsequently wrote to the Department demanding the stock transfer programme be halted, pointing to the massive No vote and the fact that there was no Minister to sanction any further waste of public money in carrying on with the move.

The Department refused and — what NIPSA Official Paddy Mackel dubbed “the stock transfer bandwagon” — continues apace.

He explained to NIPSA News: “Residents in the Ballee estate in Ballymena are the latest people to have the stock transfer bandwagon arrive in their close-knit community.

“The proposed sell-off of their homes to Triangle Housing has not gone down well in many areas in the estate but more resources were poured into this process by the Department.

“The residents have been subjected to even more pestering. In correspondence issued to residents and within the NIHE and Department, the position adopted by NIPSA has been challenged.

“NIPSA’s response to the Triangle transfer document has been countered by distorted information provided to tenants. However, despite this, at a subsequent public meeting, the residents remained unimpressed with the pitch made by Triangle, facilitated by the NIHE. NIPSA’s response paper was welcomed by local people.”

According to Mr Mackel, this only flags up that NIPSA is convincing local people of the merits of its case.

He added: “You know you’re winning the argument when your opponent resorts to tactics of this nature. You know you’re winning when the voting period was extended. This is a difficult fight, but the campaign remains confident that a No vote is still achievable.”

The ballot closes on September 14, with the result to be published by the end of the month.

Mr Mackel commented: “If another No vote is delivered we will go to the Department and demand an immediate halt to this farce and waste of public money. If a No vote is not received you can be sure we will move on to the next estate and continue the fight to save the Housing Executive and stop the transfer and sell-off of homes to other organisations. We WILL win this fight.”
NIPSA slams huge sums spent on agency staff

NIPSA has slammed the huge amount being spent on employing agency workers in the public sector and claimed “profiteering” recruitment agencies were the “only winners”.

General Secretary Alison Millar said members struggling through “almost a decade of austerity” while being told there was “no more money” saw at the same time tens of millions being paid out to private sector employment agencies.

“This overpriced ‘sticking plaster’ fails to deal with the real crisis in our public services – low pay, staff shortages and job insecurity. These flow from a consistent failure of central and devolved governments to undertake the appropriate long-term approach to planning and investment,” she told NIPSA News.

While the loss of public finance is dominated by declarations that ‘we can’t afford’ to invest more in public services, our research shows that a vast amount of public money is spent on the deployment of agency staff – including exorbitant management fees being paid out to private sector employment agencies.” Ms Millar described this as a “failure of manpower planning” and an “indictment” of the failure to address severe staffing shortages across the public sector.

She explained: “This is shown most clearly in those areas that have supposedly come through their latest reform phase: the Civil Service, for example, (with fewer departments and after a Voluntary Exit Scheme) still spends over £11 million a year on agency staff.

“Local government post-RPA has spent well over £50 million since 2014 while Health and Social Care, in which there are hundreds of long-term vacancies, had a non-medical agency spend of more than £200 million between 2010/11-2015/16.”

Dubbing it a “scandal of under-investment”, Ms Millar claimed the delivery model this had created within the public services was “one built on employment insecurity, low pay and reduced employment rights”.

“NIPSA’s opposition to this, therefore, will be to not only challenge the ideologically-driven casualisation of our public services but also to continue to campaign for the reform of our labour laws in order to give the fullest employment protection for all workers – however they are recruited – who carry out the vital work of delivering our public services.”

Holiday pay test case set to be heard

MEMBERS will be aware of the holiday pay issue arising out of Patterson v Castlereagh Borough Council. NIPSA funded the case, winning an historic victory in Northern Ireland case law.

It means employers are now required to pay holiday pay to workers for both compulsory and voluntary overtime where it forms part of a worker’s “normal remuneration”.

A question arises from that case as to how often (or regular) a worker has to do something for it to constitute “normal”.

NIPSA members in the PSNI are involved in testing this issue among others with the case beginning in the OITFET (Office of the Industrial Tribunals and Fair Employment Tribunal) in late September, which is expected to last three to four weeks.

NIPSA has been holding meetings with members to explain the details of the case in order to potentially lodge similar cases in the Northern Ireland Civil Service. Currently meetings are being held in the Department for Communities (DfC) and Department of Finance (DOF).

Other areas not already covered will follow, and members will be updated periodically about how the test case is progressing.

ICTU warns ‘We’re losing too many skilled jobs’

THE Northern Ireland Office tweeted @NIO-gov (August 22), that “NI’s Labour Market going from strength to strength. New stats show 63,000 more people in work since 2010”.

Responding to this boast, ICTU Assistant General Secretary Owen Reidy commented: “If Karen Bradley and the NIO wish to brag about good economic news then they have to take responsibility for the rest of the unhealthy state of our Labour Market.

“The same set of statistics reveal that no progress has been made in talking the economically inactive, still far higher than any other UK region. Related to that miserable metric is the issue of low-paid, low-status and unattractive jobs, as highlighted by the new IPPR report on skills which says Northern Ireland needs to do more to help young people who are in danger of remaining stuck in low-skilled work throughout their careers.

“We are losing too many skilled jobs. The NISRA Labour Market stats reflect a spike in redundancies in recent months – really good skilled careers cut off in firms such as Wrightbus, Bombardier, Senasta and Kilroot power station. Where are those workers going to find equivalent quality jobs?”

“In the public sector, years of pay compression are eating at the fabric of the workforce. Over the last four years in just the education sector, almost 1,500 classroom staff have gone, with 150 teachers leaving each year. We urge all trade unions with members in education to make detailed submissions to the Northern Ireland Affairs Committee inquiry into education funding in Northern Ireland.

“Those MPs and this Secretary of State cannot continue to deflect responsibility on to the suspended Stormont. Workers across our private and public sectors deserve decent work and proper pay, and the respect of those who purport to rule over us.”

Visit the union’s website for all the latest updates at: http://www.nipsa.org.uk
‘Bad’ Jobs and Productivity: The myth of deregulated, flexible labour markets

PRODUCTIVITY - the amount of value produced per hour worked - has grown at a painfully slow rate across many large Western economies since the financial crisis of 2008.

The UK has been among the worst performing economies and, within it, Northern Ireland has been a consistent laggard. At the same time, employment in Northern Ireland is at a record high and we have been hearing suggestions that the economy has reached ‘full employment’, meaning that virtually all who are able and willing to work, are employed.

And, yes, regardless of whether you agree that Northern Ireland has reached full employment or not, in the years since the financial crisis we have seen steady increases in the employment rate of working age adults. All else being equal, Northern Ireland has been doing well at employment creation.

However, these two disparate trends in productivity and employment have led to many questions – why are we not seeing the growth to match the increased employment? Indeed, these trends are part of what is being called the ‘Productivity Puzzle’, a term used to denote the difficulties which economists are having trying to understand how the toil put in by workers is no longer creating the same value for the economy as a whole, despite a high employment rate.

While many reasons have been put forward to explain the fall off in productivity growth, a recently published NERI working paper, titled ‘Bad’ Jobs and Productivity: The flexibility Paradox, authored by myself and Paul MacFlynn, set about to investigate the role that the structure and the quality of jobs are having on productivity performance.

Our reasoning was that surely, it’s not just the number of jobs which are being created that is important, but that where people work, how people work, and the quality of jobs must be important too!

This is not the impression that you would get if you took a glance at what has been happening in the area of labour market policy over the past 40 years. Here, there has been priority given to job quantity over anything else. The obsession with employment quantity as the cure of all economic woes provided the backbone to the policy and political ideology.

By Dr Lisa Wilson
NERI

logical shift and led government from the late 1970s onwards to begin to strip away what it termed labour market ‘rigidities’ – i.e. labour market protections, institutions and regulations – and become more flexible.

The mantra ‘any job is better than no job’ came front and for. Ironically, the securities and conditions of employment which labour market regulations and protections have been heralded as providing in the post-war period, have come to be regarded as obstacles to economic performance, which need to be overcome.

The key problem with this pursuit of labour market flexibility, however, is that it is based on some fairly broad assumptions and not a whole lot of empirical evidence.

While there is some weak evidence for a correlation between some flexible labour market reforms and decreased unemployment, there is almost no evidence to suggest it leads to superior growth outcomes such as increased productivity. Indeed, evidence to the counter is often more convincing.

In the case of Northern Ireland, our research shows through a sector-by-sector analysis that key productivity gaps within the Northern Ireland economy can be linked to an increase in one form of flexible employment or another.

This is because it is not just the numbers of people in employment that matter for productive performance, but also the nature, securities and conditions of employment.

Those sectors which rely most on flexible forms of employment, or have the largest increases in their use of flexible workers had experienced blunted productivity growth as a result. Let us explain why.

When flexible labour markets theory was first put forward, it envisaged flexibility for both the employee and the employer finding an equilibrium where workers could manage their job around competing family and social demands and employers could optimise talent in their workforce.

It didn’t quite work out that way. Instead the removal of key labour market regulations and protections brought ultimate flexibility for employers and insecurity for workers.

In this way, flexible forms of employment such as part-time or temporary work are not necessarily ‘bad’. Indeed, they provide an avenue into the workforce for many people who would otherwise be constrained from participating.

However, there is a distinct difference in the quality of these forms of flexible employment compared to the more traditional ‘standard’ forms of employment (i.e. full-time, permanent) – they tend to offer less security, are lower paid, and have little opportunities for skills development or career progression. This is what makes them ‘bad’ jobs.

The policy implications of this are significant. In terms of productivity we do not just need to be more mindful of where employment is being created in terms of sectors, but also the nature and quality of that employment wherever it is created. Abolishing flexible employment is not the answer. However, the problem we have is that flexible employment has become synonymous with poor conditions of employment.

Marriage Leave restored at Council

NIPSA has welcomed the decision by Mid and East Antrim Borough Council to restore Marriage Leave following what the union described as “a robust representation” from the union.

The Chief Executive of the DUP-led council confirmed the move to the union.

Alan Law, Higher Executive Officer, told NIPSA News: “NIPSA was disgusted that council management took the unilateral decision to remove this benefit from staff who had recently joined the organisation.”

Those staff employed before 2015 were protected by TUPE.

“It is indicative of the autocratic management style within Mid and East Antrim Borough Council that they didn’t even consult with Trade Union Side before issuing a Council-wide email announcing their decision.”

Mr Law said this came as no surprise and described morale across the organisation as “rock bottom”, adding that faith in the Chief Executive’s ability to support staff had “all but evaporated”.

He added: “I welcome the decision to reinstate the Marriage Leave entitlement but remain incredibly frustrated that such a poor decision was ever made.”
We’ve come a long way but there’s still more work to be done.

‘COME out for Change’ was the theme for Belfast Pride this year. Belfast Pride was founded in 1991 in a spirit of activism by pioneers who defied attitudes that said we couldn’t have a Pride in Belfast and that we should know our place.

About 100 brave people marched in Belfast Pride in 1991 and NIPSA was part of that historic march to show solidarity and support for our LGB&T community and a demand for equality.

Twenty seven years on tens of thousands are taking to the streets not only in Belfast, but also in Foyle and Newry Prides celebrating our diverse identities and opinions and protesting to show that we all should be treated equally and have the same rights as citizens in the rest of the UK to marriage equality.

NIPSA Official Geraldine Alexander told NIPSA News:

“The union was proud to be part of that historic march in 1991 and is still proud to be part of the Belfast, Foyle and Newry Prides and better.

“We have come a long way but there’s still a long way to go to achieve true equality. Today in 2018, even though we are now a member of the European Union and the UK, we still have no right to constitutional equality. We still do not have a sexual orientation, gender identity or sex expression equality law and proper funded mental health services for all.

“Progress on issues affecting the LGBT community is still slow. Issues like marriage equality, fertility rights, gender recognition and proper funded mental health services are still an ongoing struggle. NIPSA will continue to stand up for our members and for equality for all.”

She continued: “We were out in support of the union representing members of the LGBT+ community. NIPSA will continue to stand up for our members and for equality for all.”
a long way but more to do…

...part of the first Pride in Northern Ireland was the part of it today. Each year the Belfast Pride parades got bigger and bigger since 1991 but we have still a way to go to achieve equality for our LGB&T community. We are still a place apart from many of our European counterparts with regards to civil marriage equality, we are only achieving civil union for LGB&T people. But we have made progress in our orientation strategy and there are more efforts being made to protecting our community like ensuring rights and adequate health services.

We hope this message will give our LGB&T members in the NICS the confidence to come out in the workplace and will feel safe to do so knowing that their employer will not tolerate any homophobia, transphobia, biphobia, harassment or bullying.
BELFAST hosted its first Diversity Carnival in Belfast city centre on Saturday, September 1.

The one-day “fun, free, family-friendly” event was supported by NICRAS, the Stronger Together Network, ArtsEkta, NI Somali Association, Indian Community Centre, trade unions and many more.

Speaking ahead of the big day, United Against Racism Belfast chairperson Ivanka Antova told NIPSA News: “We at UAR believe that diversity is something to be celebrated. We are organising the Diversity Carnival to showcase how fantastically diverse our city is and to say clearly: everyone is welcome here, regardless of the colour of their skin or the community they come from.

“It will be a colourful, music-filled and family friendly walk to Customs House Square, and a wonderful opportunity for people from all walks of life to stand together, united against racism.”

She added: “We have been amazed by the support for the Diversity Carnival. We have been endorsed by trade unions and BME organisations, including NIPSA, Unite the Union, the NI Somali Association, NICRAS, ArtsEkta, the Indian Culture Centre and more.”
HEALTH administrators came under a full-frontal assault on Wednesday, August 22 with two articles in the Belfast Telegraph. One attack, in the paper’s opinion column, claimed the NHS was “too top-heavy with administrative staff. Trusts and arms-length bodies are paid less.”

NIPSA’s immediate response would be to ask the question: if get rid of administrators and clerical staff, who then would do this essential work? If, for instance, the writer found they were on a ‘patient journey’, would they then write the referral letters from the clinical diagnosis to senior health practitioners in the hospital? Is the editorial writer suggesting that frontline medical staff break away from their duties of care to become, in the paper’s demeaning view, “pen-pushers”? No suggestion was made in this warped opinion piece as to who would do this much-needed work.

The views expressed on the Belfast Telegraph opinion page mark a new low in how NIPSA members, especially those employed in the NHS, are represented in the media. Our members serve the community they live in and they assist health care professionals they work alongside… and we find this type of all-right thinking truly sickening.

The opinion piece begins by stating: “Most people will have heard around a fifth of the NHS workforce in NI is made up and administrative and clerical staff.” The editorial claimed admin staff bore the responsibility for the diverting of “badly-needed resources away from front line care.”

This warped assertion is something that NIPSA would vehemently deny and—ridiculously—the columnist goes on to clearly state that the problem lies with funding the service.

The opinion piece continues: “The lack of funding is one of the reasons given for the shortage of nurses here and their professional body says those working in the local health service are paid less than their counterparts in other parts of the UK.”

What’s the real agenda?

The direct attack on our members, NIPSA asserts, has now become part of the ‘alt-right agenda’, which seeks to see the NHS starved of resources and, as it flounders, places the blame on workers… which will hopefully lead to the break-up of the NHS which then will lead to more outsourcing and privatisation of services to companies friendly to the Tory-DUP government.

In direct contrast, the A&C staff subsequently received support on three fronts with the Permanent Health Secretary, Richard Pengelly, weighing in on the issue with comments supporting the work they do (see https://bit.ly/2OViitsC). In short, Mr Pengelly attacked the tone of articles.

He said: “It is disapponting that a local newspaper has sought to demean health service administrative colleagues as ‘pen pushers’. 

“Everyone who works in Health and Social Care plays an important role in the care we provide, and should be valued for it.”

“No organisation — in any sector — can function effectively without an efficient back office. Administrative and clerical staff cover vital areas and without them doctors and nurses would have great deal less time for patients.”

“The reality is that, in their absence, the health service could not function for a day.”

Taking the Belfast Telegraph to task, Mr Pengelly added: “Is the journalist really suggesting that we should pull highly trained clinicians away from a patient facing role and ask them to undertake such work?”

“To put the issue into a context the newspaper might better understand – it’s self-evident that many people other than journalists will be involved in bringing a daily newspaper to its readers.”

“The list will include advertising staff, delivery drivers, printing and security workers. It will include – believe it or not – people who work behind desks. Are all these roles to be similarly demeaned?”

And he insisted that nothing would be gained by denigrating any section of staff. “My message to those colleagues affected by this is simple – on behalf of the community we serve, sincere thanks for the work you do every day. And I promise you that you are genuinely valued and appreciated by those who properly understand your important role.”

NIPSA wishes to thank the Permanent Health Secretary for his much-needed interjection following the Belfast Telegraph broadside on back office staff.

The admin and clerical staff received further support when Charlotte McArdle, Chief Nursing Officer NI with RN, said on Twitter: “Seriously! Admin + all other staff support clinical team deliver patient care. Who does @BelTel think arranges clinics, appointments, clinical notes, answers phones, orders stock, recruits staff, pays staff, - more. HSC would collapse without ALL staff.”

NIPCITU also joined the Belfast Telegraph for its warped view when it tweeted about both articles: “The Editorial is worse: ‘the admin staff do divert badly-needed resources away from front-line care.’ Ignorance to the point of irresponsibility. Our #NHS can’t attract medics/nurses because of pay caps/workload - and fail NHS-bashing like this. #StandupforPenPushers

Strategic Workforce Planning

Even though NIPSA was not asked to participate in the initial news story, the union’s response is:

1. NIPSA fundamentally would not accept that the A&C numbers of staff in the HSC(NI) are disproportionate or represents over-bureaucracy.

2. Such assertions are over-simplistic – such staff are absolutely essential to maintain service delivery. It does not give the true picture and is somewhat misleading.

3. The shortages of clinical and nursing staff are well documented and have been highlighted previously by trade unions and staff-side organisations.

4. As a result of the Bengoa Report and the Minister’s Health and Wellbeing 2026: Delivering Together, the Department of Health has embarked on a Strategic Workforce Planning Directive aimed at addressing these problems. These are being taken forward through the Transformation Implementation Group (TIG) by way of a specific workstream.

5. Such claims fail to take account of:

(a) Two Major RPA exercises conducted in Health designed to make the Department, Trusts and staff bodies more efficient and effective; and

(b) At times there is an over-reliance and misuse of agency staff within the system that skews the numbers.

6. We have a situation where the Health and Social Care Board is to close but over a period of time further necessary work has been given to the Board by the Department.

7. NIPSA along with other trade unions have argued that proper workforce planning is the answer – putting the right people in the right place at the right time with the appropriate skill mix to ensure the appropriate service delivery model.

Check out the articles…

The Belfast Telegraph opinion (see https://bit.ly/2ndaeN5) with the accompanying headline — ‘Editor’s Viewpoint: NHS is too top-heavy with administrators’. The news article (see https://bit.ly/2wluqS8), written by Lisa Smyth, with the accompanying headline — ‘One in five of Northern Ireland’s health service staff in administration or clerical posts: report’. 
AT THEIR 101st Congress in Brighton this year the GMB launched a report into the privatisation of water industry in Britain. It revealed their investigation into company accounts conducted jointly with Corporate Watch.

In any true democracy the findings in this report could sound a death knell for the privatisation of water and other utilities.

The report also draws on evidence from the National Audit Office report – The Economic Regulation of the Water Sector, 14 October 2015, which notes that the water industry in England and Wales was privatised in 1989, “with the aim of increasing investment in the sector to improve services and harnessing the profit motive to improve efficiency.”

And profits were duly made, with the GMB indicating that: “Privatised water company bosses in England took home an average of £1,254,000 in 2017 six times more than the Prime Minister.” And “Nine privatised water company fat cats trousered a whopping £58 million in salary, bonuses, pensions and other benefits over the past five years.”

Ironically, some of this information was already in the public domain following the publication of a transcript of a speech made 1 March 2018 to the Water Industry by then Environment Secretary Michael Gove. In a further irony his speech was titled ‘A Water Industry that works for everyone’.

After indicating how ‘private water companies have contributed to the public good’ Minister

GOVERNMENT ministers knew that selling off power stations in Northern Ireland to the private sector would lead to huge price hikes for consumers – but sought to hide this by delaying the rises for several years, newly-declassified papers have revealed.

Files released at the Public Record Office in Belfast under the 20-year rule show tension between the Treasury and the Northern Ireland Office over the scale and timing of the rises – which the Government thought had to be about 50%.

The Treasury, in a bid to maximise the return for taxpayers from selling off facilities such as Ballylumford and Kilroot, expressed concern that if tariffs were not allowed to rise steeply it would receive less from the sales.

As reported in the News Letter, the same came to a head in a letter from Francis Maude, then the Financial Secretary to the Treasury, to the Northern Ireland Secretary of State Peter Brooke.

In the letter, which was copied to PM John Major in September 1991, Mr Maude wrote: “You recognised that electricity prices in the Province would need to rise by

some 50 per cent in real terms over a period in order to reach economic levels, and expressly presented the 8.5 per cent increase in prices in 1991-92 as making a start on raising tariffs progressively towards those levels.

This is clearly right, as you yourself acknowledged, regardless of privatisation, in order to give the right economic signals to electricity consumers in Northern Ireland.

“The proposals in your latest letter, by contrast, imply a very significant (12 per cent) real reduction in prices next year, and reaching economic levels only by 2024-2025. I cannot agree to such a radical revision from the policy agreed as recently as February.”

An examination mark has been handed down in the margin beside that comment. The letter continued: “You refer to the gap between NI and GB prices. It is too early to forecast the effect on GB prices of renegotiating the British Coal contracts.

“Your advisers have, however, probably over-estimated that effect, and therefore the extent of the gap. But it was always clear, when we took the decision to break the link, that the need for NI prices to rise to economic levels meant that there would be a widening gap.

“The proposals discussed between officials already go a very long way to protect consumers against too rapid price increases. They imply prices reaching economic levels still well into the next century, and at least a decade later than advisers predict would be the outcome if post-privatisation prices were left to the market.

“Your proposals would represent a massive additional, and un warranted, subsidy to NI consumers by the backdoor.”

Mr Maude then went on to set out a proposal whereby the Government would claim that the absence of price rises immediately after privatisation was a “benefit” of the power stations moving into corporate hands, when in fact the Government knew that was not the case and prices would be rising steeply in future years.

Mr Maude said that his proposals “represent the appropriate balance, which I agree we must find, between the need to secure value for money from the sale and the interests of NI consumers.”

He added bluntly: “You cannot reasonably ask me to go very much further.

“Nonetheless, I recognise your obviously very real unease about the effect even of those modest proposals, and in particular your concern to avoid real price increases in the early years of privatisation, at least until the Scottish interconnector has been built and other benefits of privatisation are starting to emerge.”

“I am reluctantly prepared to meet you on that point, provided that you in turn are content not to pursue real reductions next year. I believe that you could present this outcome as a significant immediate benefit of privatisation.”

Mr Maude said that Treasury and NIO officials had discussed “a detailed tariff path” which would avoid any real increases until 1996-97.

Kilroot and Ballylumford was bought by AEG, a huge US corporation which has been accused of taking excessive profits from electricity consumers in Northern Ireland, although its profit margins are set by the Utility Regulator.

In January, Kilroot lost out in a new all-island auction process, prompting AES to say that it intends to close the plant.

Source: Sam McBride, News Letter
executive takes home £2.42 million. The chief executives at Anglian and Yorkshire get £1.2 million a year. And the chief executive of Thames Water gets £960,000 a year — five times the Prime Min-ister’s salary.”

Gove continued: “At least, one might hope, companies making such massive profits, paying out such big dividends and supporting such gen-erous executive salaries, would be big contribu-tors to the Exchequer through their tax bill. Well some are, and others not. Very much not.

“Last year Anglian, Southern and Thames paid no corporation tax. Indeed Thames has paid no corporation tax for a decade. Ten years of share-holders getting millions, the chief executive getting hundreds of thousands, and the public purse getting nothing.

“And water companies have been able to min-imise their tax obligations, even as many have failed to minimise their environmental impact, because some of their best brains appear to be intent on financial engineering just as much as real en-gineering.”

What price water?

Noting the NAO Report, Minister Gove had to acknowledge that there has been a real terms increase in household water bills of 40% since privatisation in 1989. And despite the promise of the profit motive improving efficiency, three billlion litres of water is lost to leakage every day — more than a fifth of the total supply. Little won-der that Minister Gove warned those (Fat Cats) present: “Unless we see change, the pressure for renationalisation will only grow.”

And yet, despite the evidence delivered from his own mouth, Minister Gove went on to say: “I strongly believe that private markets are the op-timum way to meet the ongoing needs of water customers and the environment when backed by strong regulation. And real behaviour change.”

This strongly suggests that he and his govern-ment suffer from ‘cognitive dissonance’, defined in brief by Encyclopedia Britannica as “the ment- al conflict that occurs when beliefs or assump-tions are contradicted by new information.”

Of course “real behaviour change” can’t simply be wished into existence and the privatised water industry is regulated through OFWAT. The annual cost of running that body is cited in the NAO report as costing £29.1 million in 2014-15. It is difficult to see the value in this ‘regulation’ given the Minister’s stated concerns about the ongoing nature of the industry and the shysters that run it.

In contrast to the situation in Great Britain, we have a publically owned and delivered water service which is not plundered by shareholders. In the foreword to a report commissioned by NI Water, titled ‘Pumping more than just water’, Chief Executive Sarah Venning, notes that it is a water utility that is “an integral partner with gov-ernment and other stakeholders in health, well-being and job creation in Northern Ireland.”

She continues: “Every day we supply 560 mil- lion litres of clean water for almost 1.8 million people, as well as treating 330 million litres of wastewater. Our investment in new treatment works and associated infrastructure also pumps millions of pounds into the local economy. The ripples from our investment don’t just reach our own employees and suppliers. They are felt by a wide range of other businesses from agri-food production, to new house construction, to tourism development.”

The report of an analysis undertaken by Dr Mark Bailey, an economist at Ulster University Business School, which examines the ‘ripple ef-fect’ of NI Water’s investment. In short, Ulster University Business School estimates that for every £1 invested by NI Water, the knock-on ef-fect in the local economy is almost double.

Elsewhere, in further contrast to the privatised service in Britain, NI Water report “taking into account inflation, our non-domestic customers are paying 12% less, on average, for their water and sewerage services than they did five years ago.

In the Annual Accounts at 31 March 2017, Sarah Venning’s salary and allowances is stated as £150,000-£155,000, with pension contribu-tions of £62,000 bringing the total remuneration to £210,000-£215,000. Not an ungenerous amount, but certainly far short of the salaries for the Captains of Calamity that head the big water companies in Britain!

Little wonder then that GMB have launched a campaign titled ‘Take Back the Tap’.

It is deeply disturbing in the very best tradition of investigative jour-nalism. *Investigative journalism is not for the faint hearted. It is not the function of journalism to make life easy for those in positions of power or authority.*

“Earlier this week in the House of Commons, the foreign secre-tary Jeremy Hunt eloquently spoke about the role of investiga-tive journalists when he declared ‘the two journalists were doing what is in the very best traditions of all journalism - exposing evil and bad things that governments do not want exposed.’

“Jeremy Hunt was talking about the appalling detention of journal-ists in Myanmar. This morning I in-vite the foreign secretary to add his voice to ours, as we also con-demn the Myanmar imprison-ments.

“The rights of journalists to ex-pose things that governments or police authorities do not want to hear, is, like journalism itself, with-out borders.

“The arrest of Trevor and Barry and the raids on homes and of- fices last Friday were truly shock-ing.

“It would be reasonable to ex-pect that the documentation might have had a response to the reve-la-tions, carefully and coura-geously laid out in ‘No Stone Un-turned’, a response predicated on the need to finally bring to justice the killers of Adrian Rogan, Mal-colin Jenkinson, Barney Green, Daniel McCreanor, Patrick O’Hare and Eamon Byrne.

“What is not reasonable, what is dispicable is that the authorities instinct was not to act upon the revelations contained in the film, but to act against those who made the documentary. “Let us be very clear - there are no secrets in this case. No stone has been left unturned.

“We thank all those for attending today and for the many messages of support. We stand with Trevor, Barry, Fine Point Films and every journalist or documentary maker who feels under threat as a result of this aggressive action.”

NIPSA joined Belfast High Court gathering to show solidarity for public interest journalism

NIPSA members and reps joined with fellow trade unionists from the National Union of Journalists (NUJ) who gathered outside the Court of Justice in Belfast on Friday September 5 in solidarity with the makers of the documentary ‘No Stone Un-turned’.

Journalists involved in making the film were arrested on Friday August 31.

There was a large attendance this morning outside the court, led by Gerry Carson, NUJ Irish executive cathaoireach (chair) and Alison Millar (NIPSA General Secretary and ICTU Vice-President of the CTU).

NIPSA President Patrick Mulhol-land was also in attendance to offer support.

Prior to the hearing, NUJ As-sistant General Secretary, Séamus Dooley, met the journalists pri-vately to assure them of continued trade union support and solidarity. They then joined NUJ members and supporters outside the court house for a brief gathering before entering the court.

Séamus Dooley said: “The Na-tional Union of Journalists stands firmly with Barry McCaffrey, Trevor Birney and Fine Point Films in their resistance to this flawed po-lice process. ‘No Stone Unturned’ is an uncomfortable documentary. It is deeply disturbing in the very best tradition of investigative jour-nalism. Investigative journalism is not for the faint hearted. It is not the function of journalism to make life easy for those in positions of power or authority.

“Earlier this week in the House of Commons, the foreign secre-tary Jeremy Hunt eloquently spoke about the role of investiga-tive journalists when he declared ‘the two journalists were doing what is in the very best traditions of all journalism - exposing evil and bad things that governments do not want exposed.’

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Mandatory action needed to tackle sex harassment at work

By Tom McKillop

IN LIGHT of the recent #MeToo campaign which started in Hollywood, the issue of sexual harassment in the workplace has arguably never been more prominent.

While the public sector is a far cry from Hollywood studios’ casting couches, sexual harassment is still an issue and the recent report by the Women and Equalities Committee (WEC) on Sexual Harassment in the Workplace has recommended several steps to try and tackle and prevent sexual harassment taking place.

The TUC published its own report on sexual harassment, titled ‘Still Just a Bit of Banter? Sexual Harassment in the Workplace in 2016’ which called on employers, the Government and the wider trade union movement to do more to raise awareness of the issue and tackle the problem with stronger enforcement of existing policies.

The new report from the WEC goes even further.

Under the Public Sector Equality Duty, public sector bodies must have due regard to the need to eliminate discrimination, including sexual harassment. However, the public sector often has very limited information about the scale of the problem within its own organisations. For example, while the Civil Service collects annual statistics on the extent of bullying and harassment more widely among its staff, specific information on sexual harassment is not collected.

According to the Equality Commission, reports of sexual harassment in the workplace have risen by 31% in the last five years and a recent survey by ACCA, published in October 2017, reported that 17% of workers in Northern Ireland have witnessed someone using a position of power to sexually harass another in the workplace.

The WEC report is calling on the Government to place a mandatory duty on employers to protect workers from harassment and victimisation in the workplace. The WEC further states that breach of the duty should be an unlawful act enforceable by the Equality Commission and carrying substantial financial penalties.

The duty should be supported by a statutory code of practice on sexual harassment and harassment at work which sets out what employers need to do to meet the duty.

The report also calls for the public sector to lead the charge on equality and the eradication of sexual harassment from workplaces, by asking public sector employers to take immediate action to tackle and prevent it in the workplace, including setting out unacceptable behaviours, how cases will be handled and the penalties for perpetrators.

The report also calls on relevant public sector employers to conduct risk assessments for sexual harassment in the workplace and to put in place an action plan to mitigate against those risks. Action plans should set out how cases will be investigated and include guidance on penalties for perpetrators.

While the public sector in Northern Ireland is becoming increasingly good at reporting and producing information for public dissemination, the lack of detailed reporting on issues such as sexual harassment remains an anomaly.

The public sector must be seen to be leading the way in tackling the issue and leading on equality and the adoption of the WEC recommendations would be a good way to start.

Supreme Court success for unmarried mum Siobhan McLaughlin

ON Thursday 30th August 2018, the Supreme Court delivered a landmark decision in favour of an unmarried mother, Siobhan McLaughlin, and her entitlement to receive the Widowed Parent’s Allowance (WPA). They declared that current Northern Ireland legislation surrounding the WPA was not compliant with human rights law.

Background

Siobhan McLaughlin and her partner John Adams had been in a relationship for 23 years and had four children together. When Mr Adams passed away in 2014, Ms McLaughlin applied for the WPA. Her application was refused as she was neither married nor in a civil partnership with Mr Adams. As she was the sole carer to four children, she had to take on two jobs as a special needs classroom assistant and a cleaner.

The law

The current law relating to WPA is found in S39A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992. There are three conditions:

- You must have been married or in a civil partnership.
- The question for the Supreme Court to consider was whether the final condition unjustifiably discriminates against the surviving partner and children of non-married families, and therefore breaches their human rights.

The decision

The Law Lords determined by a four to one majority verdict that the marriage/civil partnership requirement is incompatible with European Convention on Human Rights (ECHR). It unlawfully and unjustifiably discriminated against Ms McLaughlin and her children on the grounds of their marital or birth status contrary to Article 14 of ECHR.

This means that the current law is discriminatory towards unmarried partners and their children. Ms McLaughlin and her children were denied benefits that they should have been entitled to Ms McLaughlin stated that she hoped this decision would give hope to other families in her situation. She said families should “continue to challenge to unfairness and inequalities in our law in Northern Ireland and throughout the United Kingdom”. She added that thanks to this decision, her children will feel “just as worthy” as children born in wedlock.

The Implications

Research has indicated that there are 3.3 cohabiting families in the UK and 1.2 million have children. Around 2,000 people apply for the WPA after the death of their partner and are refused on the same basis as Ms McLaughlin.

The Child Bereavement Network stated that for families it can be a ‘double hit’ – to go through losing a parent and then to discover that neither the other parent nor the children are eligible to receive the WPA.

While the Supreme Court’s decision does not automatically change the current law in Northern Ireland it is an extremely important and influential decision. This decision will put pressure on the Northern Ireland Legislature to change the current law surrounding the WPA to ensure that the legislation is human rights law compliant.

We at MTB have an experienced team of lawyers who are presently involved in judicial review proceedings, based on similar grounds. If you believe that this judgment may apply to your situation or, indeed, if you wish to speak to someone to ascertain whether it could, we have the expertise and the ability to provide you with the representation you need.
#PENNYPOST campaign on abortion access in NI

ALLIANCE for Choice has launched #PENNYPOST – a social media campaign which encourages people in Northern Ireland to write to the Minister for Women and Equalities, Penny Mordaunt, urging her to stand up for the women and pregnant people of Northern Ireland and stop their treatment as second class citizens.

Abortion in Northern Ireland is punishable by up to life in prison, with no exception for rape, incest or fatal foetal abnormality. Those who need an abortion after being raped could face a longer prison sentence than their attacker. Between March 2018 and July 2018, 342 women travelled from Northern Ireland to England to access abortion – 28 women a week, including at least one 12-year-old.

All eyes are on Westminster now - how much longer can the Government turn its back on abortion seekers in Northern Ireland? The legal basis for the effective ban on abortion is a Westminster law, Sections 58 and 59 of the Offences Against the Persons Act 1861.

This law is 150 years old and also covers the outdated offences of ‘child-stealing’ and the use of gunpowder to blow up a building.

The UN has called the law and the refusal of Westminster to act, a “grave and systematic violation” of human rights. The UK Supreme Court has been clear that the current law treats women as “vehicles”, is “untenable” and is in need of “radical reconsideration”.

The UK Government argues that this is a devolved matter for the Northern Ireland Assembly alone to address. Northern Ireland recently broke the record for the longest time without an elected government. Westminster’s failure to act means that in the absence of a functioning Assembly, the courts are the only other option to change the law – this raises the prospect that a victim of rape will be required to take the Government to court herself to vindicate these rights.

A recent study by the Women’s Resource and Development Agency highlights the impact of a lack of an Executive on the women’s sector with one noting that: “Lobbying without an Executive is an echo chamber. MPs see all issues as devolved even though we have no functioning government.”

There is cross-party support for repealing the relevant sections of the Offences Against the Person Act 1861 so that medical regulation, rather than criminal legislation, can determine the conditions under which an abortion is legal.

Emma Campbell, Alliance for Choice, said: “We will soon be in the Supreme Court because the Northern Irish justice system arrested a woman for helping her 15-year-old daughter, who was in an abusive relationship, access abortion pills online.

“Alliance for Choice continues to receive calls from desperate people who can’t travel, worried that accessing abortion pills online will see them arrested.

Ignoring us will not make the problem go away. We refuse to stand down on asking to be treated as human beings and not incubators.

“We have been let down by our representatives who either refuse to take a seat in Parliament or refuse to acknowledge the public will in Northern Ireland for change.

“We are being denied our democratic right to be properly represented on top of being denied basic control over our own bodies. Westminster has the power to make this change.”

Letters are being posted to Penny Mordaunt, and can be viewed on Instagram and Twitter using #PENNYPOST

MORE INFORMATION:
• List of issues and questions in relation to the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, July 2018: https://bit.ly/2wFxMAM
• UK Supreme Court Judgement: https://bit.ly/2Q2X2Kk

Training for recognising dementia in the workplace

A DEMENTIA awareness training day was recently held in NIPSA HQ at Harkin House.

NIPSA in coordination with Dementia NI organised the session to coincide with National Dementia Carer’s Day, September 9.

The Dementia Awareness Training session was open to branch representatives and members who are carers to attend.
Committee ‘blown away’ by sanitary products drive

BRANCH 127 were “blown away” at the generosity of members following a collection of women’s sanitary products at the Employment and Support Allowance offices in James House, Belfast, on behalf of The Homeless Period.

The Homeless Period, a volunteer-led project, helps tackle period poverty by providing homeless and vulnerable women across Belfast with sanitary and other hygiene items.

The Homeless Period distributes care packs to homeless women living in hostels, rough sleepers, refugee and asylum seekers, survivors of domestic abuse, survivors of human trafficking, women who depend on food banks, teenagers living in poverty and teenagers in care.

A collection tub was left at the reception in James House for three weeks. According to a local source, Branch 127 committee members were “blown away” with the generosity of members and staff in ESA who donated an “incredible amount” of sanitary products to the cause.

One Branch 127 member commented: “Committee members had to empty the collection bin several times a week because it filled up so quickly!”

The branch committee also conducted a floor walk to collect change from anyone who wished to donate cash instead of products. NIPSA General Council generously donated £200 from the NIPSA fee fund towards the cause.

Later branch committee members Tina Creaney and Liz Skeleher spent the donated money on a trolley full of sanitary products. In total, the sum raised was an incredible £463.61, as well as a wealth of physical donations.

The branch committee welcomed Katrina from The Homeless Period project who collected the donated goods, which were then distributed to women and girls in need.

The donations went to The Welcome Organisation; the Simon Community; NICRAS (Refugees and Asylum Seekers); Haven Outreach Street Team; and Newtownards food bank.

If you would like to organise a collection and help tackle period poverty, contact Katrina at www.facebook.com/TheHomelessPeriodBelfast/

Alternatively, there are permanent collection bins at the following locations across Belfast:

- Queen’s Students’ Union – South Belfast
- Michelle International Hairdressers – Belfast city centre
- Oh Yeah! music centre – Belfast City Centre
- Framwerk – East Belfast
- Women’s Resource and Development Agency – South Belfast
- Kennedy Centre – West Belfast
- Women’s TEC – North Belfast
- Woodworker’s Bar – City Centre
- The Relationship and Resource Centre – Carrick

Items particularly in need of donating are: sanitary towels; tampons; new underwear; panty liners; wet wipes; and hand sanitizers.

Company fat cats lap up the cream

Unions slammed “fat cat” greed after it was revealed that median pay for chief executive officers (CEOs) in FTSE 100 companies has hit £3.93 million a year.

The annual assessment of CEO pay, carried out by the independent High Pay Centre and the CIPD body for HR professionals, also found that median pay of CEOs in top companies leapt by 11% between 2016 and 2017. The figure compares with a 2% rise in median workers’ pay over the same period.

The highest paid CEO was Jeff Fairburn of housebuilder Persimmon, whose pay rose £47.1 million, 22 times his 2016 pay. Simon Peckham, CEO of company turnaround group Melrose Industries, who received £2.8 million, 43 times his 2016 pay.

The research also showed that the average pay ratio between the CEOs and their employees is now 145:1, compared with 128:1 in 2016.

One general union calculated that the average CEO salary was equivalent to the pay of 409 care workers, 286 refuse collectors, or 165 paramedics.

Its general secretary said: “These figures expose shocking excess in UK company boardrooms….Working people create the wealth of this country – but they are the ones who suffer falling living standards while fat cats lap up the cream.”