



# Towards 2016

Ten-Year Framework Social  
Partnership Agreement 2006-2015

TOWARDS  
**2016**



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## Ten-Year Framework Social Partnership Agreement 2006-2015

Baile Átha Cliath  
Arna Fhoilsiú ag Oifig an tSoláthair  
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## Foreword

I acknowledge the amount of time and effort that has gone into the making of this agreement. This reflects both the importance of the issues under discussion and the central importance attached by all sides to maintaining our system of social partnership.

Social Partnership has helped to maintain a strategic focus on key national priorities, and has created and sustained the conditions for remarkable employment growth, fiscal stability, restructuring of the economy to respond to new challenges and opportunities, a dramatic improvement in living standards, through both lower taxation and lower inflation, and a culture of dialogue, which has served the social partners, but more importantly, the people of this country, very well.

Obviously, the challenges of today are different from those of the dark days of 1987, but they are no less complex, and meeting them together is no less important. Now, as then, partnership, as a problem solving mechanism, offers the best way forward.

*Towards 2016* offers the best way forward by providing an important and strategic framework for meeting the economic and social challenges ahead. Each of the previous social partnership agreements has had a particular focus and has contained significant innovations. In this respect *Towards 2016* develops a new framework to address key social challenges, which the individual faces at each stage of life. This means a focus on the needs of children, young adults, people of working age, older people and people with disabilities.

This ambitious approach will pose a major challenge – public services will need to be designed around individuals and their requirements, rather than based on different administrative boundaries. This approach will take time to deliver and the agreement sets out how we propose to measure and review progress over a ten-year framework agreement.

I commend the parties on all sides for the sustained commitment and leadership they have shown throughout the long and protracted negotiating process. We in Government look forward to working closely with the Social Partners to realise the ambitions we share by the historically significant date highlighted by the title, *Towards 2016*.



**Bertie Ahern, T.D.,**

Taoiseach

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## Overview

### Background

Negotiations on this agreement, the successor to *Sustaining Progress*, were formally launched in Dublin Castle on 2 February 2006.

As with previous negotiations, the current NESC Strategy, (*NESC Strategy 2006: People Productivity and Purpose*), has provided the background for the negotiations.

The negotiating parties included the Government, trade unions, employers, farming organisations and the community and voluntary sector, as follows: Irish Congress of Trade Unions (ICTU), Irish Business and Employers' Confederation (IBEC), Construction Industry Federation (CIF), Small Firms' Association (SFA), Irish Exporters' Association (IEA), Irish Tourist Industry Confederation (ITIC) and Chambers Ireland, Irish Farmers' Association (IFA), Irish Creamery Milk Suppliers' Association (ICMSA), Irish Co-Operative Organisation Society Ltd. (ICOS), Macra na Feirme, Irish National Organisation of the Unemployed (INOUE), Congress Centres Network, CORI Justice Commission, National Youth Council of Ireland (NYCI), National Association of Building Co-Operatives (NABCO), Irish Council for Social Housing (ICSH), Society of Saint Vincent de Paul, Age Action Ireland, The Carers Association, The Wheel, The Disability Federation of Ireland, Irish Rural Link, The Irish Senior Citizens' Parliament, The Children's Rights Alliance, and Protestant Aid.

These negotiations have delivered *Towards 2016*, the 10-year Framework Social Partnership Agreement, 2006-2015.

The Social Partners subscribe to the NESC vision of Ireland in the future, the key foundations of which are: a dynamic, internationalised, and participatory society and economy, with a strong commitment to social justice, where economic development is environmentally sustainable, and internationally competitive.

The shared overall goal of *Towards 2016* is to realise this vision by:

- Nurturing the complementary relationship between social policy and economic prosperity;
- Developing a vibrant, knowledge-based economy;
- Re-inventing and repositioning Ireland's social policies;
- Integrating an island-of-Ireland economy, and;
- Deepening capabilities, achieving higher participation rates and more successfully handling diversity, including immigration.

*Towards 2016* is divided into two main parts:

### Part One

Part One sets out the overall objective of the Agreement, the rationale for the longer-term perspective being adopted in this agreement, and outlines other key national and sectoral policy instruments and strategies in place to meet the challenges ahead. It considers the wider policy framework, including macroeconomic policy, and building a new social policy perspective, founded on the lifecycle approach. It also outlines the role of social partnership, and the implementation arrangements for the Agreement, including an agreed protocol for engagement between Government and the Social Partners.

### *Introduction*

The introductory text (Chapter 1) sets out the overall goal of the Agreement, which is to achieve the NESC vision of a dynamic, internationalised and participatory Irish society and economy, founded on a commitment to social justice, and economic development that is both environmentally sustainable and internationally competitive. Government and the Social Partners are agreed that realisation of this vision requires a longer-term framework, and development of a new social policy perspective, based on the lifecycle of the citizen.

### *Enhancing Ireland's competitive advantage in a changing world economy and building sustainable social and economic development*

The key macroeconomic policy focus over the lifetime of the Agreement will be the continuation of a supportive policy framework, which mitigates the identified national and international risks, while enhancing productivity and competitiveness, and facilitating the development of an inclusive and sustainable economy and society. Chapter 2 details the key principles informing that policy, including promoting sustainable growth and a socially inclusive and environmentally friendly society, and maintaining a sound budgetary position that supports stable economic growth and ensures our ability to meet future expenditure needs, even in times of lower economic growth. It also outlines the key strategies to be pursued to maintain and develop that framework.

Maintaining and enhancing our competitiveness will require increased investment in human resources and innovation, and improving competition within the economy. The chapter identifies the key principles underpinning our approach in this area, and details key actions planned or already in place in relation to specific sectors, i.e., science, technology and innovation, better regulation, public enterprise, the manufacturing sector, and the food and drink sector.

Investment in physical and social infrastructure will be critical to the achievement of the identified economic and social goals. This investment will be prioritised in the context of a strategic and long-term framework, which enables planning for accelerating regional population and employment growth. Government and the Social Partners are agreed on the need to continue the major infrastructure programme underway. Chapter 2 also sets out the key strategies that inform that investment, including the NSS and NDP, together with the specific sectoral strategies being pursued in key areas, i.e. transport, housing, energy, telecommunications, education and training, the environment, rural development, the agri-food sector, arts, sport, and tourism.

The chapter also details an agreed approach to our relations with the EU and the wider world, to our commitments under the National Reform Programme under the EU Lisbon Agenda, and in relation to official development assistance.

### *The Lifecycle Framework*

The adoption of the lifecycle framework, as set out by NESC in its report, *The Developmental Welfare State*, is a key innovative feature of the Agreement. The lifecycle approach places the individual at the centre of policy development and delivery, by assessing the risks facing him/her, and the supports available to him/her to address those risks, at key stages in his/her life. The key lifecycle stages are identified as: Children, People of Working Age, Older People, and People with Disabilities. The Chapter outlines a new framework within which to address key social challenges for each lifecycle stage. An agreed vision and key long-term goals for each stage of the lifecycle, together with agreed priority actions for the initial phase of the Agreement, are identified. The chapter also outlines relevant governance frameworks and monitoring mechanisms.

Key areas to be addressed in relation to children include early childhood development and care, improving education outcomes, improving health outcomes, promoting recreation, sports, arts and culture, income support, and children and their families.

Employability, access to employment and income, improving health outcomes, caring responsibilities, and housing, will be the key focus in relation to people of working age. The particular needs of young adults in respect of education, training and employment, health and social services, housing and motor insurance, are also considered.

Priority areas identified for attention for older people include pensions/income supports, long-term care services, housing and accommodation, ensuring mobility, ensuring quality health services, and promoting education and employment opportunities.

In respect of people with disabilities, Government and the Social Partners have agreed that the National Disability Strategy provides a comprehensive strategy for this lifecycle cohort and are agreed that its implementation should be the focus of policy over the lifetime of the Agreement. Key issues highlighted include health and education services, income, measures to promote employment opportunities, accessible housing and public transport services and information and advocacy services.

The Agreement includes a range of proposals designed to support the role of the Community and Voluntary sector in responding to the particular challenges associated with the implementation of the lifecycle approach. These include the provision of enhanced funding for the Sector and commitments to promote social finance and philanthropic activity.

### *Implementation Arrangements*

Government has committed to involving the Social Partners in the development of policy, to ensure meaningful input by the Partners into the shaping of appropriate individual policy issues, on the design of implementation arrangements, and to provide the Partners with sufficient notice, information and appropriate process for engagement. The Steering Group established under Sustaining Progress will be reconvened and will assume overall responsibility for managing the implementation of this ten-year framework Agreement. As heretofore, there will be ongoing quarterly meetings to review, monitor and report on progress, and an annual formal meeting of all parties to the framework Agreement. In addition, the Agreement provides for a streamlined outcomes-focused approach to monitoring and reporting of progress on social inclusion matters under the lifecycle framework. A formal review will be conducted during 2008.

### **Part Two**

Part Two sets out the terms of the Draft Pay Agreement for the private sector (pages 80 to 83) and the public service (pages 110 to 112), and addresses a number of related issues, including statutory minimum pay; employee financial involvement; partnership at the workplace; workplace learning and upskilling; pensions; equal opportunities; and work-life balance. It also provides for a range of measures to protect employment standards in the context of a rapidly changing labour market. Part Two also sets out the agenda for modernisation of the public service. Payment of the general round increases for the public service is dependent on verification of satisfactory implementation of this agenda.

# **PART 1**

Macro-economy,  
Infrastructure, Environment  
and Social Policy



I

# Introduction

## The Agreed Objective of the Agreement

The shared overall goal for this new ten-year framework agreement covering the period 2006-2015 is to realise the NESC vision for Irish society by:

- Nurturing the complementary relationship between social policy and economic prosperity;
- Developing a vibrant, knowledge-based economy and stimulating enterprise and productivity;
- Re-inventing and repositioning Ireland's social policies;
- Integrating an island-of-Ireland economy, and;
- Deepening capabilities, achieving higher social and economic participation rates and more successfully handling diversity, including immigration.

The Partners subscribe to the Vision of Ireland in the Future articulated by NESC. The key foundations of which are:

- a dynamic, internationalised, and
- a participatory society and economy with a strong commitment to social justice, where
- economic development is environmentally sustainable and is internationally competitive.

Economic and social progress in Ireland is now more broadly based and has deeper roots than in the past. At the same time economic progress is vulnerable in a number of ways, some of which are new. In the past the performance of the economy set limits to our social and environmental possibilities. However, economic policy and social provision can be mutually reinforcing and complementary.

Achieving the goals set out in this framework agreement within the timescales envisaged depends on attaining the levels of growth indicated in Chapter 2. Should economic growth exceed these levels, and subject to the key principles of macro-economic policy set out in this agreement, additional resources will be distributed in a balanced way to accelerate progress across the priority objectives of the agreement, particularly social inclusion. However, if economic growth falls below the projected levels, it will be necessary to re-prioritise or make more gradual progress in order to adhere to these key principles while emphasising the need to protect the most vulnerable people. This aspect will be kept under review by the Steering Group.

## Adopting a Longer-Term Perspective

Dramatic changes are already taking place in the level and composition of Ireland's population and in the global market which present significant opportunities and challenges. A large increase in population is expected in the coming years, which while representing opportunities for Ireland will put further pressure on services, infrastructure and the environment. This and other changes make a compelling case for taking a longer-term view to policy analysis, formulation and implementation.

The Government and the Social Partners accept that to achieve the NESC Vision of Ireland requires a longer-term strategic planning perspective, which, in turn, warrants a longer-term partnership framework. Thus a ten-year framework has been agreed with the Social Partners. Within this ten-year framework agreement it is understood by the parties that there are identified strategies and actions to be achieved during the first phase of this agreement (27 months).

The major economic, infrastructural, social and environmental issues which require a longer-term focus and a coherent and “joined up” policy approach pose challenges to the governance of public service organisations. Departments and agencies will need to work closely with the social partners and others to become networks that undertake delivery, outreach and analysis effectively.

### National Instruments

Considerable work has already been done in preparing and setting out the change agenda to address the challenges ahead. A number of instruments are either already in place or are being finalised that will contribute to the realisation of this agenda. These include:

- The new National Development Plan 2007-2013;
- The National Spatial Strategy (NSS);
- National Action Plan on Social Inclusion;
- At EU level, the revised Lisbon Agenda to which Ireland subscribes fully and through the National Reform Programme, which is prepared under it.

### Building a New Social Policy Perspective

The life cycle approach adopts the perspective of the citizen as the centrepiece of building a new social policy approach, within this ten-year framework agreement. The key lifecycle phases include **children, people of working age, older people and people with disabilities**. Chapter 3 of this agreement sets out the key goals and strategies across these key phases for the provision of three critical and overlapping types of interventions identified by NESC: key services, income supports and activation measures requiring new and innovative responses.

The development of the lifecycle approach is further informed by a range of infrastructural policy supports as set out in chapter two. The lifecycle approach also poses major challenges in terms of coordinated policy formulation, and leveraging the public service modernisation programme to ensure integration at service delivery level.

### North/South Co-operation and Reconciliation

The Government and the Social Partners remain committed to full implementation of the Good Friday Agreement, including the early establishment of the North/South Consultative Forum with the participation of the social partners. North/South co-operation needs to be at the heart of strategic planning on the island. The focus must be on mutual gains to demonstrate that the economic and social success of each part of Ireland is advantageous to the other. Conversely, economic and social failure in one part is damaging to the other. There is also a historic task of completing the process of reconciliation between the two traditions on the island of Ireland.

There is a clear role for social partners and the social partnership process in energising the peace process and addressing crucial issues for the island of Ireland over the next ten years, so that a new-shared future can be built and sustained.

### The Role of Social Partnership

It is recognised that consultations take place regularly between Government, the wider civil society and a range of interests. The process of Social Partnership is a set of relationships based on trust and problem solving. The ten-year framework agreement allows those relationships between Government and the Social Partners to evolve.

### **Implementation Arrangements**

Chapter 4 addresses the implementation arrangements for the ten-year framework agreement, including an agreed protocol for engagement between Government and the Social Partners, mechanisms for engagement at national and sectoral level and more streamlined arrangements for monitoring and review. The valuable role of the Community & Voluntary Sector is also recognised. The monitoring and review arrangements for the duration of the agreement are also set out.



Enhancing Ireland's  
Competitive Advantage in  
a Changing World Economy  
and Building Sustainable  
Social and Economic  
Development

## Section 1. Macroeconomic Policy

The overriding policy focus and priority, in pursuit of the overall objectives as indicated in chapter 1, is to build a strong economy and society by maintaining a supportive macroeconomic policy framework in order to enhance productivity and competitiveness.

### Context

The current economic background is broadly favourable and it is likely that there will continue to be strong growth in employment over the medium term. The global economy is expected to grow by 4.4 per cent in 2006 and by 4.3 per cent thereafter in the medium term up to 2012. The ESRI has projected average GNP growth in Ireland of between 3.5 per cent and 4.9 per cent over the period to 2010, and between 3.1 per cent and 3.3 per cent from 2010 to 2012. There are currently a number of significant risks domestically and internationally: for example the housing market is vulnerable to a downturn and the US current account deficit is a risk. A sudden correction of this deficit could be associated with a sharp depreciation of the dollar and a large rise in US interest rates, leading in turn to a US and global recession.

This agreement is based on the judgement that, on balance, there will be a continuation of strong growth in the Irish economy in the coming years. However these risks and challenges cannot be ignored and the possibility of more adverse economic conditions needs to be seriously taken into account. Therefore this Agreement has been drawn up with an objective of mitigating these risks and strengthening the competitiveness and productive capacity of the economy.

### Principles underlying Macroeconomic Policy

Maintaining a supportive policy framework for a small open economy in the longer-term will require adherence to a number of key principles:

- An increased focus on high value-added economic activity;
- Working to restore and improve Ireland's competitiveness in all its dimensions and to maintain low inflation;
- Promoting sustainable growth and a socially inclusive and environmentally friendly society;
- Building an equitable tax system which encourages economic growth so as to ensure employment growth, and continuing improvements in living standards for all;
- The Government will be pressing for the maintenance of the current VAT regime in relation to labour intensive services and construction in whatever common EU VAT system may emerge in the future;
- 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;
- Providing a balance between net exports and domestic consumption and investment as drivers of economic growth.

## Actions to be taken

With monetary policy set by the European Central Bank, macroeconomic policy is now essentially concerned with management of the public finances, incomes policy and structural reform. The key principles referred to, particularly sustainability and prudent fiscal policy, will guide the management of the public finances.

The following strategies will be pursued within the Government's budgetary and economic framework:

- A *Fiscal Policy* which will provide sufficient room for manoeuvre to meet our obligations in the event of an economic downturn;
- *Government capital investment ratio in the order of 5% of GNP*, to provide the level of investment required to tackle the economy's infrastructural deficit;
- *Taxation Policy* designed to maintain and strengthen the competitive position of the economy, foster improvements in productive capacity, economic and social development, and equity, while maintaining a sound fiscal stance. The Government will seek to maintain a tax policy at EU level that fosters economic growth and employment, without the requirement of tax harmonisation at all levels;
- A *Public expenditure* profile that reflects the growth in the economy, provides for investment in a sustainable way in public services, and a public expenditure allocation and management system that optimises value for money, including implementation of public procurement reforms.

## Section 2. Enterprise, Innovation and Productivity

While Ireland has one of the most globalised economies in the world, global competition generates the necessity to innovate and add value across all aspects of business. Thus, with the objective of building a knowledge economy, greater investment in human resources and in innovation, particularly around ICT application and use, are critical areas for investment to enhance Ireland's competitiveness.

The complex issue of productivity is important and is of concern to Government and the social partners. Strengthening our productive capacity and performance will increase the resources available for higher living standards and further investment in social and economic infrastructure.

The NESC in its strategy report also reaffirmed its belief that the networks approach should play a more significant role in the areas of innovation and entrepreneurship.

### Strengthening Consumer Protection

Improving competitiveness also means bringing more competition and a fair deal to consumers. Providing better consumer information and protection will empower consumers to achieve good value for money and help lower costs.

The value of a pro consumer agenda will be promoted in stronger terms as the National Consumer Agency (NCA) strengthens its operations and as its mandate develops into consumer advocacy, research, information, enforcement, education and awareness. The NCA will become a forceful, statutory advocate for consumer rights and will be empowered and resourced to promote the consumers' case with regulated industries and individual regulators.

## Principles underlying Enterprise, Innovation and Productivity

The approach to Enterprise, Innovation and Productivity within this ten-year framework agreement is informed by the following underlying principles:

- Building on successful adoption and operation of advanced technologies to achieve greater innovation in products, processes and organisation both to improve productivity and improve service delivery;
- Strengthening the competitive advantages of our economic and industrial base and promoting a more entrepreneurial culture;
- Improving investment in human capital and adapting the education and training systems, including emphasis on upskilling those already at work and those who wish to return to work, including older people, and those whose need for learning is greatest, and focusing on increasing education participation and completion at all levels and in all sectors;
- Creating a more competitive business environment and encouraging private and enterprise initiative through better regulation, greater competition and stronger consumer protection and advocacy;
- Developing and broadening innovation and productivity to include an organisational culture which will enable the delivery of high quality services in the private, public, community and voluntary sectors;
- Adapting more responsively to changes needed to maintain high levels of employment;
- Maintaining a strong focus on attracting inward investment while supporting the development of the services sector, with particular emphasis on the indigenous sector, as a driver of exports.

## Overall Policy

The overall policy focus is to increase and improve the levels of activity in research and development, in the public and private sectors, and to facilitate greater levels of creativity and innovation, through greater investment in human resources.

The key development in the last decade has been the increased investment in basic research. However, there is a need for a more strategic direction in policy and innovation.

## Actions to be taken

The parties to this ten-year framework agreement endorse the approach set out in NESC Strategy which articulated three strategic directions of enterprise and innovation policy. This involves deepening and widening Ireland's innovation policy, developing the network approach, and regulation in the service of competitive advantage and other goals.

## Sectoral Strategies

In the context of globalisation and growing competition for both trade and investment, the lifecycle of policymaking is getting shorter. Long-term progress in social and economic terms will require consistent improvements in competitiveness together with the productive capacity and scale to adjust with flexibility to changes as they arise in the markets in which we trade. To ensure our economy, enterprises and our labour force have the capacity and skills to adapt to the current of international business, there will be periodic policy reviews throughout this agreement to ensure there is no diminution in the competitive capacity of the economy to be attractive for higher value added activities.

Over the life of the ten-year framework agreement new arrangements will inevitably emerge to deal with evolving competitiveness issues, to amplify their importance for enterprise and to consider policy changes that better meet both economic and social objectives. This will see a different process of communication between Government and broader interests on those issues of greatest importance to sustaining a vibrant enterprise economy.

### Section 3. Strategy for Science, Technology and Innovation

Government has published a comprehensive Strategy for Science, Technology and Innovation for the period 2006-2013. The strategy provides for the continued development of a world-class research system underpinned by the essential physical and human infrastructure, doubling the number of PhD graduates over its lifespan. Top-level researchers will also be drawn from both home-grown talent and the brightest who can be drawn from overseas. The strategy also proposes mechanisms to 1) ensure that the investment in research is turned into commercial value to the greatest extent possible, and 2) in regard to enterprise, the strategy will set out structures and mechanisms to enhance supports to industry and encourage firms to become more engaged in R&D activity.

The strategy will be judged over the ten-year framework agreement in terms of the achievement of the following outcomes:

- Increased participation in the sciences by young people;
- Significant increases in the numbers of people with advanced qualifications in science and engineering;
- Enhanced contribution of research to economic, social and environmental development;
- Transformational change in the quality and quantity of research undertaken by companies – both directly and in cooperation with third level institutions;
- Increased participation in international S&T cooperation and trans-national research activity;
- An established international profile for Ireland as a premier location for carrying out world class research and development in key sectors.

### Section 4. Better Regulation

Ireland's regulatory infrastructure is an important factor that has contributed to our economic growth and competitive advantage. Ireland's flexible regulatory framework, has been a key factor in encouraging a number of foreign companies to invest here, and has allowed indigenous companies to flourish and expand. Good quality regulation is essential to prevent market failures, to ensure the health and welfare of the citizen, the worker, the consumer and of business. It is important that our regulatory framework remains flexible, proportionate and up to date.

The parties to this agreement recognise that much has been achieved in the area of regulatory reform, particularly the introduction of Regulatory Impact Analysis in 2005. Building upon the progress made, Government will advance the following priority areas:

- Continue to monitor levels of compliance with requirements in relation to Regulatory Impact Analysis. Government Departments will publish within their Annual Reports details of legislation and regulations published during the relevant year and how RIA was applied in such cases;

- The Department of the Taoiseach to review the operation of RIA by the end of 2007 and use the findings of this review, to refine and amend RIA requirements and processes. This will help to ensure that RIA continues to support the development of proportionate, effective and targeted regulations;
- Publish a database of the key public and private sector bodies that currently have regulatory functions in Ireland;
- Conduct a wide-ranging survey to ascertain business attitudes to regulation. This will better inform Government of those regulatory areas causing most concern to business, either in terms of their impacts on the effective operation of markets and/or their imposition of administrative burdens. Based on the findings of this survey, Government will consider proposals from the Social Partners, the Better Regulation Group and the Business Regulation Forum to address any negative impacts of regulation on business, competitiveness and the consumer;
- As part of increased efforts to improve accessibility of legislation, the tools of restatement, consolidation, repeal and reform will be used to ensure the Irish Statute Book is more readily accessible. In developing this programme, particular attention will be paid to those legislative areas that have most impact on the citizen and on business, and to areas where restatement would be most useful;
- The programme to remove all obsolete and redundant Acts that predate the foundation of the State will continue. Repealing redundant or obsolete Acts will assist in ensuring that there is greater clarity regarding the legislation that remains in force in Ireland, and that this is more coherent and easily accessible to all citizens. Work will also progress on making secondary legislation available electronically at an earlier stage;
- It is essential that regulators' decisions are open to scrutiny and challenge by affected parties who consider that they have not been properly treated in accordance with the law. Government will publish a consultation document in 2006 seeking views of the Social Partners, representative groups and other interested stakeholders on the most appropriate appeals mechanisms for the key economic regulators, reflecting best international practice, as well as the specific regulatory arrangements and market structures operating in individual sectors.

## Section 5. Knowledge Society

The Government will publish a Knowledge Society Action Plan during 2006. This will build upon the advances made and the outcomes achieved by the two previous National Action Plans while recognising the ubiquity of technology, the need to use technology as a tool in the drive towards Knowledge Economy activities and the need to provide for greater inclusiveness. It will be in line with the EU i2010 Initiative, 'An European Information Society for Growth and Employment', and will provide for the continued exploitation of ICTs by all; including government, businesses, public sector and the community and voluntary sector. It will include specific actions on awareness of, access to, and application and greater exploitation of ICTs with a view to stimulating and encouraging greater engagement with and participation in the Knowledge Society. Its commitments to addressing the digital divide, eInclusion, are set out under the key life cycle phases in Chapter 3.

Following on from the work of the Information Society Commission, the Knowledge Society Foresight Initiative, focusing on Ireland's advancement to the innovation-driven stage of socio-economic development, will be pursued by the National Economic and Social Development Office.

## Section 6. Public Enterprise

The Government is committed to active engagement with the social partners on the future of the commercial semi-State sector on the basis of the Government's commitment to its role in providing services of world-class quality at a competitive price to the consumer with a viable long-term future for individual companies based on the most appropriate form of ownership or structure for its particular needs. The Government's approach will be grounded on a number of principles:

- we should have a strategy for sharing information and analysis about issues and options facing each major State company and the sector in which it operates;
- this should include systematic learning from the experience of other countries as a guide to dealing with issues that may arise;
- the engagement should be such that the Government's thinking is shared at the earliest appropriate time;
- our policy will, in all cases, be based on serving the public interest, in particular that of meeting the needs of people to best effect without any ideological assumption as to what corporate structure or strategy best meets that objective;
- all of this engagement should be based on a recognition that the public interest is best served by a culture of innovation, flexibility and cost effectiveness in the operations of our State companies; and
- where a commercial public enterprise makes a good business case for further investment, the government will consider the project and respond rapidly.

## Section 7. Manufacturing Sector

The Government, employers and trade unions acknowledge the critical role played by manufacturing in the development of the Irish economy and, recognising the challenges facing the sector at present and that all three parties have a role to play in meeting those challenges, commit to taking the measures required to ensure that manufacturing continues to play a central role in the Irish economy in the future. To that end the following measures are agreed:

- Provide a proportion within the overall provision of additional resources for upskilling those in employment (as provided for in section 7 of Part Two of the agreement relating to Pay, the Workplace and Employment Rights and Compliance), to which projects to up-skill workers in manufacturing would have priority access, with priority also being given to the low-skilled;
- Appoint a Director for the Framework R&D Programme Support Structures to support manufacturing companies to maximise their involvement with these programmes;
- Undertake a dedicated promotional campaign to increase awareness within the manufacturing sector of the Export Orientation Programme, the Diploma in International Trade and EI's key sales and marketing personnel grants and review the operation of these programmes with a view to identifying further measures by which the take-up by manufacturing companies can be increased.

In addition, it is agreed that a High Level Manufacturing Group will be established to review the challenges facing the manufacturing sector and identify further measures to meet those challenges. This Group will be chaired by an industry figure with significant experience of the manufacturing sector, and will report periodically to the partnership process. Having regard to the initiatives underway following the reports of the Enterprise Strategy Group and the Small Business Forum, the Group will consider the full range of issues affecting the competitiveness of the manufacturing sector including the following:

- Managing change to sustain competitiveness, in particular measures to:
  - *Create an awareness of the critical importance of a flexible and positive attitude to change in technology, systems and processes. This embraces investing in enabling technologies and organisational restructuring with a view to addressing imbalances in productivity performance;*
  - *Assist smaller manufacturing firms to realise the potential of information technology;*
  - *Support upskilling of low-skilled workers in the manufacturing sector;*
  - *Support the change process in companies through advice and assistance;*
- Enhancing the contribution of research, development and innovation, in particular measures to:
  - *Support the establishment of R&D units in manufacturing companies;*
  - *Support companies applying for R&D grants under EU Framework Programmes;*
- Improving the environment for manufacturing, in particular measures to:
  - *Ensure good quality regulation;*
  - *Ensure that there are no unreasonable increases and impacts in local charges;*
  - *Increase knowledge and awareness of the changing conditions in the sector, including exploring the possibility of creating a post of Chief Manufacturing Advisor;*
- Better exploitation of domestic opportunities, in particular measures to:
  - *Encourage greater linkages between MNCs and indigenous manufacturers to support innovation, research and marketing;*
  - *Facilitate companies in applying for public sector contracts;*
- Growing sales in export markets, in particular measures to:
  - *Provide access to market information and opportunities;*
  - *Enhance the sales and marketing capability within manufacturing companies;*
  - *Enhance the effectiveness of the Export Orientation Programme and the Diploma in International Trade in the manufacturing sector.*

## Section 8. Food and Drink Sector

The Government recognises the key importance of the food and drink industry to the economy and acknowledges the significant challenges and opportunities it faces in the light of changing national, EU and international trade policies and major market developments. The Agri-Vision 2015 Action Plan set out a vision for the development of sector and a wide range of actions to meet these challenges.

In this context a Committee, chaired at Ministerial level and comprised of senior representatives of the industry will be established to identify issues impeding the development of the sector and develop appropriate strategies for dealing with them in a holistic manner.

While recognising that many of the challenges facing the sector are international in scale, an important issue to be addressed by the Committee is the changing relationship between the retail and processing sectors in Ireland. This will include establishing the nature of demand and the structure of the market. Challenges to be addressed will include issues such as competition in both national and international retail sectors, costs and cost recovery, the increasing focus on improving consumer welfare, reform of CAP, WTO. Trends in their characteristics and their implications will be assessed having regard to international practice with a view to supporting the development of the overall strategy.

As part of its separate review of the structure and operation of the grocery trade, the Competition Authority will be asked to assess, over time, the impact of the new regulatory environment in the context of abuse of a dominant position including both excessive and predatory pricing. As part of this process the Authority will be asked to report to Government periodically and to make any recommendations it considers appropriate having regard to its findings.

## Section 9. Infrastructure and Planning

The overall policy focus is to prioritise investment in public and social infrastructure within a strategic and long-term framework which plans for accelerating regional population and employment growth.

### Overall Context

Ireland is at present engaged in a major programme of capital investment by Government, with close to 5 per cent of GNP being used for this purpose. This programme has greatly improved infrastructure from a low base and while further significant improvements are in prospect, a significant infrastructural deficit still remains. Despite levels of current income which compare favourably with many of our EU counterparts, Ireland's total accumulated wealth, of which infrastructure is a part, still lags many other developed countries. For this reason Government and the social partners support the continuation of a major infrastructure investment programme and the need for more balanced regional development, particularly in the context of the dramatic changes in the level and composition of Ireland's population.

An ongoing challenge is to provide for more effective and timely planning decisions and better coordination across policy, regulatory and implementation agencies while also ensuring robust analysis of proposals, with due regard paid to environmental and other issues and the views of the public. In this context, the Planning and Development (Strategic Infrastructure) Bill 2006 which, among other things will provide a mechanism to accelerate planning decisions on relevant infrastructure, is expected to be passed by both Houses of the Oireachtas before the summer 2006 recess. The legislation will facilitate An Bord Pleanála, in essence, becoming a one-stop shop for planning decisions on strategic infrastructure developments. A parallel initiative is underway by the President of the High Court to provide greater efficiencies in the handling of such cases by the High Court.

### **National Spatial Strategy**

The National Spatial Strategy (NSS) provides the strategic and long-term framework within which to plan for balanced regional development. Within the first phase (during 2008) of this ten-year framework agreement the following outcomes will have been achieved:

- The new NDP will have prioritised capital investment in line with the NSS;
- All City and County Development Plans will have incorporated the policies and aims of the NSS and Regional Planning Guidelines;
- Each Gateway will have in place an overall framework for strategic development and investment adopted by its constituent local authorities;
- The agreed framework will be in place to enable collaboration and cooperation in relation to spatial planning issues on the island of Ireland;
- Research programmes will be underway delivering information on the economic potential and performance of the Gateways and their more rural hinterlands.

The high level outcomes sought within the longer-term ten-year framework agreement are as follows:

- Substantial and faster growth evident in all of the Gateways;
- Gateways both individually and collectively providing alternative locations for investment and economic activity complementing Dublin;
- Hub Towns extending the impact of Gateways more widely within their regions;
- Enhanced quality of life through more balanced development of the Gateways and their wider regions, the co-ordinated delivery of infrastructure and amenities and improved connectivity between urban and rural areas.

The effectiveness of the NSS Strategy itself in meeting its objectives and the medium and longer-term outcomes identified over the duration of this agreement will be the subject of periodic review with the partners.

### **National Development Plan (NDP 2007-2013)**

The NDP will set out the strategic framework for investment in infrastructure and enterprise development over the period 2007-2013. It will also address in a substantive way social inclusion, regional development and environmental sustainability. An elaborate consultation process on the Plan has been commenced by the Department of Finance involving inter alia the Social Partners. The Plan will particularly focus on priorities in investment in public and social infrastructure in the research and development, transport, telecommunications, energy, the productive sector, environmental services, housing, education, health, and childcare areas, and on investment in human resources in the education and training fields. The Plan will take account of the high level framework set out in this ten-year framework agreement in relevant areas.

## Principles underlying the NDP

Investment in public and social infrastructure within a strategic and long-term framework will be informed by the following principles:

- Operating within a sustainable economic and budgetary framework;
- Allocation of investment resources at programme and project levels which best promote competitiveness and sustainable economic development;
- Investment programmes that will support the Gateways strategy set out in the NSS and thereby promote balanced regional development;
- Optimisation of North/South and all-island economic cooperation;
- Continuing to address the physical and social Infrastructure deficits, particularly in the transport, waste, energy, and communications sectors. Housing, healthcare, eldercare, childcare and people with disabilities (accessibility) are also area which will receive particular attention;
- Education will be a priority, with an emphasis on building the knowledge economy;
- The NDP will invest in human capital with a focus on upskilling, early school leavers, literacy, lifelong learning and with particular emphasis on retraining those with least educational attainment;
- Ensuring best value for money in infrastructure projects and ensuring investment and policy initiatives are targeted as a priority towards infrastructure deficits;
- Best practice in the appraisal and management of capital programmes and projects to ensure best value for money, proper targeting of investment, and timely completion.

## Section 10. Public Private Partnerships

In the context of this agreement and in line with the vision set out in the NESC Strategy, People, Productivity and Purpose, public authorities will seek to pursue the PPP option in accordance with the National Framework for Public Private Partnerships, as adopted under the partnership process in 2001 and in accordance with related guidelines including on the application of the public sector benchmark and on stakeholder consultations.

Government is favourably disposed to providing for trade union representation on the Board of the National Development Finance Agency. Government also recognises the complex issues that arise in seeking to develop PPPs. In that regard, resources will be made available through partnership funding structures to part fund appropriate training for unions to fully familiarise themselves with the PPP process and related procedures.

## Sectoral Strategies

Government will work in an island-of-Ireland context, wherever possible in the formulation and implementation of relevant sectoral strategies.

## Section 11. Transport 21 (2006-2015)

Transport 21 is the Government's capital investment framework for transport for the ten-year period 2006 to 2015. Transport 21 involves investment of in excess of €34 billion and entails 2 key strategies – A Greater Dublin Area strategy and a national strategy.

The Dublin strategy aims to transform the transport system in the Greater Dublin Area to enable it to cater effectively for existing demand and for future population and economic growth. There will be a particular emphasis on the development of an extensive, modern, integrated public transport network. This is to be achieved through a major expansion of rail-based public transport services and a significant increase in bus capacity and in the number of Quality Bus Corridors. A new Dublin Transport Authority will be established to manage implementation of this crucial strategy. Congress and other interested parties will be consulted during the drafting of the legislation. The main elements of the Dublin Strategy include:

- The development of Metro North (St. Stephen's Green to Swords) by 2012;
- The phased implementation of Metro West (Tallaght-Clondalkin-Blanchardstown-Ballymun) by 2014;
- The provision of a new Luas line to Lucan by 2013;
- The phased development of a Luas line from St. Stephens Green to Liffey Junction by 2012;
- Extension of the existing Luas network to Cherrywood, Bray, Docklands and Citywest;
- The completion of the Kildare rail line upgrade project by 2010;
- The phased development of a rail link to Navan by 2015;
- The construction of a new rail station in the Docklands and the implementation of city centre rail resignalling project by 2009;
- The construction of a rail interconnector and associated electrification works;
- A 60% increase in bus capacity over the programme period;
- A doubling of the length of the Quality Bus Network by 2009;
- Phased upgrading of the M50 by 2010.

The national strategy involves the development of a high-quality national road and public transport network, the provision of improved regional and local public transport services and investment in essential capital works at regional airports.

The national road programme will include:

- The completion of the inter-urban motorways linking Dublin to Belfast, Cork, Galway, Limerick and Waterford by 2010;
- The phased development of the Atlantic Road Corridor by 2015;
- Substantial upgrading of the rest of the national primary network and targeted investment in national secondary roads over the programme period.

The main features of the national investment in public transport include:

- Phased upgrading of intercity rail services by 2009;

- Phased re-opening of the Western Rail Corridor by 2014;
- New and improved commuter rail services in Cork and Galway by 2008;
- Upgraded bus services and improved bus priority and park and ride in the four provincial cities;
- Upgraded regional and local bus services.

Transport 21 includes a financial provision to ensure that the transport system is accessible for people with physical, sensory and cognitive impairments. This will be achieved in two ways. Accessibility will be designed and built into new projects. Substantial funding will be provided to enable the phased retrofit of existing infrastructure. The details of the accessibility implementation programme will be set out in the Department of Transport's sectoral plan under the Disability Plan 2005.

### Rural Transport Initiative (RTI)

The Government decided in 2005 that the RTI would be put on a permanent footing from 2007 onwards. Funding of the order of €5m is in place for the Initiative in 2006. In addition, as indicated at the launch of Transport 21, there will be a doubling of the cash funding available to the RTI by 2007. Thereafter, a steady increase in funding will be provided for rural transport services, ultimately to a cash level about four times the 2005 allocation. The community and voluntary sector has a vital contribution to make and role to play in local and rural transport services and has been actively involved in the development of RTI.

### Public Transport Partnership Forum

The Public Transport Partnership Forum will continue to provide a means for consultation with the Social Partners on matters relating to public transport.

## Section 12. Road Safety

Government is committed to the urgent enactment of the Road Traffic Bill. The primary purpose of the Bill is to provide for the necessary statutory background for a range of specific measures set out in the Road Safety Strategy 2004 to 2006. Reversing the negative trends in road deaths and the achievement of enforcement targets is particularly dependent on the introduction of this primary legislation particularly in relation to mandatory roadside alcohol testing and the privatisation of speed cameras.

#### Current Priorities

- Enactment of the Road Traffic Bill 2006;
- Expansion of the Traffic Corps over the next three years. By the end of 2006, over 800 Officers will be serving in the Corps. The planned staffing threshold for the Corps of 1,200 officers will be realised by the end of 2008, within overall authorised numbers;
- Introduction of mandatory alcohol testing to deter drink driving;
- Privatisation of speed cameras to enforce speeding controls;
- Preparation of a new Road Safety Strategy.

#### Long-Term Goals

- Reduce and maintain a decrease in the level of road deaths in line with National Road Safety Strategy;
- Increased, sustained and visible enforcement;
- Changes in attitudinal behaviour in relation to speeding and drink driving brought about by greater enforcement and the increased risk of being caught;
- Increased role of new Road Safety Authority, a single agency with responsibility for a wide range of functions which have a bearing on road safety. It will have the legislative and financial muscle to coordinate and advance the road safety agenda through delivery of road safety programmes such as testing of drivers and vehicles, road safety research and data collection, driver education and the promotion of awareness of road safety in general.

### Section 13. Housing Policy Framework – Building Sustainable Communities

The longer timeframe of a ten-year framework agreement allows for pathways to be developed to transform the Irish housing environment: to improve not only responsiveness of services but also quality of services. In this context, the core objective of housing policy is to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice.

The Government and the Social Partners endorse the important principles set out in the Housing Policy Framework – *Building Sustainable Communities* which provides a vision of the kind of high quality, integrated sustainable communities that are worth building. This also aims to take into account other factors in the areas of balanced regional and rural development, planning, physical and social infrastructure and environmental sustainability and the development of social capital. The parties agree to work together toward the delivery of this vision over this ten-year framework agreement. A more detailed policy statement will issue during 2006, reflecting these principles and taking account of this Agreement. Working through the Housing Forum, the Government and the Social Partners will focus on five main areas to achieve the objectives of creating sustainable communities:

- Continuing improvements in the quality of houses and neighbourhoods, including improvement of consumer information in relation to housing;
- Providing tailored housing services to those who cannot afford to meet their own housing needs, and in this way responding to the broad spectrum of housing need;
- Developing inter-agency cooperation where there is a care dimension;
- Maintaining the impetus for the delivery of housing at affordable prices to the market, including through State supported schemes, and other appropriate innovations, such as measures to support first time buyers;
- Progressing the social housing reform agenda set out in the Housing Policy Framework.

The approach seeks to ensure that all housing is seen as being on an equal footing whether provided fully by the State or supported in some way. All parties have a role in developing this ethos, which makes no distinction between types of housing or tenure. A critical factor in determining housing interventions is the requirement for a clear perspective as to the scale and nature of need, including local variations. In framing responses, account should be taken of individual and family circumstances and each person's position in the lifecycle. The approach should also seek to encourage choice, personal autonomy and a sense of community involvement for all those across the life-cycle. To advance these goals, a new means of assessment will be developed to provide a better basis for policy development and service delivery to ensure that all people can live with maximum independence within their community.

The parties acknowledge the view taken in the NESC report on housing that an additional 73,000 social housing units should be provided in the period 2004 to 2012. The parties consider this target as being of continuing relevance to the expected response under this ten-year framework agreement. Implementation of such an objective will be assessed in the light of work on the assessment of need, the emerging picture in relation to need, the evolution of the various housing programmes and the outputs achieved under these, and the resources available.

Key areas for development under the first phase of this ten-year framework agreement include new means of assessing need and enhancing delivery of social and affordable housing. The Government are committed to expanding the social and affordable housing options over the coming years and have indicated that increased investment will meet the needs of some 50,000 households over the three years to 2008, through the existing range of social and affordable housing options. Further households will benefit from the Rental Accommodation Scheme (RAS).

The Government is committed to providing additional investment over the period 2007-2009, which will provide an expanded range of housing options to households who cannot afford to provide for their accommodation needs from their own resources. This will include

- The commencement/acquisition of an additional 4,000 new housing units over the period 2007 to 2009 for such households [through a combination of local authority (2,000), voluntary and co-operative housing (1,000), and RAS long-term contractual arrangements for new supply (1,000)]. This will bring the total number of new commencements/acquisitions in the period to 27,000 units;
- In addition, further households will benefit from full implementation of the Rental Accommodation Scheme, involving contractual arrangements with landlords, for existing properties transferring from rent supplement;
- Implementation of the Local Authority Traveller accommodation programmes.

In addition to the current affordable housing measures which will deliver some 17,000 units over the period 2007 to 2009 through a more streamlined approach currently under development, the Affordable Homes Partnership is undertaking initiatives to increase the supply of affordable housing in the Greater Dublin Area. A key instrument is their role in bringing forward additional land for housing development. It is understood that the Partnership is at an advanced stage in selecting suitable sites from its first call for proposals, which subject to planning, could deliver a substantial affordable housing yield. Other innovative means of increasing the supply of affordable housing will also be explored during the first phase of this agreement. Throughout the period of agreement there will be an emphasis on innovation and joint policy approaches with the social partners to accelerate delivery, including affordable rental and shared equity options.

In addition, the Affordable Homes Partnership while maintaining its focus on delivery in the Greater Dublin Area where affordability problems are most acute, will build on its growing experience to assist the roll-out nationally in areas of communications campaigns in relation to affordable housing matters, common approaches by local authorities in relation to Part V of the Planning and Development Act 2000-2004, and application systems for affordable housing.

As a result of the various social and affordable housing measures the accommodation needs of some 60,000 new households will be addressed over the period 2007-2009. The multi-annual action plans in place at local authority level, supported by active land management strategies announced by the Government last year are key instruments in delivering this ambitious programme. These will be bolstered by the following measures:

- Active engagement with the voluntary and co-operative housing sector to increase their role in delivering on needs, through a rationalisation, early in the first phase of the agreement, of administrative and approval arrangements to ensure the earliest possible delivery of suitable quality projects, improvement in funding arrangements and measures to enhance governance of the sector and an expanding role for the sector under the Rental Accommodation Scheme;

- To further assist the voluntary and co-operative sector in the context of the programme as outlined, the Government will arrange through local authorities for additional land/units to be provided under this Agreement for the purpose of meeting identified housing need. It will be expected that units/sites sufficient to supply some 3,000 dwellings will be identified and made available over the period 2007-2009;
- The National Building Agency, which has considerable experience in area of regeneration and remedial works, will establish with immediate effect a dedicated unit to support local authorities in undertaking regeneration and remedial programmes as part of a programme to bring all social housing accommodation up to the best possible standard;
- Minimum standards regulations for the private rented sector will be updated by the Dept of Environment, Heritage and local Government and effectively enforced by Local Authorities.

The Housing Forum will play an important role in inputting to policy development and evaluating outcomes over the period of the ten-year framework agreement. This will include housing issues in both the urban and rural environments. Progress will be reviewed following the first phase (during 2008) of the ten-year framework agreement. This will inform the delivery under the next series of multi-annual housing action plans, taking account of market developments and capacity. In many areas, the outcomes for individuals will be critically dependent on the inter-linkages of services as described under the key lifecycle phases set out in Chapter 3.

## Section 14. Construction

The Government recognises the key contribution of the construction sector in the development of the overall economy, and specifically in the delivery of public and private infrastructure. The sector employs 250,000 people across three major sub-sectors: Housing, General Contracting, and Civil Engineering.

The efficient and effective operation of each of these sub-sectors is important for future economic and social development. New Government construction contracts have as their objective the delivery of fixed price lump sum construction contracts, which transfer appropriate risk to contractors.

Government commits itself to working actively with the sector with regard to meeting national priorities. In this context, the Forum for the Construction Industry will continue to provide a means for consultation on matters relating to the industry.

## Section 15. Energy Policy

It is imperative for a modern competitive economy to have reliable, secure and competitively priced energy available to it. Long-term actions and decisions regarding the energy sector must also be sustainable from an environmental perspective in order to provide safeguards for future generations.

Energy policy aims to achieve 3 fundamental objectives:

- Security of Energy supply;
- Environmental sustainability;
- Economic competitiveness.

In this context, the Government will publish an Energy Green Paper in mid 2006 to consider our energy options for the future. This Paper will set out the challenges facing us in the energy area as well as outlining policy responses already taken and those being proposed. The Government believes this will provide clarity and certainty to the sector in terms of a national energy strategy between now and 2020.

In the context of Ireland's small energy market size and particular exposure to sustained high global oil and gas prices and supply risks, and noting that high energy costs are an increasing concern for enterprise and consumers, key priorities for energy policy over the period will include 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, increased cost efficiencies and best value for both consumers and enterprise; delivery of the single all-island electricity market to schedule; support for significant expansion of energy RTDI; and actions to improve energy efficiency and demand management across all sectors and to address fuel poverty.

The Government wishes to see a productive consultation process involving all stakeholders on the challenges identified and directions proposed in the Green paper before finalising a White Paper by the end of 2006.

The key outcomes to be achieved during the course of the first phase and the wider ten-year framework agreement include:

- Publication of the Green Paper on National Energy Policy (mid 2006);
- Publish White Paper on National Energy Policy (end 2006);
- Launch National Energy Efficiency Awareness Campaign (September 2006);
- Establishment of the Single Electricity Market (July 2007);
- Establishment of an Energy Research Council (mid 2006);
- Continued and extended support for renewable energy sources, including implementation of renewable energy strategies and a National Bio-Energy/biofuels Strategy (2006);
- Completion of the North/South Gas Interconnector project (2006);
- Completion of the East/West and North/South Electricity Interconnectors (2012 at the latest);
- Progressive delivery of the All Island Energy Market Framework (2006-2012).

In relation to bio-fuels, the targeted Budget 2006 package of excise relief valued at €205 million will allow the EU target of 2% to be achieved by 2008. Government and the Social Partners recognise the potential to further develop capacity in this area and to achieve even more challenging targets in relation to bio-energy/biofuels in light also of EU developments. Government will put in place high-level coordinated arrangements, to deliver a cohesive policy approach, across all elements of the Bio-Energy value chain (i.e. producer, processor, and consumer) to optimise the potential sectoral benefits across the agriculture, enterprise, transport and energy sectors, including an appropriate forum for engagement with the social partners.

## Section 16. Telecommunications

The Communications sector is of fundamental importance to the economy and is an important factor in determining long-term national economic competitiveness through its impact on productivity gains, innovation, balanced regional development, new regional development, new business processes, and new services and applications. In Ireland, telecommunications services are provided by private operators in a liberalised, regulated market in line with the EU telecoms framework.

The overall Government goal is to achieve a vibrant, competitive telecoms market that facilitates the widespread availability of a choice of high-quality telecommunications services to business and residential end-users by a variety of providers over a range of technology platforms, including fixed-line, mobile, wireless, and satellite, which is comparable to our international peers. This goal will be progressed in the context of the recent EU commitment to increasing the availability of broadband in under-served locations, aiming at broadband coverage to reach at least 90% of the EU population by 2010.

In order to achieve its overall goal over the course of this ten-year framework agreement, the Government will set out a telecommunications regulatory framework, which ensures competition, innovation and choice in the provision of services, and provides an environment that facilitates new entrants to the market and sustainable, long-term investment by operators in infrastructure. The Government will also address market failures, which would impact on its overall goal, including infrastructure deficits, by targeted actions in the market.

As it represents a step-change in connectivity for individuals and businesses, the progressive enhancement of broadband services in the telecommunications market is a Government priority within its overall telecommunications goal. Specific short-term commitments, which support this Government goal, include:

- Monitoring the implementation of full local loop unbundling in order to ensure that it stimulates competition, choice, and innovation in broadband services in the market place;
- Completion of the Metropolitan Area Networks programme in order to support the regional provision of services by a range of operators;
- Continue to explore technical options to address the requirements of people living in underserved areas, and remote rural areas.

In the medium term it is expected that the substantial and current investment levels by the private sector in the market will be maintained.

## Section 17. Education and Training

The EU Integrated Guidelines for Growth and Jobs 2005-08 provide for increased investment in human capital through better education and skills. They also provide for adaptation of education and training systems in response to competency requirements, and to support quality standards in education and training and the promotion of more flexible pathways. The National Reform Programme highlights key priorities in the context of ensuring an integrated approach to addressing skills needs across the education and training sector, addressing barriers to access and progression, the issue of life-long learning and tackling early school leaving and literacy and numeracy issues.

In this context the high level outcomes to be achieved within a ten-year framework agreement will be to:

- Enhance early education provision for children from disadvantaged communities and for those with special needs;
- Substantially reduce literacy/numeracy problems among children, particularly in schools serving disadvantaged communities, and the adult population;
- Encourage children to be active agents in their own learning and to engage in collaborative active learning;
- Strengthen the technical and vocational dimensions of curricula and to embed key skills such as learning to learn and ICT, to develop higher order thinking skills, to diversify and strengthen language learning, to modernise the technology subjects, and to increase the take up of the physical sciences at senior level;
- Drive the lifelong learning agenda by enhancing access to training, the development of new skills, the acquisition of recognised qualifications and progression to higher-level qualifications;
- Learning opportunities for adults targeted at vulnerable groups and those in disadvantaged communities with low levels of educational attainment.

Specific short-term commitments within the first phase timeframe include:

- Roll out of measures under the DEIS initiative for educational inclusion;
- Further develop measures to combat early school leaving and enhance attendance, educational progression, retention and attainment at primary and second-level;
- Increased provision of services for those with special educational needs;
- Increased provision for migrants at both primary and second-level;
- Further development of second-chance educational measures for vulnerable groups;
- Development of a National Skills Strategy which will map out the skills needs of the economy to 2020, with a particular emphasis on qualifications up to level 7 of the National Framework of Qualifications (ordinary degree level);
- Strengthen and develop baseline data/information sources;
- All children will have the opportunity to become ICT literate by completion of second level; there will be a serious drive to encourage more children to complete second level;
- Increased focus on integration of services and partnership working at national, regional and local level.

- Address the continuing fall in the number of people studying science and engineering in order to ensure skills for a modern economy are met;
- Falling quality in Mathematics needs to be addressed for a knowledge economy.

The educational commitments arising under the key life cycle phases are set out in Chapter 3.

## Section 18. Environmental Sustainability

The overall policy focus and priority is to mainstream the integration of environmental considerations into policy formulation and to provide for better environmental enforcement.

### Context

Over time, protection of our environment has assumed increased importance and relevance to all the social partners. This arises both from the intrinsic value of an unpolluted natural environment and its associated economic value especially in terms of agriculture, tourism and resource-based industry. The excellent quality of Ireland's environment provides a national long-term strategic asset. There is a need to continue to educate the wider public as to the quality and value of our environment and the corresponding need to protect and improve it.

The NESC concludes that, in common with other countries, we have seen significant evolution in the instruments of environmental policy. These now include public expenditure (capital and current), legislation and related enforcement, economic instruments, awareness initiatives and the involvement of all those who share environmental concerns. It also sees merit in further study of structures and procedures for conflict resolution and consensus building, especially in relation to the provision and location of certain environmental infrastructure.

### Principles underlying Environmental Sustainability

The environmental challenges have profound implications for the future, including for economic performance and requires the following principles to be reflected in policy formulation:

- Recognising that our environment is a national and key strategic asset;
- Ensuring the sustainable use of natural resources and strengthening the synergies between environmental protection, the economic and social aspects of development and improved productivity;
- Ensuring medium and long-term economic and fiscal sustainability;
- Putting in place an infrastructure in water treatment and waste management which represents best practice internationally;
- Maintaining a high quality environment as a source of competitive advantage, by developing a leading position in the research, development and application of environmental technologies and by further integrating climate change and energy policy;
- Continuing to implement environmentally sustainable agricultural development to ensure that the current needs of the sector are met while maintaining the long-term development potential and viability for future generations and enhancing the production of public goods.

## Strategies

Government will work in an island-of-Ireland context, wherever possible, in the formulation and implementation of relevant sectoral strategies. Among the measures to be pursued at sectoral level will be:

- Publication of Consultation Paper on the Review of the Climate Change Strategy by June 2006;
- Publication of an updated climate change strategy by end-2006;
- Investment in environmental infrastructure, especially in relation to waste water treatment, rural water supplies and recycling facilities;
- Implementation of further EU and domestic environmental legislation, taking due account of regulatory impact assessments;
- Additional impetus to enforcement measures;
- Utilisation of economic instruments as circumstances require;
- Assessment of the appropriateness of the range of environmental policy responses;
- A renewed National Sustainable Development Strategy to be published by mid-2007;
- Increasing environmental awareness generally, and especially in relation to waste prevention, energy and water conservation;
- Examination of the feasibility of the application of satellite accounts in the area of environmental sustainability (2007);
- Strengthening the role of COMHAR in the ongoing process of policy development in the context of environmental sustainability.

## Section 19. Rural Development

The NSS concept of selected “gateway” centres dispersing development to linked towns and rural hinterlands will be an important driver of the rural economy. Key requirements will include programmes to support the infrastructure of such areas to ensure their attractiveness as places in which to live and work, encouragement of greater innovation and entrepreneurship in rural areas, harnessing the potential of the country's natural resources for energy generation e.g. in the marine sector, forestry and bio-fuels and the development of new market opportunities in areas such as specialist food production, leisure, tourism, culture and heritage.

The National Strategy for Rural Development is currently being prepared jointly by the Department of Agriculture and Food and the Department of Community, Rural and Gaeltacht Affairs as required by the EU framework on rural development. This will be the basis for a national rural development programme, commencing in January 2007, which will provide support under three broad rural objectives:

- To improve the competitiveness of the agriculture and forestry sectors;
- To improve and protect the environment and countryside and;
- To enhance the quality of life in rural areas and diversify the rural economy.

Measures under the third objective are directed towards improving the economic and social well being of rural communities and will focus on actions such as:

- Promoting economic activity locally, including, for example the development of indigenous rural resources in artisan food, forestry, marine, rural/agri tourism and cultural heritage;
- Developing local initiatives essential to community well-being, with particular focus on the availability of local culture and leisure facilities;
- Village and countryside enhancement; and
- Environmentally friendly initiatives and conservation of areas of high natural and cultural value.

The allocation of the funding under the National Rural Development Programme to individual measures will reflect the need to underpin the competitiveness and sustainability of the agriculture and forestry sectors while, at the same time, acknowledging and supporting the key contribution being made to rural areas by the wider rural economy. Engagement between local development agencies and the co-operative movement will be encouraged, to ensure their familiarity with the co-operative option, particularly where incorporation is a condition of funding for applicants.

In addition, in the context of the preparation of the next NDP, an inter-Departmental Group on the development of the Rural Economy will prepare a draft chapter for inclusion in the NDP covering, inter alia, the main challenges specific to the rural economy, issues critical to its future development and existing and planned sectoral measures from across Departments that significantly support or impact on the rural economy.

## Section 20. A Competitive and Profitable Agri-Food Sector

The radical changes to the CAP, and changes in trade policy, likely from the WTO Doha Round, pose major challenges for the Irish farm sector. These changes are taking place in the context of declining availability of EU funding and Ireland's position moving from that of a substantial net recipient of EU funds towards that of a net contributor. Given the right conditions, the agriculture sector can respond positively to these major changes and continue to make a significant contribution to economic and regional development within Ireland. The NESC Strategy 2006 Report has set out a comprehensive analysis of the sector in the context of the national rural economy and what needs to be achieved.

In order for the agricultural sector to meet its potential going forward, policies and strategies must be directed at the attainment of five key objectives:

- A profitable and competitive production base with the productive capacity necessary to generate a comparable income in line with the rest of the economy from efficient and consolidated family farm production units;
- A competitive agri-food sector providing quality and safe products on the domestic and international market place;
- An agricultural system that is environmentally sustainable;
- A broadening of agricultural activity to include, in particular, generation of renewable energy;
- Ensuring that agriculture makes the maximum contribution to a vibrant rural economy and society.

The delivery of a set of integrated national policies to implement these five key objectives for the entire sector will be implemented by pursuing the priorities set out in the Agri-Vision 2015 Action Plan. This will include the relevant measures under the 2007-2013 National Rural Development Programme.

## Art, Sport and Tourism

### Section 21. Art and Culture

The Government and Social Partners recognise the importance of arts and culture in their contribution to the economy as a whole and to the significant additions they make to the quality of the lives of all citizens.

Policy for the arts and national cultural institutions is set out in the Statement of strategy of the Department of Arts Sport and Tourism for the period 2005/2007. The Government is committed to facilitating the promotion and sustainable development of the arts and culture sectors and their contribution to national economic and societal progress through the provision of an appropriate legislative, policy and resource framework. In this regard the Government will

- Endeavour to create an environment that enables arts and culture to flourish;
- Promote Irish art abroad and develop the Film industry;
- Develop the National cultural institutions and support development in other arts and cultural projects at regional and local level;
- Continue to endeavour to make arts more accessible to all including the support of programmes in socially deprived areas.

### Section 22. Sport

The Government and the Social Partners recognise the important contribution which sport makes to the social and economic development of the country. The benefits can be assessed in terms of physical and mental well being of the population, social and cultural development, education, personal development and economic impact.

The Government's policy for sport is set out in the Statement of Strategy of the Department of Arts, Sport and Tourism for the period 2005-2007. The overall Department objective for Irish sport over the next three years is to promote and encourage a vibrant and active sports sector, especially in areas of disadvantage, with increased participation levels, good quality sustainable facilities and opportunities for people to play an active role in sport; where the talents, potential and needs of competitive and elite athletes are also cherished and supported in their pursuit of excellence and success. A policy for physical recreation will be developed, to complement existing policies in sport for the enhancement and support of participation, and the strengthening of social capital.

In this regard the Government, through an appropriate policy and resource framework, will:

- Support and influence increased interest and participation in sport among all age groups;
- Provide funding towards the development of modern, well equipped and well managed sports facilities at national, regional and local level;
- Enhance the supports required to improve the standards of performance of Irish sportspersons in an environment which respects the ethical values of sport.

## Section 23. Tourism

The policy for the development of tourism sets out a new vision for Irish tourism, identifies key drivers of success and includes strategic targets for the ten-year period to 2012. A new Tourism Strategy Implementation Group has been established to champion the implementation of the outstanding elements of the strategy.

The Strategy incorporates not only specific policy measures in the areas of marketing, product development and human resources development, but also seeks to positively influence the broader agenda which impacts on sustainable tourism development e.g. access and internal transport, competitiveness, the natural and built heritage, taxation, the environment, the marine, rural development.

The key targets, as endorsed by Government, are to double overseas tourism revenue to €6 billion over the period 2003 – 12, with an associated increase in visitor numbers from just under 6 million in 2002 to 10 million in 2012. Targets have also been set for promotable visitor numbers, domestic tourism and regional spread. In line with the strategic policy framework, the key Tourism State Agencies (Tourism Ireland and Fáilte Ireland) will continue to roll out a range of programmes and policies to deliver on the objectives.

## Section 24. Recreation

The Department of Community, Rural & Gaeltacht Affairs in conjunction with Comhairle na Tuaithe will address the three issues of access to the countryside, developing a countryside code and developing a national countryside recreation strategy.

Any proposals emerging in the strategy including implementation issues will be considered by the Minister and as relevant other Ministers/Departments, and publication will be considered in that context.

## Section 25. Ireland's National Reform Programme (NRP) under the EU Lisbon Agenda

The Lisbon Agenda, of 2000 was relaunched in 2005 with a renewed focus on growth and jobs. Whilst this is appropriate in the EU context, it is equally important that progress be made in parallel with social equity and sustainable environmental development.

As part of the 2005 relaunch, the concept of National Reform Programmes (NRP), setting out the range of measures being taken by each Member State to realise the Lisbon Agenda, was introduced. The NRPs, which are three-year programmes, with annual progress-reporting to the European Commission will take into account priorities for action under the Lisbon Agenda.

The social partners will be consulted in the course of updates, progress reports and new iterations of our NRP. In Ireland's case, our Social Partnership process represents an important element of the overall approach to achieving the Lisbon goals and will contribute through the NRP and the associated progress reporting arrangements.

The National Reform Programme, which was submitted to the European Commission in October 2005, brings together the broad range of policies and initiatives at the macro and micro economic level, the implementation of which aims to sustain Ireland's economic growth and employment performance as its overall contribution to the re-launched Lisbon Agenda over the period to 2008.

Where appropriate, new policy directions or initiatives contained in this agreement arising from engagement with the social partners in the context of, or arising under, this ten-year framework, will be incorporated into the ongoing reporting arrangements under the Lisbon programme.

## **Section 26. External Relations – EU and the Wider World**

The Government will continue to promote and protect Ireland's interests at the heart of the European Union as it continues to evolve and enlarge. This includes the further development of our relations with our current and future EU partners, a number of whom are very interested in the success Ireland has enjoyed as a result of social partnership.

The Government will also continue to promote and protect Ireland's interests in other international fora and in the wider world.

In the context of the Union's relations with the wider world, we will work to ensure that the interests of people in the world's poorest countries are protected as far as possible.

## **Section 27. Official Development Assistance (ODA)**

The Government is committed to reaching the United Nations target for spending 0.7% of our GNP on official development assistance (ODA) in 2012. As an interim step towards reaching the target, our ODA spending will reach 0.5% of GNP in 2007.

The fight against HIV/AIDS is an essential element of the fight against poverty and will continue to be central to the work of the aid programme. The Government is committed to spending a significant proportion of the expanding ODA budget on the fight against HIV/AIDS and other communicable diseases.

## **Section 28. Irish Abroad**

In the light of the report of the Task Force on Policy regarding Emigrants, the Government recognises, in particular, the need to maintain and, where appropriate, increase support for the Irish abroad, particularly the most vulnerable and marginalised. This will include working with partners in the voluntary sector abroad to develop further comprehensive support services for our vulnerable citizens.





# The Lifecycle Framework

## Section 29. Introduction

This Chapter develops a new framework within which to address key social challenges by assessing the risks and hazards which the individual person faces and the supports available to them at each stage in the life cycle. The key life cycle stages are Children, People of Working Age, Older People and People with Disabilities (who, in accordance with the policy of mainstreaming, will benefit from measures at all stages of the lifecycle).

In this way, the life cycle approach adopts the perspective of the person as the centrepiece of social policy development and should help policy to evolve in a manner which encompasses actions across relevant departments and agencies.

The lifecycle approach also offers the potential of a more streamlined, outcomes-focused approach to monitoring and reporting on progress within social partnership across key national strategies and for improved availability and use of data. Further details of these issues are provided in Chapter 4.

### Applying the Lifecycle Framework

Translating the lifecycle framework into such explicit policy terms is an ambitious exercise and the long-term goals pose major challenges in terms of availability of resources, building the necessary infrastructure, and institutional and service delivery at both national and local level.

The parties acknowledge that making progress will require a capability to adapt flexibly to required institutional and service delivery changes at both national and local level and to learn from the insights provided by the lifecycle framework and evidence about effectiveness of different interventions. It also requires a degree of prioritisation and a balance between identifying the specific needs of target groups while retaining the perspective of the desired social outcomes for life cycle age cohort as a whole.

The Chapter sets out long-term goals for each stage of the lifecycle as well as priority actions for the initial phase of the agreement which build on the significant increased investment in social provision during 2006, the first year of the agreement.

### Review of Progress

The Government and social partners agree to review progress towards its long-term goals during 2008, drawing on the experience during the first phase of the agreement, in order to agree revised and updated strategies and targets at that stage.

## Section 30. Children

### 30.1 Vision

The parties to this agreement share a vision of an Ireland where children are respected as young citizens with a valued contribution to make and a voice of their own; where all children are cherished and supported by family and the wider society; where they enjoy a fulfilling childhood and realise their potential.<sup>1</sup>

Ireland has ratified the UN Convention on the Rights of the Child and is committed to its implementation in our laws and policies.

To achieve this vision, the Government and social partners will work together over the next ten years towards the following long-term goals for children in Ireland:

- Every child should grow up in a family with access to sufficient resources, supports and services, to nurture and care for the child, and foster the child's development and full and equal participation in society;
- Every family should be able to access childcare services which are appropriate to the circumstances and needs of their children;
- Every child should leave primary school literate and numerate;
- Every student should complete a senior cycle or equivalent programme, (including ICT) appropriate to their capacity and interests;
- Every child should have access to world-class health, personal social services and suitable accommodation;
- Every child should have access to quality play, sport, recreation and cultural activities to enrich their experience of childhood, and;
- Every child and young person will have access to appropriate participation in local and national decision-making.

### 30.2 Priority Actions

The parties agree to work together in pursuit of these goals through relevant strategies and processes, including NAPinclusion, the National Development Plan 2007-2013 (NDP) and the National Children's Strategy, where policies will be elaborated in greater detail.

They have also agreed to the following priority actions in order to make progress towards these long-term goals during the first phase of the agreement.

#### 1. Early Childhood Development and Care

The Government and social partners agree to continue to work together over a ten-year period to develop an infrastructure to provide quality, affordable childcare and to work towards increasing the supply of childcare places (of all types) by 100,000 over this period. This will be achieved through a combination of the National Childcare Investment Programme (NCIP) 2006-2010, appropriate successor programme(s) and other providers.

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<sup>1</sup> National Children's Strategy 2000

Actions to achieve this will include:

- Creation of 50,000 new childcare places, including 10,000 pre-school places and 5,000 after-school places, as part of the €2.65 billion National Childcare Strategy 2006-2010;
- Development of a National Childcare Training Strategy which will aim to provide 17,000 childcare training places during 2006-2010, and include quality and training provisions of the National Childcare Investment Programme (NCIP);
- Targeting the early childhood education needs of children from areas of acute economic and social disadvantage through DEIS (the action plan for educational inclusion). It will concentrate early education on children who will subsequently attend urban/town primary schools serving the most disadvantaged communities (180 urban/town primary school communities will be targeted for support);
- Relevant departments and agencies will work together to complement and add value to childcare programmes in disadvantaged communities with a view to ensuring that the overall care and education needs of the children concerned are met in an integrated manner. This will also involve the provision of education related professional support and training to existing providers, together with a curriculum and quality framework for early childhood education;
- Steps to standardise and improve inspections under the Child Care (Pre School) Regulations by publishing the strengthened revised regulations and providing training for inspectors across the HSE, establishing improved administrative systems to facilitate a national standardised inspection service and ensuring that standardised inspection reports are publicly available, and;
- In order to facilitate the provision of after-school facilities, the parties agree to support and encourage school facilities being made available for childcare provision as a key addition to the utilisation, development and support of local community facilities.

This will ensure substantial progress towards meeting the Barcelona targets of making childcare available to 90% of children aged between 3 and the mandatory school age and 33% of children aged under 3 years by 2010.

It is also agreed that:

- A review of the National Childcare Investment Programme 2006-2010 will be undertaken prior to its conclusion in consultation with the social partners. This will assess the progress made to date to address childcare needs with a view to developing new policy responses and successor programme(s) appropriate to emerging needs in childcare, and;
- The early childhood education component of the DEIS programme will be extended to encompass the remaining 140 urban/town primary school communities under the School Support Programme, following completion of roll-out to the existing target group of 180 urban/town primary school communities.

## *2. Improving Education Outcomes for Children*

The Government and social partners agree to work together for continued improvements in the standard and quality of education and to promote best practice in classrooms, schools, colleges and other centres for education.

They agree to prioritise the educational needs of children and young people from disadvantaged communities by supporting schools and their communities to achieve equality in terms of educational participation and outcomes in line with national norms.

This will include:

- Adopting a more focussed approach and putting in place a range of additional supports under DEIS to tackle literacy and numeracy problems in primary schools. Targets will be put in place at both national and individual school level to substantially reduce the literacy and numeracy problems in schools serving disadvantaged communities. Additional literacy supports, under DEIS, will also be targeted at junior cycle students;
- To help further address absenteeism, early school leaving, behavioural problems and special needs an additional 100 posts in total will be provided for the National Educational Welfare Board and the National Educational Psychological Service by 2009;
- There will continue to be flexible responses to meeting the needs of those young people who leave the formal education system early through second chance education measures such as Youthreach where a significant increase of an additional 1,000 places will be provided by 2009 and the opportunities created for recognition of learning through the national framework of qualifications;
- Protocols will be developed and put in place to ensure co-operation and mutual support among those working to improve attendance and retention in schools. DEIS provides that the National Educational Welfare Board and the Department will work together to ensure that an integrated approach to children at risk is adopted between educational welfare officers and other staff involved in the implementation of the new School Support Programme;
- The Education Act 1998 provides for school boards to publish their admission policies. Legislative and other provisions in relation to admission will be kept under regular review in the context of the ten-year framework agreement, with a view to fostering an inclusive school environment;
- Future provision of schools will reflect the increasingly diverse nature of pupil enrolment in response to the local demand and in conformity with the provisions of the Education Act, 1998 and with established criteria and procedures for recognising new schools;
- Enhanced support for the effective integration of international children at both primary and second-level through the provision of an extra 550 language support teachers by 2009 and the reform of the current limit of two additional teachers per school, and;
- The Government has already committed itself to reducing the number of children per classroom teacher at primary level to 28:1 in 2006/2007 and 27:1 in 2007/08 and the actual pupil teacher ratio at primary and post-primary will continue to improve as a result, in particular, of the application of resources in respect of special needs pupils.

These measures will ensure progress towards the Lisbon target of reducing early school-leaving to 10% by 2010.

The ongoing relevance of curricula to changing social and economic needs, allied with the quality and effectiveness of teaching and learning are key factors in ensuring that young people are equipped with the skills for participation in the knowledge society and for active citizenship. At post-primary level, key actions will include measures:

- To strengthen the technical and vocational dimensions of curricula, to embed key skills such as learning to learn and ICT, to develop higher order thinking skills, to diversify and strengthen language learning, to modernise the technology subjects and to increase the take up of the physical sciences at senior level. It will continue to be a clear objective of the school building and modernisation programme that there should be adequate laboratory and other specialist room provision for all schools teaching science and technology, and;
- To implement an ongoing programme of curricular reform building on the review of mathematics and languages already underway, the new syllabi in the technology subjects already developed, and the reconfiguration of subjects proposed as part of senior cycle reforms.

Further actions include:

- Development of special educational needs services in the framework of the Education for Persons with Special Educational Needs Act which provides a legislative basis for assessment, for individual educational plans and for the delivery of services on foot of these plans. It will also ensure that parents have a right to be consulted and kept fully informed at all stages of the process;
- Continued support of actions to promote anti-racism and the participation of international children and young people, minority groups and Travellers in education;
- Continued development and support for the youth work sector and, in that context, further resources will be provided to progress implementation of the National Youth Work Development Plan and the Youth Work Act, 2001, on a phased and prioritised basis. Following a review of the Youth Work Development Plan, to be undertaken in 2008, consideration will be given to the need for a further plan;
- As part of the drive to enhance the safety of school transport, the Government will ensure that each child travelling on a school bus will be accommodated on a one seat per child basis and that all buses participating in the school transport service will be fitted with safety belts. Following a pilot period, consideration will also be given to rolling out nationally the Warning Flashing Light System on school buses;
- Particular attention will be paid, through the Safer Routes to Schools scheme, to facilitating concerted action between parents, schools and traffic agencies to encourage walking or cycling to school and to actively manage school travel. The pilot phase will be developed with a view to rolling out 'Safer Routes to School' nationally, and;
- Building on the 'broadband for schools' initiative, particular attention will be paid, in the context of the Mobhaile Project, to curriculum specific content and how this can enrich the education experience and the level of engagement by all partners in primary and secondary education.

### 3. Improving Health Outcomes for Children

The Government and social partners agree to work together to deliver tangible improvements in the health outcomes for children over a ten-year period. This will involve addressing a range of issues including:

- Prevention, early intervention and treatment services within the health sector;
- Policies in other areas such as education, income support, accommodation, childcare, food and the environment, and;
- Lifestyle related risk factors.

Our approach to health services for children will be informed by a number of strategic policy frameworks including the *Health Strategy: Quality and Fairness: A Health System for You (2001)*.

Actions to be prioritised include:

- Delivering, under the framework of the *Vision for Change* Strategy, a significant number of child and adolescent community mental health teams (CMHTs) within the context of a 7-10 year target of 1 CMHT per 100,000 of the population by 2008, subject to sufficient resources being made available, and two CMHTs per 100,000 of the population by 2013. These child and adolescent CMHTs will develop clear links with primary and community care services and identify and prioritise the mental health needs of children in each catchment area;
- Intensifying our efforts to achieve the WHO target of 95% immunisation for children and actively targeting areas where take-up rates are below this level;

- Developing a new strategic Health Promotion policy by end-2007 which will address the factors undermining the health of young people;
- Launching a National Nutrition Policy to address Children's Food Poverty and Obesity;
- Developing a national database to monitor prevalence trends of growth, overweight and obesity;
- Developing the School Meals Programme which will receive €2m in additional funding in 2006;
- Monitoring prevalence trends of smoking and substance use through the National Health and Lifestyle Surveys and the European School Survey Project on alcohol and other Drugs (ESPAD), and;
- Carry out a review of secondary care paediatric services outside Dublin.

#### *4. Promoting Recreation, Sport, Arts and Culture in the Lives of our Children*

The Government and social partners recognise the importance of recreation, sport and physical activity for the balanced and healthy development of children.

The Government is committed to:

- Increasing support for sports infrastructure and sporting organisations recognising that sport has the potential to be a driver for social change and that targeting specific groups can address issues of exclusion and inequality;
- Promoting sport in education settings as it is important in addressing negative trends of participation among young people particularly those in the late-teens. This is supported by research undertaken by the ESRI last year and reinforced in the Task Force Report on Obesity;
- Achieving the Irish Sport Council target for 2006 to 2008 to increase by 3% the numbers of children taking part in sport. This will involve the implementation of the complete national roll-out of the Local Sports Partnership (LSP) network and the associated roll-out of the Buntús programme for primary schools and pre-schools through the LSP network; the introduction of the LISPA child centred model for lifelong participation in Irish sport (Lifelong Involvement in Sport and Physical Activity); and support for national sports organisations that attract young people, and;
- Publishing a National Recreation Policy to complement the National Play Policy already in place. These will provide frameworks to address the availability of amenities for younger children and youth friendly and safe facilities and environments for older children/young people. The OMC (Office for the Minister of Children) will work with Government Departments, including the Departments of Arts, Sport and Tourism, Environment, Heritage and Local Government, Community, Rural and Gaeltacht Affairs and Education and Science, to examine spending programmes across Government with a view to the adoption of a more integrated strategic approach to meeting prioritised needs at local level consistent with the National Recreation Policy.

Through the use of existing facilities, and the developments set out in Chapter 2 of this document the Government will continue to encourage participation by children in arts and cultural activities as a means to enrich their quality of life.

#### *5. Income Support*

Very significant additional resources are being made available in 2006 to help tackle child and family poverty. Actions to make further progress towards the objective of eliminating child poverty will include:

- Progress towards the existing NAPS target for those relying on social welfare payments, which the parties agree remains valid and appropriate – i.e. that the combined value of child income support measures be set at 33-35% of the minimum adult social welfare payment rate;

- Progressing, as a priority, further work aimed at assisting children in families on low incomes. This could include enhancing existing provisions or the introduction of new or reformed mechanisms. Child income supports which avoid employment disincentives will be reviewed by the Department of Social and Family Affairs as a priority and this work, which will be informed by the NESC study on a second tier child income support, will be completed within one year, and;
- Focusing on children in lone parent households and larger families, informed by the Government discussion paper on supports for lone parents, and a review of the re-focusing of the family income supplement in favour of larger families with low earnings.

### 6. *Children and their Families*

The Government and the social partners recognise the central importance of the family unit to the lives of children and the need to strengthen the system of supports available to children and their families.

Priority actions to be pursued include:

- Putting in place enhanced policies to support families in a changing society and in particular to ensure that policies are designed to promote family formation and family life;
- The development and delivery of Family Support Initiatives to further develop and strengthen child welfare and protection services as part of national policy for child support;
- Continuing to enhance maternity leave entitlements, in line with the measures announced in Budget 2006, aimed at helping children and their families to experience the qualities of family life, particularly in the important first year of life of the child. This will involve extending the period of paid maternity leave to 6 months by March 2007 and the unpaid maternity leave entitlement to 16 weeks. Together with the existing 14 weeks parental leave, parents' entitlement to paid and unpaid leave will be increased to a total period of 56 weeks (or 70 weeks if the father's parental leave entitlement is also included). The level of provision of maternity/paternity leave will be reviewed again before end 2008;
- Strengthening services under the Teen Parent Support Initiative, which supports teen parents during pregnancy until their child reaches two years of age;
- A study of the extent to which children undertake inappropriate care roles will be undertaken (with the involvement of relevant Departments) to establish the extent and degree to which this issue arises and the levels of impact it has on the lives of children concerned. Based on the outcome of this study and an analysis of the issues identified, a programme of in-home supports will be developed to alleviate specific problem areas identified for children;
- Accelerated implementation of the Children Act 2001, building on the additional resources being made available in 2006, will strengthen national management of High Support Units, Special Residential Services and associated services in the HSE to complement the new Irish Youth Justice Service with increased collaborative working in this area;
- Establishing on a statutory basis the Social Services Inspectorate (SSI) (which currently inspects children's residential and foster care services on an administrative basis) through the legislation for the establishment of the Health Information and Quality Authority (HIQA) which is expected to be published in the Autumn 2006 Session;
- Implementing the Youth Homelessness Strategy (YHS) with the objective of reducing and if possible eliminating youth homelessness through preventative strategies. The OMC will undertake a review of progress on the implementation of the Strategy. On this basis a future programme of action will be developed, and;

- Closer links will be developed at national and local level between the Youth Homeless Forum and the Adult Homeless Forum in each area to improve and monitor the effectiveness of systems at local level and ensure continuum of care for the individual upon reaching 18 years of age.

### 30.3 Innovative Measures

The following innovative measures respond to emerging needs and provide an opportunity for learning about new, more integrated ways of designing and delivering services over the first phase of the agreement:

#### 1. *Establishment of the New Irish Youth Justice Service*

The new Irish Youth Justice Service will facilitate reform of the youth justice area and provide the leadership necessary to implement the key remaining provisions of the Children Act 2001. The co-location of the Irish Youth Justice Service in the OMC will facilitate a cross-cutting and proactive approach to both the reform process and the implementation of the Act at the earliest possible date.

#### 2. *Integrated Services and Interventions for Children at Local Level*

A cross-departmental team chaired by the OMC is developing an initiative to test models of best practice which promote integrated, locally-led, strategic planning for children's services. The objective of this initiative is to secure better developmental outcomes for disadvantaged children through more effective integration of existing services and interventions at local level. As an initiative for prevention and early intervention in children's lives, the aim will be to avert children succumbing to the risks associated with disadvantage as well as giving them the resilience to overcome those risks. As such, the initiative will focus on children who are at risk of suffering from multiple disadvantage relating to poverty and social exclusion, including children of migrant and Traveller communities, and to vulnerable families including due to substance abuse.

#### 3. *Children's and Young People's Participation*

The OMC will establish a Comhairle Na nÓg Implementation Group to ensure the development of effective Comhairlí na nÓg throughout the country. The Implementation Group will include representatives from Government departments, local government, the youth sector and organisations representing hard-to-reach children and young people and will report to the Minister for Children, and;

The establishment and operation of democratic student councils in schools, in accordance with the Education Act 1998 and the National Children's Strategy, will be promoted. In addition, the OMC will continue to undertake specific participation projects in partnership with statutory bodies, Government Departments and non-Government organisations. The OMC is committed to ensuring that the hard-to-reach children and young people are included in participation structures and projects.

### 30.4 Governance Framework

The OMC (Office of the Minister for Children) brings together the key areas of policy for children's services (other than health and school age education services) in one structure. The key areas of policy within the OMC are Child Welfare and Protection, Childcare, Early Years Education, Youth Justice and the National Children's Strategy.

The co-location of each of these areas within the OMC will bring a cohesive approach to the delivery of services based on the recognition that they are fundamentally interlinked and must be responded to on this basis to secure the best outcomes for children and young people.

### *Monitoring Progress*

At national level there will be an Implementation Group chaired by the OMC involving the relevant Departments, the HSE, representatives of local authorities, the education sector and other key agencies as required, which will link with the Expert Advisory Group on Children being established by the HSE.

At local level a multi-agency Children's Committee will be established within each of the City/County Development Boards. These committees will be chaired by the HSE who are best placed to drive this initiative to achieve coordinated and integrated services.

The establishment of effective systems and strategies to enable the OMC to meet commitments under the National Children's Strategy will be a key challenge in the initial strategic timeframe which is set to conclude in 2010.

A second ten-year National Children's Strategy will then be developed, in conjunction with stakeholders, in the light of the experience gained under the first ten-year strategy (which covers the years 2000 to 2010) to follow on immediately from the existing strategy, informed by the UN Convention on the Rights of the Child.

As the Government Office with overarching responsibility for tackling poverty, the Office for Social Inclusion will also work closely with the OMC in promoting the social inclusion agenda in relation to children and their families and in identifying and driving strategic responses in this area.

### *Research and Data*

The OMC will continue to undertake research and data development to assist good policy formulation including overseeing the National Longitudinal Study of Children in Ireland (NLSCI). In addition, the findings from other national studies such as *Health Behaviours in School-going Children*, and tools such as the National Set of Child Well-Being Indicators, will assist in monitoring the impact of services and programmes in terms of child outcomes, including children at risk and needing preventative services, and in planning and evaluating policies, programmes and resource allocations.

A new National Data Strategy to support the planning and delivery of policy and services in relation to early childhood care and education and school age childcare will be developed by the OMC in liaison with the HSE and CECDE and other relevant agencies. The strategy will identify additional key areas where data is required to inform policy and, in the longer-term, to evaluate both the impact of investment on the quality of life experienced by children and where specific targeting of resources is most needed.

## Section 31. People of Working Age

### 31.1 Vision

The parties to this agreement share a vision of an Ireland where all people of working age have sufficient income and opportunity to participate as fully as possible in economic and social life and where all individuals and their families are supported by a range of quality public services to enhance their quality of life and well-being.

To achieve this vision, the Government and social partners will work together over the next ten years towards the following long-term goals for people of working age in Ireland:

- Every person of working age should be encouraged and supported to participate fully in social, civic and economic life;
- Every person of working age would have access to lifelong learning, a sense of personal security in a changing work environment and an opportunity to balance work and family commitments consistent with business needs;
- Every person of working age would have an income level to sustain an acceptable standard of living and to enable them to provide for an adequate income in retirement;
- Every person of working age on welfare will have access to supports towards progression and inclusion, access to quality work and learning opportunities, encouraging a greater degree of self-reliance and self-sufficiency;
- Every person, irrespective of background or gender, would enjoy equality of opportunity and freedom from discrimination;
- Every family would have access to health and social care, affordable accommodation appropriate to their needs and a well functioning public transport system, and;
- Every person with caring responsibilities would have access to appropriate supports to enable them to meet these responsibilities alongside employment and other commitments.

### 31.2 Priority Actions

The parties agree to work together in pursuit of these goals through relevant strategies and processes including NAPinclusion, the NDP, Ireland's National Reform Programme and the forthcoming National Women's Strategy (and parallel work for men) where policies will be elaborated in greater detail.

They have also agreed to the following priority actions in order to make progress towards these long-term goals during the first phase of the agreement.

#### 1. Employability

The Government and social partners agree to work together to deliver policies that are focussed on ensuring that Ireland has a fully-trained, well-educated workforce in order to achieve the vision of a socially cohesive, knowledge-based innovation-driven economy whilst significantly increasing the skills levels of those in employment and consequently reducing the number of low skilled in the workforce.

In the context of enhancing employability, the achievement of a balance between flexibility and security is important. This involves a smooth transition between jobs without a prolonged absence from the workforce; the ability of employees to continuously develop their skills and competencies through lifelong learning and up-skilling; supports for those with caring responsibilities and greater flexibility in work organisation, such as multi-tasking and more adaptable work schedules and practices. See also Section 7 in Part II.

Actions to be prioritised include:

- Increasing participation in Lifelong Learning in particular among the workforce categorised as low-skilled/low paid by enhancing opportunities to access education and training, the development of new skills, the acquisition of recognised qualifications and progression to higher level qualifications to equip all individuals with the skills, capacity and potential to participate fully in the knowledge-based society and progress to better quality jobs;
- Focusing on helping adults from disadvantaged communities including those in rural areas, to acquire basic literacy, numeracy and IT skills and tackling barriers/disincentives to lifelong learning. The parties will work to ensure that life-long learning provision is flexible and addresses the various needs of learners;
- Providing additional supports for students from disadvantaged backgrounds, students with disabilities and mature students to enhance access to further and higher education;
- Providing targeted support for employees participating in part-time courses at third level (see Section 7.9 in Part II);
- Formulating a National Skills Strategy which will put in place a strategic framework for the implementation of skills and training strategy into the medium term. This strategy will recognise the respective roles of the public, and private sectors with the emphasis of the former on where the market fails, including the low-skilled;
- FÁS will continue to review the curricula, assessment process and delivery mechanisms for apprenticeships and continue to progress additional occupations towards formal apprenticeship training and qualification;
- Prioritising adult literacy in the area of adult education. The annual student cohort availing of the general national literacy service delivered by the Vocational Education Committees will be significantly increased by the provision of an extra 7,000 places by 2009. There will be a particular focus on increasing the number of migrants receiving an English language service (ESOL). Having regard to developments generally in adult literacy and its expanding role, the family literacy project under DEIS, the implementation plan of the national adult literacy advisory group published by NALA and the role of the VECs, consideration will be given to the appropriate support structures in this area;
- Guidance/counselling will be provided to literacy and language learners and the needs of migrants will be considered in the context of the Educational Equality Initiative. Measures will also be adopted to monitor and evaluate progress in this area;
- A Family Literacy Project will also be put in place under the DEIS initiative;
- The Back To Education Initiative (BTEI) will be expanded by 2,000 places by 2009. The BTEI (part-time) will continue to be built on existing provision under the adult literacy services, community education, Youthreach, Senior Traveller Training Programmes, Vocational Training Opportunities Scheme (VTOS) and Post Leaving Certificate (PLC) courses. Measures will also be adopted to monitor and evaluate progress in this area, and;

- Having regard to developments in the PLC sector, including the Mclver report, concrete prioritised proposals in relation to PLC provision and focused in particular on the larger PLC providers will be prepared and will be the subject of further negotiations between management and unions. The level of resources for the PLC sector will be determined in the light of resources generally and the implications for other areas of education. The union side will engage positively in relation to commitments on future working arrangements and developments in the sector. Student numbers will be subject to audit on an ongoing basis. The scope for rationalisation of provision will also be examined having due regard to ensuring appropriate provision on a geographic basis and the necessary critical mass for delivery of a quality education service.

## *2. Access to Employment*

The Government and the social partners recognise that employment is a major factor for people exiting out of poverty and that it also influences quality of life and social well-being.

The parties share the view that there should be a greater focus on activation and participation through an integrated approach across relevant programmes including:

- The National Employment Service and the Local Employment Services;
- The National Employment Action Plan, the High Supports Process, the Bridging/Foundation Programme, the Pathways to Employment processes;
- The Social and Family Support Service, and;
- Other new and existing training and employment programmes.

These processes and programmes will explore the use of innovative approaches and will increasingly focus on the long-term unemployed, the unemployed who are 16-24 years old, people who have completed the NEAP process but who remain unemployed and those furthest from the labour market, including certain women workers and people with disabilities.

The parties agree that the actions to be considered as a priority over a three-year period will include:

- Applying the National Employment Action Plan referral process earlier than the current 6 months;
- Extending the National Employment Action Plan referral process to other groups such as lone parents and those with disabilities, with due regard to the special needs of those groups. The NEAP will be operated in a supportive and positive manner working in an inclusive way with the customer;
- Introducing an active case management service for social welfare customers of working age, including collaboration to ensure that customers, agencies and service providers in this area engage actively with each other. This will place activation on a level with service delivery and control as a central part of the core business of the Department of Social and Family Affairs. Changes will be implemented in a positive and supportive manner;
- Following the consultation process on the Government's Discussion Paper on Lone Parents, proposals will be brought forward aimed at supporting lone parents into employment. This will address supports such as access to childcare, flexible training and education programmes and positive opportunities for customers, and;
- Funding for the Community Services Programme which targets, in particular, people with disabilities, Travellers, lone parents and people seeking to move from part-time CE to full-time work will be further increased, building on the additional investment in 2006. In this context, there will be consultation with the social partners in relation to its development and targeting. The programme will be kept under review to enhance its effectiveness and ensure that it is co-ordinated appropriately with other relevant programmes.

### 3. Income

The Government and social partners are committed to working together to sustain an acceptable standard of living for all people of working age in particular by:

- Ensuring that social protection adequately supports all people of working age, whether in the labour force or out of it. It will facilitate labour market participation, mobility and transition. Reforms will be introduced that aim to provide those most marginalised with the confidence and supports necessary to accept the risks involved in taking up employment. This will involve the provision of extended information and supports dealing as far as possible with the financial and non-financial barriers to employment, in particular those which present poverty traps and encourage dependency;
- Other elements of social protection will be examined to ensure that atypical working, the reconciliation of work and family life and those working on low incomes are supported;
- The standard means test for SWA rent supplement (and other secondary benefit payments) will be kept under review with a view to providing enhanced financial incentives to take up part-time employment, training, education or other progression options, and minimising where possible, the impact of the withdrawal of social welfare. However, the overall emphasis will be on the provision of appropriate long-term housing solutions rather than on moving retention thresholds at which some or all of the social welfare payment is lost;
- Achieving the NAPS target of €150 per week in 2002 terms for lowest social welfare rates by 2007. The value of the rates to be maintained at this level over the course of the agreement, subject to available resources, and;
- Other elements of social protection will be examined to ensure that the reconciliation of work and family life is supported.

### 4. Improving Health Outcomes for People of Working Age

The Government and social partners agree to work together to deliver tangible improvements in the health outcomes for people of working age over a ten-year period.

Our approach to health services for people of working age will be informed by a number of strategic policy frameworks including the *Health Strategy: Quality and Fairness: A Health System for You (2001)* and the *Primary Care Strategy: "Primary Care, a New Direction" (2001)*.

Actions to be pursued as a priority over a three-year timeframe will include:

- Planning and implementing a programme of re-organisation and re-alignment of existing resources in order to deliver a person-centred primary care service through multidisciplinary teams and networks, serving defined populations. New service arrangements will facilitate the delivery of services on an integrated basis, both within the primary and community sector and across the health services as a whole;
- Ensuring that service development and delivery are informed by needs assessment, undertaken at national, local and other levels as appropriate. Communities and service users will be enabled to participate in this process;
- Developing primary care services drawing on the Primary Care Strategy. This will entail ongoing investment to ensure integrated, accessible services for people within their own community with a target of 300 primary care teams by 2008, 400 by 2009 and 500 by 2011. A review of these targets will be undertaken in 2008;
- Further developing, as a priority, out-of-hours GP services with a view ultimately to having those services available to the whole population;

- Reviewing all existing eligibility legislation and drafting legislation that clarifies and simplifies eligibility and entitlements to health services, in line with the goals of the National Health Strategy;
- Delivering tangible reductions in waiting times for public patients, through the National Treatment Purchase Fund (NTPF), with the goal that no public patient will wait longer than three months for treatment following referral from an outpatient Department;
- The Health Strategy contained a commitment to increase total acute hospital bed capacity by 3,000 by 2011. An additional 900 in-patient beds/day places are largely in place with a further 450 acute beds/day places to be put in place under the Capital Investment Framework 2005-2009. An initiative to provide an additional 1,000 beds for public patients in public hospitals was launched in 2005. In light of developments since the publication of the Health Strategy the HSE will carry out a review of the acute hospital bed requirements up to 2020;
- Developing a high-quality community-based mental health service in accordance with the recommendations of the Report of the Expert Group on Mental Health Policy, *A Vision for Change*. A monitoring committee has been appointed to monitor the implementation of the report's recommendations;
- Ensuring that people who are not able to meet the cost of GP services for themselves and their families are supported appropriately, either by means of a medical card or a GP visit card, depending on their means;
- Reviewing the eligibility criteria for assessment of medical cards in the context of medical, social and economic/financial need. The review will clarify entitlement to a medical card;
- Developing a strategic integrated approach to rehabilitation services within the context of the Multi-Annual Investment Programme with a view to supporting people back into employment as appropriate through early intervention and enhanced service provision;
- Working in partnership to develop specific community and sectoral initiatives to encourage healthy eating and access to healthy food and physical activity among adults, with a particular focus on adults living in areas of disadvantage;
- Further developing palliative care throughout Ireland, with particular reference to the Baseline Study on the provision of Hospice/Specialist Palliative Care Services, and;
- The HSE Corporate Plan for 2005-2008 commits it "to develop a consistent approach to access to service throughout the country, based on identified need". The 2007 Plan will, specifically, include a section devoted to Consistency and Social Inclusion which is to contain details of initiatives being pursued by the HSE.

### 5. Caring Responsibilities

The Government and the social partners recognise the importance of helping families to balance their work responsibilities with their family, caring and other commitments and acknowledge, in particular, the important role played by family carers.

In order to achieve this objective, priority actions will include:

- Work of the National Framework Committee for Work-Life Balance Policies, initially established under the PPF, will continue. The Committee will continue to support and facilitate the development of family friendly policies aimed at assisting in the reconciliation of work and family life at the level of the enterprise. The activities of the Committee will continue to be supported by a specific budget;

- Expanding the income limits for the Carer's Allowance so that all those on average industrial incomes can qualify and implementing significant increases in the value of the respite care grant for carers, subject to available resources. Significant progress has been made on both commitments in recent Budgets. The earnings disregard for a couple is currently set at €580 per week. The gross average industrial earnings for 2005 was €580.76. The aim should be for the level of the disregard to keep pace with gross average industrial earnings;
- Continuing to review the scope for further development of the Carer's Allowance, Carer's Benefit and the Respite Care Grant having regard to the recommendations of the Equality Authority Report "*Implementing Equality for Carers*"; the Carer's Association Report "*Towards a Family Carer's Strategy*"; and the Joint Oireachtas Committee on Social and Family Affairs Report on the Position of Full-Time Carers and other available research;
- The Department of Social and Family Affairs, in the context of its Sectoral Plan will work with the Department of Enterprise, Trade and Employment and FÁS to progress issues associated with training for carers;
- The Department of Social and Family Affairs will lead the development of a structured consultation process to inform future policy in this area. This will involve an annual meeting of carer representative groups and relevant Departments and Agencies;
- Examining the potential for improved support services to carers. Consideration will also be given to enhancing economic and social inclusion supports to people whose caring responsibilities have concluded;
- Continue to support information and awareness campaigns, and;
- A National Carers' Strategy that focuses on supporting informal and family carers in the community will be developed by end-2007. There will be appropriate consultation with the social partners.

## 6. Housing and Sustainable Communities

The Government and the social partners endorse the important principles set out in the *Housing Policy Framework: Building Sustainable Community* which provides a vision of the kind of high quality, integrated sustainable communities that are worth building.

The parties agree to work together toward the delivery of this vision over a ten-year period. They recognise that the achievement of sustainable communities will be greatly aided by the implementation of spatial policy frameworks such as the NSS, Regional Planning Guidelines and the development plan process. Planning for future housing must also take account of the needs of a modern, dynamic and multi-cultural society reflecting a diversity of housing needs.

Chapter 2 sets out the key proposals aimed at:

- Ensuring the provision of good quality social and affordable accommodation (including the provision of housing under Part V of the Planning and Development Acts) in sustainable communities reflecting its important role in improving the life opportunities of the more vulnerable and disadvantaged people within our society. A key aim of housing investment will be to ensure that the system of housing supports is flexible enough to deal with the changing circumstances of the individual and family throughout the lifecycle, while ensuring equitable treatment and interventions that maximise individual choice and personal autonomy;
- Advancing particular actions to assist people with special housing needs. Actions relating to older people and people with a disability are specifically referred to in sections 32 and 33 respectively. Ensuring improved outcomes for all people with special housing needs will require greater inter-agency co-operation, so that a combined approach to the accommodation and care dimensions is taken:

- In the case of homeless people, it is proposed to amalgamate and update the Government's Integrated and Preventative Homeless Strategies taking on board the recommendations of the recent independent review of the strategies. The situation of homeless persons who are currently in long-term emergency accommodation is of particular concern. The revised strategies will have as an underlying objective the elimination of such homelessness by 2010 (recognising that this involves addressing the needs of up to 500 households). Particular emphasis will also be placed on improved co-ordination of service provision through the extension of joint agency approaches at local level to facilitate the development of a holistic response to the needs of homeless person. This will be achieved through the further development of a case management approach, based on individual needs assessment with provision for access to multiple services by all the statutory agencies involved. The involvement of the voluntary and cooperative housing sector will be strengthened through the establishment of a National Homelessness Consultative Committee including representatives of the social partnership C&V Pillar under the aegis of the Housing Forum, and;
- Social Capital can make an important contribution to healthy and sustainable communities. Proposals to support volunteering and other aspects of social capital are included in Section 34.

### *7. Equality/Equal Opportunities*

The achievement of a fairer society and equality for all citizens is a key principle of the partnership approach. Policies and programmes at each stage of the lifecycle will be implemented having due regard to the need to promote equality of opportunity. The achievement of true equality necessitates a holistic approach and a society-wide understanding of the complementary roles and skills of both men and women. In particular, the Government is committed to promoting gender equality across all stages of the lifecycle through a range of measures including the forthcoming National Women's Strategy.

While the introduction of a strong body of anti-discriminatory legislation and other supporting mechanisms has contributed to the reduction of gender inequality in Ireland over the past thirty years, there is still evidence which shows that we have some way to go to achieve true gender equality.

Key priority actions to be pursued include:

- Implementing policies to increase employment levels with the goal of exceeding the EU Lisbon employment rate targets for 2010 of 70% overall, 60% for females and 50% for older workers;
- Further support linked, as appropriate, to the forthcoming National Development Plan for innovative actions building upon the achievements of the NDP Equality for Women Measure. This will also link with the gender equality focused initiatives to be developed under the National Women's Strategy, to be published later this year;
- Focusing on actions by the social partners to encourage greater numbers of women to advance to the higher levels within their chosen careers through training and cost effective reviews of equality policies within organisations;
- Further exploring the causes of the gender pay gap in order to reduce it further;
- Reviewing as necessary existing equality legislation with a view to establishing best practice in relation to positive action, particularly in access to employment, across all nine equality grounds;
- Reviewing expenditure on the equality infrastructure provided by the Equality Acts to reduce the incidence of discrimination. A particular priority will be the removal of the current backlog of cases before the Equality Tribunal;
- Continue to encourage companies and organisations to meet proactively the challenges of diversity and equality, and;
- Collecting data to support policies for the promotion of equality of opportunity across the nine grounds covered by equality legislation.

### 31.3 Young Adults (18-29)

The Government and social partners recognise that young adults (18-29) face particular needs and challenges which must be addressed. These include:

#### 1. Education, Training and Employment

The parties agree to work together to address the particular education, training and employment needs of young adults by:

- Investing in further support measures in the areas of further and higher education to enhance participation by those from disadvantaged backgrounds, in particular: socio-economically disadvantaged school leavers, members of the Traveller community and ethnic minorities, mature students, lone parents and students with a disability. These measures will include; needs assessment, technology support, community based strategies, childcare supports and access routes, and;
- Focusing specifically on young people as part of the increased training for the low-skilled in employment, FÁS will continue to work in partnership with the Community Training Centres to provide early school leavers with basic skills and work experience and to assist with progress to further training and development.

#### 2. Health and Social Services

The parties share the view that young adults have a range of particular health-related needs. The parties agree to address these needs through the following priority actions:

- Combating substance misuse through a concerted focus on supply reduction, prevention, treatment and research. Specifically, rehabilitation is being added as a fifth pillar of the National Drugs Strategy, in line with a commitment given in the mid-term review of that Strategy, and a Working Group is developing an integrated rehabilitation provision. Also in line with the mid-term review, the Department of Health & Children is exploring the potential for better co-ordination between the areas of drugs and alcohol with the aim of improving synergies. Additional funding is being provided in 2006 to develop facilities and services for young people;
- Ensuring a greater focus on reducing alcohol related harm including implementation of the recommendations of the Working Group on Alcohol, established under *Sustaining Progress*, taking account of the recommendations of the Strategic Task Force on Alcohol, and;
- Ensuring implementation of the *National Strategy for Action on Suicide Prevention, 2005-2014*. Specifically this will involve:
  - Working intensively to co-ordinate suicide prevention activities across the country;
  - Disseminating research and best practice and, where necessary, commissioning and supporting new research, and;
  - Consulting with those working to reduce suicide and those responding to suicide, to ensure their voice is heard in planning future suicide prevention initiatives.

#### 3. Housing and Accommodation

The parties recognise that young adults in the 25 to 34 age bracket are the key household formation group and they acknowledge the particular challenges faced by them in accessing quality housing/accommodation in the current market environment.

The parties agree to work together to tackle these challenges as a priority by:

- Policies and investment to address the accommodation needs of young adults as set out in Chapter 2, in particular:
  - Implementing the Rental Accommodation Scheme to help to provide the necessary springboard to accessing employment, training or education opportunities which may lead to broader accommodation options for the individual in the future;
  - Commencing a pilot project on affordable homes for renting, as outlined in the Housing Policy Framework, which should further expand the choices available to this age group, and;
  - Developing proposals to provide a more comprehensive and objective means of assessing need, associated with a focus on the provision of housing advice to allow housing supports to be tailored to reflect the changing accommodation needs throughout a person's lifecycle.

#### *4. Motor Insurance for Young People*

- The Government will commission an independent review of the effectiveness of the policy measures introduced on foot of the MIAB report designed to reduce motor insurance costs to look at the impact of these measures on young drivers and make recommendations on how to reduce the cost of insurance for young drivers.

### **31.4 Innovative Measures**

The following innovative measures respond to emerging needs and provide an opportunity for learning about new, more integrated ways of designing and delivering services over the first phase of the agreement:

#### *1. Integration of Migrant Communities*

A new framework will be finalised to address the broader issue of integration policy. The Government will develop a comprehensive strategy for all legally resident immigrants following consultation with relevant stakeholders including the social partners which will build on and be linked with progress already achieved in the areas of social inclusion and anti-racism. Appropriate co-ordinating mechanisms to implement such a strategy will be developed and the scope for a role for civil society organisations will also be explored.

A range of strategies will also be pursued as part of the National Action Plan Against Racism. Furthermore, racism in the workplace will be proactively addressed in the context of the Anti Racist Workplace Week in keeping with best international practice in this area.

There is also a distinct and separate response in this Agreement to tackle exploitation of migrant and other vulnerable workers.

#### *2. Social and Economic Participation*

A programme of investment under the NDP 2007-2013 will be introduced to promote participation through activation measures aimed at people of working age. This will work towards providing a single transparent system with a primary focus on the customer and a route map starting with the first point of engagement with the Department of Social and Family Affairs. This will provide an active outcome-focused individual case management of all social welfare customers of working age who are not progressing into employment or accessing training or employment opportunities. There will be consultation with the social partners on how this will be implemented.

### *3. Exploitation of Information and Communications Technology*

A strategic framework on eInclusion is currently being developed by the eInclusion Stakeholders Group. Its priority areas for action are access and connectivity, skills, awareness and content. In this context, a national eInclusion strategy will be developed so that everyone has the opportunity, through encouragement, awareness, support, enablement and participation, to exploit ICTs to improve their quality of life, and the cohesiveness and well-being of their communities. It will be developed in line with the NAPinclusion and the i2010 Initiative – ‘a European Information Society for growth and employment’. The role of intermediaries, including community & voluntary organisations, in reaching the late adopters of technology will be critical to the implementation of this Strategy.

### *4. Travellers*

An integrated approach to providing services and supports to Travellers will be developed in line with the recommendations of the Report of the High Level Group on Traveller Issues, taking account of the Second Progress Report of the Traveller Monitoring Committee. The Government and social partners agree to give concentrated attention to achieving progress on this approach, including opportunities for Travellers to participate in employment in the public, private and voluntary sectors and to support measures to improve communication between Travellers and the general population.

## **31.5 Governance Framework**

Given the complexity and range of issues, there is a need to identify the appropriate institutional structures to enable us to respond in a coherent and effective way to the challenges which face people of working age and to enable us achieve the outcomes we have identified for this lifecycle group.

### *Monitoring Progress*

Through the Housing Forum the social partners will have a particular role in inputting to policy development in relation to housing and accommodation issues and evaluating outcomes over the period of the agreement.

A structured consultation process on carers' issues will be led by the Department of Social and Family Affairs, which will involve an annual meeting of carer representative groups and relevant Departments and Agencies.

The eInclusion Stakeholders Group will develop, implement, communicate, and monitor progress on a new national eInclusion strategy which will address those in each lifecycle stage that are digitally excluded. Its membership includes Social Partners, representatives from Government Departments and Agencies, academics, and those engaged in the delivery of eInclusion projects and programmes at local and EU level.

The C&V Pillar will be consulted on the health aspects of this agreement and on their perspectives on the ongoing reform of the health system and the HSE. It is envisaged that this structured consultation will involve quarterly meetings between the C&V Pillar, the Department of Health and Children, the HSE and other Departments as relevant.

### *Research and Data*

The Office for Social Inclusion will continue its work on developing a data strategy to ensure that robust and reliable data is available in a timely manner to enable effective monitoring of policies to combat poverty and social exclusion. The availability of comprehensive data will also assist the formulation of effective evidence-based policies. The Office will also work on the further development of indicators and measures to facilitate the monitoring and evaluation process.

The implementation of the National Health Information Strategy recommendations in respect of the use of a system of a unique patient identifier and the development of an electronic healthcare record will contribute to establishing a holistic picture of individual needs as well as providing data to aid the development of high quality and cost effective health services to address those needs. The development of a system of unique identification for the health service will be considered in the context of a public service wide approach to the development and use of unique identifiers, proposals for which will include discussion with the health sector. This process will inform the preparation of a Health Information Bill which will provide a legislative framework for health information governance.



## Section 32. Older People

### 32.1 Vision

The parties to this agreement share a vision of an Ireland which provides the supports, where necessary, to enable older people to maintain their health and well-being, as well as to live active and full lives, in an independent way in their own homes and communities for as long as possible.

To achieve this vision, the Government and social partners will work together over the next ten years towards the following long-term goals for older people in Ireland in the context of increased longevity and greater possibilities and expectations for quality of life of older people:

- Every older person would be encouraged and supported to participate to the greatest extent possible in social and civic life;
- Every older person would have access to an income which is sufficient to sustain an acceptable standard of living;
- Every older person would have adequate support to enable them to remain living independently in their own homes for as long as possible. This will involve access to good quality services in the community, including: health, education, transport, housing and security, and;
- Every older person would, in conformity with their needs and conscious of the high level of disability and disabling conditions amongst this group, have access to a spectrum of care services stretching from support for self-care through support for family and informal carers to formal care in the home, the community or in residential settings. Such care services should ensure the person has opportunities for civic and social engagement at community level.

### 32.2 Priority Actions

The parties agree to work together in pursuit of these goals through relevant strategies and processes, including NAPinclusion and the NDP where policies will be elaborated in greater detail.

The following priority actions have been agreed in order to make progress towards these long-term goals.

#### 1. Pensions/Income Supports

The Government and social partners agree to work together over a ten-year period to enhance pension provision and income supports including:

- Future policy in this area will be considered in the context of the National Pensions Review, the outcome of the further work requested in relation to mandatory pensions, the publication of a Green Paper by the Government on pension policy and the views expressed by stakeholders including social partners (See section 8.8 in Part II);
- Enhancement of social welfare pensions over the period, having regard to available resources, building on the existing Government commitment for a rate of €200 per week for social welfare pensions to be achieved by 2007;
- To increase the level of qualified adult allowance for pensioner spouses to the level of the state non-contributory pension;

- To provide an adequate income in retirement which, as far as possible, is related to pre-retirement income. The target income level suggested in the National Pensions Policy Initiative (1998) was 50% of pre-retirement earnings from all sources, including social welfare supports, private and occupational pensions and savings and investments;
- Enhance the level of occupational or private pension coverage. The National Pensions Policy Initiative also suggested that 70% of those at work who are 30 years and over needed an occupational or private pension to supplement the social welfare pension if they are to meet the income target. At present just under 59% have the necessary coverage;
- The role and economic contribution of spouses working on the farm will be recognised within the social insurance system through improved information services on the social welfare implications of families working together, and;
- Following the conclusions of a PPF Working Group on Administrative Individualisation facilities were introduced in October 2002 to allow new pension claimants to have the qualified adult portion of their pension paid direct to their spouse or partner. It is agreed to finalise, without delay, the current examination of the administrative and legal implications of enhancing these arrangements to provide for an increase in the number of personal payments being made through the direct payment of the qualified adult allowance.

## *2. Long-Term Care Services for Older People*

The Government and social partners agree to work together to develop an infrastructure of long-term care services for older people, responding to the demographic trends facing the country, and that the following principles should inform the development of policy in this area:

- All relevant public services should be designed and delivered in an integrated manner around the needs of the care recipient based on a national standardised needs assessment. Care needs assessments should be available in a timely, consistent, equitable and regionally balanced basis;
- Access to joined-up, user-friendly, customer-focused service consistent with individual needs;
- The use of community and home-based care should be maximised and should support the important role of family and informal care;
- The continued development of sheltered housing options, with varying degrees of care support will be encouraged;
- Where community and home-based care is not appropriate, quality residential care should be available;
- There should be appropriate and equitable levels of co-payment by care recipients based on a national standardised financial assessment;
- The level of state support for residential care should be indifferent as to whether that care is in a public or private facility;
- No current resident of a nursing home, public or private, should be put at a disadvantage by whatever new co-payment arrangements for residential care are introduced;
- Information about entitlements and benefits should be clearly set out and communicated to older people, and;
- The financial model to support any new arrangements must be financially sustainable. Further data collection and evaluation is required on different options and may be a combination of different options including co-payments, additional sources of funding beyond existing taxation sources, a social insurance type arrangement and/or a pre-funding mechanism.

The Government and social partners parties agree that the following early steps will be taken to progress this work within the next two years:

- Additional resources of €150 million in a full year (€110 million in 2006 and €40 million more in 2007) are being allocated to Services for Older People and Palliative Care. Reflecting the new emphasis on home and day care, almost three quarters (€109 million) of the €150 million is being committed to community care supports;
- The HSE will develop a national standardised care needs assessment which will be completed by the end of 2006, as well as a standardised financial assessment process for the extra 2000 home care packages;
- A needs analysis of residential care requirements for older people is being undertaken to inform policy in this area and will be completed by September 2006;
- A planning exercise on staffing requirements for future developments will be undertaken and will be completed during 2007;
- National protocols for case management for home care packages will be developed by the HSE by end of 2006;
- A steering committee will be set up to begin the preparatory work of evaluating the effectiveness of the additional home care packages;
- Work will be taken forward to produce draft guidelines for standards in long-term residential units, both public and private. It is intended to have this draft document prepared and circulated to interested parties, including the social partners, for consultation in Summer 2006. Once agreed, these will be widely disseminated;
- Under the Health Bill 2006, the Social Service Inspectorate will have an inspectorate role for public and private nursing homes;
- The HSE has developed a standardised approach to inspection and reporting of private nursing homes across the system which included the development of standardised documentation in all HSE areas. The HSE has begun implementing the new standardised approach in all areas, and;
- The National Implementation Group on Elder Abuse has been established to oversee the implementation of the recommendations contained in the Report on Elder Abuse. A total of €2m is being allocated to address the issue of elder abuse over 2006 and 2007;

This work will inform future decisions on the structure and financing of long-term care for older people.

The Department of Health & Children will establish a structured consultation with social partners on the development of policy in relation to long-term care issues for older people on the basis of the principles and actions outlined above.

### *3. Housing and Accommodation*

Good quality housing is important to supporting the independence of older people. In some instances, housing and care services delivered in an integrated manner are essential to allowing older people to live at home for as long as possible. In other cases, older people may need to move to alternative accommodation, including sheltered housing with varying levels of support. Therefore, the range of responses include:

- The availability of a mix of dwelling types of good design across all tenures. Details of investment proposals are included in Chapter 2;

- For older people on lower incomes, the availability of:
  - Disabled Persons and Essential Repairs Grants Schemes and the Special Scheme of Housing Aid for the Elderly, which allow people to remain in their own homes;
  - The provision of social housing including through downsizing schemes, and;
  - Specific sheltered housing options.

Future actions will include:

- Ensuring that future Housing Action Plans address special needs in a more strategic manner and specify, in particular, the role of the voluntary and co-operative housing sector in meeting the associated accommodation requirements;
- Developing and implementing new protocols for inter-agency co-operation where there is a care dimension additional to accommodation needs;
- Reforming the grant schemes for older people in private housing to improve equity and targeting. This reform will build on the experience of a number of local authorities that have been able to prioritise spending through targeting of priority clients and standardised costs. The new arrangements will be more streamlined, cutting down on administration to make the schemes more accessible and provide a more seamless set of responses to the needs of people with a disability and older people;
- Services to provide enhanced home security, energy conservation and other measures for vulnerable older people will continue to be a priority activity within the Community Services Programme, and;
- Sustainable Energy Ireland and the Combat Poverty Agency are undertaking an action research project to improve heating systems and insulation in selected older private dwellings and to monitor the outcomes in terms of improved cost efficiency and household comfort and health levels. The results of this project will assist with the development of future policy in this area and may also be of relevance to the ongoing development of existing housing grant schemes to assist older people and people with a disability.

#### *4. Ensuring Mobility for Older People*

Accessibility of transport for older people is vital in terms of accessing health and other services, social networks and remaining active. The Government and social partners are committed to the further development of the Rural Transport Initiative (RTI) which is making a very important contribution to supporting community-based living as follows:

- In developing proposals for the roll-out of the RTI from 2007, particular attention will be paid to the transport needs of rural communities that do not currently have access to public transport, having particular regard to the special transport needs of older people with disabilities, and;
- Funding for the RTI will be doubled by 2007 (based on the 2005 allocation of €4.5m). Thereafter, funding for rural transport services will be steadily increased; ultimately to a cash level of about four times the 2005 allocation. The Fitzpatrick Review of the RTI will be finalised shortly and, subject to available resources, consideration will be given to the findings of that Review.

### 5. Ensuring Quality Health Services for Older People

Our approach to health services for older people will be informed by a number of strategic policy frameworks including the *Health Strategy: Quality and Fairness: A Health System for You (2001)* and *Primary Care: A New Direction: A Health System for You (2001)*.

Priority actions to be pursued include:

- Ensuring that older people will be provided with the appropriate access to a full range of health services to suit their needs, including primary care, acute care and mental health care, and;
- Establishing on a statutory basis the Social Services Inspectorate (SSI) (which currently inspects children's residential and foster care services on an administrative basis) through the legislation for the establishment of the Health Information and Quality Authority (HIQA) which is expected to be published during the 2006 Autumn session.

### 6. Promoting Education and Employment Opportunities for Older People

In the context of changing demographic patterns, a key objective for the Government and social partners is to maximise the opportunities for older people to participate in education, employment and other aspects of economic and social life. This will include:

- Targeted adult and community educational opportunities. Older people will be further encouraged and supported to access further and higher education and appropriate targets will be set in the context of proposals on life-long learning and access to further and higher education set out under Section 31;
- Older people will be encouraged and supported in actively involving themselves in areas such as family literacy projects, as set out in DEIS, and bringing their knowledge, skills and experience to bear in furthering the aims of such projects;
- The continued participation of older people in the labour market will be encouraged and facilitated to meet the challenge of an ageing society. A cultural mindset change will be promoted among both employers and employees to encourage older workers to remain in employment. Promotion of training and upskilling of employees, particularly for low-skilled/older workers, will take place to enhance employability in the context of the impact of globalisation. The preventive process will be extended to those aged 55-64 to facilitate unemployed older workers remaining attached to the labour market. This will tie in with the phasing out of the Pre-Retirement Allowance (PRETA);
- Training and advisory services, including those provided by FÁS, will assist older people who wish to return to the workplace;
- The exploitation of information and communications technology to improve the quality of life of older people and to assist them in independent living will be encouraged and supported. The national eInclusion Strategy Framework, currently being discussed by the eInclusion Stakeholders Group, will prioritise action in the areas of ICT access and connectivity, ICT skills, awareness of the potential of ICT and how they can be used to assist every older person in their home life, social life, and where appropriate their work life, and;
- Public information campaigns to tackle ageism serve a useful purpose in raising awareness. The Equality Authority, HSE and the National Council on Ageing and Older people will continue to promote such initiatives over the course of this agreement.

### 32.3 Innovative Measures

The following innovative measures respond to emerging needs and provide an opportunity for learning about new, more integrated ways of designing and delivering services over the first phase of the agreement:

#### *1. Pilot Programmes of Care for Older People/Home Support Packages*

Home support packages have already been piloted successfully in a number of HSE Areas. A total of 3,100 (2,000 from Budget 2006) home support packages are seen as pilots to test best models of delivery of these packages and to test their impact on the wider health system. Home support packages provide for a broad range of support personnel in addition to personal and social services. A Steering Committee is being set up to begin the preparatory work of evaluating the effectiveness of the additional home care packages. A key issue is effective integration between housing, care and other supports.

#### *2. Community Intervention Teams*

Community Intervention Teams will assist in preventing avoidable hospital admission and the facilitation of early discharge from hospitals. They will operate in addition to existing mainstream community services and they will address issues such as capacity to fast-track non-medical care or supports for an interim period, while mainstream services are being arranged for the patient.

### 32.4 Governance Framework

The Department of Health and Children and the Department of Social and Family Affairs have lead roles in policy and achieving progress in relation to targets for older people. The Department of Environment, Heritage and Local Government will actively engage on the issues involving older people from an accommodation perspective. The Department of Health & Children will establish a structured consultation with social partners on the development of policy in relation to long-term care issues for older people on the basis of the principles and action outlined above.

The Pensions Board will continue to play a key role in terms of the operation of the Pensions Act and advising on the future development of pensions policy. The Pensions Board will continue to engage actively with the Social Partners.

A cross-departmental team on sheltered housing is being established by the Department of Environment, Heritage and Local Government to oversee progress in that area. There will be provision for consultation with social partners through the Housing Forum.

#### *Monitoring Progress*

Information gaps relating to the service needs of older people are being addressed by the Department of Health and Children with the National Council on Ageing and Older People, HSE and various stakeholders.

As the implementation of this lifecycle approach for older people is further developed, there will be a need and scope for further learning and for the revision of goals and targets in the light of experience.

## Section 33. People with Disabilities

### 33.1 Vision

The parties to this agreement share a vision of an Ireland where people with disabilities have, to the greatest extent possible, the opportunity to live a full life with their families and as part of their local community, free from discrimination.

To achieve this vision, the Government and the social partners will work together over the next ten years towards the following long-term goals with a view to continued improvements in the quality of life of people with disabilities:

- Every person with a disability would have access to an income which is sufficient to sustain an acceptable standard of living;
- Every person with a disability would, in conformity with their needs and abilities, have access to appropriate care, health, education, employment and training and social services;
- Every person with a disability would have access to public spaces, buildings, transport, information, advocacy and other public services and appropriate housing;
- Every person with a disability would be supported to enable them, as far as possible, to lead full and independent lives, to participate in work and in society and to maximise their potential, and;
- Carers would be acknowledged and supported in their caring role.

### 33.2 The National Disability Strategy

The Government and the social partners agree that the National Disability Strategy represents a comprehensive Strategy for this aspect of the life cycle framework and that implementation of the Strategy should be the focus of policy over the lifetime of the agreement.

The Government will publish a document which will pull together for ease of reference the vision, mission and strategic objectives which have already been agreed and announced by Government under the Strategy.

Implementation of the National Disability Strategy will also take account of linkages with other relevant national strategies and policies.

The Strategy includes the Disability Act 2005, six Sectoral Plans, Education for Persons with Special Educational Needs Act 2004, the Comhairle (Amendment) Bill 2004 and a Multi-Annual Investment Programme of close to €900m over the years 2006 to 2009.

It provides the framework for delivery of the long-term outcomes outlined above. A series of Sectoral Plans are currently being developed by the following Departments:

- Health and Children;
- Social and Family Affairs;
- Environment, Heritage and Local Government;
- Transport;
- Communications, Marine and Natural Resources, and;
- Enterprise, Trade and Employment.

Each plan will set out, for each of these Departments and the public bodies under their aegis, the programme of measures to be taken in relation to the provision of services for people with specified disabilities. The plans are to be laid before each House of the Oireachtas not later than 28 July 2006.

The Plans will include specific targets, where practicable, and timescales against which progress will be measured. They will also address cross-departmental issues in a coherent manner.

### 33.3 Priority Actions

The parties agree that future policy in relation to people with disabilities will be progressed through the National Disability Strategy with particular expression being provided through sectoral plans currently being developed and other relevant mechanisms. Key issues which will be addressed in these sectoral plans and other aspects of the Strategy include:

1. Assessment for, and access to, appropriate health and education services including residential care, community based care, and mental health services within the framework of the Disability Act, 2005 and the Education for Persons with Special Education Needs Act, 2004. Developments will include:
  - Implementation of Part 2 of the Disability Act 2005 and implementation of the Education for Persons with Special Educational Needs Act 2004;
  - Person-centred supports will continue to be developed for long stay residents in psychiatric hospitals, with a view to their movement back into community living;
  - Central to the successful implementation of the National Disability Strategy will be a process of financial accountability. Clear guidelines will be developed to ensure that the investment in the Strategy delivers value for money and real tangible benefits to people with disabilities;
  - Person centred supports will continue to be provided to 'adults with significant disabilities', having regard to the range of support needs which they require, e.g. nursing, personal assistance, respite, rehabilitation, day activities, etc.;
  - In its consideration of the core funding requirements of agencies providing services for people with disabilities, the HSE will be asked to take into account the appropriateness of core funding essential health and personal social services;
  - Establishing on a statutory basis the Social Services Inspectorate (SSI) (which currently inspects children's residential and foster care services on an administrative basis) through the legislation for the establishment of the Health Information and Quality Authority (HIQA) which is expected to be published during the 2006 Autumn Session, and;
  - Developing a strategic integrated approach to rehabilitation services within the context of the Multi-Annual Investment Programme with a view to supporting people back into employment, as appropriate, through early intervention and enhanced service provision.
2. The elaboration of a comprehensive employment strategy for People with Disabilities including a range of measures to promote education, vocational training and employment opportunities for people with disabilities, including:
  - Consolidating and progressing vocational training and employment services for people with disabilities;

- Exploring the potential for extending the NEAP FÁS referral process to people with disabilities in the context of their special needs and the Government's commitment to mainstreaming. This will include exploring issues of health and welfare entitlements and benefits and examining and addressing the disincentives for people in receipt of income maintenance or secondary payments who wish to participate in training or employment initiatives;
  - Public service employment in accordance with the provisions of the Disability Act, 2005;
  - Promoting awareness regarding the employment of people with disabilities and promoting employment retention, and;
  - The suite of materials developed under the Workway initiative will inform future policy and best practice in relation to the employment of people with disabilities.
3. National Standards will be introduced in respect of specialist health services for people with disabilities, taking into account the draft standards already prepared by the National Disability Authority, together with the report of the Working Group on the development of a Code of Practice for Sheltered Workshops.
  4. In terms of ensuring adequate levels of income for people with disabilities, we will work for the continued enhancement and integration of supports in line with overall social welfare commitments and targets. This will include a rationalisation of existing allowances for people with disabilities in the context of the Government's policy of mainstreaming and the proposed transfer of functions from the HSE to the Department of Social and Family Affairs. Other issues around cost of disability will be considered following the development of a needs assessment system provided for under Part 2 of the Disability Act, 2005.
  5. Evolving building standards and the potential for advancements in design in the future should lead to general improvements in the accessibility of the Irish housing stock over time. However, it is recognised that people with a disability often have fewer choices in terms of providing for their housing and accommodation needs.  
  
To bring a new focus to addressing these needs, a National Housing Strategy for People with Disabilities will be developed as recommended in the NESC '*Housing in Ireland*' Report in order to support the provision of tailored housing and housing support to people with disabilities. This would have particular regard to adults with significant disabilities and people who experience mental illness. This will be progressed through the establishment of a National Group under the aegis of the Housing Forum, headed by the Department of Environment, Heritage and Local Government, and involving the Department of Health and Children, the Health Service Executive, social partners and other relevant stakeholders.
  6. The development of information and advocacy services for people with disabilities. In particular, legislative provision for the introduction of the new personal advocacy service will provide for the assignment of a personal advocate to a person with a disability who is unable or who has difficulty in obtaining a social service without the assistance or support of the personal advocate. This will complement, in a balanced way, the other advocacy and support functions of Comhairle in relation to people with disabilities.
  7. The question of accessible public transport services will be addressed in the Sectoral Plan being developed by the Department of Transport. The Plan will deal with the accessibility of the range of transport services, including the continued introduction of accessible vehicles, the provision of accessible infrastructure and travel information systems.

### 33.4 Governance Framework

#### *Monitoring Progress*

Progress reports will be prepared on sectoral plans after 3 years and the Disability Act will be reviewed after 5 years.

Detailed consultations have been undertaken with stakeholders in relation to each of the sectoral plans being developed. Arrangements will also be put in place to ensure a continued constructive relationship with stakeholders in relation to progress on the Strategy as a whole. This will include bi-annual meetings between senior officials and other stakeholders.

In addition, each sectoral plan will include monitoring and review procedures. Departments are also required to set out in the sectoral plans the arrangements that will be put in place to monitor the compliance of state bodies and other relevant service providers with the provisions of the Disability Act, 2005.

Departments have published Customer Charters which include commitments in relation to equality and access and are required to report on performance in their Annual reports.

Inclusion of service accessibility and sectoral plan measures where relevant in the strategy statements of all Departments will be considered in the context of the updating of guidelines for the preparation of Departmental Strategy Statements.

The Government has agreed to amend the Cabinet Handbook to incorporate a requirement that all substantive memoranda submitted to Government take account of the impact on people with disabilities. Appropriate guidance will be developed to assist with the proofing requirement in the context of proposals being developed in relation to equality proofing more generally.

The National Disability Authority is a source of advice on disability practice and policy, and in the context of the life-cycle approach, will continue to contribute to the co-ordination and development of actions and priorities in this area.

Complementary to the statutory remit of the National Disability Authority is the role which the voluntary disability sector continues to play as an advocacy and service delivery mechanism.

A National Carers' Strategy that focuses on supporting informal and family carers in the community will be developed by end-2007. There will be appropriate consultation with the social partners. Further actions relating to those with caring responsibilities are set out in Section 31.

#### *Research and Data*

The results of the first National Disability Survey, together with the data emerging from the Physical and Sensory and Intellectual Disability Databases will further help in monitoring progress in this area. This will also be enhanced by the collection of aggregate data through the implementation of the needs assessment process under the Disability Act 2005.

The implementation of the National Health Information Strategy recommendations in respect of the use of a system of a unique patient identifier and the development of an electronic healthcare record will contribute to establishing a holistic picture of individual needs as well as providing data to aid the development of high quality and cost effective health services to address those needs. See Section 31.

The National Longitudinal Study of Children will identify, in the first instance, children who have been diagnosed as having a disability by age 9 months, 3 years, 9 years and 13 years. This study will allow for both point prevalence and incidence to be recorded within the child population.

Reporting arrangements have been put in place in relation to spending under the multi-annual investment programme and it is intended that the sectoral plan review process would also be used to measure outcomes under the Strategy.

## Section 34. Implementation of the Lifecycle Approach

Implementation of the Lifecycle Approach poses a significant challenge to Government and to all other stakeholders. Proposals in relation to monitoring, implementation of this approach, and developing it further in consultation with all the social partners are set out in Chapter Four. However, as highlighted by NESCC, particular challenges arise in relation to the role of the C&V Sector and a number of proposals to support this role in the future are set out below.

### 34.1 Role of the Community and Voluntary Sector

In pursuance of its objective of supporting sustainable and inclusive communities, the Government recognises the valuable role of the Community & Voluntary sector. The Government is committed to the principles underpinning the relationship between the State and the sector as set out in the *White Paper on Supporting Voluntary Activity*.

The Government commits to implementing the NESCC proposal of maximising the contribution of the C&V Sector by deepening the partnership between statutory bodies and voluntary and community organisations. The Government will engage with the sector in relation to future frameworks to support this relationship.

The Government recognises that community and voluntary activity forms the very core of a vibrant and inclusive society. The great strength of voluntary activity is that it emerges organically from communities. While the Government should not seek to control and be involved in every aspect of voluntary activity, it does have a responsibility to provide an enabling framework to help the sector. Where this involves direct supports, a delicate balance must be struck between having a relatively light regulation and maintaining proper accountability.

#### *Task Force on Active Citizenship*

Future policy will take account of the work of the Task Force on Active Citizenship which has been asked to recommend measures which could be taken as part of public policy to facilitate and encourage a greater degree of engagement by citizens in all aspects of life and the growth and development of voluntary organisations as part of a strong civic culture.

Arising from the work of the Task Force, consideration will also be given to the development of appropriate measures and indicators of social capital, and to future approaches in relation to citizenship education and voter participation.

#### *Regulation of the Community & Voluntary Sector*

Legislation will be introduced to regulate the charities sector and to introduce governance standards to protect against abuse of charitable status or fraud. The General Scheme for the Charities Regulation Bill 2006 has been published and the Bill is being given priority for drafting.

Government accepts that support will be required for charities to meet their obligations in the new regulatory environment and, in bringing in this new regulation, the Government commits that additional resources to assist the sector in this transition will be made available.

The modalities of this support will be decided following consultation with the C&V sector after the legislation has been approved by the Oireachtas.

### *Policy on Volunteering*

The Government will continue to develop policies on volunteering arising from the package of measures initiated in February 2005. A key principle underlying the Government's approach is that volunteering finds meaning and expression at a local level and that supports and funding should seek, as far as possible, to recognise this reality. The Government remains committed to further developing policy to support volunteering, drawing on the experience in delivering these measures and informed by the recommendations of the Task Force on Active Citizenship.

### **34.2 Funding the Community and Voluntary Sector**

In the context of implementing this agreement based on a ten-year strategy and focused on delivering the outcomes envisaged in the life-cycle framework in the areas of income, service provision and innovation/participation/activation, the Government acknowledges that the C&V Sector has a central role to play in delivering the outcomes envisaged.

Significant funding is currently provided to support both the activities of the sector and to develop the capacity and infrastructure within the sector. This includes a wide range of programmes and measures with an annual cost of over €300m through the Department of Community, Rural and Gaeltacht Affairs, as well as programmes in a range of other Departments.

The Government is committed to appropriately resourcing the sector into the future as part of this agreement. The Government remains committed to reviewing the funding mechanisms for the C&V sector, to identify areas of overlap or gaps. The Government also remains committed to the White Paper principle of providing multi-annual statutory funding.

The Sector's important role in service provision will continue to be funded appropriately where it is delivering services on behalf of the State. This will be reflected through an increase in funding as part of the ongoing expansion in overall expenditure on service delivery in the course of the agreement, subject to the budgetary parameters outlined in Chapter II.

In addition to this increase as part of ongoing service expansion, the Government will provide the following specific additional supports to the sector:

- There will also be increased investment in the Community Services Programme of €30m by 2009;
- Increased funding of €5m per annum to support volunteering, and;
- Increased funding of €10m per annum to support the C&V Sector, including the costs arising from contributing to evidence based policy making, over and above normal activities and programmes.

### *Promoting Social Finance*

Building, in a significant way, on the commitments made in *Sustaining Progress* and in the Programme for Government, the further development of Social Finance will be supported. Social Finance applies financial instruments to the task of combating social exclusion through the provision of repayable finance to community focused enterprises at all stages of development including start-up. Social Finance will complement the range of measures in place to promote and assist community infrastructure and local development.

This development will include examining the conditions for the development of Social Investment as a practical option for charities, private individuals and socially responsible businesses to invest capital in the social sector through social finance providers.

It is also agreed to examine ways in which the positive experience in Ireland with Social Finance may be able to be applied in an international development context.

In the next three years based on best international practice and having regard to the Lisbon Agenda, the Government will:

- Implement the Government's Social Finance Initiative announced in Budget 2006. This includes the establishment of a social investment vehicle that will essentially perform the role of a wholesale supplier of Social Finance funding;
- Engage with and support existing providers, agencies and established networks of Social Finance providers and any new providers emerging from the sector, and;
- In conjunction with relevant interests, examine ways to progress the investment of capital in Social Finance providers by charities, private individuals and businesses.

#### *Promoting Philanthropy and Philanthropic Activity*

The Government recognises the valuable work being carried out by organisations which promote philanthropy in Ireland and will continue to explore ways to facilitate philanthropic work, strengthen and deepen a culture of philanthropy in Ireland, and maximise the contribution of philanthropy to the common good.

# IV

## Implementation Arrangements

## Introduction

The parties recognise that making progress towards the long-term goals of the Agreement will require a capability to adapt flexibly to required institutional and service delivery changes at both national and local level, learning from the insights provided by the lifecycle framework and evidence about effectiveness of different interventions in terms of outcomes. It requires an ongoing commitment to reform and modernisation in the public service (see Section 28 in Part II) and development of effective networks across public, voluntary and private sectors.

The parties agree to work together on the basis set out in the chapter to make progress towards their shared goals.

## The Role of Social Partnership and Protocol for Engagement

The social partnership process can be best understood as a set of relationships based on the pursuit of common goals for Irish society, trust and a problem solving approach. The ten-year framework agreement provides a stable context within which those relationships between Government and the Social Partners can evolve.

Government has ultimate responsibility for decision making, within the framework of democratic accountability. However, in recognition of the special relationship that encompasses social partnership, Government, and Departments on its behalf, commit to consulting with the social partners on policy proposals and the design of implementation arrangements. While not all policy issues covered by this ten-year framework agreement are necessarily agreed with the social partners they do provide a reference for engagement in the relevant areas. In this context, Government is committed to involving the social partners in the development of policy through:

- Effective consultation in a spirit of good governance on the basis that Government Departments and organisations under their aegis will provide a meaningful opportunity for social partners to input into the shaping of appropriate relevant policy issues and the design of implementation arrangements, where appropriate;
- Government Departments will manage the consultation process effectively, by giving sufficient notice, information and appropriate process for engagement, consistent with the overall requirements of effective governance, and;
- As part of these good governance arrangements the social partners also commit to engaging constructively with Government Departments and recognise the need for the Government to deal with urgent matters in a timely manner.

## Institutions of Social Partnership

The National Economic and Social Development Office (NESDO) provides the overarching institutional framework to support the process of social partnership. It will also explore how the expertise developed during the process of social dialogue in Ireland could be promoted on an international basis.

The three distinct bodies, the NESC, the NESF and the NCPP come together to operate within the NESDO:

- The **NESC** will continue to provide analyses and reports on strategic issues relating to the efficient development of the economy and the achievement of social justice, and the development of strategic frameworks for the conduct of relations and negotiation. In particular the NESC will undertake work on finalising their study on the 2nd tier child income supports;
- The **NESF** will continue to analyse, monitor and evaluate relevant programmes and policies in the area of social inclusion. A particular focus will be on evaluating the effectiveness of existing policies and service delivery, and their integration at different stages of the lifecycle. This analysis will in turn contribute to the review of progress under the agreement, and;

- The **NCPP** will continue to support and facilitate organisational change and innovation based on partnership, in order to bring about improved performance and mutual gains, and to contribute to national competitiveness.

### Mechanisms for Implementation

The Steering Group representing Government and each of the Social Partner Pillars will be reconvened to take overall responsibility for the management of the implementation of the ten-year framework agreement as it applies to the wider non-pay issues. The Steering Group will engage in high-level analysis and focus on these areas where it might add value. This includes “spot-light” issues which have a longer-term focus but which require further work to be done in the first period of the ten-year framework agreement.

The Steering Group will periodically review progress in implementing and further developing the national framework instruments including, in particular, the NSS and the NDP. The Group will also be supported in its work by sub mechanisms already in place or to be established at sectoral level, such as the Housing Forum

### Developing the Lifecycle Approach

The lifecycle approach adopted in this agreement offers the potential of a more streamlined, outcomes-focused approach to monitoring and reporting on progress within social partnership across key national strategies such as the NAP Inclusion and NDP 2007-13. It is also envisaged that the next NAP Inclusion would also be based around the lifecycle framework. It will also be necessary to ensure an appropriate gender dimension, through linkage to the forthcoming National Women's Strategy. This approach will also facilitate communication of progress under these strategies to the wider public.

This streamlined approach will consist of:

- A single reporting mechanism through an annual Social Inclusion Report to monitor and review progress at each stage of the Lifecycle in the context of this agreement, the forthcoming NAP inclusion and, where appropriate, social inclusion aspects of the NDP (2007-2013). All social partners will be consulted in this process;
- This process will be co-ordinated by the Office for Social Inclusion (OSI). This will include drawing together relevant structures and reports at each stage of the lifecycle, as well as other relevant national strategies;
- The Report will be presented to the Steering Group which will have an ongoing oversight role in relation to implementation of the lifecycle framework, providing an opportunity for engagement between the social partners in relation to progress under NAP Inclusion, NDP and other relevant strategies within the lifecycle framework;
- The annual Social Inclusion Forum organised by NESF will continue to serve as a structure for wider consultation and discussion on social inclusion issues, and;
- The OSI will review the role and effectiveness of the Combat Poverty Agency's programmes aimed at facilitating the participation of the community and voluntary sector and people experiencing poverty in the policy-making process. This review will examine the role and effectiveness of the programmes, in the context of the social partnership process and supports made available by other Departments and agencies, with a view to maximising participation and minimising overlaps.

### Data/Information

The availability of appropriate data over time is the basic building block of monitoring and the lack of appropriate indicators or data is a barrier to evaluating progress towards the achievement of the outcomes contained in this ten-year framework agreement.

The National Statistics Strategy 2003-2008 provides the strategic framework in which the statistical system is being developed to support evidence based policy making. The ten-year framework agreement will build on the progress that is being made in developing statistical frameworks at national level and data strategies at Departmental level.

The focus for the next phase of development of the statistical system during this agreement will be on the extensive use of unique identifiers linking data relating to specific users of services so as to reduce the administrative burden and compliance costs. The development of data strategies at Departmental level will be extended to include organisations under their aegis and data strategies at local level under the auspices of the County/City Development Board.

The parties note the particular difficulty in relation to measuring and setting targets for income poverty due to the relative newness of the EU Survey on Income and Living Conditions (EU-SILC). Nevertheless the parties agree that it is important to set real and achievable targets and agree that the approach to effective poverty measurement will be reviewed in the light of the timing difficulties in relation to EU-SILC and as part of the wider examination of data availability in the lifecycle framework referred to above.

The Office for Social Inclusion will carry this work forward as part of their responsibility for data and technical supports necessary for developing, monitoring and evaluating the NAPinclusion and social inclusion measures in other national strategies. This will include a specific focus on developing the type of data required to underpin the lifecycle approach. The Technical Advisory Group for OSI will be expanded to include technical experts from the social partner pillars.

### **Integrating Delivery at Local level**

Delivery of the ambitious ten-year objectives in the agreement will require a more intensive level of co-operation among agencies operating at local level and by Departments and agencies at national level.

The framework of the County and City Development Boards (CDBs) enables partnership and collaboration across statutory agencies and the community and voluntary sector at local level. The CDB structure will be developed and strengthened to ensure that it can operate effectively as a vehicle for supporting a more integrated approach to service delivery at local level. In addition, the pilot social inclusion programme established under the PPF will now be placed on a permanent footing and the programme will be extended to half of all county/city local authorities by end 2008. The C&V Sector's participation in local social partnership structures will be resourced appropriately.

Social Inclusion Monitoring (SIM) groups, representative of local public agencies and local development groups (Area Partnerships, Community Development Programmes) have been established by each CDB to improve co-ordination of social inclusion activities at local level. The work of the SIM groups, including implementation at local level of the commitments contained in this Agreement where appropriate, will be prioritised by the CDBs and supported by relevant Government Departments and national agencies.

### **Monitoring and Review Arrangements**

A meeting of all the parties to this ten-year framework agreement with the political process, chaired by the Taoiseach will take place annually.

Quarterly plenary meetings of the four social partner pillars, chaired by the Secretary General of the Department of the Taoiseach will be held to review, monitor and report on overall progress in the implementation of the ten-year framework agreement.

A formal review will take place during 2008. This will provide an opportunity to take stock of outcomes achieved in relation to the overall goals and to consider any opportunities arising to refocus and reprioritise.



# **PART TWO**

Pay, the Workplace,  
and Employment Rights  
and Compliance

**V**

# Private Sector Pay and Related Issues

## Section 1. Private Sector Pay and Related Issues

### Introduction

- 1.1 The social partnership process has played a key role in delivering strong, sustained growth in the economy, employment and living standards over the past number of years. It has done so by recognising the importance of both a competitive environment for business and a consistent policy framework as recommended by the NESC, by promoting stability and confidence in industrial relations, the labour market and the evolution of pay, and by putting in place a problem-solving mechanism linking Government and the social partners. It is recognised that this climate of confidence promotes investment and re-investment, and facilitates adaptation to changed market conditions, reflecting the openness of the Irish economy.

### Key Principles underpinning the Agreement

- 1.2 It is accepted that the rapid pace of change in the business environment demands ongoing adaptation and the parties are committed to full co-operation with normal ongoing change and the need for continued adaptation and flexibility to maintain and improve competitiveness and to increase productivity and employment. The implementation of this Agreement at enterprise or industry level will take full account of the implications for competitiveness and employment and the need for flexibility and change, compatible with modern organisation, design, efficiency and business processes. It will also take account of the need to develop a first class work environment which facilitates employee advancement, improves job security, promotes equal opportunities, increases training, productivity, flexibility and good working conditions which benefits everyone involved in the work process. It is accepted that some manufacturing firms are experiencing particular competitive difficulties in addressing market challenges and global competition. This agreement recognises the need to ensure that manufacturing continues to play a central role in the Irish economy.
- 1.3 The parties are agreed on the importance of confidence in regard to wage developments. Specifically, employers expect unions to adhere to the terms agreed and unions expect the terms agreed to be applied to their members.
- 1.4 This Agreement:
- Provides that no cost-increasing claims by trade unions or employees for improvements in pay or conditions of employment, other than those provided in Sections 1.6, 2.1 and 3.1 will be made or processed during the currency of the Agreement;
  - Commits employers, trade unions and employees to promoting industrial harmony; and
  - Precludes strikes or other forms of industrial action by trade unions, employees or employers in respect of any matters covered by this Agreement, where the employer or trade union concerned is acting in accordance with the provisions of this Agreement.

### Date of Implementation and Duration

- 1.5 Except where otherwise agreed at local level, this Agreement shall come into force on the expiry of the Mid-Term Review of Sustaining Progress in each individual employment or industry and shall last for 27 months.

## Pay

- 1.6 It is agreed by the parties that basic pay shall be increased by the following amounts:
- 3% of basic pay for the first 6 months of the Agreement as it applies in each particular employment or industry;
  - 2% of basic pay for the next 9 months of the Agreement as it applies in each particular employment or industry – except for those employees on an hourly basic rate of €10.25 per hour or less on commencement of the second phase where a 2.5% increase will apply;
  - 2.5% of basic pay for the next 6 months of the Agreement as it applies in each particular employment or industry; and
  - 2.5% of basic pay for the next 6 months of the Agreement as it applies in each particular employment or industry.
- 1.7 Section 1.6 shall be negotiated between employers and unions through normal industrial relations machinery, due regard being had to the economic, commercial and employment circumstances of the particular firm, employment or industry, whether arising from exchange rate movements or otherwise and having regard to the principles at Section 1.2 above. The need for co-operation with normal ongoing change and for continued adaptation and flexibility accepted by the parties may include necessary measures to sustain competitiveness and employment on the implementation of Section 1.6. An employer may claim inability to pay the terms of the Agreement in circumstances where this would result in serious loss of competitiveness and employment and proceed with this claim in accordance with Section 1.9 below.
- 1.8 The parties are agreed that engagement at local level in relation to issues in dispute must be meaningful and undertaken in a spirit of making every effort to reach agreement at the earliest possible stage.
- 1.9 Where the parties cannot reach agreement through negotiations on any matters covered by this Agreement after local discussion, these will be referred to the Labour Relations Commission (LRC) and, if unresolved, shall jointly be referred to the Labour Court or, where appropriate, to other agreed machinery. The process will be as follows for separate categories of dispute which the parties envisage could potentially arise:
- (i) If a dispute arises as what constitutes a breach of the Agreement, after local discussion, the matter will be referred to the LRC and, if unresolved, it shall jointly be referred to the Labour Court under Section 20(2) of the Industrial Relations Act, 1969, and the parties will accept the outcome.
  - (ii) If a dispute arises out of a claim of inability to pay by an employer, the onus will be on the employer to convince the union of the case and provide supporting arguments and full disclosure of information to the union. At LRC stage, assessors may be appointed from a pool, agreed with the employers and the unions, to examine the economic, commercial and employment circumstances of the employment involved and the LRC may also draw on the assistance of IBEC/CIF and ICTU representatives, where appropriate. The parties commit to full co-operation with the assessors and the employers commit to full disclosure of information to the assessors. In the event of no agreement being reached, the matter will be referred to the Labour Court under Section 20(2) of the Industrial Relations Act, 1969, and the confidential report of the assessor will form part of the report of the LRC to the Court and will be given serious weight by the Court. The onus will be on the employer to convince the Court of their case. The Court will issue findings only in respect of whether the employer can or cannot pay the terms of the Agreement at all and the parties will comply with the findings. All information disclosed as part of this process shall be treated on a confidential basis by all parties in receipt of such information.

- (iii) Should a dispute arise out of a claim by an employer that it is not possible to pay the terms of the Agreement in full and/or that some cost offsetting measures are necessary to do so, the parties will proceed as in paragraph (ii) above except that the Court will issue its recommendation to the parties under Section 26(1) of the Industrial Relations Act, 1990. Where a decision is taken to reject the Labour Court recommendation, a three week cooling off period will apply during which every effort shall be made by the parties to resolve the issues. No strike or other forms of industrial action will be threatened, sanctioned or taken by trade unions or employees during the cooling off period and until appropriate ballots have taken place and due notice given to the employers. Reference can be made during such a period to the National Implementation Body.
- (iv) Where there is disagreement as to what constitutes normal ongoing change, after local discussion, the matter will be referred to the LRC and, if unresolved, it shall jointly be referred to the Labour Court for adjudication under Section 20(2) of the Industrial Relations Act, 1969, and the parties will accept the outcome.

- 1.10 The National Implementation Body, representing Government, IBEC/CIF and ICTU, will meet monthly or otherwise as may be agreed, to ensure delivery of the stability and peace provisions of the Agreement. Where particular difficulties arise or are anticipated, the NIB may be convened at short notice. Where particular problems emerge, the NIB may make recommendations to the social partners by way of further procedural changes necessary to ensure the effective delivery of the spirit and intent of the Agreement.
- 1.11 The parties, their officials and members accept as essential, adherence to the spirit and intent of the Agreement and will communicate these commitments, obligations and responsibilities in good faith.
- 1.12 As part of a shared commitment to work together for compliance in respect of employment rights generally, the parties are equally committed under the terms of the wider Agreement to promoting industrial harmony, the avoidance of industrial action and the adherence to agreed dispute resolution procedures by employers and trade unions and as an integral feature of the wider focus on compliance under this Agreement. For its part, the Government is committed to increasing resources for the employment rights bodies, as set out at Section 15 below, so as to ensure the processing in a timely manner of claims provided for at Section 1.9.

## Section 2. Statutory Minimum Pay

- 2.1 It is agreed to put to Government a position accepted by both ICTU and IBEC that the National Minimum Wage be adjusted with effect from 1 January, 2007. The parties will make a joint recommendation to the Government as to the amount of the increase by 1 September, 2006. Either of the parties may refer the matter to the Labour Court following consultation with the Minister for Enterprise, Trade and Employment if agreement is not reached by that date.
- 2.2 The parties agree that no repercussive claims related to or following on from the application of the National Minimum Wage will be made by trade unions or employees.

### Section 3. Pension and Sick Pay Schemes

- 3.1 Unions are not precluded by Section 1.4 from making claims for the introduction of pension or sick pay schemes where none exist or from making claims for the improvement of such schemes where these are substantially out of line with appropriate standards in comparable employments.
- 3.2 Having regard to the cost and other implications of pension and sick pay schemes, negotiations on these matters shall be governed by the capacity of the enterprise to absorb the cost involved and, additionally, in the case of sick pay schemes, the implications for attendance.
- 3.3 Agreements under Sections 3.1 and 3.2 may therefore include appropriate phasing and other arrangements (which may exceed the timescale of this Agreement) to take account of these considerations.

### Section 4. Anti-Inflation Group

- 4.1 The parties are agreed that the Anti-Inflation Group established under Sustaining Progress provided a useful forum for co-operation and coordination in combating inflation. They have agreed, accordingly, to reconstitute the Group with the same membership and mandate as before.
- 4.2 The parties are also agreed on the critical importance of bringing inflation down as quickly as possible towards levels comparable with our trading partners' performance and towards the Eurozone average in order to secure jobs. Public policy, both at central and local Government level, and the actions of employers and trade unions, will be framed with this inflation target in mind and its progressive achievement over the period of this Agreement. It has been agreed in this context that trade unions and employers will respect the terms of the pay agreement, having particular regard to the common objectives of improving competitiveness and living standards by bringing inflation under control. The Government, for its part, will seek to minimise the effect of the public service pay agreement on inflation by actively pursuing the agreed modernisation programme to achieve better value for money in public service delivery.



**VI**

# Workplace Relations

## Section 5. Employee Financial Involvement

- 5.1 It has been agreed that the NCPP, in conjunction with IBEC/CIF and ICTU, will bring to conclusion revised guidelines on employee financial participation, within twelve weeks following the ratification of this agreement.
- 5.2 The NCPP will also develop and promote an active programme of education and communication for employees, management and unions on the role of employee financial involvement in accordance with previous social partnership agreements.

## Section 6. Partnership at the Workplace

### The Workplace of the Future

- 6.1 Following the publication of the Report of the Forum on the Workplace of the Future, a high level group was established, under the chairmanship of the Minister for Labour Affairs, to oversee its implementation.
- 6.2 It is agreed among the parties that a particular priority should be accorded to the group's work in promoting and disseminating across the private and public sectors the range of activities identified in the report - including improving management and leadership capacity; increasing employee involvement; investing in training and lifelong learning; promoting equality and diversity in the workplace; and improving the quality of working life.

### Workplace Innovation Fund

- 6.3 The Government has agreed to establish a three year Workplace Innovation Fund to enable the parties of this Agreement and the National Centre for Partnership and Performance to build a stronger commitment to workplace innovation by encouraging the development of new ways of working through partnership, aimed at increasing flexibility and improving performance. In order to maximise the value of this Fund, support for initiatives will be conditional on the learning and experience gained being shared with other organisations and with the policy community. The NCPP will develop case studies on the basis of these initiatives as exemplars for wider discussion.

### Practical Approaches to Workplace Partnership

- 6.4 The Forum on the Workplace of the Future concluded that there is a continued need for advocacy of partnership at workplace level, in accordance with previous social partnership agreements. The NCPP will develop a detailed project plan in 2006, in consultation with ICTU, IBEC and relevant Government Departments and agencies, outlining a series of practical approaches and activities to further develop workplace partnership. The development of a partnership approach to workplace innovation and the management of change will be tailored to the different needs and challenges facing various key sectors in the private and public sectors (including health, education, local government and the Civil and Public Service). The initial choice of sectors and the identification of key actors/advocates within them will be made in close consultation with IBEC, ICTU and the relevant Government Departments and agencies.

### National Workplace Data

- 6.5 In 2003, major surveys of employer and employee attitudes and experiences in the workplace were undertaken on behalf of the NCPP. The parties are agreed that it would be of assistance to the process of measuring and managing change in the workplace for a similar exercise to be conducted every five years. It has been agreed, accordingly, to commission a further attitudinal survey of employers and employees in 2008.

### Construction Safety Partnership

- 6.6 The parties to this Agreement reaffirm their commitment to the Construction Safety Partnership which has been making a significant contribution to safety in the building industry. They also commit to supporting and co-operating with agreed joint initiatives arising from the Construction Safety Summit, which took place in May, 2006.

## Section 7. Workplace Learning and Upskilling

### Introduction

- 7.1 The Government, IBEC/CIF and ICTU are agreed on the need for a concerted effort to increase the levels of workplace learning and upskilling, building on progress already achieved, in order to sustain and improve employability and competitiveness into the future.
- 7.2 The parties welcome the planned publication of a National Skills Strategy by the Government during 2007. Through the Steering Group of the Expert Group on Future Skills Needs, the social partners will contribute to the research supporting the Strategy. The research will draw on the views of the NCPP, FÁS and relevant Government Departments and the extensive work already carried out in this area by the Forum on the Workplace of the Future, the Enterprise Strategy Group and the Committee on the Human Resource requirements of the Construction Industry.

### Review of Workplace Learning and Upskilling Programmes

- 7.3 The parties are also agreed on the need for a subsequent review of the workplace learning and upskilling offerings available, especially from the point of view of user friendliness/modularisation; the provision of generic, transferable as well as sector specific skills; future skills requirements; geographical accessibility; cost; and means of activation.
- 7.4 They are also agreed on the need to examine in particular the availability of workplace learning (including in relation to basic skills) and upskilling to lower skilled and vulnerable workers, including in manufacturing, as well as to workers from overseas. They are agreed on the need to put in place measures to ensure renewed focus for State provision and to ensure more targeted schemes, with a view to maximising the use of resources. In addition, the involvement of employer and trade union representatives in the activation of workplace learning and upskilling will be of particular importance.
- 7.5 The overall objective will be to ensure that the institutional framework and provision for the development of skills across the economy matches anticipated requirements; provides a co-ordinated, user-friendly and easily accessible system of workplace learning and upskilling; and is geared to employability and competitiveness.

## Workplace Initiatives

- 7.6 The Government, IBEC/CIF and ICTU will work with existing and future partnership initiatives with a view to progressing workplace learning and upskilling projects.
- 7.7 The parties are agreed on the following key areas for action:
- the development of a targeted guidance, learning and training programme, particularly accessible to the manufacturing sector, to include coaching and mentoring for workers in vulnerable employments where appropriate;
  - the introduction of measures for the promotion of take up of apprenticeships by older workers; and
  - the mainstreaming of the Knowledge Economy Skills Passport (KESP), focusing on computer literacy, science and technology fundamentals, basic business skills and innovation and entrepreneurship.
- 7.8 It is intended that these initiatives would be launched during 2007, at the latest. In addition:
- the Skillnets programme will be expanded and will provide more flexible means of delivery and will also include pilot initiatives to focus on those with lower skill-sets;
  - increased financial support will be provided for the existing pilot trade union-led learning network under the FÁS One-Step-Up programme which engages trade union representatives in the workplace as part of the learning activation process, particularly among the lower skilled, to pursue education and training; and
  - the allocation for the Workplace Basic Education Fund, aimed at increasing numeracy and literacy skills in the workplace, will be increased.
- 7.9 A targeted fund will be put in place to alleviate the fees in public institutions for part-time courses at third level by those at work who have not previously pursued a third level qualification.

## Section 8. Pensions

### Introduction

- 8.1 The Social Partners are agreed on the importance of pensions, both in terms of their adequacy and coverage, and that the matter is to be dealt with as a priority issue. The Social Partners note the NESC's recommendation that: *"it is important that the Social Partners make a positive contribution to [a pensions] review process and engage constructively with the output from it. ... Following completion of the Pensions Board Review, the Government, in consultation with the Social Partners, should determine the long-term shape of the overall pension system"*.
- 8.2 The parties to this Agreement share the objectives of the parties to the PPF in relation to pensions, namely that all retired people should have adequate incomes; that the level of coverage of occupational pension schemes should be increased; and that the social partners will co-operate to promote improvements in the coverage of pension schemes towards the agreed National Pensions Policy Initiative (NPPI) target of 70% of the total workforce over age 30.
- 8.3 The financial pressures associated with maintaining adequate funding of Defined Benefit Schemes are fully acknowledged. The parties are committed to protecting the viability of pension schemes on a sustainable basis in an environment which has changed dramatically in recent years due to a multiplicity of factors including the

funding standard, the need to comply with accounting standards, the cost of annuities, rapidly increasing liabilities (including longevity) and developments in equity markets. All parties are committed to increasing pension coverage generally in the economy through appropriate models. Industrial relations issues arising from disputes related to pension schemes may be referred to the National Implementation Body (NIB) by either party. The NIB will endeavour to assist the parties to such disputes on the basis of the active engagement of its constituent members in seeking solutions to complex problems.

- 8.4 The parties are agreed that in order to promote the achievement of the above objectives and aspirations, they will actively co-operate both at national level, (e.g. through the auspices of the Pensions Board) and at workplace level, between employers and unions, through regular discussion and dialogue on pension matters. Both unions and employers are committed to promoting the introduction of occupational schemes for those employees without access to such schemes, subject to the costs involved not undermining competitiveness and employment in enterprises. Furthermore, nothing in this programme shall impede the improvement of schemes, where employers and/or employees concerned are willing and able to meet the costs.

### **Partnership Pensions Review**

- 8.5 The Government has agreed to engage with employers and trade unions, in a process to be supported by appropriate expertise and taking account of the reports of the Pensions Board and of the operation of the annuity market, in the context of its formulation of a comprehensive approach to future pensions policy.
- 8.6 The Departments of Finance, Social and Family Affairs and Enterprise, Trade and Employment will participate in the Review, which will be facilitated by the Department of the Taoiseach, including as regards the framing of a social partner contribution to the formulation of the Government's Green Paper at Section 8.8 below.
- 8.7 The Pensions Board will be asked to research benefit design options in the occupational pensions area and will examine current design issues in both DB and DC arrangements with a view to producing guidance as to designs which encompass the positive elements of each arrangement while adjusting the costs and risks to the parties involved.

### **Green Paper on National Pensions Policy**

- 8.8 The Government is committed to publishing a Green Paper on Pensions Policy outlining the major policy choices and challenges in this area. It will take account of the views of the social partners. The Government are committed to responding to the consultations on foot of the paper's publication within 12 months of the ratification of this agreement by developing a framework for comprehensively addressing the pensions agenda over the longer-term.

### **Transfer of Undertakings Directive-Optional Pensions Provision**

- 8.9 The Government is agreeable in principle to the transposition into Irish law of the optional pensions provision of the Transfer of Undertakings Directive. The Government will finalise its consideration of the issue by end-2007, taking full account of the views of IBEC and ICTU on the implications of the options for transposition.
- 8.10 The Pensions Board will be asked to develop an options paper, dealing with the technical issues that would arise. In addition, the Board will take into account the extensive existing legislation and technical standards dealing with the dis-aggregation and merger of pension schemes.

### **Section 9. National Framework Committee for Equal Opportunities at the level of the Enterprise**

- 9.1 The parties are agreed that the National Framework Committee for Equal Opportunities at the level of the Enterprise will continue its work in developing and disseminating practical supports for the equal opportunities workplace, supporting individual projects and engaging with cost effective equality planning and equality reviews.

### **Section 10. National Framework Committee for Work-Life Balance Policies**

- 10.1 Work of the National Framework Committee for Work-Life Balance, initially established under the PPF, will continue. The Committee will continue to support and facilitate the development of family friendly policies aimed at assisting in the reconciliation of work and family life at the level of the enterprise. The activities of the Committee will continue to be supported by a specific budget.

# VII

## Employment Rights and Compliance

## Section 11. Introduction

- 11.1 The social partnership process has been reflected in the ongoing practice of Government and the social partners as well as in the development of legislative and regulatory frameworks. Insofar as the economy and employment are concerned, a particular focus has been on improving the employability and adaptability of employees, both before and during their working life. Similarly, the positive management of change, dealing equitably with the fallout from structural and other forms of change, provides a basis for high employment rates in a competitive global market. The altered circumstances in the Irish labour market arising from the decision to permit direct access by citizens of the new Member States can also be addressed through social partnership, through the attempt to formulate a shared understanding of the issues which arise, the options for responding to them and the combination of public policy and procedural responses which are most appropriate.

## Section 12. Employment Rights Compliance and Enforcement

- 12.1 While recognising the broad level of compliance with employment rights across the economy generally, there is, nevertheless, a significant shared commitment between the parties to securing better compliance with legal requirements, underpinned by adequate enforcement. It is also agreed that an effective employment rights compliance system must cover:
- The active and responsible contribution of employers, employees and trade unions;
  - The education of vulnerable workers;
  - The promotion of entitlements, with a special emphasis on workers from overseas;
  - Information provision to all employees and employers;
  - Substantially strengthened arrangements for inspection;
  - Adjudication by the Rights Commissioners, Employment Appeals Tribunal and Labour Court; and
  - Enforcement of adjudication outcomes.
- 12.2 The overall objective is to secure greatly increased public confidence in the system of compliance on the basis of an informed and empowered working population, who will have simple, independent and workable means of redress, underpinned by the need for fairness and impartiality, with adjudication and if needs be, enforcement available to them, in a reasonable length of time.
- 12.3 A major package of measures has been agreed by the parties with these aims in mind, including the establishment of a new, statutory Office dedicated to employment rights compliance; a trebling in the number of Labour Inspectors; greater coordination among organisations concerned with compliance; new requirements in respect of record keeping; enhanced employment rights awareness activity; the introduction of a new and more user friendly system of employment rights compliance; increased resourcing of the system; and higher penalties for non-compliance with employment law. The measures are set out in detail in Sections 13 to 16 below.

## Section 13. New Office of Director for Employment Rights Compliance

- 13.1 The parties are agreed on the need for a major enhancement and expansion of the existing Labour Inspectorate with a view to increasing its effectiveness, particularly in light of the changing labour market in Ireland. It has been agreed, accordingly, that:

- A new statutory Office of the Director for Employment Rights Compliance (ODERC) will be established under the aegis of the Department of Enterprise, Trade and Employment, led by a Director at top management level.
- A statutory Advisory Board will be established:
  - with an independent chair and three independent experts appointed by the Minister for Enterprise, Trade and Employment;
  - with three members nominated by each of the Parties;
  - to provide policy advice and input and feedback to the Office on enforcement and compliance issues; and
  - with the ability to commission its own research.
- The number of Labour Inspectors under this Office will be progressively increased from 31 to 90 by end-2007, as part of an initiative to increase the staffing resources of the Employment Rights Bodies generally. Inspectors will be specially selected and trained and will be deployed on a regionalised basis.
- In addition, the new Office will be provided with legal, accounting and other administrative support to ensure its effective functioning.
- The ODERC will publish an Annual Report on its activities, which will be laid before the Houses of the Oireachtas.
- The necessary legislation to establish the new Office will be published during 2007. In the meantime, the ODERC will be established on an interim basis.

## Section 14. Working Together for Compliance

14.1 The parties are agreed on the need for greater co-ordination between organisations concerned with employment rights compliance, with a view to realising the considerable potential for synergy that exists in this area.

- It is intended that the ODERC will develop an ongoing structured dialogue with all the 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.
- Complementing the work of the ODERC, the existing monitoring and inspection activity in relation to compliance with the REA in the electrical contracting sector will be strengthened by amending legislation to support new organisational arrangements, in light of the shared commitment and expertise of the parties in the sector. The necessary legislation will be published during 2007.

### *Joint Investigation Units*

- The Revenue Commissioners and the Department of Social and Family Affairs operate Joint Investigation Units (JIUs) on a regional basis under social welfare legislation, involving staff of both organisations in joint investigations of appropriate cases.

- The new legislation will enable Authorised Officers of the Department of Enterprise Trade and Employment and the ODERC to join with the Department of Social and Family Affairs and the Revenue Commissioners to work together in the Joint Investigation Units. The role of the JIUs will be to address areas where evidence suggests non-compliance exists.

#### *Strengthening the RCT System*

- The employment status of workers will be a particular focus of the JIUs. The application of the existing code of practice on employee status will be reviewed, with a view to more effective implementation.
- In tandem with this review, monitoring of RCT1 declarations will be strengthened. The RCT1 declaration form will be revised to require additional specific information as to why a proposed contract is considered by the parties not to be a contract of employment. The Government will empower the Revenue Commissioners to oblige those completing RCT1s to return them to the Commissioners in certain circumstances, including taking account of where the tracking of the pattern of employment provided for under Section 17 suggests a disproportionate level of self employment. Existing fixed penalties for non-completion will be extended to failure to make such a return by amendment in the Finance Bill, 2007. The Department of Social and Family Affairs will also intensify efforts to ensure correct classification of workers for the purposes of PRSI. In this regard, legislative provision will be made for the information accruing from RCT1 returns to be shared in the context of the JIUs above with the Department of Social and Family Affairs and the ODERC.
- It has been agreed that the ODERC will join the Hidden Economy Working Group which will be relaunched immediately upon ratification and which will continue to meet on a monthly basis or as appropriate thereafter. The Group includes Revenue Commissioners, Department of Social and Family Affairs, ICTU, IBEC, SFA and CIF.

#### *Better Records*

14.2 The parties are agreed on the need for improved record keeping in order to protect workers' employment rights.

- New legislation will be published as necessary, consistent with the EU Treaties, during 2007 to provide that every employee must have an identifiable employer within the State who has legal responsibility for compliance with all aspects of the applicable Employment Rights legislation.
- To support more effective inspections, it is proposed to prescribe the form in which payroll and working time records must be kept by employers. Legislative powers will be introduced in 2007 to provide for these statutory employment records, so as to be consistent with the existing record keeping requirements for employers in relation to, for example, taxation and social welfare.
- It has been agreed that the social partners will participate with the Revenue Commissioners, the Department of Social and Family Affairs and the Department of Enterprise, Trade and Employment in setting out the legal requirements for statutory employment records covering time records and Statements of Pay (Payslips).
- The onus will be on employers to maintain and produce up-to-date Statutory Records in accordance with legislation to be enacted. Failure to do so will be a criminal offence subject to summary or indictable proceedings. Where redress proceedings in relation to non-payment of statutory entitlements are being taken to the Rights Commissioners, Employment Appeals Tribunal, Labour Court or Court of Law, the onus of producing evidence of payments made or deductions from pay and hours worked will rest with the employer.
- The penalty for non-maintenance of statutory employment records will be up to €250,000 on indictment.

### *Investigations*

14.3 The parties are agreed on the need for legislation to strengthen the powers of the Minister for Enterprise, Trade and Employment in relation to the investigation by Labour Inspectors or authorised persons of particular employments in relation to employment rights and compliance. The Minister will be empowered to publish the outcome of such an investigation in cases of public interest. New legislation will be published in 2007 to provide for these powers.

### *Improved Communications*

14.4 The parties are agreed on the need for more intensive promotion of employment rights, obligations and entitlements to employers and employees and to workers from overseas in particular.

- Social partners and other organisations will be invited to bring their knowledge and networks to bear on the design and delivery of this education and awareness programme.
- The ODERC will initiate a publicity campaign, with an emphasis on workers from overseas and on the sectors in which they are employed in significant numbers, setting out their rights in a range of languages and including, in relation to the construction sector, information on the pension provisions of the relevant REA.
- A specific budget of €750,000 will be provided for education and promotion of the new compliance model, in which the social partners will participate. This will complement other similar activities by Civil Society organisations.

## **Section 15. An Agreed New Approach to Attaining Compliance**

15.1 To maximise the effectiveness of the substantially increased compliance effort, the parties to the Agreement are agreed that a new approach be used to both effect compliance by all parties and simplify the adjudication and redress mechanisms available in the employment rights area. This, when coupled with the education and awareness programmes, increased penalties and improved access to redress, will constitute the New Compliance Model.

15.2 The Parties are agreed on the adoption of a new compliance model based on the following criteria:

- Effectiveness in promoting compliance;
- Fairness and impartiality; and
- Ease of understanding and use.

### *General Principles*

15.3 The general principles of the new compliance model will be:

- that matters be resolved at the level of the workplace where possible;
- that interactions between employers and employees and trade union representatives, as appropriate, be supported by the enhanced employment rights promotional and educational efforts directed at them; and
- that initiation and ownership of cases will rest with the complainant, insofar as possible.

### *Procedural Approach*

- 15.4 The new model will provide that individuals will be aware that they may 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. Those who do not wish to pursue a case in the above manner may refer the matter to the ODERC for investigation.
- 15.5 The new model will also provide that:
- The Minister may also request the ODERC to carry out an investigation.
  - The ODERC will undertake investigations on its own initiative.
  - The ODERC will seek resolution in a timely manner by direct engagement with the employer.

### *Resolution of Cases*

- 15.6 If a breach is not addressed within a specified period of time, the ODERC will have the option to commence prosecution and/or inform both the employer and the affected employees, by means of a notification, of the breaches detected and of their redress options. In so doing the employees and employers will be advised that they may consult with a trade union, employer representative body or others, as appropriate, for advice and assistance to:
- address the matter in the workplace, and/or
  - seek a hearing by the Rights Commissioner Service.
- 15.7 The Government will examine the practicality of providing that the ODERC, where intimidation or other barriers to redress may exist, could refer specific limited cases directly to the Rights Commissioner Service for a hearing. This direct referral of cases by the ODERC to the Rights Commissioner Service will be dependant on suitable legislative underpinning being drafted in consultation with the Office of the Attorney General. In circumstances of direct referral of a case by the ODERC, the Rights Commissioner Service, when arranging a hearing, will advise the parties of the availability of advice and assistance from employer representative bodies and trade unions or others, as appropriate.
- 15.8 In the event of a Rights Commissioner hearing for adjudication and redress, the relevant ODERC inspector may be called by the Rights Commissioner to attend as an expert witness.
- 15.9 Appeals by either party in respect of a Rights Commissioner Decision will be to the Employment Appeals Tribunal or Labour Court as provided by legislation. The outcomes of all hearings in the employment rights bodies will, where there has been no appeal, be directly enforceable in the Circuit Court without having to have a further hearing.

### *Public Policy*

- 15.10 In relation to certain cases, and particularly in instances relating to failure to maintain statutory records, breaches of the Protection of Young Persons Act, 1996, or instances of non-cooperation with ODERC Inspectors, the ODERC may take cases to the Courts with a view to securing convictions by way of prosecutions for summary or indictable offences, notwithstanding any redress actions that may be taken.

### *Role of the Employments Rights Bodies*

15.11 The norm will be for all employment rights cases to be heard in the first instance by the Rights Commissioner Service with subsequent appeal to either the Employment Appeals Tribunal or the Labour Court. An exception to this approach will be in relation to adjudication under the Unfair Dismissals Acts and associated claims arising in a particular case where a party may opt, as at present, on a case being taken to the Employment Appeals Tribunal in the first instance with appeal to the Circuit Court. A further exception will be cases under the existing provisions of the Industrial Relations Acts which allow a party to a dispute to object to a hearing at the Rights Commissioners.

### *Commitment of More Resources for Compliance enforcement, Adjudication and Redress*

15.12 The Government is committed to the resourcing of the Office of the Director of Employment Rights Compliance. In addition to increasing the number of Labour Inspectors under this Office from 31 to 90, progressively up to end-2007, the new Office will be provided with 23 legal, accounting and other administrative support staff to ensure its effective functioning.

15.13 The Government is also committed to increasing the staffing resources of the Employment Rights Bodies generally in order to accelerate the processing of cases through the adjudication and redress system. Responding to the growing caseload it has been agreed that:

- (a) 20 additional support staff will be provided for the Employment Appeals Tribunal, the Labour Relations Commission and the Labour Court; and
- (b) an additional 5 Rights Commissioners will be provided, increasing, as necessary, in line with the Commissioners' caseload.

## **Section 16. Strengthening Penalties and Redress**

16.1 Penalties for non-compliance in all areas of employment law are to be reviewed and increased as follows:

- **On summary conviction** – to €5,000 in the District Court and/or a custodial sentence in line with the jurisdiction of the Court;
- **On indictment** – Penalties could range up to €250,000 for e.g. non-maintenance of Statutory employment records and transgressions under the Protection of Young Persons Act, 1996.

16.2 As regards **Redress**, where the issue has been brought to the Rights Commissioners/Employment Appeals Tribunal/Labour Court, they will be able to award compensation of an amount that is just and equitable, of up to 2 years' remuneration taking account of financial loss, across the range of legislation (such an approach has a built-in inflator).

16.3 New legislation will provide for this new model of compliance with its compliance/adjudicative elements and increased penalties regime, as agreed above, across all employment rights legislation. It will be published during 2007. This legislation will contribute to the ongoing work of the Employment Rights Group, established by the Government, which will continue its remit to simplify and harmonise employment rights law.

### *Protection of Complainants*

- 16.4 The Government will provide statutory protection to an employee who, in good faith, has made a complaint to an appropriate authority, including to ODERC, against his or her employer under any employment rights provision, ERO or REA and who is subsequently dismissed or otherwise penalised arising from the complaint.

## **Section 17. Tracking Labour Market Trends**

- 17.1 The parties are agreed on the need to monitor changing patterns of employment, including that of workers from overseas, and to keep under review the effectiveness of the agreed new measures in protecting employment standards and developing the labour market.
- It has been agreed to initiate new data series, including the development of new CSO quarterly series of earnings data by key economic sector and occupation.
  - Having regard to the rapid and continuing pace of change in the labour market as a result of migration, a Group on Labour Market Trends and Employment Standards – to include the parties to this Agreement – will be established.
  - The Group will:
    - Track changing patterns of employment and earnings, including hourly earnings of workers and, as a priority, both of workers from overseas and of the self-employment of skilled and unskilled workers;
    - Monitor employment standards and the development of the labour market in the lifetime of this agreement; and
    - Advise on the information requirements to support this monitoring, including in respect of trends in temporary, part-time employment, agency and self-employment, and that would indicate any employment shifts or displacement of workers in particular sectors; and the consequences, if any, for terms and conditions of employment.

## **Section 18. Proposal to Address Exceptional Collective Redundancy Situations**

### *Context*

- 18.1 The opening up of the Irish labour market arising from the decision to permit direct access by citizens of the new EU Member States has given rise to concerns about the possibility of the collective compulsory replacement of workers by lower paid workers from these States or elsewhere, either directly or through the use of other replacement workers within the jurisdiction. The parties to this agreement are agreed that this has the potential in certain circumstances to be harmful to the maintenance of good industrial relations in this country. At the same time, the parties are fully agreed on the need for co-operation with ongoing change in response to competitive pressures, as well as the need for adaptation and flexibility when market conditions require, since this will underpin sustainable employment and conditions in enterprises.

### *Commitment of the Parties*

- 18.2 The parties recognise and fully accept that each side carries a responsibility to ensure that their conduct is reasonable and that they act in good faith in dealing with the timely development, processing and implementation of competitive pressures that may arise, as a consequence of which the best possible levels of employment and conditions can be ensured.

### *Proposed Mechanism*

- 18.3 The following proposal is designed to address the specific, exceptional case of compulsory collective redundancy situations defined in (f) below. It shall not interfere with normal and legitimate business activity, where these specific circumstances do not arise. For the avoidance of doubt, the mechanism is not intended to apply to the employment of agency workers, for temporary or recurring business needs, or the use of outsourcing/contracting-out, or other forms of business restructuring, where the specific circumstances defined in (f) do not arise. It is envisaged that recourse to the mechanism it establishes will not become a normal feature in the conduct of industrial relations but, rather, should only be used in these exceptional circumstances. The proposal contains specific safeguards to this end. Only collective compulsory redundancies defined in (f) will come within the scope of this mechanism.
- (a) A new body would be established by amending the Protection of Employment Act 1977. To be known as the Redundancy Panel, the only function of the body, having been requested either by employee representatives (as defined by Section 2(1) of the Protection of Employment Act, 1977, as amended by Section 3(a) of S.I. 488 of 2000) acting with the approval of a majority of those they represent who are affected by the redundancy proposal, or the employer (following the issue of a collective redundancy notice), and having invited submissions from the parties, would be to request the Minister to ask the Labour Court to issue an opinion as to whether or not proposed dismissals fall within the definition at (f) below.
- (b) The three member Redundancy Panel would consist of:
- i. a Chairman and an alternate appointed by the NIB, and
  - ii. an Ordinary Member and an alternate nominated by ICTU and an Ordinary Member and an alternate nominated by IBEC.
- (c) The Panel would act by majority decision.
- (d) The Panel and this referral mechanism would be put in place for a period of three years, renewable thereafter by Order of the Minister, following a statutory consultation process where the social partners have requested and the Minister is of the view that the reinstatement of the Panel would be conducive to the continued orderly conduct of industrial relations.
- (e) Following a request by the Panel, the Minister may refer the case to the Labour Court. The Minister may also refer a case on his own initiative.
- (f) A request from the Panel can be made to the Minister and subsequently from the Minister to the Labour Court only in the case of the following:
- The situation must involve a collective redundancy proposal<sup>1</sup> on a compulsory basis, with the planned replacement of staff by
    - direct employees employed by the employer effecting the compulsory collective redundancy; or
    - the use of other replacement workers by the aforementioned employer,in the same location or elsewhere within the jurisdiction (except where the aforementioned employer has an existing operation with established terms and conditions), on materially reduced terms and conditions, and with the new workers performing essentially the same jobs as those to be made redundant.
- (g) Before the Panel makes any request to the Minister, it would have to satisfy itself that the following requirements have been met:

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<sup>1</sup> As defined by Section 2(1), Protection of Employment Act, 1977.

- i. that the applicant has sought local engagement through the established internal dispute resolution procedures in place or availed of by custom and practice in the employment concerned, or normal consultative procedures and this has failed to resolve the matter;
  - ii. that the applicant has behaved reasonably and has not acted in a manner which in the opinion of the Panel has frustrated the possibility of agreement to the introduction of necessary change or other restructuring proposals required to secure the viability of the business and, as a consequence, the best possible levels of employment and conditions; and
  - iii. that there has been no recourse to industrial action from the date of referral to the Panel.
- (h) The Minister may make a referral on his own initiative to the Labour Court on the basis of the criteria set out at (f) and on the basis of a public interest in the matter.
- (i) The Labour Court, in the context of this agreement, will only issue an opinion where:
  - i. there is no ongoing industrial action; and
  - ii. it is satisfied that the criteria at (f) and (g) (i) and (ii) have been met.
- (j) The Labour Court will hold a hearing into the matter and be given power to compel attendance if necessary, and take evidence on oath etc.
- (k) The Labour Court would have to present its opinion, to the Minister and the interested parties, as to whether the proposed redundancies would meet the definition in (f), which will be reflected in appropriate legislation.
- (l) There shall be no appeal from the opinion of the Labour Court.
- (m) Referral to the Panel must take place within the 30 day notice period provided under the Protection of Employment Act, 1977. No individual dismissals<sup>2</sup> can take place for up to a further 7 days pending the outcome of a request by the Panel to the Minister, depending on the date of the referral. On foot of a request to the Minister, the period in which no dismissal can take place will be extended by up to a further 7 days to allow for his/her consideration of the matter, depending on the date of the referral. Finally, should the Minister make a reference to the Labour Court, the Court will be given a period of up to 16 days during which it may issue an opinion, again, no dismissals<sup>2</sup> may take place during this period. Nothing in the foregoing will override the 30 days notice period provided for under the Protection of Employment Act, 1977.
- (n) The legislation will provide that where a case is referred to the Labour Court by the Minister under (h) above, no dismissals<sup>2</sup> can take place for a period of 30 days from the date of referral by the Minister. (This 30 days would be separate from the 30 days notice period provided for under the Protection of Employment Act, 1977. Accordingly, the maximum period required before dismissals could occur would be 60 days – on the assumption that referral to the Labour Court is initiated in day 30 of the collective redundancy notice.) Nothing in the foregoing will override the 30 days notice period provided for under the Protection of Employment Act, 1977.

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<sup>2</sup> In paragraphs (m) and (n), the prohibition on dismissals relates to dismissal by redundancy only.

- (o) Where the Labour Court issues an opinion that proposed dismissals meet the definition in (f) and if the employer goes ahead anyway and carries out the dismissals on the same basis as the proposal that was referred to the Labour Court, the following implications would arise:
- i. The Minister for Enterprise Trade and Employment would need to conduct his own examination of the application for redundancy rebate.
  - ii. On foot of a refusal to pay the rebate, any exit package given to the employees would not benefit from the income tax provisions that apply to statutory redundancy payments.
  - iii. The employees could take a case for Unfair Dismissal.
  - iv. The employer could appeal to the Employment Appeals Tribunal the refusal by the Minister for Enterprise Trade and Employment to pay a redundancy rebate, and, if successful, the relevant income tax provisions would be available to the employee.
- (p) Where employees take a successful case for unfair dismissal, the Rights Commissioner or Employment Appeals Tribunal, as the case may be, may award reinstatement, re-engagement or financial compensation. It is proposed that the Unfair Dismissals Acts would be amended to provide that, in situations where a negative opinion has issued by the Labour Court under this mechanism, 'financial loss' would be redefined as a factor to be considered by a Rights Commissioner or Employment Appeals Tribunal, as the case may be, and, on appeal, to the Circuit Court in deciding the level of awards under the Unfair Dismissals Acts, such that only redundancy/severance payments accepted by the employee would continue to be taken into account for this purpose. The level of compensation may, at the discretion of the Rights Commissioner/Employment Appeals Tribunal/Circuit Court be up to a limit of 4 years' remuneration where the employee has 20 years' service or less and up to a limit of 5 years' remuneration where service exceeds 20 years in these defined circumstances.

#### *Fast Track Procedure*

- (q) A procedure to expedite hearings at the Rights Commissioners/Employment Appeals Tribunal in relation to cases where the Labour Court has issued an Opinion under the special mechanism has been agreed between the Parties, whereby such cases will be heard by the Rights Commissioners/Employment Appeals Tribunal within 12 weeks from the date on which a hearing is requested.
- (r) The legislation necessary to give effect to the new mechanism will be published before end-2006. The necessary amendments to the Protection of Employment Act 1977, Redundancy Payments Acts, 1967-2003 and the Unfair Dismissals Acts, 1977-2001, will all be based around the definition of an exceptional collective redundancy situation as at (f) above and the agreed circumstances in which it applies under 18.3 of this Section.

## Section 19. Dismissals in Industrial Disputes

19.1 The parties are agreed on the need to protect against the potential misuse of collective dismissals.

- The Government has agreed, accordingly, to amend Section 5 of the Unfair Dismissals Acts, 1977-2001, by the addition of the following provision to that Section:

*Where in the case of a strike, other industrial action or lockout; none of those who took part in the strike or industrial action were re-engaged; or in the case of a lock out, none of those who were locked out were re-engaged, the Rights Commissioner, the Tribunal, or the Circuit Court, as the case may be, shall have regard in determining if a dismissal is an unfair dismissal –*

- (i) *to the reasonableness or otherwise of the conduct (whether by act or omission) of the employer or employee in relation to the dismissal,*
  - (ii) *to the extent (if any) of the compliance or failure to comply by the employer or the employee with the procedure referred to in Section 14(1) of this Act or with the provisions of any code of practice referred to in Section 7(2)(d), and*
  - (iii) *whether the parties have adhered to any agreed grievance procedures operative in the employment in question at the time of the aforementioned strike or industrial action or lock out.*
- The necessary legislation to give effect to the above provision will be published before end-2006.

## Section 20. Supporting Employment Standards through Public Procurement

20.1 The parties are agreed on the importance of public procurement policy as a mechanism for contributing to the maintenance of employment standards and norms, including in respect of wage levels, while also ensuring competitive tendering and value for money in public expenditure.

- (a) In the construction sector, contractual conditions in the new suite of Standard Forms of Contract will require compliance with employment law generally, including, for example, the relevant Registered Employment Agreements, existing statutory requirements such as the national minimum wage, legally binding determinations under the Industrial Relations Acts, health and safety legislation and equality legislation relating to employment.
- (b) Public contracting authorities will be obliged to seek an appropriate certification of compliance with the requirement at (a) from contractors at suitable intervals. If non compliance with the pay and pensions terms of an REA occurs, contracting authorities can take whatever corrective action is considered necessary and appropriate, within the terms of the contract, including the proportionate withholding of payments, to ensure compliance.
- (c) Public authorities will retain their existing rights under contract to access data and records. In respect of capital works projects in excess of €30 million and with a contract duration in excess of 18 months, contracting authorities will provide in their contracts for random checks of the records of contractors and sub contractors to assess compliance with the requirements of the Registered Employment Agreement, as appropriate. Contractors are responsible for ensuring that proper records are available to facilitate this process.
- (d) If certification is not received, the proportionate withholding of payment in respect of the non-compliant contractor or sub contractor will be provided for.

- (e) Under revised procurement guidelines to be issued by the Department of Finance, public sector service contract conditions will contain a broadly similar approach to the above in relation to compliance with the relevant existing legal requirements.

## Section 21. Regulating Employment Agencies and Agency Workers

- 21.1 The parties are agreed on the need for the improved regulation of employment agencies and agency workers. New legislation will be published before end-2006 reinforcing the existing system of regulation by requiring all employment agencies established and/or operating in Ireland to hold a licence. In this regard, the legislation will set out the conditions for the granting of a licence.
- 21.2 The new legislation will also put in place a statutory Code of Practice covering standards of behaviour for employment agencies. Compliance with the Code of Practice will be a condition of licensing. The terms of the Code will be developed in dialogue with the parties to the agreement and other relevant interests.
- 21.3 In preparing the legislation, in consultation with the Social Partners and other interested parties, it will be necessary to have regard to ongoing discussions and developments at EU level in relation to posted workers and the Draft Services Directive.
- 21.4 The underlying principles envisaged for the legislation and the standards of behaviour for employment agencies to be provided for in the Code of Practice are set out in the Appendix.

## Section 22. Modernising the Joint Labour Committee System

- 22.1 Building on the review undertaken by the Government and the social partners under Sustaining Progress, it is intended to modernise the JLC system to allow for:
- the amalgamation and abolition by agreement of a number of Committees to ensure greater effectiveness;
  - retention of the Chairperson's casting vote;
  - within the JLCs themselves, the strengthening of the operational arrangements and the promotion of a standardised approach to Employment Regulation Orders by the development of a standardised template and terminology insofar as practicable – while recognising the need for sector variations;
  - the reflection of actual workplace practices e.g composite pay rates; and
  - the alignment of ERO and NMW dates for changes in pay will be addressed in the context of the arrangements set out at Section 2.

## Section 23. Protecting Employees in the Home

- 23.1 The parties are agreed on the need for special measures to support the employment rights of persons employed in other people's homes.
- 23.2 The Government has agreed with the parties that the Minister for Enterprise, Trade and Employment will ask the Labour Relations Commission to develop a Code of Practice which will set out the current employment rights and protections for those working in the home and provide for:

- the obligation to provide a written statement of terms and conditions of employment as required under the Terms of Employment (Information) Acts, 1994 and 2001, detailing hours, rates, duties, breaks/leave entitlements, treatment of travel time etc;
- provisions as regards the safeguarding of privacy;
- the employer will not keep any personal document belonging to an employee;
- the treatment of accommodation and the making of any deductions;
- all additional duties will be by prior agreement only and out of pocket expenses will be reimbursed promptly;
- the employer will facilitate the employee in the free exercise of personal pursuits; and
- the employer will not restrict the employee's right to trade union membership.

23.3 The new Code will be published before end-2006.

## Section 24. Economic Migration Policy

24.1 The employment permits system has an important contribution to make in the protection of individual worker's rights and supporting employment standards.

24.2 The Government has agreed that the Employment Permits Bill will be enacted at the earliest possible date and that economic migration policy will ensure the following:

- that all workers will be allowed to apply for and reapply for their own permit;
- that there will be appropriate consultation with the social partners in determining included and excluded categories of staff/skills for eligibility for work permits;
- that there are adequate safeguards to protect workers' rights in relation to the application for employment permits by:
  - employers inside and outside of the State;
  - employment agencies; and
  - in respect of intra-corporate transfers;
- that the employment of non-EEA students is subject to an application for employment permits;
- that employment permit applications are not approved for wages below the REA/ERO rate or the National Minimum Wage, whichever is appropriate;
- that employment permit holders may transfer to another employment in cases of unfair treatment; and
- that spouses of employment permit holders who are granted residence in Ireland may be granted an employment permit.

24.3 The regulation and quality assurance of language schools or workplaces providing language courses to international students will be strengthened by placing mandatory requirements on course providers. Key features of the new arrangements will include quality standards, a code of practice including protection of learners and treatment of fee refunds, keeping records, proof of enrolment and of continuing attendance. Complaints of breaches of the mandatory requirements will be investigated and dissuasive sanctions will be put in place.

## Section 25. North-South and East-West Co-operation

25.1 The Government and the parties are committed to building on the 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 will 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. The Government and the social partners are also committed to supporting the ongoing work of the European Foundation for the Improvement of Living and Working Conditions, including the biennial Foundation Forum.

## Section 26. EU Legislative Developments and the Workplace

- 26.1 It is recognised that legislative measures agreed at EU level have had and will continue to have a major impact on the Irish workplace.
- 26.2 The Government is committed to engaging in ongoing dialogue with the employer and trade union sides in relation both to existing and any proposed Draft Directives which impact on the workplace, including in particular on seafarers. This will include in particular the Draft Directive on Temporary Agency Workers and the proposed Services Directive, building on dialogue already undertaken in these areas. It will also include consideration of the implications of the Draft EU Directive on the Portability of Pensions for the pensions interests of transferred employees.
- 26.3 The Government will also engage in dialogue with the parties on the EU Green Paper "Towards a Future Maritime Policy for the Union", especially as regards seafarers, and the Draft Green Paper on the Evolution of Labour Law, currently in preparation in the EU Commission.

## Appendix

### Regulating Employment Agencies and Agency Workers

The principles envisaged for the new legislation referred to at Section 21, reinforcing the existing system of regulation, include:

- Requirement that an employment agency hold a licence and make it an offence to use an unlicensed agency in Ireland;
- Provision that an employment agency shall not charge a job seeker a fee for seeking employment for him or her or for placement;
- Provision that employment agencies shall in their dealings with job seekers abide by all employee protection legislation and Data Protection legislation in force in the State;
- Provision that a corporate applicant for an employment agency licence shall comply with the provisions of the Company Law Enforcement Act 2001 in relation to the "Phoenix" syndrome;
- Provision that an applicant for an employment agency licence shall receive clearance from the Garda Síochána that he or she has not been convicted of an indictable offence;
- Provision that the Minister may seek nominations from the Social Partners and other interested organisations and persons for membership of a Monitoring and Advisory Committee to oversee the conduct of employment agencies in relation to the statutory Code of Conduct;
- Provision that any person may make a complaint to the Monitoring and Advisory Committee about the conduct of an employment agency;
- Provision that the Minister may revoke a licence for breaches of a statutory Code of Practice or for non-compliance with the legislation;
- Provision that the terms of the Registered Employment Agreements (REAs) Employment Regulation Orders (EROs) and statutory terms apply to agency workers and posted workers in the relevant employments;
- Provide for effective monitoring, investigation of complaints and the provision of appropriate redress mechanisms;
- Provide clarity as necessary in relation to who is the employer of agency and posted workers for the purposes of Employment Rights Legislation; and
- for the purposes of enforcement, seek to require the maximum presence in Ireland of such agencies for the purpose of record keeping on pay and other employment related matters to facilitate compliance and enforcement, to the extent consistent with the EU Treaties.

The statutory Code of Practice covering standards of behaviour for employment agencies will include:

- Recruitment and placement practices;
- Restrictions on the handling of personal information;
- Advertising practices – including a prohibition on trawling for CVs;
- Clarity in relation to travel expenses;
- Verification of qualifications;

- Provision of information in the language of the job applicant;
- Provision of information together with terms and conditions in a single document;
- No variation of terms and conditions without the agreement of the jobseeker;
- Every application for an employment agency licence shall be accompanied by a tax Clearance Certificate;
- An applicant for an employment agency licence shall be required to hold an appropriate HR qualification;
- An employment agency shall not solicit, persuade or induce an employee to leave any employment in which the employment agency has placed the employee;
- Where a job seeker is referred to the same employer by two employment agencies the employer's fee shall be paid to the employment agency which first contacted the job seeker;
- Employment agencies shall not disclose the results of any drug or medical testing on job seekers to third parties; and
- Prohibition on the reimbursement of the employer fee by the jobseeker.





# VIII

## Public Service Pay and Related Issues

## Section 27. Public Service<sup>3</sup> Pay

### Support for Modernisation and Flexibility

- 27.1 Sustaining Progress set out a number of principles concerning public service modernisation and flexibility. The parties to the current agreement consider that these principles have established a worthwhile framework within which the process of ensuring that our public services meet the evolving requirements of the Irish people can be advanced. These principles are incorporated in the following text.
- 27.2 A flexible approach to working practices by individual public servants, management and unions is necessary to satisfy the increasing demand for improvements in the provision of public services. This flexibility involves the removal of unnecessary demarcations, the adoption of more modern approaches to work and the promotion of innovative ways of meeting the demand for services. It is also necessary that managers have the flexibility to adapt procedures to respond to particular pressures, which may vary from sector to sector, and to ensure that work methods are suited to the efficient delivery of services.
- 27.3 Flexibility of working is a key requirement in the achievement of greater efficiency and effectiveness in the public service. In light of the importance of this issue, the parties to this Agreement will co-operate with normal ongoing change and the flexibility and modernisation provided for in Sections 28 to 32.

### Stable Industrial Relations Climate

- 27.4 The parties recognise the importance of stable industrial relations and are committed to maintaining a well-managed industrial relations environment to minimise disputes affecting the level of service to the public. A stable industrial relations climate has important benefits for the general public and the public service itself. These benefits include the provision of uninterrupted services, improved productivity and staff morale, increased public confidence and the maintenance of Ireland as a desirable location for foreign direct investment.
- 27.5 Many public services differ from services which are provided by the private sector in that they are essential services which the public cannot obtain from alternative sources. Providers of essential services and their staff, therefore, have a special responsibility to ensure that they have well developed communication channels and to seek to resolve problems before they escalate into industrial disputes. If the problem cannot be resolved then it is agreed by all parties to take up all available dispute resolution mechanisms (both statutory and non-statutory).
- 27.6 The parties are agreed on the importance of confidence in regard to wage developments. Specifically, employers expect unions to adhere to the terms agreed and unions expect the terms agreed to be applied to their members.
- 27.7 This Agreement:
- Provides that no cost-increasing claims by trade unions or employees for improvements in pay or conditions of employment, other than those provided for in Sections 27.17 and 27.20, will be made or processed during the currency of the Agreement;
  - Commits employers, trade unions and employees to promoting industrial harmony; and
  - Precludes strikes or other forms of industrial action by trade unions, employees or employers in respect of any matters covered by this Agreement, where the employer or trade union concerned is acting in accordance with the provisions of this Agreement.

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<sup>3</sup> The term "public service" does not include commercial State-sponsored bodies.

- 27.8 The parties are agreed that engagement at local level in relation to issues in dispute must be meaningful and undertaken in a spirit of making every effort to reach agreement at the earliest possible stage.
- 27.9 Where the parties cannot reach agreement through negotiations on any matters covered by this Agreement after local discussion, these will be referred to the Labour Relations Commission and, if unresolved, these shall jointly be referred to the Labour Court or, where appropriate, to other agreed machinery. Where a Conciliation and Arbitration Scheme applies, the referral shall be to the Conciliation machinery under the Scheme and if unresolved shall be referred jointly to the Arbitration Board acting in an ad hoc capacity.
- 27.10 If a dispute arises as to what constitutes a breach of the Agreement, after local discussion the matter will be referred to the Labour Relations Commission and, if unresolved, it shall jointly be referred to the Labour Court under Section 20(2) of the Industrial Relations Act, 1969, and the parties will accept the outcome. Where a Conciliation and Arbitration Scheme applies, the referral shall be to the Conciliation machinery under the Scheme and, if unresolved, shall be jointly referred to the Arbitration Board, acting in an ad hoc capacity, and the parties will accept the outcome.
- 27.11 Where there is disagreement as to what constitutes normal ongoing change, after local discussion the matter will be referred to the Labour Relations Commission, and if unresolved, it shall jointly be referred to the Labour Court for adjudication under Section 20(2) of the Industrial Relations Act, 1969, and the parties will accept the outcome. Where a Conciliation and Arbitration Scheme applies the referral shall be to the Conciliation machinery under the Scheme and, if unresolved, shall be jointly referred to the Arbitration Board, acting in an ad hoc capacity, and the parties will accept the outcome.

### **NIB and the Public Service**

- 27.12 The Agreement provides for the continuation of the National Implementation Body (NIB) to ensure the delivery of the stability and peace provisions of this Agreement. A subgroup of the NIB will be established to review progress on all aspects of this Agreement in the public service and to consider any issues arising out of the implementation of the Agreement. It will meet monthly or as otherwise may be agreed.

### **Public Service Monitoring Group**

- 27.13 A Public Service Monitoring Group (PSMG) was set up under the Programme for Prosperity and Fairness (PPF) to oversee implementation of the public service pay agreement. 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. The PSMG will continue to meet on a regular basis under this Agreement.

### **General**

- 27.14 The parties, their officials and members accept as essential adherence to the spirit and intent of the Agreement and will communicate these commitments, obligations and responsibilities in good faith.
- 27.15 In this context, the parties to the Agreement recommit themselves to developing the partnership process at the workplace in accordance with commitments under previous national agreements. It is intended that the National Centre for Partnership and Performance will play a key role in supporting this process.

All other aspects of the Agreement apply equally in the Public Service.

## Pay Increases

27.16 This Agreement shall come into force on the expiry of the Pay Agreement under Part Two of Sustaining Progress and will last for twenty seven months.

27.17 It is agreed that pay increases shall be calculated on the basis of:

- 3% from 1 December 2006;
- 2% from 1 June 2007; except for those earning up to and including €400 per week (€20,859 per annum), where a 2.5% increase will apply;
- 2.5% from 1 March 2008; and
- 2.5% from 1 September 2008.

27.18 The payment of these increases is dependent, in the case of each sector, organisation and grade, on verification of co-operation with flexibility and ongoing change, including co-operation with satisfactory implementation of the agenda for modernisation set out in the Agreement, maintenance of stable industrial relations and absence of industrial action in respect of any matters covered by the Agreement. Payment is dependent on verification of satisfactory achievement of these provisions as set out in Section 33.3.

27.19 Under the provisions set out in Section 33.3. a Secretary General may refuse to sanction the payment of any of the increases outlined at Section 27.17. If the matter which gave rise to that decision is subsequently resolved then the payment may be made from the date which the relevant Secretary General deems appropriate in the circumstances. In the event that there is disagreement in relation to the effective date, it is accepted that the question will be processed through the existing industrial relations machinery and that the outcome will be binding.

27.20 The Public Service Benchmarking Body is currently carrying out a benchmarking review of the pay of public service employees and is to report its findings in the second half of 2007. A parallel benchmarking process is to be carried out in relation to the pay of the craft grades and the related non-nursing and general operative grades and is to be completed by the second half of 2007. The question of the implementation of the outcome of the benchmarking processes will be discussed by the parties in the context of discussions on whatever arrangements on pay and conditions are to be put in place on the expiry of this Agreement.

**IX**

# Public Service Modernisation

## Section 28. Modernisation and Flexibility

- 28.1 The parties to this Agreement will co-operate with flexibility and modernisation, including measures arising from changes set out in the non-pay terms of this agreement in the context of the NESC Strategy Report.
- 28.2 Sustaining Progress set out an extensive agreed programme of measures designed to achieve improvements in the efficiency and effectiveness of public service delivery. This programme built on the progress achieved in modernising the public service through the Strategic Management Initiative/Delivering Better Government in the Civil Service and similar frameworks in other sectors. The public service must continue to modernise and at a faster rate than heretofore if it is to continue to meet the expectations and requirements of our increasingly sophisticated, complex and diverse society. The parties reaffirm their full commitment to the further development and accelerated implementation of modernisation frameworks in each sector of the public service in order to secure the flexibility required to achieve the highest international standards.
- 28.3 The pay increases provided for in this Agreement are predicated on co-operation in the areas of modernisation and flexibility set out in Sections 28 to 32 of this agreement. It is agreed by the parties that implementation of such initiatives in the areas of flexibility and change will not give rise to claims for increased rewards for staff in the form of promotions, regradings, allowances or other benefits.
- 28.4 There is a well-established acceptance of the requirement for co-operation with modernisation and flexibility. It is not possible to set out a comprehensive definition of such co-operation which would cover every circumstance which will arise. However, the following paragraphs set out the key principles of organisational change and examples of specific areas of flexibility and change which are covered in this Agreement. These examples are not exhaustive. However, based on a reasonable assessment of any situation which is not specifically referred to, these principles and examples, taken together, provide clear guidance on the co-operation that is required.

### Principles of Organisational Change

- 28.5 Work should be organised in a manner that ensures the provision of high quality public services. This may require change in existing structures and working methods to ensure that services are provided in the most efficient and effective way. The parties to the Agreement accept the following principles:
- Co-operation with the introduction of new schemes and initiatives and changes to existing schemes; this is a routine feature of the work of public service organisations.
  - Co-operation with the implementation of policies, initiatives and reforms following Government decisions or the enactment of legislation (primary, secondary or EU).
  - Acceptance that changes in the volume and nature of work, technological innovation and changed business requirements may lead to a need to change the way in which work is organised, changes in staff numbers, a redistribution of tasks among staff, changes in the staffing mix or skills mix of the organisation and more flexibility in regard to reporting.
  - There will be situations where existing work procedures must be adapted to respond to work requirements and traditional methods of performing particular tasks will have to be changed.
  - The parties recognise that the growth in the size of the paybill must be kept at a sustainable level and that therefore the total numbers employed must be contained. Within that context, priority must be given to the delivery of essential services to the public.

In accordance with the partnership approach there will be appropriate consultation with staff as set out in Section 28.13 of this Agreement. Where there is disagreement regarding the application of these principles in particular cases, the matter will in the first instance be addressed by way of local discussion and, if still unresolved, it will, in accordance with the provisions of Section 27.11 above, be referred to the appropriate forum for consideration and the parties will accept the outcome.

### **Team Working and Cross-Functional Working**

28.6 There will be situations where work can be discharged in the most effective manner by assigning particular tasks to a group comprising people in different grades and disciplines. The operation of such a group may require variations in traditional reporting relationships involving members of the team reporting to another member in a different discipline or cross-organisational working. As already provided for under the terms of previous agreements, all of the parties will co-operate fully with initiatives in these areas and it remains open to management to implement such initiatives in accordance with the provisions of this Agreement.

### **New Technology and eGovernment**

28.7 Co-operation with the introduction and utilisation of new technology will continue. It is accepted that the use of new technology may necessitate significant change in work processes in order that the benefits of technology will be maximised.

28.8 eGovernment projects are a growing feature of work in the public service and have the potential to provide existing, combined and new services to the public in a more effective and efficient way. There will be full co-operation with the design and implementation of these projects, including cross-organisational projects, and with the organisational and structural change which is required. Where necessary, appropriate and timely training will be provided to staff.

### **Service Delivery Options**

28.9 It is accepted that there can be situations where, without affecting the essential ethos of the public service, work can be carried out or services delivered more effectively or efficiently, or both, by the employment of temporary staff, contracting out of work to the private sector or outsourcing it to other public service bodies or a combination thereof.

There is a variety of instances where it is recognised and accepted that this is already the case and these will continue.

In exceptional situations involving temporary pressures or peaks, or in order to avoid excessive delays in the delivery of services, management may, at its discretion, have the work undertaken on this basis. Unions will be notified in advance of initiatives of this kind in accordance with Section 28.13 below.

Other work may also be undertaken on this basis where agreed through normal industrial relations mechanisms. Where the parties involved cannot reach agreement in discussions on this matter, the matter may be referred to the public service sub-group of the NIB for consideration. If the matter cannot be otherwise resolved, the sub-group may decide that the issue involved should be referred to the LRC and, if necessary, to the Labour Court for binding determination; where a Conciliation and Arbitration Scheme applies, the issue shall be referred to the Conciliation machinery under the Scheme and, if unresolved, to the Arbitration Board, acting in an ad hoc capacity, for binding determination.

### Shared Services

28.10 There will be co-operation with the introduction of shared services between public service and related organisations where this can give rise to efficiencies or cost savings.

Examples of areas where shared services will be possible include, but are not confined to, HR, Finance and Accounts, Payroll and Superannuation Management, ICT (including telecommunications and data centres), Procurement, Data Entry/Capture and specialist legal and secretarial services and areas where unusual or unexpected needs arise.

### Attendance Patterns

28.11 The standard working week of most public servants will remain unchanged. However, to facilitate the work of organisations and to provide improved customer service delivery, there are needs in certain areas for changes in HRM practices to provide services outside what would be regarded as traditional working hours. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns.

Discussions will be held between the parties to give effect to this commitment in the sectoral modernisation agendas as appropriate and in the sectoral and organisational action plans; human resource and remuneration issues, if and where they arise, will also be dealt with in these discussions.

### Redeployment of Staff

28.12 The parties accept that redeployment of staff/posts may be necessary on foot of changing business patterns or priorities or to respond to urgent work demands.

Management will have the discretion to redeploy staff/posts, not just within the same location but also within defined areas to be agreed at the level of the sector or organisation, as appropriate.

### Management of the introduction of Change and New Developments

28.13 In accordance with the partnership approach, unions will be informed in advance of all new workplace-related initiatives which have a significant effect on staff, the reasons for them and the proposed implementation date. Notification will be given in advance and in sufficient time to allow discussions with the union(s) concerned to take place (due regard being given to situations of emergency). Such discussions will cover the nature of the changes involved, the reasons for them and the main impacts on staff. The discussions will be approached in a partnership manner and will be concluded in time to allow the changes to be introduced by the proposed implementation date. Subject to this, it is accepted that management have the right to implement changes in accordance with the provisions of the Agreement. In any case where a dispute in relation to such changes is being processed through the relevant industrial relations machinery in accordance with the procedures set out in Section 27.9 of this Agreement, staff will co-operate with the changes while the issue is being so processed.

## Section 29. The Civil Service

### 29.1 Commitment to Modernisation and Change

The parties commit themselves to co-operation with this next phase of modernisation and change in the Civil Service and, in particular, to modernisation in accordance with the paragraphs which follow.

The parties are committed to completing and building on the modernisation programme in *Sustaining Progress*.

The parties reviewed progress with that programme and agreed that:

- *Recruitment and promotion* – the new legislation establishing the Public Appointments Service and the Commissioners for Public Service Appointments gives the Civil Service new opportunities to modernise its recruitment practices; while progress had been made with open recruitment initiatives significant further steps must be taken in the new agreement – see Section 29.3 below; although progress had been made with the introduction of competitive, merit-based selection procedures for promotion posts, further measures were also necessary in this area – see Section 29.4 below.
- *Management of staff* – the agreement between the parties on a new Performance Management and Development System (PMDS) provides an essential tool for managing performance and career development for all staff; the Civil Service Regulation (Amendment) Act 2005, which gives powers of dismissal to Ministers for grades of Principal Officer and up and, for other grades, to heads of office, will clarify disciplinary arrangements, particularly in relation to performance and underperformance, and will support the modernisation of human resource practice in the Civil Service.
- *Public Service pensions* – the legislative changes in 2004 removing the compulsory retirement age and increasing the pension age for new entrants to the public service were major reforms facilitated by *Sustaining Progress*, reforms which will help to moderate the future cost of public service pensions; the parties also acknowledged the significant modernisation of pension arrangements for existing public servants, in particular, the changes to integration with Social Welfare pensions, which are of real benefit to pensioners on lower incomes, and the introduction of actuarially-reduced early retirement; it was also agreed that work on outstanding issues such as SPEARS and the payment of pensions to non-marital partners would continue to be a priority.

The parties agree to continue to develop and implement the measures agreed in *Sustaining Progress*. In particular, it is agreed that continued co-operation will be given to implementing:

- the integration of PMDS with HR processes in accordance with the full terms of the agreement set out in General Council Report number 1452;
- the human resource procedures which follow from the Civil Service Regulation Act 2005; and
- modern tools to assist in measuring performance at individual, team and organisation level, and to facilitate business planning, resource allocation, the delivery of quality customer service, better regulation, human resource management initiatives, and the Management Information Framework.

## 29.2 Improvements in Recruitment and Promotion Systems

The parties recognise that there is a need to ensure that staff serving in the Civil Service have good opportunities to develop their careers both in their own interest and that of the organisation. Staff motivation is a key element of human resource policy.

At the same time, the Civil Service, in common with any other large employer, must balance that need with the requirement to fill positions at middle and senior management levels with the best possible candidates, using both new and established methods of recruitment and promotion.

In this context, more open recruitment and more competitive promotion procedures are needed as part of the continued modernisation of the Civil Service so that it can recruit and promote the staff required to advise the Government and implement its policies in an increasingly complex and fast-changing society and economy.

These reforms are needed in their own right, but they are particularly important in view of the ageing of the Civil Service. The average age of civil service staff has risen from 34 years in 1985 to 41 years in 2005. In 1985, 24% of civil servants were aged over 40; by 2005, this had risen to 60%. The average age of civil servants is higher than that in the labour force as a whole. There will be a considerable increase in retirements - it is estimated that retirements from the Civil Service will at least double over the next ten years or so. Human resource policy must begin to adapt now to meet the serious challenge which this will create.

### 29.3 **Open Recruitment**

Greater use of open recruitment is essential because it will allow the Civil Service to attract staff with the wide range of skills and experience needed in a modern public administration.

The following measures are agreed in relation to recruitment:

- (a) For the Executive Officer grade, the proportion of posts filled through open competition will remain at 50%.
- (b) It is agreed that, in order to meet the requirements of a modern public administration and to take account of the age profile of the Civil Service, an element of open public recruitment is necessary in respect of Principal Officer, Assistant Principal and Higher Executive Officer, and equivalent professional and technical grades. In doing so, it is acknowledged that recruitment at one level in this way can have implications for the next highest level. This "cascade" effect arises because the filling of, for example, a Principal Officer post from outside the Civil Service has the effect of reducing the number of vacancies at Assistant Principal and this, in turn, results in reduced movement from Higher Executive Officer to Assistant Principal. In order to achieve uniformity of effect in open recruitment as between the different levels, it is necessary to have different proportions of open recruitment at the different levels.

The Civil Service may recruit by open competition in any year:

- *2 in 9 of all vacancies at Principal Officer [standard and higher scales] and equivalent grades, including equivalent professional and technical grades,*
- *1 in 5 of all vacancies at Assistant Principal Officer [standard and higher scales] and equivalent grades, including equivalent professional and technical grades, and*
- *1 in 6 of all vacancies at Higher Executive Officer and equivalent grades, including equivalent professional and technical grades.*

Arrangements giving effect to this will be in place by end-2006. Most of the recruitments to fulfil the quotas above will be made through generic competitions for appointment to general service posts. However, some of this recruitment may be used to meet specialised requirements in general service posts and will be part of the quotas shown above. Where there are such specialised skill recruitments, there will be discussions between the parties to give effect to this arrangement.

- (c) Where vacancies are filled by open competition under the procedure at (b) above, Departments and Offices will reduce their liabilities to inter-Departmental panels for the relevant grades by the same number.
- (d) Where it is not possible to meet the requirement internally, the Civil Service has full flexibility to recruit staff for specified atypical work patterns, including – but not confined to – part-time work and work outside traditional patterns. Staff will be recruited on the basis of contracts which specify the nature of the working pattern and its duration. Contracts may also provide staff recruited on this basis with an opportunity to move to the standard working pattern after a set period. Discussions will be held between the parties on arrangements to give effect to this commitment. Human resource and remuneration issues, if and where they arise, will also be dealt with in these discussions.

#### 29.4 **Competitive Merit-Based Promotion**

Promotion in the Civil Service is on the basis of merit and suitability. Further measures are required to ensure that competitive procedures are used to select the best candidates to carry out the work of the higher grade or post.

The following measures are agreed in relation to promotion:

- (a) A minimum of 75% of all internal promotional posts in each grade will be filled through competitive merit-based processes in each Civil Service Department and Office by end-2006. Where Departments and Offices have already achieved 75% or higher and propose to increase the level further, this will be discussed locally in accordance with existing arrangements.
- (b) A joint working group will be established by the parties to examine the possibilities for promotion from general service grades to professional grades and technical grades, and vice versa. The group will examine all departmental and professional grades and technical grades to [i] establish the experience, skills, and competencies required for the performance of the functions of these grades, [ii] identify specific posts in professional grades and technical grades, and general service grades where vacancies can be filled on the basis of reciprocity from common panels of staff at the appropriate levels, and [iii], where such posts are identified, consider the promotion mechanisms which should apply. The group will report by end-2006. It is agreed that the promotion arrangements will be introduced by end-2007.

#### 29.5 **Staff Deployment**

The parties agree that Departments and Offices can deploy both staff and posts, not just within the same location but also within agreed defined areas or defined distances as organisational needs require.

In the interests of providing a broader range of job opportunities for staff, the parties agree to enter discussions to draft arrangements to facilitate lateral mobility between the Civil Service and other sectors of the public service.

#### 29.6 **Rationalisation of Grade Structures**

The parties agree to engage in discussions to identify and explore the full range of issues involved in rationalising grade structures.

#### 29.7 **Service Channels and Shared Services**

The parties agree that Departments/Offices have full flexibility to introduce and utilise all available channels to enhance service delivery, including shared services. The parties also agree to full co-operation with new technologies to enhance service delivery, to improve customer service and streamline processes including – but not exclusively – the deployment of applications required by management such as biometric technology, as used for passports by the Department of Foreign Affairs, web-based services, and Voice Over Internet Protocol, as introduced by the Revenue Commissioners.

#### 29.8 **Attendance Management**

Management and unions agree to work together to promote best practice in attendance management.

### **Section 30. Health Sector**

#### 30.1 **Context**

The establishment of the Health Service Executive (HSE) forms part of the most significant change programme ever in the health sector and brings concrete opportunities for a more integrated and cohesive approach to service delivery. The creation of a unitary system is a unique opportunity to contribute significantly to improved services for patients and clients. This change also brings with it significant challenges for staff and management at all levels throughout the system. The Health Act 2004 provided for the establishment of the HSE. This Act and related collective agreements provided the basis for the transfer of staff to that body.

The parties are committed to continuing to work effectively together throughout the duration of this Agreement to meet the challenges.

Critical human resource and organisational change programmes will be identified, so that the overall vision of the HSE is realised. The approach to change will be collaborative involving unions and the HSE working together in partnership to implement solutions.

### 30.2 **Stable Industrial Relations Environment**

The partnership approach adopted nationally and locally within the health sector has already produced tangible results. The industrial relations infrastructure developed in *Sustaining Progress* for the health sector has reduced the incidence of industrial disputes within the sector, with a high level of compliance through the use of procedures for dispute resolution. The transformation of the poor industrial relations of the past, as envisaged in *Sustaining Progress*, has been achieved but it requires ongoing commitment by both sides if it is to be sustained.

Because of the particular vulnerability of the health service, employers and trade unions are committed to the maximum use of due process for dispute resolution and the acceptance of such outcomes, thereby avoiding disruption of the continuity of health services to the community at large. In particular, the parties will adhere to the provisions of the Framework for Dispute Resolution in the Health Services and the Grievance and Disciplinary Procedures for the Health Service which were agreed between employers and trade unions in accordance with Section 19.12 of *Sustaining Progress*.

In order to reaffirm the promotion and practice of a partnership characterised by a commitment, on their part, to dispute resolution through the use of due process, the parties hereby commit themselves to the following measures to ensure that industrial relations matters are dealt with effectively and efficiently:

- 30.2.1 The Top Level Group established under Section 23.4.(i) of *Sustaining Progress* will continue to meet quarterly to monitor and oversee developments at a macro-level. This will include reviewing the management of industrial relations and where necessary identifying and considering appropriate responses to major potential emerging difficulties.
- 30.2.2 The National Joint Council (NJC) will continue to be the primary forum for managing industrial relations in the health service. Its procedures have been revised to ensure the attendance and participation of senior managers across the health service including the HSE National Directors of HR, NHO, Finance, and PCCC in addition to Department of Health and Children representatives and senior representatives from the health service trade unions. The joint secretaries will agree and make arrangements for the conduct of business between meetings and the Council will continue to receive administrative support. A formal register of claims with national implications will be maintained and agreed minutes of the NJC and its sub-committees will be maintained and circulated. The NJC will continue to work closely with the State's third party industrial relations machinery. Appropriate resources will be provided in order to allow the NJC adequately to fulfil its role and function.
- 30.2.3 The parties are committed to the full utilisation of procedure as set out in the Framework for Dispute Resolution in the Health Services and the Grievance and Disciplinary Procedures agreed for the health services. In addition, the parties will continue to have regard to the recommendations of the LRC review of Industrial Relations (2001) and the Action Plan for People Management (2002), supporting principles of best practice in the management of industrial relations in the health services.
- 30.2.4 Arising from the constant pace of change and innovation and in line with the provisions of Section 28.13, the parties recognise the vital importance of, and commit themselves to, early notification and discussion in advance of changes being made at individual employment level. In this context, disputes

that arise at individual employment level should be assessed jointly and prioritised so that they are dealt with in accordance with the appropriate procedure i.e., Framework for Dispute Resolution in the Health Services or The Grievance Procedure for the Health Service. The National Joint Council has agreed guidelines to assist the parties in handling such matters.

- 30.2.5 To achieve this aim, both sides commit themselves to the deployment of senior local representatives to engage on local issues in order to maximise the potential for agreement at that stage. The involvement of senior local representatives is collectively viewed as imperative to ensure that issues can be addressed immediately and any arrangements reached are implemented quickly and adhered to consistently. It is recognised that appropriate arrangements to facilitate time off and replacement/training should be made.
- 30.2.6 In the event of a grievance arising, staff will work 'under protest' while their grievance is progressed in accordance with the provisions of The Grievance Procedure for the Health Services. This procedure provides, inter alia, for a meeting with senior management within three working days.
- 30.2.7 It is agreed that no form of industrial action will be either initiated or threatened while issues are being progressed through procedure.
- 30.2.8 It is recognised that difficulties with the implementation of agreements have caused tensions in workplace arrangements. Management and unions at both national and individual employment level will ensure that discussions take place in a timely fashion, negotiation teams have authority, third party referrals are processed promptly and comprehensive communication takes place with all relevant managers and union members. Both parties recognise the importance of proper training for all those participating in the negotiation process. The parties to this agreement commit themselves to a joint review of the Implementation and Communication Protocol for Agreements.
- 30.2.9 Partnership in the health service clearly has a key role in helping to deliver on the objective of better industrial relations. A renewed effort will be made to strengthen partnership working and facilitation in the context of the new organisational structures and the challenges presented by the reform programme. The mainstreaming of partnership in the health service will help realise its full potential in driving and managing the change and modernisation process. This will, in turn, ensure that a broad range of issues amenable to resolution through a partnership approach are not permitted to develop into industrial relations difficulties impeding the capacity of industrial relations structures in the health service to focus on resolving priority issues. The agreed policy document *Handling Significant Changes through Partnership* is also relevant to this issue and will be utilised by the parties.

### 30.3 **Organisational and Service Reform**

#### *Organisational Reform*

The ongoing changes in health service structures will require continuing adaptation and re-organisation of services which will be approached in partnership by management and trade unions in a manner consistent with existing collective agreements regarding the establishment of the HSE.

In the case of the HSE, it is accepted that many organisational structures and reporting relationships developed in respect of the former health board system are inappropriate in a unified organisational structure. It is also accepted that the introduction of National Shared Services will involve the elimination of duplicated functions and aggregation of activities in identified locations. The parties will continue to work together to achieve scheduled implementation and to resolve all related issues having regard to the provisions of existing collective agreements.

### *Legislative Change*

A further support to the delivery of high quality services based on evidence-supported best practice will be the establishment of the Health Information and Quality Authority (HIQA) on a statutory basis. HIQA will ensure that the services provided in the health system meet nationally agreed standards, both at clinical and managerial level, and assess whether the health and personal social services are managed and delivered to ensure the best outcomes within the resources available. A consultation process on the draft legislation was completed in May 2006. It is intended to bring this legislation forward in 2006. It is recognised that in some instances resources will be required to facilitate the implementation of legislative change.

### *Service Reform*

#### *New Work Practices*

A commitment to operational excellence requires modernisation of service delivery to ensure patients and clients receive care based upon international best practice and streamlined and efficient operational processes. It is intended that examination of operational processes under the health reform programme will identify areas where service modernisation will produce improved value and better outcomes. Such modernisation will require changes in roles and the introduction of new work practices which will be approached in accordance with the terms of Section 28.13. It is essential for the improvement of health service performance that there is an active willingness on the part of staff to participate in the examination of current service delivery arrangements and to co-operate with the changes necessary to achieve improved operational performance.

#### *Reporting Relationships and Team Working*

Organisational developments will require flexibility over the lifetime of this Agreement and its provisions are based on the principle of co-operation with future reform related change as well as current changes, for example, co-operation with the opening of new units in acute and non-acute settings and the implementation of the Primary Care Strategy, including the introduction of up to 100 Primary Care Teams per annum, in accordance with Section 28.13. Reform will entail substantial change to the way the health needs of the population are met with multi-disciplinary teams increasingly the norm. These teams will work in both acute hospitals and primary, community and continuing care and may be integrated across different sectors following the patient across the continuum of care from primary to hospital and back. In this context, agreement on revised reporting relationships, including cross-disciplinary reporting, will be required to ensure the positioning of the patient as the central focus of service delivery and that patient care standards are enhanced.

### 30.4 **Matching Working Patterns to Service Needs**

It is agreed that the need for change in existing work patterns (i.e. the working day/week) is essential in the case of the health sector given the nature of services and the need to maximise the usage of facilities thereby enabling the delivery of services outside traditional patterns which are more accessible to patients and other users.

It is accepted that different working patterns will be required in different parts of the service. While the standard working week of many health staff will remain unchanged it is accepted that there is a need to move from the traditional 9-5 'office hours' based service to an extended span of the working day across all disciplines in certain areas. These needs can be met by a combination of existing staff opting to work new arrangements, flexible working and the recruitment of new entrants on the basis of the extended working day.

Discussions will be held between the parties to give effect to this commitment. These discussions will commence immediately and the parties have agreed to have them concluded by the 31 March 2007, in order to make possible the progressive introduction thereafter of the extended working day where required and as the numbers become available from serving staff opting to work the extended day and new entrants.

The Public Service Monitoring Group and the Public Service Sub-Group of the National Implementation Body will be available to assist the parties.

The parties agree to explore how any implications of such changes might be accommodated with particular regard to the incoming work of the Public Service Benchmarking Body and the operation of this Agreement.

### 30.5 **Implementation of Improved Skill Mix**

Appropriate skill mix supports all professionals to expand their roles to meet the demands of changing service requirements arising from the implementation, for example, of the European Working Time Directive. There will be co-operation with the introduction of specific new skill mix initiatives, for example, Therapy Assistants and Theatre Assistants, and the mainstreaming of earlier initiatives. In this regard, it is planned to bring the grade of Therapy Assistant onstream by 2007. A core component is expanded multi-disciplinary teams and co-operation with cross-disciplinary working.

The role of the Health Care Assistant (HCA) in supporting the delivery of patient care will be enhanced further as more HCAs acquire FETAC Level 5 qualifications throughout 2006. This qualification will also enable the HCAs to support nurses in the delivery of patient care. It is planned to commence mainstreaming the HCA grade in Psychiatry in 2006 under the auspices of a steering group comprising the interested parties.

Furthermore, a dedicated SKILL (Securing Knowledge Intra Life-Long Learning) project, to enhance the role of support staff in delivering quality patient services, will commence in early 2006. The project is designed to address the needs and aspirations of Porters, Catering Assistants, Home Helps, Family Support Workers, Laboratory Aides and other similar grades. It is also planned to commence the introduction of the grade of Theatre Assistant in the acute hospital service through 2006/2007.

A further initiative, the CLASS (Competency Learning and Skill Specialisation) project for clerical and administrative staff is planned and is designed to raise the overall standard of administration and to address particular skill deficits within the sector.

The trade unions are committed to co-operating with the introduction of these various initiatives and other changes arising from the skills mix programme. The extension of prescriptive authority to nurses and midwives, subject to conditions to be specified in regulations under the Irish Medicines Board Act 2006, will be introduced following a consultation process with all of the relevant stakeholders. It is the intention of the Department of Health and Children to introduce this as speedily as possible.

Other initiatives will also require changes in skill mix and the co-operation of all parties will be needed to achieve this, for example the implementation of the mental health policy, *A Vision for Change*, and the National Disability Strategy as it relates to the provision of health and personal social services for persons with disabilities.

### 30.6 **Common Recruitment Pool/Other Recruitment Issues**

A cross-sector review of recruitment issues relevant to the grades covered by the Common Recruitment Pool was completed under Sustaining Progress. The recommendations of the Review Group will be fully implemented by the parties in 2006, i.e., graduate entry, and recruitment to specialist posts.

- Arrangements for the filling of 20% of the posts at Grades V to VII inclusive by open competition will be in place by end-2006. Specialist posts will continue to be filled by open competition and will be reckoned for the purposes of satisfying the 20% requirement. The first vacancies arising after 1st January 2007 may be filled by open competition.
- Graduate entry at a level to be agreed will be introduced by mid-2007.

### 30.7 **Performance Management**

The team-based Performance Management system introduced in the health service will continue to be rolled out within the sector in 2006. Six thousand staff will be involved in this scheme in 2006, with this number being incrementally increased over the period of this Agreement.

In line with the multidisciplinary team-based approach to service delivery, requirements for increased transparency and accountability, a framework through which performance and related issues are more clearly linked will be developed in discussions between the parties.

### 30.8 **Standardisation of Terms and Conditions of Employment**

Where the terms and conditions of existing staff in a grade covered by Section 60 of the Health Act 2004 vary, the parties will continue to address the issues with a view to agreeing standardised arrangements.

Standardised arrangements will be agreed and introduced in respect of new entrants to individual grades with effect from 1 January 2007.

### 30.9 **Value for Money**

The parties recognise that a value for money approach is needed to maximise efficiencies, both in terms of resource management and service delivery. In this context, co-operation with all reasonable measures designed to improve the quality and timeliness of services to patients is required.

### 30.10 **Ensuring Quality**

The parties to this Agreement are committed to improving the level of customer services to ensure that a quality health service is provided to the public. One way of safeguarding quality is to have in place a robust customer complaints procedure. All parties will cooperate with the implementation of the statutory complaints procedure to be introduced under the Health Act 2004.

Quality assurance is an integral part of customer service. The parties will co-operate fully with all quality assurance initiatives designed to improve the quality of service to the public.

## **Section 31. Education Sector**

### **A – TEACHERS**

#### *Performance Management*

31.1 Quality in schools is a matter for all concerned with, and involved in, the education of our children. Schools have a crucial role to play in ensuring that every aspect of their activity is carried out at a level commensurate with best practice, taking their particular context factors into account. It is also the case that under the Education Act 1998 a school is required to establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed. In this context Section 23 of the Education Act 1998 sets out the responsibilities and functions of the school principal which covers, inter alia, the creation of a school environment which is supportive of learning and on a day-to-day basis the guidance and direction of the teachers and the promotion of their professional development, for which the principal is accountable to the employer. The School Development Planning Initiative provides the support to schools in the process of internal review and in formulating their school plans.

31.2 The parties recognise that within the overall performance of a school or education centre the effectiveness of the contribution made by each teacher is critical not only to the interests of the specific students for which the individual teacher has direct responsibility but also to the overall performance of the school. The parties agree that the most appropriate basis for the development of strategies to enhance team and individual contribution is

in the context of school development planning and holistic self-evaluation processes conducted by the school in line with best practice.

- 31.3 Accordingly the parties have agreed that each school will utilise the Department of Education publications **“Looking at our School – an aid to self-evaluation in primary schools (2003)”** and **“Looking at our Schools – an aid to self-evaluation in second level schools (2003)”** to conduct a self-evaluation of school performance.
- 31.4 It is agreed that schools will consider the role and contribution of teachers to overall school performance in the context of the school development plan. Each school will assess performance by using the themes for self-evaluation set out in the above documents for the aspect **Teaching and Learning** as a dimension of overall school performance.
- 31.5 These provisions will also apply to centres of education.

#### *Difficulties in relation to Teacher Performance*

- 31.6 It is recognised that the vast majority of teachers fulfil their teaching function and professional duties adequately and well. The reputation of the Irish Education System, both nationally and internationally, attests to the dedication, skill and competence of Irish teachers generally. The parties acknowledge that there are, as in all professions, a small number of under-performing personnel in schools.
- 31.7 Section 24(3) of the Education Act, 1998 provides that a board of management of a school may suspend or dismiss teachers in accordance with procedures agreed from time to time between the Minister, the patron of the school, recognised school management organisations and any recognised trade union representing teachers.
- 31.8 The parties are agreed that it is timely to review and revise existing procedures. Discussions in that regard shall commence under this agreement and new procedures will be agreed in time for implementation with effect from the commencement of the 2007/2008 school year.
- 31.9 The parties agree that an issue to be considered in the discussions is the provision of assistance where appropriate to teachers who are experiencing professional difficulties.
- 31.10 The parties further note that the provisions of Section 24 do not apply to teachers of a school established by a vocational education committee. This means that sequential discussions will be required in that sector on revisions to procedures in that sector that will have regard to the discussions and developments in relation to other teachers.
- 31.11 The procedures to be agreed will be without prejudice to the role and function of the Teaching Council in relation to the issue of fitness to teach.

#### *Promotion Procedures*

- 31.12 The parties are agreed that the promotion procedures operated in all schools must be fair and transparent.

For the purpose of ensuring that promotion arrangements are consistent with the requirements of The Protection of Employees (Fixed Term Work) Act 2003, The Protection of Employees (Part-time Work) Act 2001, employment equality legislation and in the best interest of the education sector generally, the parties agree to enter discussions to revise existing promotion procedures applying in all schools in each of the sectors.

The revised arrangements in each sector will be based on criteria that will be formulated and agreed for that sector and will apply to all appointments taking effect from the commencement of the 2008/2009 school year.

*Surplus Teachers*

- 31.13 The parties recognise that the effective use of resources is essential for the provision of high quality public services. The parties are agreed that in relation to how teachers are allocated to schools effective and efficient arrangements for the redeployment of teachers are essential to deal with situations where teachers are surplus to the requirements of individual schools. This can arise where there is a fall in enrolments in general, where changes occur in relation to the provision of particular courses/subjects and/or where schools close.
- 31.14 In particular the parties note that at present there are no procedures for the redeployment of teachers in community and comprehensive schools.
- 31.15 The parties have agreed to enter into discussions to agree new arrangements in relation to the redeployment of teachers by 31 December 2006 so that the new arrangements can operate in respect of the 2007/2008 school year.
- 31.16 In the case of primary schools the existing panel arrangements will be reviewed to increase their flexibility and operation.
- 31.17 In the case of post-primary schools the new arrangements will provide for redeployment of all teachers within an agreed distance on terms to be agreed. The discussions will aim to give teachers the maximum choice and options of alternative employment provided vacancies exist. The operation of the revised arrangements will ensure that all teachers who are surplus because of school closure, changing enrolments in their own school or changed course/subject provision are redeployed to meet the subject/course requirements of other schools.

*Teacher Professional Development and Related Impact on School Time.*

- 31.18 The parties agree that professional development is an ongoing requirement on individual teachers as is the case with members of other professions and that in particular the requirement for a teacher to engage in continuous professional development has to be viewed in the context of the establishment of a statutory Teaching Council with powers of self regulation and registration.
- 31.19 A particular issue of concern has been the disruption caused in schools by the delivery of in-service training during normal school time in the context of the needs of an individual school or in order to respond to the upskilling required arising from curriculum/syllabus change. In this context the parties have identified alternative means by which such training could be delivered that would reduce the impact on tuition time.
- 31.20 The parties have agreed to explore how any implications of such changes might be accommodated with particular regard to the upcoming work of the Public Service Benchmarking Body and the operation of this national agreement generally.

*Modernisation and Legislative Change*

- 31.21 Sustaining Progress provided for the co-operation by teachers with the modernisation of the education system, particularly through the implementation of curricular and legislative change. This co-operation will continue over the lifetime of this Agreement, having regard to the provisions of Section 28.5 of the Agreement.

*Rationalisation of Pay Arrangements*

- 31.22 All payments to teachers will be made electronically by the end of 2006 at the latest.

## B – SPECIAL NEEDS ASSISTANTS

### 31.23 Performance Management

It is agreed that a structured system of performance management and development will be introduced to ensure alignment of individual performance and effort with the goals and objectives of the school/centre. An appropriate model recognising the nature of the work environment and need for consistency across the sectors will be developed and agreed by mid-2007 and fully implemented in all schools/centres throughout the 2007/2008 school year.

### 31.24 Ongoing Curricular and Legislative Change

It is agreed that co-operation with the ongoing modernisation of the education system, including assessment, curricular and legislative change will continue over the lifetime of the agreement.

### 31.25 New Technology

It is agreed that full co-operation with the introduction and utilisation of new technology to enhance the delivery of education and to enhance the learning experience in schools will continue over the lifetime of the Agreement. It is accepted that the use of new technology may necessitate change in work practices.

### 31.26 Urgent Work Demands

It is accepted that redeployment of special needs assistants within schools is necessary in order to respond to urgent work demands and to cover for periods of absences by colleagues. School management will continue to have discretion to redeploy staff to appropriate duties. It is agreed that full co-operation will continue with existing agreements on work practices and attendance patterns. It is also agreed that where urgent work demands arise during non instruction days staff may be deployed on tasks relevant to the needs of the students.

## C – VOCATIONAL EDUCATION COMMITTEES

### *General*

### 31.27 Customer Service

It is agreed that in order to facilitate the work of organisations and to provide improved customer service delivery, there are needs in certain areas for changes to the standard working day or week in order to provide services outside traditional patterns. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns. Revised arrangements will be implemented as appropriate during the currency of this Agreement.

### 31.28 Ongoing Legislative Change

Staff will continue to co-operate fully with ongoing legislative change. It is also agreed that staff will continue to co-operate with the introduction and utilisation of new technology and to accept that this may result in changes in existing work practices.

### 31.29 Performance Management and Development

It is agreed that performance management and development systems will continue to be developed, reviewed and evaluated over the course of the Agreement.

**31.30 Promotions/Upgrades**

It is agreed by the parties that implementation of initiatives in the areas of flexibility and change will not give rise to claims for increased rewards for staff in the form of promotions, regradings, allowances or other benefits or claims for extra staff. It is further agreed that all promotions will be on the basis of competitive processes.

**31.31 Review of Human Resource Policies**

It is agreed human resource policies including grievance and disciplinary procedures will be reviewed and revised to reflect best practice and developments elsewhere in the public service. It is accepted that this may require amendments to existing legislative provisions.

**31.32 Education Plans**

It is agreed and accepted that there will be full co-operation with the implementation of initiatives arising under the Education Plans as provided for under the Vocational Education (Amendment) Act 2001. Such initiatives will be advanced through the VEC Partnership Forum.

*Administrative staff in Vocational Education Committees***31.33 Common Recruitment Pool**

A cross-sectoral review of recruitment issues relevant to the grades covered by the common recruitment pool was completed under Sustaining Progress. The recommendations of the Review Group will be fully implemented by the parties in 2006, i.e. graduate entry and recruitment to specialist posts. Arrangements for the filling of 20% of the posts at Grades V to VII inclusive by open competition will be in place by end-2006. Specialist posts will continue to be filled by open competition and will be reckoned for the purposes of satisfying the 20% requirement. The first vacancies arising after 1st January 2007 may be filled by open competition.

**31.34 Rationalisation of Pay Arrangements**

It is agreed that all payments will be made electronically by end-2006 at the latest. It is also agreed that all staff will be paid fortnightly, to be implemented within the currency of this agreement.

*Support Staff in Vocational Education Committees***31.35 Rationalisation of pay arrangements**

It is agreed that all payments will be made electronically by September 2008 at the latest. It is also agreed that all staff will be paid fortnightly, to be implemented within the currency of this Agreement.

**D – INSTITUTES OF TECHNOLOGY***General*

31.36 All staff employed in the sector agree to ongoing co-operation with, and adoption of, new and more flexible work patterns arising from the broadening of roles and responsibilities of third-level educational institutions and the challenges facing them from the ever more diverse student base and in meeting the developmental, industrial, business and social requirements of region and country. It is accepted that the change agenda be developed through a partnership approach and, in accordance with the provisions of this Agreement, will include measures arising from the implementation of:

- institutional planning, the implementation of the Institute's Strategic Plan and other strategic initiatives;
- new learning and teaching technologies and strategies and the need to provide support to the various types of learners;

- specific initiatives arising from Quality Assurance and the developing ethos of continuous quality improvement and service delivery;
- changing requirements, structures, and reporting relationships arising from organisational, curricular, legislative, teaching and learning and other developments.

#### 31.37 **Performance Management and Development systems**

A national, joint partnership-driven review of the operation of the Performance Management Development System will be carried out at the end of the 2006/2007 academic year. All parties to this Agreement will co-operate fully with this review. Issues arising from the review will be the subject of further discussions with a view to reaching agreement by the end of the 2007/2008 academic year.

#### 31.38 **Efficient Use of Resources**

It is agreed that a representative working group of all staff at national level will be established to scope the issues around the use of the Institutes on a year round basis. This group will operate on a partnership basis and will provide an opportunity for each Institute to make submissions in the context of its particular requirements. The working group will report by December 2007.

#### 31.39 **Strategic Planning**

It is agreed and accepted that there will be full co-operation with the implementation of initiatives arising under the Institutes' Strategic Planning process which will be carried out on a partnership basis and in accordance with the provisions of this Agreement.

### *Academic Staff in Institutes of Technology*

#### 31.40 **Flexible Modes of Delivery**

It is agreed that semesterised and modularised forms of delivery will continue to be developed and introduced over the lifetime of the agreement with the full co-operation of all academic staff as set out in the Sustaining Progress Agreement.

#### 31.41 **Contracts**

It is agreed that current academic contracts will be examined to take account of the totality of the service (in terms of teaching, research, learner support, supervision of post-graduates, course development, committee work, administration, etc) to be provided. This process will be completed for the academic year 2007/2008. Issues arising from the examination will be discussed with a view to reaching agreement by the commencement of the 2008/2009 academic year.

#### 31.42 **Quality Assurance**

It is agreed that the quality assurance arrangements agreed under Sustaining Progress will continue to be developed, expanded and customised at Institute level. The survey forms may be re-designed at Institute level in consultation with staff. There will be provision for institutes/staff to carry out all surveys electronically, where this is not currently the practice, subject to the ownership of form QAI residing with the lecturer as set out in the PCW Pay Agreement and security concerns.

#### 31.43 **Apprenticeship Year**

Arrangements for the scheduling of apprenticeship blocks will be reviewed and revised arrangements will be agreed by January 2007 having regard to the maintenance of existing conditions of service.

#### 31.44 **Supervision of Post-graduate students**

It is agreed that a code of practice, where currently not in operation, will be agreed which will reflect best practice in the sector.

**31.45 Rationalisation of Pay Arrangements**

All payments will be made electronically by end-2006 at the latest. All staff to be paid fortnightly/monthly where practicable.

**31.46 Review of Human Resource Policies**

It is agreed that human resource policies including grievance and disciplinary procedures will be reviewed and revised to reflect best practice and developments elsewhere in the public service.

*Technical Staff in Institutes of Technology***31.47 Quality Assurance**

It is agreed that a quality assurance system covering technical services to include a provision for customer/student feedback will be introduced during the life of the Agreement.

**31.48 Customer Service**

It is agreed that in order to facilitate the work of organisations and to provide improved customer service delivery, there are needs in certain areas for changes to the standard working day or week in order to provide services outside traditional patterns. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns. Revised arrangements will be implemented as appropriate during the currency of this Agreement.

**31.49 On-going Legislative Change**

Staff will continue to co-operate fully with on-going legislative change. It is also agreed that staff will continue to co-operate fully with the introduction and utilisation of new technology and to accept that this may result in changes to existing work practices.

**31.50 Attendance Recording**

The parties to this agreement recognise the requirements of the Organisation of Working Time Act 1997 and the need for the safe and efficient allocation of resources within the Institutes of Technology. Accordingly the parties agree to review jointly the current attendance recording arrangements, to research the changes necessary to achieve compliance with the above requirements and objectives and jointly to develop suitable customised schemes, including electronic attendance recording, to be implemented within the lifetime of this Agreement.

**31.51 Flexible Modes of Delivery**

It is agreed that staff will co-operate fully with the development of semesterised and modularised forms of delivery of courses of study.

**31.52 Additional Courses**

It is agreed that work arising from the provision of additional courses and undertaken during the normal working day/week will form part of normal duties and will not attract additional payment.

**31.53 Rationalisation of Pay Arrangements**

It is agreed that all staff will be paid by electronic means by the end of 2006 at the latest.

**31.54 Review of Human Resource Policies**

It is agreed that human resource policies including grievance and disciplinary procedures will be reviewed and revised to reflect best practice and developments elsewhere in the public service.

### *Administrative Staff in Institutes of Technology*

#### **31.55 Common Recruitment Pool**

A cross-sectoral review of recruitment issues relevant to the grades covered by the common recruitment pool was completed under Sustaining Progress. The recommendations of the Review Group will be fully implemented by the parties in 2006, i.e., graduate entry and recruitment to specialist posts. Arrangements for the filling of 20% of the posts at Grades V to VII inclusive by open competition will be in place by end-2006. Specialist posts will continue to be filled by open competition and will be reckoned for the purposes of satisfying the 20% requirement. The first vacancies arising after 1st January 2007 may be filled by open competition.

#### **31.56 Customer Service**

It is agreed that in order to facilitate the work of organisations and to provide improved customer service delivery, there are needs in certain areas for changes to the standard working day or week in order to provide services outside traditional patterns. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns. Revised arrangements will be implemented as appropriate during the currency of this Agreement.

#### **31.57 On-going Legislative Change**

Staff will continue to co-operate fully with on-going legislative change. It is also agreed that staff will continue to co-operate fully with the introduction and utilisation of new technology and to accept that this may result in changes to existing work practices.

#### **31.58 Promotions/Upgrades**

It is agreed by the parties that implementation of initiatives in the areas of flexibility and change will not give rise to claims for increased rewards for staff in the form of promotions, regradings, allowances or other benefits or claims for extra staff. It is further agreed that all promotions will be on the basis of competitive processes.

#### **31.59 Quality Assurance**

It is agreed that a quality assurance system will be introduced for administrative services to include a provision for customer/student feedback. This will be introduced during the currency of this Agreement.

#### **31.60 Rationalisation of Pay Arrangements**

It is agreed that all payments will be made electronically by end-2006 at the latest. It is also agreed that all staff will be paid fortnightly, where practicable, to be implemented within the currency of this Agreement.

#### **31.61 Review of Human Resource Policies**

It is agreed that human resource policies including grievance and disciplinary procedures will be reviewed and revised to reflect best practice and developments elsewhere in the public service. It is accepted that this may require amendments to existing legislative provisions.

#### **31.62 Attendance Recording**

Staff will co-operate fully with the introduction of electronic means of recording attendance at work, including overtime.

*Support Staff in Institutes of Technology***31.63 Customer Service**

It is agreed that in order to facilitate the work of organisations and to provide improved customer service delivery, there are needs in certain areas for changes to the standard working day or week in order to provide services outside traditional patterns. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns. Revised arrangements will be implemented as appropriate during the currency of this Agreement.

**31.64 On-going Legislative Change**

Staff will continue to co-operate fully with on-going legislative change. It is also agreed that staff will continue to co-operate fully with the introduction and utilisation of new technology and to accept that this may result in changes to existing work practices.

**31.65 Promotions/Upgrades**

It is agreed by the parties that implementation of initiatives in the areas of flexibility and change will not give rise to claims for increased rewards for staff in the form of promotions, regradings, allowances or other benefits or claims for extra staff. It is further agreed that all promotions will be on the basis of competitive processes.

**31.66 Review of Human Resource Policies**

It is agreed that human resource policies including grievance and disciplinary procedures will be reviewed and revised to reflect best practice and developments elsewhere in the public service. It is accepted that this may require amendments to existing legislative provisions.

**31.67 Attendance Recording**

Staff will co-operate fully with the introduction of electronic means of recording attendance at work, including overtime. This issue is to be the subject of discussions at local level.

**31.68 Quality Assurance**

It is agreed that a quality assurance system will be introduced for support services and will cover customer/student feedback. This will be implemented during the currency of the Agreement.

**31.69 Rationalisation of Pay Arrangements**

It is agreed that all payments will be made electronically by September 2008 at the latest. It is also agreed that all staff will be paid fortnightly, where practicable, to be implemented within the currency of this Agreement.

**E – HEA SECTOR**

31.70 It is agreed that co-operation with the introduction and utilisation of new technology will continue in all areas of service delivery which will enhance efficiency and effectiveness. It is accepted that the use of new technology may necessitate significant change in work processes in order that the benefits of technology will be maximised.

31.71 Providing the students and public with the maximum access to services will continue to be a priority. It is agreed that in order to facilitate the work of organisations and to continue to enhance flexibility in relation to service provision, in particular where services need to be provided on a seven day week and twenty-four hour basis, there are needs in certain areas for changes to the standard working day or week in order to provide services outside traditional patterns. These needs may be met in some cases by voluntary arrangements and flexible working or, where this does not adequately meet the need, by the recruitment of staff on the basis of part-time working or atypical work patterns. Revised arrangements will be implemented as appropriate during the currency of the agreement and in accordance with the provisions of this Agreement.

- 31.72 It is agreed that all staff will co-operate fully with specific initiatives arising from Quality Assurance including assessment by those, including students, availing of the teaching, research and other services provided by higher educational institutions and colleges.
- 31.73 It is agreed that all parties are committed to support and co-operate fully with organisation development and change, in particular where new structures and reporting relationships are required. These changes will be implemented through local consultation and discussion and in accordance with the provisions of this Agreement.
- 31.74 It is agreed that there will be ongoing review, evaluation and development of performance management systems.
- 31.75 It is agreed that all staff will continue to support, promote and co-operate with high quality research initiatives aimed at developing a dynamic research environment in higher educational institutions and colleges and at supporting Ireland's overall national strategic research and development agenda.
- 31.76 It is agreed and accepted that there will be full co-operation with the implementation of initiatives arising from the Strategic Planning process which will be developed and carried out on a partnership basis and in accordance with the provisions of this Agreement.

## Section 32. Local Government Sector

### 32.1 Change in the Local Authority Sector

There has been marked progress throughout the sector in implementing change and modernisation programmes particularly in areas that include enhanced customer service, the adaptation of technology and flexible working arrangements. There is a growing ease of personal and technological access to ongoing developments in areas such as environment, planning and registration processes. The local government sector is committed to further progressing the core principles of Government policy in relation to the sector and to consolidating the progress achieved to date.

The focus will be on continuous improvement in customer service, further enhancement of local democracy, delivery of key infrastructure programmes, both social and economic, and developing e-local government. The key elements of this Agreement, which underpin the objectives for the sector, are the maintenance of a stable industrial relations environment, the full implementation of a Performance Management and Development System (PMDS), further development of workplace partnership in local authorities and the management and measurement of performance.

It is accepted by all parties that the nature, design and arrangement of work is rapidly changing and extensive retraining for such will be an integral part of this change process.

Like most progressive economies, Ireland is engaged in a process of enormous change in how it plans to provide public services. Local authorities, no less than other public sector bodies, will have to change fundamentally. This raises enormous challenges for everyone involved, from policymakers and senior managers through to front-line staff, all of whom are required to deliver improved services, greater efficiencies and better customer focus. Improving performance, services and efficiency will require organisational transformation and workforce reforms. It is recognised that local government services are only as good as the behaviours, skills and knowledge of the people delivering them. Local authorities, therefore, will seek to develop people capacity and organisational flexibility.

### 32.2 Improving Organisational Performance

In accordance with Section 32.1, it is agreed between the parties that expanding people capacity and organisational flexibility will include:

- Introduction of new ways of working, more mobile technology, flexible working, addressing absence and health and safety issues and the phasing out of outdated work practice arrangements by the end of this agreement.
- Process redesign, job redesign, equality and diversity in service delivery.
- Co-operation with civic and community groups including individuals in appropriate areas of the service.
- Supporting and encouraging the development of workforce skills and capability.

### 32.3 Measuring Organisational Performance

An important step in measuring performance across the sector has been taken with the introduction of forty-two national service indicators. The Local Government Management Services Board (LGMMSB) published the first report in respect of 2004. A review of the first three years of the operation of the service indicators will be undertaken by 2007 in consultation with the relevant stakeholders to consider improvements or changes including additional indicators. The parties are committed to addressing the findings of the review under the auspices of Local Authority National Partnership Advisory Group (LANPAG).

### 32.4 Stable Industrial Relations

During the lifetime of Sustaining Progress a high degree of industrial stability was maintained within the sector. The parties are committed to a problem-solving approach to industrial relations and to the exclusive use of the agreed industrial relations machinery for dispute resolution and the absence of industrial action in respect of any matters covered by this Agreement.

The parties recognise that it will be necessary to continue to invest in good industrial relations, HR and partnership practices in the local authority sector. The parties are also committed to investing further in and availing of joint problem solving, mediation and agreed dispute resolution processes that will assist in the early resolution of disagreements and disputes at the point closest to which they occur.

The extension of the agreed policy measures contained in the *Handling Significant Change Through Partnership* protocol to all local authorities will provide a basis for dealing with major change issues, further reducing the risk of industrial relations difficulties.

### 32.5 Serving the Customer Better

Providing the public with the maximum access to local authority services will continue to be a priority and will be achieved through:

- Extended opening hours of offices and other public facilities to meet local circumstances.
- Greater flexibility in attendance patterns, atypical forms of employment and greater flexibility with regard to staff redeployment and reassignment.
- Standardisation of annual leave arrangements for certain grades with a view to optimising the capacity of local authorities to deliver services to the public.
- Extension of existing initiatives in the area of customer service and implementation of them over the course of the agreement to fulfill the requirements of the disparate customer base of local government, i.e., the citizens, community, business and government.

### 32.6 Social Inclusion and Community Warden Service

The parties are committed to co-operation during the term of the agreement with the development and embedding of measures to promote social inclusion and with ongoing proposals for the development of social inclusion units and a community warden service in local authorities.

### 32.7 Information Technology

The parties agree to the continued expansion of e-payment options to allow the public to pay on line; e-procurement to assist businesses; access to forms and information online, e.g. planning, register of electors, library service, housing matters, road developments/works and e-HR and spatial information may also be utilised in a number of areas.

The parties will also agree to the automation of a number of processes in relation to internal services, for example, e-payment of expenses.

### 32.8 Shared Services

The parties to this agreement are committed to ensuring that recommendations arising from the Review of Local Government Financing aimed at achieving internal efficiencies will be implemented during 2007 and 2008 in local authorities. Such programmes may include realising the potential for shared services by local authorities in areas such as HR, Finance and Accounts, Payroll, ICT, Waste Management, Emergency Services, Water Treatment Plants, PPPs, Procurement, Data Capturing, etc. A lead authority will be appointed in all shared services initiatives.

### 32.9 Public Private Partnerships

It is agreed between the parties that the utilisation of Public Private Partnerships in the local authority sector will continue with both management and unions committed to their implementation in accordance with agreed national frameworks. In order to ensure adherence to good practice both sides are committed to the pursuance of agreed consultation procedures through the partnership process.

### 32.10 The Fire Services Change Programme

The Fire Services Change Programme, which addresses the key issues identified by the report *“Review of Fire Safety and Fire Services in Ireland”*, was launched in early 2005 and is now being implemented. The four major projects being undertaken under that Programme are being advanced through a structured process which involves all of the stakeholder groups. It is recognised that stakeholders are working together to ensure that the country has modern and efficient fire services capable of meeting the needs of the communities they serve.

### 32.11 Workplace Partnership

The parties are committed to the further development of partnership structures in local authorities under the auspices of the Local Authority National Partnership Advisory Group (LANPAG).

It is agreed between the parties that:

- The agreed policy document – *Handling Significant Change Through Partnership* – will be implemented by mid-2007 by trade union representatives, employees and management.
- A new strategic plan for partnership in the sector will be developed by LANPAG during 2006 in relation to the period 2006-2010.
- The adult education initiative, *Return to Learning*, will be further augmented and developed as part of the commitment to life-long learning.
- The legislation on information and consultation of employees will be implemented in the sector through the adaptation of the existing partnership structures.

**32.12 Common Recruitment Pool/Other Recruitment Issues**

The parties are committed to implementation of the recommendations of the Review Group established under *Sustaining Progress*. In this context, the following measures are agreed:

- Issues relevant to the early application of Part 4 of the Public Service Management (Recruitment and Appointments) Act 2004 (Recruitment Licences and Office Holders) to the recruitment of local authority employees (in addition to those already covered) will be considered during 2006.
- Arrangements for the filling of 20% of the posts at Grades V to VII inclusive by open competition will be in place by end-2006. Specialist posts will continue to be filled by open competition and will be reckoned for the purposes of satisfying the 20% requirement. The first vacancies arising after 1st January 2007 may be filled by open competition.
- Graduate entry at a level to be agreed will be introduced by mid-2007.

**32.13 Performance Management and Development System**

A system of PMDS, geared to meet the needs of the local government sector, is being rolled out on a phased basis in co-operation with local partnership structures and the joint management/union steering group. The parties are committed to the full implementation of PMDS in local authorities by the end of 2006 and an evaluation of the process will be completed by mid-2007.

**32.14 Health and Safety**

Over the lifetime of the agreement, the implementation of comprehensive safety management systems will be agreed in conjunction with the Health and Safety Authority for the unique requirements of the sector as major service providers. A joint management/union steering group will oversee the implementation of health and safety initiatives. The parties are committed to co-operation and participation in the development of all related initiatives. Existing structures will be strengthened to facilitate full integration of health, safety and welfare issues with all aspects of workplace practices within the sector.

**32.15 Equality**

Increasing diversity of the workforce in terms of gender, nationality, age and disability, as well as other aspects of diversity, suggest that policies to accommodate diversity and promote equality of opportunity are becoming increasingly important both to the welfare of workers as well as to the performance of workplaces. Furthermore work-life balance issues are also linked to issues of gender equality in the workplace. Central to the local government agenda is the provision of equality of services to the community.

Formal equality policies and flexible working arrangements underpin workplace equality and emphasise the importance of a planned and systematic approach to equality at work. Whilst policies set out the commitment to equality and how this is to be pursued, that commitment must be turned into practice.

Work-life balance arrangements can contribute to better customer service, through the enhancement of employee satisfaction and the development of a more productive and committed workforce. The best results on work-life balance are achieved when the issue is approached in partnership between managers and employee representatives. Subject to the requirements of organisational efficiency, the sector will need to examine flexible working arrangements to help employees achieve a better work-life balance, thereby improving performance.

**32.16 National Disability Strategy**

The implementation of the National Disability Strategy, including the relevant provisions of the Disability Act 2005, will require a substantial commitment by management and staff to achieve the objectives of the Strategy in terms of both employees and the service provision of the sector. An accessible built environment can facilitate

greater inclusion and participation and is recognised as a core element for the realisation of a society based on equal rights. Authorities within the sector will undertake comprehensive accessibility audits in relation to buildings, services and information and, using the results of these audits, will develop action plans and programmes of work to ensure that all citizens may participate fully in relation to local authority services.

Policies and procedures will be reviewed to ensure that they support appropriate steps for improvement in the delivery of more accessible services, and that the provision of services and facilities are disability-proofed. Procedures will remain in place to monitor, record and report compliance with the 3% target for the employment of people with disabilities. Effective implementation of the strategy will depend upon meaningful consultation and liaison arrangements with other relevant bodies and representative organisations to facilitate access by people with disabilities.

The parties are committed to implementing these measures, including consultation through the partnership structures, to achieve the objectives of the strategy.

### 32.17 Attendance Management

In order to facilitate the work of local authorities and to provide improved service delivery, specific measures to improve attendance management will be introduced. The parties are committed to:

- Changes to the standard working day in order to provide services outside the traditional patterns.
- Reaching agreement on a revised Attendance Management Policy which will be implemented in the sector by end-2006.
- In compliance with the Organisation of Working Time Act 1997, the introduction of recording of attendance (including by electronic means) by end-2007.

The parties will further agree flexibilities in relation to start/finish times and out-of-hours meetings. The parties are committed to the implementation of such policies through partnership by mid-2008.

## Section 33. Performance Verification Process

- 33.1 Section 27.18 of the Public Service Pay Agreement provides that payment of these increases is dependent, in the case of each sector, organisation and grade, on verification of co-operation with flexibility and ongoing change, including co-operation with satisfactory implementation of the agenda for modernisation set out in the Agreement, maintenance of stable industrial relations and absence of industrial action in respect of any matters covered by that Agreement.
- 33.2 The parties have agreed that – with some variations – the arrangements established under *Sustaining Progress* to verify that the conditions for the payment of these increases have been met will continue.
- 33.3 The main elements of the process will be as follows (the arrangements vary somewhat between sectors, see notes below):
- a) There will be Performance Verification Groups (PVG) for each of the Civil Service, Education, Health and Local Government sectors. Each sectoral Performance Verification Group will have an equal number of management, trade union and independent members and, in addition, an independent Chair.
  - b) The Chairs of each sectoral PVG and representatives of both management and trade unions in each of these groups will meet to agree issues relating to the operation of the performance verification process in each sector. They will agree the reporting templates, procedures and timetable to be used by the sectoral

- PVGs in assessing and verifying progress in relation to performance at sectoral, organisational and grade level. Where possible, and particularly in the case of front-line service delivery, these should include specific performance indicators at each level. Each sectoral PVG will make an assessment of progress, at the latest, one month in advance of each of the payment dates specified in the Agreement.
- c) Draft outline action plans for each sector will be prepared by the management side and submitted to the appropriate sectoral partnership committee for agreement and will then be submitted to the sectoral PVG for approval.
  - d) The PVGs will assess the action plans to confirm whether they meet the requirements of the Agreement and conform to the reporting format, timetable and procedures mentioned above. If the PVG considers that an action plan is unsatisfactory it will be referred back for review through the partnership process. When approved by the PVG, acceptance of the action plan will be communicated to each head of organisation within the relevant sector for implementation.
  - e) Each head of organisation will prepare a progress report and present it to the appropriate partnership committee for consideration and will then send it, together with any comments which the partnership committee may wish to make, to the Secretary General responsible for the sector.
  - f) The Secretary General responsible for the sector will submit the reports to the PVG, together with an overview report on the sector and his or her assessment of whether the conditions set out in Section 33.1 above have been met and whether payment is warranted. Before reporting to the PVG, the Secretary General will inform the appropriate National Council of the assessment which he or she intends to convey to the PVG. Where the Secretary General considers it likely that his or her report on the assessment of whether the conditions have been met would not warrant implementation of a pay increase, the matter will be discussed by the relevant National Council before the report is finalised and, if he or she still intends so to report, he or she will convey any union side comments to the PVG.
  - g) The PVG will decide on the basis of the reports submitted to it whether the conditions set out in Section 33.1 above have been met and whether the payment of the relevant pay increase is warranted. Where necessary the PVG will, before making its decision, be given updated information on any relevant developments since the progress report was submitted. The final decision to pay the increase for the sector or any organisation or grade in it will rest with the Secretary General responsible for the sector. If the PVG decides that the making of a payment is not warranted, the Secretary General will not take a final decision until the matter has been referred to the relevant National Council for discussion.
  - h) In the event that a trade union considers that the decision made by the Secretary General is not in conformity with the terms of the Agreement, it may have recourse to the provisions of the Public Service Pay Agreement which deals with breaches of the Agreement.
  - i) Government Departments which have other public service bodies under their aegis will fulfil the role of quality assuring outcomes where a PVG does not exist or does not have a direct role in relation to the bodies in question. If an issue arises which could result in the Secretary General deciding that payment of an increase in such a body was not warranted, he or she will arrange to discuss the issue with the relevant unions in time to provide an opportunity for it to be resolved before the due payment date.
  - j) The Public Service Monitoring Group and the Public Service Sub-Committee of the National Implementation Body will oversee implementation of these arrangements.

**Note:**

The operation of the above arrangements in each sector will vary somewhat to reflect the particular circumstances of the sector.

In the Civil Service the verification process will operate at Departmental level for non-industrial civil servants. Accordingly draft action plans and progress reports will be prepared by heads of Departments and Offices and the relevant partnership committees are the departmental partnership committees. The appropriate National Council will be the General Council. Civil Service Sectoral Reports required in accordance with the above procedure and decisions on whether payments should be made will be made by the Secretary General, Public Service Management and Development, Department of Finance. In the case of industrial civil servants action plans are drawn up at Departmental level and the Joint Industrial Council is the appropriate partnership forum.

In the Health sector under Sustaining Progress there was an action plan for the sector. Under this agreement there will be action plans in respect of the National Hospitals Office, Primary Community and Continuing Care Services, and the National Federation of Voluntary Bodies. The appropriate partnership committee will be the Health Services National Partnership Forum.

In the local authority sector, the appropriate partnership committee is the Local Authority National Partnership Advisory Group (LANPAG). LANPAG will prepare an Action Plan based on the Outline Action Plan for the sector and submit it to the PVG for approval. Following such approval, the action plan will be forwarded by LANPAG to each county and city manager for implementation. A progress report will be prepared by the city or county manager and furnished to the local partnership committee for consideration. The report, including any observations made by the local partnership committee, will then be forwarded by the city or county manager to LANPAG, who will prepare a Sectoral Report for consideration by the Secretary General for the sector.

In the education sector there will be sectoral action plans in respect of teachers, the Institutes of Technology (IOTs) and the Vocational Education Committees (VECs). The appropriate partnership body for teachers will be the Teachers' Conciliation Council, while the Institutes of Technology National Partnership Forum and the VEC National Partnership Forum will be the appropriate partnership bodies for the IOT and VEC sectors. (Each IOT and VEC will consult with their own partnership structure on progress reports prior to referring them to the relevant sectoral forum for submission to the Secretary General). In the case of Universities and other bodies under the aegis of the Department of Education & Science, action plans at organisation level will be prepared by management and agreed through the appropriate partnership structure prior to submission to the PVG.



