



Review Body  
on  
Higher Remuneration  
in the  
Public Sector

Report No. 43

To

The Minister for Finance

on

The levels of remuneration appropriate to posts in the Labour Court, the Chief Executive of the Labour Relations Commission, State Solicitors and certain posts in universities

1 July 2008

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## Chairman's Foreword

This report concerns a very small number of people. A little under 60 posts, comprising positions in the Labour Court, the Labour Relations Commission, the universities and State Solicitors, were covered by our examination. This report is a continuation of our previous report (Report No. 42) last year on the general review of the various groups covered by our terms of reference.

For differing reasons it was not feasible to include the groups covered by this examination in last year's general review. The Review Body was advised, therefore, to defer their examination until after the submission of the report on the general review.

In our general approach to this review, we were conscious that the groups concerned are in the same position as those covered by the general review. But for unavoidable circumstances, they would have been included in that review. We consider, therefore, that the circumstances which led to the deferral of the examination of these groups, and the interval of about 10 months since the general review, should not in any way operate to their disadvantage. In fairness to the groups concerned, we applied exactly the same criteria which we used in the general review and which are outlined in Chapter 2 of Report No. 42. Accordingly, our conclusions are consistent with the approach we took in relation to other groups in the general review.

It is not the normal practice of the Review Body to suggest an effective date for recommended increases in salary. However, in the circumstances mentioned in the preceding paragraph, the Review Body assumes that the effective dates of increases recommended in this report will be the same as those applying to the generality of those covered by last year's general review. We consider that this would be appropriate.

Our Secretary, Brendan Duffy, left the Review Body in March 2008 to return to the Department of Finance on promotion. Since then Tony Carberry has undertaken the duties of Secretary. Tony showed great commitment and thoroughness in helping to bring our report to a conclusion. He ensured that the issues we had to deal with were fully analysed and researched and that we were thoroughly briefed. We are indebted to him for his work. We are grateful also to Brian Naughton and Kevin Warren who contributed to our work.

Tony O'Brien  
Chairman

1 July 2008

## **Chapter 1 Terms of Reference and background to the current review**

### **Terms of Reference**

1.1 The Review Body on Higher Remuneration in the Public Sector was set up in May 1969. The standing terms of reference of the Review Body, which were revised in 2005, are as follows:

To act as a standing body whose primary function will be to advise the Government from time to time on the general levels of remuneration appropriate to:

- (1) members of the Government, Ministers of State, the Attorney General and the Chairman and Deputy Chairman of Dáil Éireann and Seanad Éireann;
- (2) the Judiciary;
- (3) civil servants outside the scope of the civil service conciliation and arbitration scheme;
- (4) higher management grades in the local authorities and Health Service Executive not covered by the Public Service Benchmarking Body process;
- (5) the ranks of Commissioner, Deputy Commissioner and Assistant Commissioner in the Garda Síochána;
- (6) Chief of Staff (Lieutenant-General), Major-General and Brigadier-General /Commodore in the Defence Forces;
- (7) the Comptroller and Auditor General;
- (8) the chief executives of non-commercial state-sponsored bodies;
- (9) hospital consultants;

and such other posts as it may be asked to examine from time to time.

The last general review (*the seventh*) was the subject of Report No. 42 of the Review Body dated 14 September 2007.

### **Background to the current review**

1.2 In November 2007, the then Tánaiste and Minister for Finance asked the Review Body to examine and advise the Government on:

- (1) the general levels of remuneration appropriate to:
  - (a) the Chairman, Deputy Chairpersons and Employers' and Workers' Members of the Labour Court; and
  - (b) the Chief Executive of the Labour Relations Commission;
- (2) the personal salary element of the remuneration of State Solicitors; and
- (3) the levels of remuneration appropriate to posts above Professor level in the new management structure in universities. It was subsequently clarified that the specific posts to be examined were:
  - Deputy President, DCU
  - Vice Presidents – UCC and DCU
  - Executive Deans in DCU and Heads of College in UCC

### **Procedure for the current review**

1.3 We invited and received submissions from relevant parties. We also held a number of oral hearings. Groups which made submissions and/or attended oral hearings are shown at Appendix 2 to this report.

1.4 We asked the Hay Group (Ireland) to evaluate a number of the posts covered by the current review. The Hay Group previously examined a large number of posts covered by the recent seventh general review. Their evaluation of the posts covered by the current review enabled us to compare the size of those jobs with the sizes of the wide range of public service jobs examined in the general review.

## **Chapter 2    General Issues**

2.1    There are two general issues, relating to changes in jobs and the nature of pay relationships, which we wish to address at the outset of this review.

### **Change and developments in jobs**

2.2    All of the groups that made submissions to us commented on the manner in which their jobs had developed and the impact this had on their workload. We commented in paragraphs 2.5 to 2.9 of Report No. 42 on the issue of change.

2.3    We made the point in Report No. 42 that change is a normal feature of any job, particularly the senior posts which come within our remit. All senior public service posts have experienced change and jobs have grown in complexity. The perception by individuals of the relative level of change in their jobs can be misleading as it is understandable that individuals will be very conscious of the changes affecting their own jobs but less aware of changes in other jobs. An assessment of an argument by any groups that existing pay relationships with other grades are no longer relevant because of the way their jobs have evolved must take account of the way in which other jobs have also changed.

2.4    Through the links with the pay of other public service grades, the groups covered by the present review have benefited from increases secured by the related grades, over and above standard increases from general pay agreements, from recommendations of the Review Body, the Civil Service Arbitration Board and the Public Service Benchmarking Body, as appropriate. These increases took account of the manner in which the other public service jobs had evolved and, to that extent, the effects of change were reflected in the increases applied to the groups now being examined.

2.5    We appreciate that Members of the Labour Court, the Chief Executive of the Labour Relations Commission, State Solicitors and the holders of the university posts may consider that their jobs have experienced a greater degree of change than that applying to other public service jobs. In our view it is not necessary to examine this matter as a separate issue. As we stated in Report No.42, we consider that the issue of change can best be addressed by evaluating jobs in their current form and assessing the appropriate level of remuneration by reference to the current demands of the jobs.

2.6    An evaluation of the current demands of a job automatically captures the extent of change in the nature of the job. Accordingly, we commissioned an evaluation by the Hay Group of a large sample of the jobs covered by the present

review. As part of the general review which was the subject of Report No. 42, the Hay Group evaluated 112 senior public service posts covered by our remit. Therefore, the evaluation by the Hay Group of the posts now being examined enabled us to make an assessment of the demands of those posts by reference to jobs of similar weight in the private sector and to make a comparison with other senior public service jobs evaluated as part of last year's general review.

### **Pay Relationships**

2.7 We wish to comment on the general issue of pay relationships also. Particularly, in the case of Members of the Labour Court and the Chief Executive of the Labour Relations Commission the argument was strongly advanced that their existing pay relationships with civil service grades were no longer appropriate and that pay relationships with other groups should be established. As indicated in the previous paragraph, we were in a position to compare the jobs covered by the present review with other public service jobs evaluated in last year's general review. Nevertheless, we do not consider that the remuneration of these groups should be determined solely on the basis of comparison with other public service groups and this was not our general approach in the last general review either.

2.8 We accept that the role and functions of members of the groups now being examined differ from those of the other grades with which there is a pay relationship at present. However, it does not necessarily follow from this that salary levels equivalent to those other grades are not appropriate. Our approach is to examine the overall demands of public service jobs primarily by reference to jobs in the private sector and to determine the appropriate level of remuneration by reference to those demands. In our examination we were assisted by the evaluation of jobs carried out by the Hay Group using job evaluation techniques. Jobs which are quite different in content can be broadly similar in terms of the overall demands made on the holders of the posts and, in these circumstances, the salary levels we recommend will be similar also.

### **Recommended rates of remuneration**

2.9 The salary rates recommended in this report include the third phase (with effect from 1 March 2008) of the increases due under the public service pay agreement associated with *Towards 2016*. The recommended rates should attract the remaining phase of the increases due under this Agreement and all other general increases arising after the date of this report.

2.10 The salary rates recommended in Report No. 42 of the Review Body, dated 14 September 2007, included the second phase (with effect from 1 June 2007) of the increases due under the public service pay agreement associated with *Towards 2016*

but did not, of, course, include the third phase increase of 2.5% with effect from 1 March 2008. Any comparison between the rates recommended in this report and those recommended in Report No. 42 should take account of this.

**2.11** In the case of civil servants and certain other public service groups, revised pension arrangements were introduced in 1995. These include the introduction of an employee contribution for personal superannuation benefits to apply to persons recruited since 6 April 1995 where a non-contributory scheme for personal benefits applies to persons recruited before that date. In the case of groups for which this contribution was introduced, their salary scales were generally increased to 20/19<sup>ths</sup> of the salary scales of employees recruited before 6 April 1995.

**2.12** The position described in the preceding paragraph is relevant to posts examined in the Labour Court, the Labour Relations Commission and the universities. We have based the recommended rates on a contributory pension scheme where an employee contribution in respect of personal superannuation benefits is being made equivalent to that introduced for established civil servants recruited since 6 April 1995. On this basis, as a general principle, salaries equivalent to 19/20<sup>ths</sup> of the recommended rates should be applied to persons in the relevant grades who do not make an employee contribution in respect of personal superannuation benefits. Accordingly, in the case of the groups for which an employee contribution for personal superannuation benefits was introduced in 1995, the existing rates shown in the report refer to persons recruited since 6 April 1995. Lower rates apply to persons recruited before this date.

**2.13** The position described in the preceding paragraph does not apply to posts in Dublin City University (DCU) or to State Solicitors. In DCU, an employee contribution for personal contribution benefits was already payable prior to 6 April 1995. Accordingly, there is no distinction in the salaries payable to persons recruited before or after 6 April 1995. In the case of State Solicitors, the arrangements relating to pensions are described in Chapter 5.

**2.14** In cases where it is relevant, we describe the positions to apply to persons recruited before and after 6 April, 1995 in the appropriate chapters.

## Chapter 3 The Labour Court

### Background

3.1 The Labour Court has been in existence for more than sixty years and has played a central role in the settlement of industrial disputes throughout all sections of the economy in both the public and the private sectors<sup>1</sup>. The Court was established under the Industrial Relations Act, 1946 as an industrial relations tribunal charged with the promotion of industrial harmony and the resolution of trade disputes. Since its inception the role and functions of the Court have been significantly expanded by subsequent legislation. In regard to its industrial relations functions the principal amending statutes are: -

- The Industrial Relations Act, 1969<sup>2</sup>
- The Industrial Relations Act, 1976<sup>3</sup>
- The Industrial Relations Act, 1990<sup>4</sup>

3.2 The Labour Court has continued to develop and change and now performs additional and extended functions in the broad area of the employment rights of individuals and groups, and the attendant duties and responsibilities of employers. These developments have arisen principally from Ireland's membership of the European Union and its obligation to provide a body of protective social rights legislation in line with European Directives. The Court has been assigned an adjudication role in disputes under this body of legislation and now acts as a Court of Appeal from various first instance bodies. In this connection the Labour Court was given responsibility for upholding the statutory rights of individuals and of defining the obligations of employers under both domestic and European employment legislation.

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<sup>1</sup> The Court does not, however, deal with disputes involving the Civil Service, Teachers, Gardaí or the Defence Forces in respect of which separate conciliation and arbitration schemes are in place.

<sup>2</sup> This statute provided for the creation of the office of Rights Commissioner and for appeals to be brought before the Court from the recommendation of a Rights Commissioner. It introduced provision whereby cases could come before the Court in circumstances in which the recommendation would be binding on either or both parties and it made the use of the conciliation service of the Court mandatory in the majority of industrial relations cases. This statute also provided for the establishment of a third division of the Court.

<sup>3</sup> The principal purpose of this statute was to enable the Minister to appoint additional divisions of the Court.

<sup>4</sup> This was a major piece of industrial relations legislation. It established the Labour Relations Commission and transferred to it the conciliation service formerly attached to the Court. It made other modifications in the role of the Court and the conditions in which it could intervene in industrial disputes. The stated object of the 1990 Act, was to strengthen the Court and to emphasise its standing as the Court of final appeal in industrial relations matters.

### **Composition and Structure of the Labour Court**

3.3 The composition of the Labour Court is determined by statute<sup>5</sup>. It currently comprises a Chairman, two Deputy Chairpersons and six Ordinary Members. The Ordinary Members are made up of three Worker Members who are appointed by the Minister for Enterprise, Trade and Employment on the nomination of ICTU and three Employer Members who are appointed on the nomination of IBEC. The Court acts by Division which must consist of either the Chairman or a Deputy Chairperson and one Worker Member and one Employer Member. Between its inception in 1946 and 1969 there were two Divisions of the Court. An additional Division was established by the Industrial Relations Act, 1969, and a further Division was added in 1980. This fourth Division was abolished in 1992.

### **Appointment of Members**

3.4 The Chairman and the Deputy Chairpersons are appointed by the Minister for Enterprise, Trade and Employment. The Act does not make any provision regarding a selection process. Previously, appointments were made following consultation with ICTU and IBEC. Candidates were drawn from amongst those with wide experience in industrial relations or industry. As a matter of practice, a balance was maintained between those coming from a trade union background and an employer background.

3.5 The most recent appointment to the office of Deputy Chairperson was made following a public competition held by the Public Appointments Commission.

3.6 As indicated in paragraph 3.3, the Ordinary Members are appointed by the Minister for Enterprise, Trade and Employment on the nomination of IBEC and ICTU. They are drawn from amongst senior trade union officials and employer body executives.

### **Tenure**

3.7 The current practice is to appoint the Chairman and the Deputy Chairpersons for a period of seven years. In the case of Ordinary Members appointments are made for a period of three years. In all cases there is a compulsory retirement age of 65. In the case of Ordinary Members re-appointment is contingent upon further nomination by the relevant nominating body. In the case of the Chairman and the Deputy Chairpersons re-appointment is at the discretion of the Minister.

3.8 Members of the Court must devote their whole time to the business of the Court and are precluded from engaging in other remunerative employment. Members are required to make annual declarations of any financial or business interest under

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<sup>5</sup> Section 3 of the Industrial Relations Act, 1946, Section 3 of the Industrial Relations Act, 1969 and Section 8 of the Industrial Relations Act, 1976.

the Ethics in Public Office Act, 1995, so as to ensure against any conflict of interest in cases coming before the Court. Where there is any possibility of such conflict in a particular case the Members concerned take no part in the case.

### **Support Staff**

3.9 The Court membership is supported by a civil service structure of twenty seven staff ranging from Assistant Principal Officer to Clerical Officer grades. The Court also has the services of a Registrar, who is required to be a Solicitor or Barrister of not less than seven years standing. The Registrar is engaged on a part-time contractual basis to assist and advise on matters requiring specific legal advice.

### **The Role and Functions of Court Members**

3.10 The Court is a collegiate body and the Members have collective responsibility for the decisions of the Division to which they are assigned. Cases are investigated by way of formal hearing at which the parties make submissions and advance arguments in support of their case. In employment rights cases the Court normally takes sworn evidence on factual matters in dispute.

3.11 In all cases the parties are required to make written submissions in advance of the hearing. In industrial relations cases the Court is furnished with a report from the conciliation officer of the Labour Relations Commission<sup>6</sup> setting out the stance of the parties at conciliation and recording any progress made in resolving the dispute. In equality and other employment rights cases submissions are also received in advance together with a book of legal authorities on which the parties intend to rely. Where oral evidence is to be adduced, witness statements are also provided. The Court is also provided with the report of the first instance tribunal against which the appeal is being taken<sup>7</sup>.

3.12 The Members of the Court are expected to have studied and analysed these documents in advance of hearings. This can be time-consuming and often has to be undertaken outside of normal office hours. However, the need to undertake work outside of normal office hours applies generally to senior public service posts.

3.13 The Members of the Court usually question the parties on the content of their submissions and these questions are generally prepared in advance. The Members of the Division subsequently meet to discuss the case and to formulate a decision. The decision-making process of the Court is set down by statute<sup>8</sup>. This provides that if the

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<sup>6</sup> Section 26(1) of the Industrial Relations Act, 1990 provides, in effect, that a dispute must first be submitted for conciliation before it can be investigated by the Court.

<sup>7</sup> In the case of disputes under the Employment Equality Act, 1998 and 2004 the first instance tribunal is the Equality Tribunal. In all other cases it is a Rights Commissioner.

<sup>8</sup> Section 20 of the Industrial Relations Act, 1946.

Ordinary Members of the Court agree, that is the decision of the Court. If the Ordinary Members disagree but the Chairperson of the Division agrees with one of them, the case may be decided accordingly. If there is no agreement among the Members, the case may be decided in accordance with the opinion of the Chairperson of the Division. In practice the decisions of the Court are generally reached by consensus and several divisional meetings may be held in respect of a single case in order to reach consensus. The role of the Chairperson of the Division is to facilitate the other Members in arriving at a common position. In practice the Chairpersons take responsibility for researching the applicable statutory provisions and relevant case law.

3.14 When a decision is reached the Chairperson of the Division drafts the recommendation or determination which is submitted to the other Members for approval. Further discussions may take place in relation to the draft before it is finally approved. This may involve further meetings of the Division.

### **Separate roles of the Chairman and Deputy Chairpersons**

#### **Chairman**

3.15 The Chairman is the Chief Executive Officer of the Court. The responsibilities of the post include the general management of the Court, the efficient delivery of the services of the Court and the management of the Court's budget. The Chairman is also responsible for promoting the image of the Court. The Chairman is required to undertake the same caseload as all other Members in addition to exercising the other functions referred to.

#### **Deputy Chairpersons**

3.16 There are currently two Members of the Court who hold the Office of Deputy Chairperson. One of these is designated to act for the Chairman if absent. The Deputy Chairpersons collaborate with the Chairman in the discharge of the management functions and together with the Chairman constitute the management team of the Court.

3.17 The Chairman and the Deputy Chairpersons preside at hearings of the Court. They are responsible for ensuring that hearings are conducted in an orderly and efficient manner and that all parties receive a fair hearing. In employment rights cases they have the added responsibility of ensuring that cases are conducted in accordance with the requirements of constitutional and natural justice and that the rules of evidence are observed.

**3.18** A key function of the Chairman/Deputy Chairpersons is to draft recommendations and decisions of the Court. Since the Chairman and Deputy Chairpersons must carry the same case load as Ordinary Members of the Court, the work involved in drafting decisions is normally undertaken outside normal office hours.

### **Remuneration of Members of the Labour Court**

**3.19** The remuneration of Members of the Labour Court was last reviewed separately in Report No. 4 of the Review Body dated 29 January 1975. The recommendations of the Review Body in that report brought about a situation where the remuneration of Members of the Labour Court is related to that of certain civil service grades in the following manner:

- The salary of the Chairman of the Labour Court is the same as the salary of a Deputy Secretary;
- The salary of the Deputy Chairpersons of the Labour Court is the same as the salary of an Assistant Secretary; and
- The salary of Ordinary Members of the Labour Court is related to the salary of a Principal Officer. The salary of the Ordinary Members is a single point which is a little below the first long service increment point on the scale for a Principal Officer (standard scale).

The Chairman and Deputy Chairpersons qualify for performance-related awards on the same basis as the civil service grades of Deputy Secretary and Assistant Secretary. The Ordinary Members do not qualify for such awards. We comment further on performance-related awards in paragraphs 3.45 to 3.50.

**3.20** While the remuneration of the Members of the Labour Court has not been reviewed separately since 1975, this does not, of course, mean that the Members of the Court did not benefit from increases over and above the standard increases arising under general pay agreements. Through their link with the relevant civil service grades, the Chairman and Deputy Chairpersons have benefited from the increases recommended in various reports of the Review Body for the grades of Deputy Secretary and Assistant Secretary. Similarly, the Ordinary Members of the Labour Court have benefited from a number of increases secured by Principal Officers from findings of the Civil Service Arbitration Board and the Public Service Benchmarking Body.

### **Superannuation Scheme for Court Members**

**3.21** The Chairman, Deputy Chairpersons and Ordinary Members of the Court are covered by the Labour Court (Members) Superannuation Scheme, 1971, as amended.

This is a statutory scheme made pursuant to Section 5(2) of the Industrial Relations Act, 1969. The scheme is accelerated and provides for a pension calculated at 1/48<sup>th</sup> of final salary for each year of service subject to a maximum of 24/48<sup>ths</sup>, or half final salary. This compares with the general terms applicable in the public service which provide for a pension based on 1/80<sup>th</sup> of pensionable remuneration per year of pensionable service up to a maximum of 50% of pensionable remuneration.

3.22 The scheme applicable to Members of the Labour Court also provides for a gratuity payable on retirement of an amount equal to one and a half-times the pension payable. The general terms applicable in the public service provide for a gratuity equal to 3/80ths of pensionable remuneration per year of pensionable service up to a maximum of 150% of pensionable remuneration.

### **Submission on behalf of Members of the Labour Court**

3.23 The submission we received from Members of the Labour Court described the role and functions of the Court. Information was also provided on changes and developments in those functions as well as the impact of those developments on the workload of the Members of the Labour Court.

3.24 The submission we received suggested that the examination by the Review Body should take into account the changes which have taken place in the work of the Court, the nature and complexity of that work and the significant increase in the volume of activity.

3.25 The Members of the Labour Court questioned the continuing relevance of the present link between their remuneration and the remuneration of civil service posts. It was submitted that it would be more appropriate to establish a link between the remuneration of the Members of the Labour Court and that of judicial positions in the District Court and Circuit Court. In support of this argument, Members of the Labour Court referred to a change in the complexity of the work of the Court including the increase in the number of statutes for which the Court has jurisdiction. It was stated also that parties appearing before the Labour Court are now frequently represented by Counsel and Solicitors.

3.26 The submission of the Labour Court outlined the position in other countries in relation to the functions exercised by the Labour Court. However, the submission indicated that there are no institutions elsewhere in Europe which are directly comparable to the Labour Court in terms of the range of functions which it performs. It was stated that the functions exercised by the Members of the Labour Court in Ireland in respect of the vindication of employment rights, and in the determination of

rights and obligations under collective agreements, are exercisable in the majority of EU Member States by Judges who are part of the national judicial system.

### **Approach to the determination of salaries**

**3.27** The submission on behalf of the Members of the Labour Court emphasised the changes in the role, functions and workload of the Labour Court since the posts were last examined by the Review Body over thirty years ago. We fully accept that there has been significant change in this period. We have commented on the issue of change in paragraphs 2.2 to 2.6.

**3.28** The Members of the Labour Court gave considerable weight in their submission to a comparison with the Judiciary. We have set out in paragraphs 2.7 and 2.8 the approach we take to the determination of the remuneration of senior posts in the public service. We do not consider that we should determine the remuneration of the Members of the Labour Court by reference to judicial posts. We acknowledge that there are similarities between some of the functions of the Members of the Labour Court and judicial posts but in our view there are significant differences also and there are factors which influence the remuneration of judicial posts which do not apply in the case of Members of the Labour Court.

**3.29** The Labour Court operates in Divisions of three persons whereas Judges normally sit alone and arrive at their judgements without an input from other Judges, although we acknowledge that there can be some situations where courts consist of more than one Judge. It seems to us, therefore, that the level of individual responsibility attaching to judicial posts is greater than that applying in the case of Members of the Labour Court.

**3.30** We indicated in Report No. 42 that we recognised the importance of ensuring that the most qualified legal practitioners continue to be attracted to the Judiciary. We stated also that we accepted that the gap between the salaries of Judges and the earnings of legal practitioners should not reach the stage where it becomes a powerful disincentive to the acceptance of judicial office and that we had adopted that principle in our deliberations on the remuneration of the Judiciary. Accordingly, our conclusions on the remuneration of the Judiciary were influenced by earnings in the legal profession having regard to the fact that Judges are recruited from legal practitioners. This consideration does not apply to Members of the Labour Court who are not recruited from the legal profession and who are not required to hold a legal qualification, although we are aware that some individual Members of the Court hold such qualifications.

**3.31** We formed the view that the approach taken to the generality of groups in the last general review, as set out in paragraphs 2.30 to 2.34 of Report No. 42 should be taken in the case of Members of the Labour Court also. Accordingly, we evaluated the jobs of Members of the Labour Court and made an assessment of the remuneration typically applicable to jobs of comparable sizes in the private sector.

### **Evaluation of posts**

**3.32** In the evaluation carried out on our behalf, the post of Chairman of the Labour Court, one post of Deputy Chairperson and two posts of Ordinary Member were examined. We held oral hearings with Members of the Labour Court, the Department of Enterprise, Trade and Employment and the Department of Finance.

### **Superannuation**

**3.33** As part of the last general review we carried out an examination of the value of public service pensions by reference to pension arrangements in the private sector. A similar examination was carried out by the Public Service Benchmarking Body in relation to the groups covered by its terms of reference. We concluded that the extent to which the value of the pensions of the groups covered by our terms of reference exceeded that of comparable groups in the private sector should be assessed at 15% of salary. The corresponding figure in the case of groups within the remit of the Public Service Benchmarking Body is 12% of salary.

**3.34** The superannuation arrangements applying to Members of the Labour Court are described in paragraphs 3.21 and 3.22 above. The period of service required to qualify for full pension is significantly shorter than that applying to public servants generally and to that extent the superannuation arrangements can be regarded as more favourable than the general public service terms. On the other hand, the lump sum gratuity payable is less favourable than the amount payable under general public service arrangements. Members of the Labour Court also made the point to us that, notwithstanding the shorter period of service required to qualify for full pension, since the inception of the superannuation scheme no Member of the Court has retired on full pension based on his or her service with the Labour Court. The reason for this is that the age at which Members are normally appointed to the Court makes it unlikely that 24 years service can be attained before retirement.

**3.35** We consider that the accelerated nature of the service requirement for full pension makes the superannuation arrangements for Members of the Labour Court more favourable than standard public service terms even when account is taken of the less favourable lump sum gratuity payable. We acknowledge the point made by Members of the Labour Court about the typical age of appointment to the Court.

3.36 We referred in paragraphs 3.29 to 3.31 of Report No. 42 to public service groups with non-standard superannuation terms. We stated that there were grounds of sound public policy why some groups have terms which are more favourable than standard public service terms and we formed the view that we should not apply a greater discount to the special terms applicable to these groups. On the same basis, we concluded that for purposes of our examination we should not treat the pension terms applicable to Members of the Labour Court differently to standard public service terms.

### **Security of tenure**

3.37 The tenure applying to Members of the Labour Court is described in paragraph 3.7. The submission on behalf of Members of the Labour Court suggested that a significant lack of security attaches to these posts which distinguishes them from the generality of posts in the public service. We accept that the tenure applying to Members of the Labour Court differs from that applying to the generality of public service posts but the arrangements applying to the Chairman and Deputy Chairpersons are similar to those applying to a number of public service posts.

3.38 While the period of appointment of Ordinary Members is short it does not appear to us to have led to difficulties of re-appointment in practice. In paragraphs 3.37 to 3.40 of Report No. 42 we discussed the issue of security of tenure applying to public service posts generally and explained why we did not consider we should make a specific discount for this. On the same basis, we consider that we should not make any separate allowance for the specific tenure arrangements applying to Members of the Labour Court.

### **Conclusions**

#### **Salaries recommended**

3.39 The recommended salaries referred to in the following paragraphs relate to persons appointed since 6 April 1995 making an employee contribution in respect of personal superannuation benefits. Salaries equivalent to 19/20ths of the recommended rates are applicable to persons recruited before 6 April 1995 who do not make an employee contribution in respect of personal superannuation benefits.

### **Chairman of the Labour Court**

3.40 Based on the evaluation carried out on our behalf and our own conclusions, we consider that an increase in the present remuneration of the Chairman of the Labour Court is warranted by reference to comparison with jobs of comparable weight in the private sector and the general criteria described in Chapter 2 of Report No. 42. We formed the view that on this basis, and having regard to the overall demands of the job, the appropriate salary for the Chairman of the Labour Court should be somewhat greater than that applicable to the civil service grade of Deputy Secretary to which the post is related at present for salary purposes but below the salary applying to a Secretary General, Level III of a Government Department. In our view, a salary of €198,000 in current terms is appropriate for the post. The rate recommended involves an increase of 14% over the rate (appropriately updated) applicable prior to Report No. 42. If the existing relationship with the civil service grade of Deputy Secretary had been maintained the increase of 9.2% recommended in Report No. 42 for that grade would have been applicable instead.

### **Deputy Chairpersons**

3.41 As already indicated, the salary of these posts is currently equivalent to that payable to an Assistant Secretary in the civil service. Having regard to our evaluation of these posts, we are satisfied that a salary at this level continues to be appropriate. Accordingly, we consider that the revised salary scale (updated to 1 March 2008 terms) recommended in Report No. 42 for Assistant Secretaries, involving an increase of 5.5% on the rate applicable prior to Report No. 42, should apply to these posts.

### **Ordinary Members**

3.42 The salary of Ordinary Members of the Court is related to that of the civil service grade of Principal. The salary is set at a single salary point which is above the ordinary maximum of Principal (standard scale) but a little below the first long service increment point on that scale. On the basis of our evaluation, we are satisfied that a higher salary is justified. We consider that a single point salary should continue to apply and recommend a revised salary of €115,000 in current terms.

3.43. The salary we have recommended, based on our evaluation of these posts by reference to private sector posts, is similar to the upper part of the salary for Principal (higher scale) in the civil service. In our view, this is appropriate as the overall demands of the jobs, as assessed in our examination, are comparable to those applicable at the higher range of the duties of Principal posts in the civil service.

3.44 We consider, therefore, that the salary for Ordinary Members should be related to the grade of Principal (higher scale) following application of the increase of 1.1% recommended by the Public Service Benchmarking Body for the civil service grade of Principal. The revised salary of €15,000 now recommended takes account of the increase recommended by the Public Service Benchmarking Body and represents our view of the appropriate salary in current circumstances for Ordinary Members of the Labour Court. Therefore, this rate should not separately attract the increase of 1.1% recommended by the Public Service Benchmarking Body for the grade of Principal. The salary recommended represents an increase of 9.2% on the current remuneration of Ordinary Members of the Labour Court.

### **Performance-related awards**

3.45 At present the Chairman and Deputy Chairpersons of the Labour Court qualify for performance-related awards on the same basis as the civil service grades of Deputy Secretary and Assistant Secretary. Ordinary Members of the Labour Court are not eligible for such awards.

3.46 For purposes of the scheme of awards, the Chairman of the Labour Court makes an assessment of the performance of the Deputy Chairpersons. In the case of the Chairman of the Court, the assessment is made by the Secretary General of the Department of Enterprise, Trade and Employment. In view of the independent nature of the Chairman's post, the assessment by the Secretary General is confined to matters relating to the administrative and management functions of the Court. The submission we received from Members of the Labour Court suggested that, having regard to the nature of the Labour Court, it may not be appropriate to have the Secretary General make an assessment of the performance of the Chairman and that it would be preferable to have an amount equivalent to the average bonus payable under the scheme consolidated in the salaries of the Chairman and the Deputy Chairpersons.

3.47 We made it clear in Report No. 42 that we do not favour the consolidation into salary of payments in lieu of performance-related awards. Our views in this regard are set out in paragraphs 20.30 to 20.32 of Report No. 42.

3.48 We fully accept that the Labour Court is an independent body. However, we do not consider that the independence of the Labour Court is compromised by the form of the assessment of performance exercised by the Secretary General of the Department of Enterprise, Trade and Employment. That assessment is, as already indicated, confined to administrative and management functions and does not include the industrial relations or quasi-judicial functions of the Court.

3.49 We consider that a scheme of non-pensionable performance-related awards should continue to apply to the Chairman and Deputy Chairpersons of the Labour Court on the present basis, but having regard to the general recommendations made in Chapter 19 of Report No. 42 in regard to the application of these awards.

3.50 The salary level we have recommended for Ordinary Members of the Labour Court is similar to that applying to other public service posts which come within the remit of the Public Service Benchmarking Body and are not eligible for performance-related awards. We do not think that an awards scheme should be applied to Ordinary Members of the Labour Court either at present. This position could be reviewed in the event of any decision to apply awards generally to grades at a similar salary level in the public service.

## **Chapter 4    The Labour Relations Commission**

### **Background**

4.1    The Labour Relations Commission (LRC) was established under the Industrial Relations Act, 1990 in January 1991. Section 25 of the Act specified that the LRC would have the following functions:

(1) The Commission shall have general responsibility for promoting the improvement of industrial relations and shall—

- (a) provide a conciliation service;
- (b) provide an industrial relations advisory service;
- (c) prepare codes of practice relevant to industrial relations after consultation with unions and employer organisations;
- (d) offer guidance on codes of practice and help to resolve disputes concerning their implementation;
- (e) appoint Equality Officers of the Commission and provide staff and facilities for the Equality Officer service;
- (f) select and nominate persons for appointment as Rights Commissioners and provide staff and facilities for the Rights Commissioner service;
- (g) conduct or commission research into matters relevant to industrial relations;
- (h) review and monitor developments in the area of industrial relations; and
- (i) assist joint labour committees and joint industrial councils in the exercise of their functions.

(2) The Commission may at the request of one or more parties to a trade dispute or on its own initiative offer the parties its appropriate services with a view to bringing about a settlement.

(3) Except where there is specific provision for the direct reference of trade disputes to the Labour Court, trade disputes shall first be referred to the Commission or to its appropriate services.

(4) The Commission may, if it thinks fit, on request or on its own initiative, provide for employers, employers' associations, workers and trade unions such advice as it thinks appropriate on any matter concerned with industrial relations.

(5) The functions referred to in subsection (1) (a), (b) or (d) shall be performed on behalf of the Commission by members of its staff duly appointed by the Commission.

4.2 As indicated in the preceding paragraph, the 1990 Act, assigns a wide range of functions to the LRC including responsibilities for providing a conciliation service, an industrial relations advisory service, preparing codes of practice relevant to industrial relations, providing a Rights Commissioner service, conducting research into matters relevant to industrial relations, and reviewing and monitoring developments in the area of industrial relations. The Commission plays an important role in the Social Partnership process and an increasing role in providing “first instance” employment rights adjudication.

4.3 A mutually agreed ‘Autonomy Agreement’ governs the Commission’s relationship with the Department of Enterprise, Trade and Employment. This agreement is reviewed every three years.

4.4 The LRC is clearly a highly respected institution. The respect for the LRC has also been reflected in client surveys, which are undertaken on an independent basis every three years as part of the strategic planning process of the LRC.

#### **The Board of the LRC**

4.5 Section 24 (3) of the Industrial Relations Act, 1990 provides that the Commission shall consist of a Chairman and six Ordinary Members who shall be appointed by the Minister. The relevant Minister is the Minister for Enterprise, Trade and Employment. The Board comprises two IBEC nominees, two ICTU nominees and three Government nominees. One of the Government’s nominees is appointed as the Chairperson.

#### **Chief Executive of the LRC**

4.6 The Chief Executive of the LRC is a full-time statutory post established under Section 28 of the Industrial Relations Act, 1990. The post of Chief Executive has a public profile and carries a significant range of responsibilities including:

- strategic planning;
- corporate governance;
- leading and managing the organisation;
- building and maintaining relationships with key stakeholders; and
- resolution of disputes including direct intervention to resolve disputes of major or national importance.

4.7 The Chief Executive is responsible for all staff matters including appointments, performance and discipline.

#### **Current remuneration of the Chief Executive**

4.8 The remuneration of the Chief Executive of the LRC was not previously examined by the Review Body. The salary of the Chief Executive is the same as the

salary of the Chairman of the Labour Court and equates to the salary of a Deputy Secretary in the civil service. On this basis, the Chief Executive has received increases in salary applied to the grade of Deputy Secretary arising from previous reports of the Review Body. The Chief Executive also qualifies for performance-related awards on the same basis as the civil service grades of Deputy Secretary and Assistant Secretary.

### **Superannuation Scheme for the Chief Executive**

4.9 The pension terms applicable to the Chief Executive are broadly based on the civil service scheme with the following additional features:

- in the period up to age 60, immediate payment of pension without actuarial reduction may be made if the Chief Executive's contract is not renewed; and
- the pension arrangements allow for added years in respect of the employment.

4.10 The pension benefits are based on 1/80<sup>th</sup> of pensionable remuneration for each year of pensionable service. The pension arrangements of the Chief Executive are, accordingly, different from those of the Chairman of the Labour Court as described in paragraph 3.21.

### **Submission of the Chief Executive**

4.11 The Chief Executive provided us with detailed information on the role and functions of the post. The submission from the Chief Executive also described the manner in which levels of responsibility of the Chief Executive had developed and the impact this had on the workload of the post.

### **Tenure**

4.12 The Chief Executive informed us that, by agreement between the Government and the Social Partners, he has been re-appointed by the Government on successive five-year contracts.

4.13 The Chief Executive acknowledged that it could be argued that by a succession of contracts he had achieved a high degree of security of tenure. However, he made the point that this situation could have changed at any stage if the Government had lost confidence in him or had decided that a renewal of the contract would not be appropriate for whatever reason. The Chief Executive stated that, in effect, by virtue of the nature of the contract he did not have security of tenure and there could have been a decision not to renew the contract.

### **Examination of the remuneration of the post of Chief Executive**

4.14 The Chief Executive informed us that it had been agreed in 2002 that his post would be examined by the Review Body but that he had not anticipated that a review would not take place until 2008. The Chief Executive stated that, in effect, the salary of the post had remained at the same level as the salary of a Deputy Secretary for the last 17 years because of the non-inclusion of the post in the previous reviews despite the fact that the post has undertaken many new challenges and additional demands since the establishment of the Commission in 1991.

4.15 The Chief Executive expressed the view that it is inappropriate to have the salary of the Chief Executive of the LRC fixed at the level of a Deputy Secretary and it was suggested that the grade of Deputy Secretary did not carry the ultimate additional responsibility or authority associated with the post of Chief Executive of the LRC. The Chief Executive stated that he believed that he had suffered financially because the remuneration of his post had not been reviewed earlier.

4.16 The submission we received on behalf of the Chief Executive suggested that the post of Chief Executive of the LRC should be compared with the more demanding posts of Chief Executives of Group A non-commercial state-sponsored bodies examined by the Review Body in last year's general review. It was proposed that the salary of the Chief Executive of the LRC should be the same as the salary of the Chief Executives of IDA Ireland, Enterprise Ireland, Forfas, and FÁS. It was argued that a salary at this level is justified having regard to increased demands of the post of Chief Executive of the LRC.

### **Approach to the determination of the salary of the Chief Executive of the LRC**

4.17 The submission of the Chief Executive of the LRC referred in detail to the manner in which the job had changed since its creation in 1991 and the increased demands on the post. We fully accept that the post of Chief Executive has experienced significant change. We have commented on the issue of change in paragraphs 2.2 to 2.6 of this Report.

4.18 The Chief Executive expressed the view that he has suffered financially because his post was not reviewed at an earlier stage. We have no role in a decision as to when individual posts are referred to us for examination. Our examination must be based on the demands of the job as they currently exist and we can offer no view as to what conclusions might have been reached if the post had been examined earlier. Any suggestion that an earlier examination would have resulted in an increase in salary is no more than speculation.

4.19 As indicated in paragraph 4.16, the Chief Executive of the LRC suggested that the salary of his post should be the same as the salary of the Chief Executives of IDA Ireland, Enterprise Ireland, Forfás, and FÁS. For the reasons explained in paragraph 2.7, we do not consider that the remuneration of the groups being examined by us should be determined solely on the basis of comparison with specific other public service groups. It is our view that the approach taken to the generality of groups in the last general review, as set out in paragraphs 2.30 to 2.34 of Report No. 42, should be taken in the case of the Chief Executive of the LRC also. On this basis, we evaluated the job and made an assessment of the remuneration typically applicable to jobs of comparable sizes in the private sector.

#### **Evaluation of the post of Chief Executive**

4.20 The post of Chief Executive was evaluated on our behalf. We also held oral hearings with the Chief Executive, the Department of Enterprise, Trade and Employment and the Department of Finance.

#### **Superannuation**

4.21 As already indicated, in Report No. 42 we concluded that, based on standard public service pension terms, the extent to which the value of the pensions of the groups covered by our terms of reference exceeded that of comparable groups in the private sector should be assessed at 15% of salary. The superannuation terms applying to the Chief Executive of the LRC are broadly based on standard public service terms but are more favourable in some respects.

4.22 We commented in Report No. 42 on situations where some groups had pension terms which were more favourable than standard public service terms for reasons of public policy. We addressed this issue also in Chapter 3 in relation to Members of the Labour Court. As in the case of the other groups referred to, we concluded that for the purposes of our examination we should not treat the pension terms applicable to Chief Executive of the LRC differently to standard public service terms.

#### **Security of tenure**

4.23 The tenure applying to the Chief Executive of the LRC is described in paragraph 4.12. We do not consider that these specific tenure arrangements warrant any separate allowance being made for them.

## Conclusions

### Recommended remuneration for the Chief Executive of the LRC

4.24 We consider that an increase in the present remuneration of the Chief Executive of the LRC is warranted on the basis of comparison with jobs of comparable weight in the private sector and by reference to the general criteria described in Chapter 2 of Report No. 42.

4.25 Based on the evaluation carried out on our behalf and our own conclusions, we formed the view that the overall demands of the post are somewhat greater than those applicable to the civil service grade of Deputy Secretary to which the post is related at present for salary purposes but below those applying to a Secretary General, Level III of a Government Department.

4.26 We concluded also that the salary of the Chief Executive of the LRC should continue to be the same as the salary of the Chairman of the Labour Court when allowance is made for the personal pension contribution made by the Chairman of the Labour Court but not by the current Chief Executive of the LRC. The evaluation carried out on our behalf assessed the two posts as being broadly similar in terms of the overall demands of the posts.

4.27 We recommended a salary of €198,000 for the Chairman of the Labour Court **on the basis of the arrangements applicable to persons appointed since 6 April 1995 making an employee contribution in respect of personal superannuation benefits.** Since the Chief Executive of the LRC was appointed before 6 April 1995 and does not make an employee contribution in respect of personal superannuation benefits, a salary equivalent to 19/20<sup>ths</sup> of this amount would be appropriate. Accordingly, the rate to apply to the Chief Executive should be €188,100. The rate recommended involves an increase of 14% over the rate (appropriately updated) applicable prior to Report No. 42. If the existing relationship with the civil service grade of Deputy Secretary had been maintained the increase of 9.2% recommended in Report No. 42 for that grade would have been applicable instead.

### Performance-related awards

4.28 As already indicated, the Chief Executive of the LRC qualifies for performance-related awards on the same basis as the civil service grades of Deputy Secretary and Assistant Secretary.

4.29 In his submission to us the Chief Executive expressed the view that the current process for assessing his performance and deciding on the appropriate award is unsatisfactory. It was suggested that, in effect, this amounted to a triple assessment

by the Board of the Commission, the Secretary General of the Department of Enterprise Trade and Employment and the Committee for Performance Awards. The Chief Executive considered that it was questionable as to whether such a scheme is appropriate to his post given the level of independent judgement and impartiality that must be brought to the exercise of his functions. Somewhat similar arguments were made in relation to the post of Chairman of the Labour Court and these are discussed in Chapter 3. The Chief Executive referred to the possibility of a revised system involving a consolidated salary.

4.30 We acknowledge the independence of the LRC. However, for the reasons given in Chapter 3 in relation to the Chairman of the Labour Court, we do not consider that the independence of the LRC is compromised by the form of the assessment of performance exercised by the Secretary General of the Department of Enterprise, Trade and Employment.

4.31 We made it clear in Report No. 42 and in Chapter 3 of this Report that we do not favour the consolidation into salary of payments in lieu of performance-related awards. Our views in this regard are set out in paragraphs 20.30 to 20.32 of Report No. 42.

4.32 As regards the reference by the Chief Executive to a triple assessment in his case, awards for all posts in the current schemes involve an assessment and recommendation by a post of Secretary General or equivalent and a final decision by the Committee for Performance Awards on the level of any award. In the case of the LRC there is an involvement by the Board of the Commission also and we consider this to be appropriate.

4.33 We consider that a scheme of performance-related awards should continue to apply to the Chief Executive of the LRC on the present basis, but having regard to the general recommendations made in Chapter 19 of Report No. 42 in regard to the application of these awards.

## **Chapter 5 State Solicitors**

### **Background**

5.1 There are 32 local State Solicitors who provide solicitor services to the Director of Public Prosecutions (DPP) in respect of prosecution work undertaken outside of the Dublin region. State Solicitors provide advice, when requested, to Garda Inspectors and Superintendents who prosecute cases in the District Court. They are responsible for the preparation of cases for prosecution in the Circuit Court and for briefing barristers acting on behalf of the prosecution in the Circuit Court.

5.2 Since the foundation of the State until May 2007, State Solicitors operated under contract to the Attorney General. In May 2007, following a negotiated process, State Solicitors signed new contracts with the Director of Public Prosecutions. The contracts specify the level of service which is to be provided by State Solicitors with regard to criminal prosecution matters.

### **Duties of State Solicitors**

5.3 Under their conditions of appointment the duties of State Solicitors within the geographical area for which they have responsibility may include:

- appearing on behalf of the State in cases which are listed for hearing in the High Court and conducting and carrying out all legal business consequent on such listing;
- conducting all criminal business (including where necessary the drafting of summonses, indictments, notices and other documents in connection with proceedings) in accordance with the instructions of the Director of Public Prosecutions;
- advising members of the Garda Síochána in their official capacity wherever required; and
- attending in person at inquests wherever necessary to represent the Government, any Minister or Government Department, the DPP or the Garda Síochána.

5.4 As already indicated, the responsibilities of State Solicitors relate to areas outside Dublin. The corresponding work in Dublin is performed by the DPP's Office.

### **Remuneration of State Solicitors**

5.5 State Solicitors are employed under a contract for service. Their remuneration package consists of three elements – personal salary, staff costs and expenses (overheads – accommodations, insurance, heat, light, etc). Only the personal salary element is covered by the present review.

### **Recommendations of the Review Body in Report No. 38**

5.6 The Review Body last reviewed the personal salary element of the remuneration package for State Solicitors in 2000 (Report No. 38). At that time State Solicitors were contracted to the Attorney General. In Report No. 38, the Review Body stated that it regarded the legal grades in the Office of the Chief State Solicitor (the relevant grades are now in the Office of the DPP) as the most appropriate comparators for State Solicitors because of the similarity in the work performed.

5.7 An overall increase of 13.2% was recommended for State Solicitors in Report No. 38. In addition, to avoid a situation where the personal salary of State Solicitors might fall out of line with the pay of public service grades, the Review Body recommended that the pay of State Solicitors should be revised in future in line with movements in the pay of the then grade of Senior Assistant Solicitor in the Chief State Solicitor's Office. In terms of civil service grade relativities this recommendation effectively set the personal salary element of the remuneration package for State Solicitors at Assistant Principal level.

5.8 Since the personal remuneration of State Solicitors was, in effect, linked to the salary of the grade of Assistant Principal, the rate of personal remuneration attracted the standard increases under successive national pay agreements. State Solicitors also received the increase of 13.8% recommended by the first Public Service Benchmarking Body in 2002 in respect of the Assistant Principal grade.

5.9 In Report No. 38, the Review Body recommended that there be four salary bands for State Solicitors as follows:

- **Band 1:** Cork City
- **Band 2:** Cork South East, Galway West, Kildare North/Wicklow, Kildare South, Limerick City, Louth
- **Band 3:** Clare, Cork West, Donegal, Kerry, Kilkenny, Limerick County, Mayo, Meath, Tipperary North, Tipperary South, Waterford, Westmeath, Wexford, Wicklow East
- **Band 4:** Carlow, Cavan, Cork North East, Galway East, Laois, Monaghan, Offaly, Sligo, Leitrim, Longford, Roscommon.

### **Transfer to the Director of Public Prosecutions**

5.10 In Report No. 38, the Review Body noted that *“While State Solicitors are currently contracted to the Attorney General, it has been decided that the State Solicitor Service will be transferred to the Director of Public Prosecutions. The necessary measures to give effect to this have not yet been put in place.”*

5.11 While the principle of the transfer of State Solicitors to the Director of Public Prosecutions was not at issue, the negotiation of a new contract to effect the transfer, including discussions on terms and conditions, proved to be more protracted than anticipated. However, agreement on a new contract and remuneration package, including an increase in the personal salary element, was successfully concluded in May 2007. It was also agreed that the Review Body would be asked to examine the personal salary element of the remuneration package for State Solicitors.

### Revised Remuneration Structure

5.12 During the course of negotiations on a new remuneration package, it was agreed to conduct a consultancy study of workloads and expenses. This resulted in a restructuring to a six band structure for remuneration purposes to replace the previous four band structure. The revised structure takes account of the divergences in workload and expenses in the various State Solicitor areas. The six band structure is as follows:

<b>Band</b>	<b>Location</b>	<b>Personal Remuneration (with effect from 1 March 2008)</b>
1	Cork City	€91,534
2	Limerick City	€86,149
3	Clare, Cork South East, Kerry, Louth, Meath, Waterford	€79,688
4	Cork North East, Cork West, Donegal, Kildare North/Wicklow, Kildare South, Sligo	€68,919
5	Cavan, Galway West, Mayo, Monaghan, Tipperary South, Tipperary North, Westmeath, Wexford	€63,535
6	Carlow, Galway East, Kilkenny, Laois, Leitrim, Limerick (County), Longford, Offaly, Roscommon, Wicklow East.	€61,381

### Superannuation

5.13 There is no superannuation scheme for State Solicitors. However, under the new contracts entered into in May 2007, all State Solicitors now receive a payment as a contribution towards private pension provision amounting to 10% of the personal salary element of remuneration.

5.14 The contribution of 10% replaced the previous arrangement for pension provision which was by way of an ex-gratia gratuity payable upon the end of an appointment as a State Solicitor.

5.15 The gratuity consisted of one week's pay (calculated in respect of personal salary element of remuneration only) for each year of service, on retirement at or after age 60, after a minimum of seven years' service. The gratuity was augmented by a payment of ten weeks' personal element of remuneration for State Solicitors who were over 35 at the time of appointment, or five weeks' pay for persons under the age of 35 at the time of appointment.

#### **Submission on behalf of State Solicitors**

5.16 We received a detailed submission on behalf of State Solicitors. The submission described the duties and responsibilities of State Solicitors as well as the increased demands they faced. It was argued that State Solicitors are Office Holders and that their role is not comparable to a typical private contractor providing services to the State.

5.17 It was stated in the submission that the prosecution workload of State Solicitors had greatly increased in recent years to the point where many State Solicitors are fully occupied with State work. The submission indicated that increasing complexity of their work arising from matters such as an increasing body of legislation, more stringent discovery and custodial procedures, longer trials, more frequent and increasing court days/sittings has greatly added to the workload and accountability of State Solicitors.

5.18 The submission argued that the remuneration of State Solicitors was inadequate and did not reflect the current workloads. It was stated that the current level of personal remuneration of State Solicitors was at the lower end of the salary scale of Prosecution Solicitors in the Chief Prosecution Solicitor's Office in the Office of the DPP and it was argued that by reference to comparison with Prosecution Solicitors, State Solicitors had greater experience, stand-alone responsibilities, and accountability. It was submitted that State Solicitors are disadvantaged in comparison to Prosecution Solicitors by having their salary linked to a single point on a civil service pay scale with no facility to progress further and with no long service increments.

5.19 The submission also suggested that the personal remuneration of State Solicitors is lower than that of any comparable legal or professional group within the public service and is far below the earnings of solicitors in private practice. It was stated that as a consequence of low relative earnings, a number of State Solicitors have resigned in recent years and it was suggested that it was likely that there would be further resignations if remuneration were not improved.

5.20 State Solicitors suggested that their personal remuneration be linked to the salary scale applying to the post of Principal Prosecution Solicitor in the Office of the DPP, with incremental progression within that scale (the salary scale for the grade of Principal Prosecution Solicitor is the same as the scale for the grade of Principal Officer (higher) in the general civil service). In addition, it was argued that the Review Body should take account of the fact that State Solicitors do not receive a public service pension. It was proposed that State Solicitors should receive an additional premium payment of 17% in recognition of the lack of a pension.

5.21 The submission on behalf of State Solicitors proposed that posts of State Solicitor in Band 3 be used as the reference point by the Review Body. It was stated that posts in this band were accepted as being full-time posts and comparable to full-time staff in the Office of the DPP. It was suggested that the conclusions of the Review Body in relation to posts in Band 3 be applied to posts in other bands by maintaining relativities between the posts.

#### **Submission on behalf of the Office of the DPP**

5.22 The submission on behalf of the Office of the DPP described the duties of State Solicitors and changes in the nature of their posts in recent years. The appropriate level of remuneration for the posts was also addressed.

5.23 The submission referred to comparisons between the responsibilities of management grades in the Solicitors' Division of the Office of the DPP and those of State Solicitors. It was submitted that there is a significant difference between managing a section of the Solicitors' Division, typically comprising between approximately 15 and 35 staff, and the management responsibilities of State Solicitors. It was stated that State Solicitors often operate in small practices frequently run on a sole practitioner basis or with one or two partners. It was suggested that this means that the work of State Solicitors, while always required to be of a high professional standard, does not entail onerous management responsibilities.

5.24 The submission on behalf of the Office of the DPP suggested that the appropriate comparator for State Solicitors in current circumstances is the grade of Senior Prosecution Solicitor in the Office of the DPP (The salary scale for the grade of Senior Prosecution Solicitor is the same as the scale for Principal Officer (standard) in the general civil service). It was stated that Senior Prosecution Solicitors within the Solicitors' Division all act as Deputies to the Section Head. This means that they are periodically responsible for the management of between approximately 15 to 35 people depending on the section involved. Furthermore it was stated that Senior Prosecution Solicitors, in addition to their management functions, are generally given

responsibility for the more demanding cases. It was suggested that, in broad terms, their caseload could be regarded as comparable, in terms of complexity and volume, to that applicable to a typical post of State Solicitor in Band 3 which was acknowledged to be engaged full-time on DPP work.

5.25 In an oral hearing with us, the Office of the DPP argued that a salary scale would not be appropriate for State Solicitors. It was suggested that an appropriate point of comparison for the salary of State Solicitors in Band 3 would be the minimum of the salary scale for the grade of Senior Prosecution Solicitor in the Office of the DPP.

### **Submission on behalf of the Department of Finance**

5.26 We received a submission on behalf of the Department of Finance. The submission was factual in nature and provided information on the remuneration of State Solicitors. The revised arrangements agreed in 2007 were also described.

### **Evaluation of posts of State Solicitor**

5.27 Posts of State Solicitor in each salary band were evaluated on our behalf. We also held oral hearings with the State Solicitors' Association of Ireland, the Office of the DPP and the Department of Finance.

## **Conclusions**

### **Remuneration Structure**

5.28 Our terms of reference are confined to the personal salary element of State Solicitors. Accordingly, in our consideration we have not had regard to any other elements of the remuneration package of State Solicitors.

5.29 The current six band structure applying to State Solicitors for remuneration purposes was agreed fairly recently and we do not consider that any changes in this structure are warranted at this stage. Furthermore, there was general agreement among the relevant parties that the structure agreed in 2007 remains appropriate.

5.30 The submission on behalf of State Solicitors proposed that a specific addition to remuneration should be made by us in respect of the provisions regarding superannuation which apply to State Solicitors. We do not consider that it would be appropriate to do this. As already indicated, having regard to the nature of their contracts, State Solicitors do not have a public service pension. Instead, as a result of the agreement reached in 2007, all State Solicitors receive a payment as a contribution towards private pension provision amounting to 10% of the personal salary element of remuneration. These arrangements were agreed only last year and, in our view, they must be seen as part of the overall package of remuneration of State Solicitors. In

these circumstances, we do not consider that any new addition to the remuneration package is warranted now in respect of the superannuation arrangements.

5.31 Our terms of reference for the present exercise are confined to consideration of whether any adjustment should be made to the personal element of remuneration agreed last year. We have approached our examination by evaluating the work of State Solicitors in each of the six bands of remuneration. In this case we considered that comparison with the work performed by grades in the Office of the DPP was a relevant factor particularly as the work performed by those grades in relation to Dublin is comparable to the work performed by State Solicitors in relation to other parts of the country.

5.32 In the submissions we received on behalf of State Solicitors and the Office of the DPP, there was broad agreement that posts in Band 3 should be used as the reference point in setting the salary of State Solicitors and that the salaries of posts in other bands should be determined on the basis of a relativity with posts in Band 3. We concluded that the overall size of the jobs of State Solicitors in Band 3 generally fell within the demands of the range of duties performed by Principal Officers (standard) in the civil service or Senior Prosecution Solicitors in the Office of the DPP. However, as a result of the evaluation carried out on our behalf and our own conclusions, we formed the view that the difference between the remuneration of posts in Bands 1 and 2 over posts in Band 3 should be somewhat greater than at present.

5.33 We considered that the personal salaries of State Solicitors in Bands 1, 2 and 3 should be based on points in the salary scale for Senior Prosecution Solicitors in a manner that increased the differential of posts in Bands 1 and 2 over posts in Band 3. We concluded that the percentage increase resulting from this approach at Band 3 should also be applied to posts in Bands 4, 5 and 6.

5.34 We do not consider that we should make a fundamental change to the remuneration structure of State Solicitors by recommending the introduction of salary scales or long service increments. The rate of remuneration we recommend is what we consider to be the appropriate “rate for the job” and if a salary scale were to be introduced, we would consider that the rate we recommend should be the maximum rate attainable with lower scale points leading to this. In all the circumstances, we consider that a single rate of remuneration for each remuneration band should continue to apply.

5.35 In the submission on behalf of State Solicitors comparison with the salaries applying to staff in the Office of the DPP was based on new entrants to the civil

service. This is not the appropriate comparison. As indicated in paragraph 2.11, in the case of civil servants and certain other public service groups, revised pension arrangements were introduced in 1995. These include the introduction of an employee contribution for personal superannuation benefits to apply to persons recruited since 6 April 1995 where a non-contributory scheme for personal benefits applies to persons recruited before that date. In the case of groups for which this contribution was introduced, their salary scales were generally increased to 20/19<sup>ths</sup> of the salary scales of employees recruited before 6 April 1995.

5.36 In making comparisons with staff recruited after 1995, the submission on behalf of State Solicitors referred to the rate of PRSI applicable. However, this is not the relevant consideration. As stated in the preceding paragraph a higher salary scale applies to certain groups recruited since 6 April 1995 (equivalent to 20/19ths of the rate applicable to staff recruited earlier) to allow for the introduction of an employee contribution for personal superannuation benefits. As a deduction is not made from the remuneration of State Solicitors in respect of a contribution for personal superannuation benefits, any comparison with salaries of staff in the Office of the DPP should be based on persons recruited before 6 April 1995 where a contribution for personal superannuation benefits is not made.

### **Recommendation**

5.37 Based on the evaluation of the posts carried out on our behalf and our own conclusions, we recommend the following rates of personal salary for State Solicitors:

<b>Band</b>	<b>Rate of Personal Salary</b>	<b>Increase on present rate of personal salary</b>
1	€103,982	13.6%
2	€97,747	13.5%
3	€87,628	10.0%
4	€75,800	10.0%
5	€69,900	10.0%
6	€67,500	10.0%

5.38 We consider that for the future the personal salary element for State Solicitors should follow movements in the salary for Senior Prosecution Solicitors in the Office of the DPP.

5.39 In any case where a higher rate than that recommended is being paid to a State Solicitor, the higher rate should be retained on a personal basis. However, when a new appointment is made the recommended salary should be applied.

5.40 No proposal was made by any of the relevant parties that a scheme of performance-related awards should be introduced for State Solicitors. We do not consider that this would be appropriate either.

## Chapter 6 Posts in Universities

### Background

6.1 We were informed that the Department of Education and Science, with the concurrence of the Department of Finance, considered that a sample of posts of Vice President, Executive Dean and Head of College in universities in both Level 1 and Level 2 salary bands should be examined by the Review Body in order to determine the appropriate remuneration for the normal type of responsibilities attaching to such posts. It is the intention that both Departments will subsequently set salaries for the other relevant posts in the sector based on the Review Body's conclusions in respect of the posts examined.

6.2 The terms of reference assigned to the Review Body for the current review cover the following posts in universities:

- Deputy President, Dublin City University (DCU)
- Vice Presidents in University College Cork (UCC) and DCU
- Executive Deans in DCU and Heads of College in UCC

6.3 In the case of the Vice Presidents, Executive Deans and Heads of College in UCC and DCU, the Review Body sought clarification of the specific posts to be examined at these levels in each university and the area of responsibility of each post. Clarification subsequently received from the Department of Finance indicated that the following specific posts should be examined by the Review Body:

#### DCU (6 posts)

- Deputy President
- Vice President for Research
- Executive Dean, Faculty of Humanities and Social Science
- Executive Dean, Business School
- Executive Dean, Faculty of Computing and Engineering
- Executive Dean, Faculty of Science and Health

#### UCC (10 posts)

- Registrar and Senior Vice President Academic
- Vice President, Operations
- Vice President, External Relations and Development
- Vice President for Research
- Vice President, Teaching and Learning
- Vice President, Student Experience

- 4 posts of Heads of College (College of Arts, Celtic Studies and Social Studies, College of Business and Law, College of Medicine and Health and College of Science, Engineering and Food Science)

### **Remuneration of the posts to be examined**

6.4 In general the posts have a basic salary equivalent to that of a Professor with the addition of allowances which vary. The remuneration of the posts is shown below. In accordance with the approach adopted elsewhere in this report and in Report No. 42, the amounts shown are those which apply to persons who make an employee contribution in respect of personal superannuation benefits equivalent to that introduced for established civil servants recruited since 6 April 1995. Amounts equivalent to 19/20<sup>ths</sup> of the recommended rates apply to persons who do not make an employee contribution

#### **DCU**

The amounts shown are annual allowances in 1 March 2008 terms payable in addition to the salary applicable to a Professor:

<b>Post</b>	<b>Annual Allowance</b>
Deputy President	€1,004
Vice President for Research	€8,270
Executive Deans	€4,000

At the time of our examination the post of Executive Dean, Faculty of Humanities and Social Science was held by an Associate Professor. The person concerned was in receipt of an allowance in addition to the allowance of €4,000 referred to above. The additional allowance represented the difference between the salary payable as an Associate Professor and the maximum point of the salary scale for a Professor.

#### **UCC**

The Registrar and Senior Vice President Academic is in receipt of the salary applicable to a Registrar in a university in the Level I salary band. No additional payment is made.

The Vice President, External Relations and Development is in receipt of the salary of a Professor plus an allowance of €20,873. The Vice President for Research is in receipt of the salary of a Professor plus an allowance of €14,241. The three other Vice Presidents covered by our review are in receipt of the salary of a Professor but no allowance is payable at present.

The Head of the College of Arts, Celtic Studies and Social Studies and the Head of the College of Science, Engineering and Food Science are in receipt of the salary of a Professor plus an allowance of €1,655.

A personal arrangement applies to the Acting Head of College of Medicine and Health and the functions of the post of Head of College of Business and Law are being carried out on a consultancy basis at present pending permanent filling of the post.

### **Report No. 42**

6.5 In the recent general review (Report No. 42), we examined posts of President, Registrar, Secretary, Bursar and Professor in universities and recommended salaries for these posts. Generally, posts such as Vice President, Executive Dean and Head of College were not specifically covered by the general review. However, a post of Vice President, Learning and Innovation/Registrar in DCU was examined as part of the consultancy evaluation we commissioned in connection with the general review. The remuneration we considered appropriate for this post was the salary recommended for Registrars, Secretaries and Bursars of universities in the Level II salary band.

6.6 In our recommendations on the general review we recommended that there be two salary bands for Presidents, Registrars, Secretaries and Bursars of universities. UCC is in the higher salary band and DCU is in the lower band. A common salary scale applies to Professors in all universities.

6.7 In report No. 42, we commented on the existence of unauthorised allowances and recommended that in any situation in which an unauthorised allowance was being paid no increase in salary arising from the general review should be applied until the allowance was withdrawn. The Government accepted this recommendation of the Review Body. We were informed that increases arising from the general review have not been applied to university posts, including the posts covered by the present review, pending the receipt of information on the payment of unauthorised allowances in universities generally.

### **Evaluation of posts**

6.8 It is the normal practice of the Review Body to commission a consultancy examination of a representative sample of the posts covered by its terms of reference. On this occasion, following consideration of the factual information supplied to us, we considered that the diversity of the roles required that our consultants should evaluate all of the university posts covered by our terms of reference for this review. Accordingly, in the evaluation carried out on our behalf 6 posts in DCU and 10 posts in UCC were examined. We received written submissions from DCU, UCC, the

Higher Education Authority and the Department of Education and Science. We held oral hearings with the Irish Universities Association, the Higher Education Authority, the Department of Education and Science and the Department of Finance.

### **Submissions on behalf of DCU and UCC**

6.9 The submission on behalf of DCU provided comprehensive information on the organisation structure of the university and its strategic objectives. Detailed job descriptions of the posts to be examined were also provided. DCU stressed that the posts being reviewed are senior management posts. It was suggested that it is essential that the remuneration of the posts be at a level that would allow the university to attract candidates with the appropriate skills and qualifications.

6.10 The submission on behalf of UCC provided information on the total remuneration of posts in the university including basic salary and any allowances paid. Role profiles of senior posts in the university were also provided. We were supplied with information on the strategic framework for the university 2006-2011, the annual operational plan 2007/8 and a report of a senior management review.

6.11 The submission stressed that senior management needs to be able to concentrate on key strategic decisions. It was stated that structures, particularly at the most senior level, need to reflect the institutional and presidential priorities while helping to ensure that the university is best placed to achieve its strategic objectives. We were informed that, following the senior management review, the college authorities concluded that the structure at senior levels needed to be strengthened to support the President and to achieve UCC's strategic goals. Among the outcomes of the management review was the creation of a new second tier post of Vice President for Operations.

6.12 The submission suggested that specific issues necessitated individual consideration of the remuneration of the Head of College of Medicine and Health. In this connection we were informed that following an extensive international search, the university identified a suitable candidate for appointment to the post. The appointee to the post of Head of College of Medicine was offered a "red circled" non-pensionable salary. It was stated that the level of remuneration offered was determined having regard to the high quality international profile of the successful candidate for the post and against a background of a limited number of suitable candidates.

### **Submission on behalf of the Higher Education Authority (HEA)**

6.13 The submission on behalf of the HEA described the background to the introduction in universities of posts of Deputy President, Vice President, and Executive Dean/Head of College. It was stated that there is considerable variation in the senior management structures across the sector, with changes underway in a number of universities.

6.14 The HEA indicated that it was clear that the traditional management structure of President, Registrar, Bursar and Secretary no longer applies in the universities with the introduction of a number of Vice Presidents and more recently Heads of Colleges with executive responsibilities. Furthermore, it was stated that there is no consistent model applicable across the sector and that the number of posts reporting directly to the President varies considerably across the sector.

6.15 The HEA acknowledged that a university should have flexibility in deciding a structure appropriate to its needs but stressed that there is a requirement that all remuneration be approved in advance by the Minister for Education and Science and the Minister for Finance. While the Review Body has been specifically requested to assess specific posts in UCC and DCU, it was the view of the HEA that recommendations on these posts may not be readily applicable in the other universities having regard to their particular management structure. The HEA considered that it would be helpful if the Review Body were to outline a framework and/or criteria which would assist with the determination of remuneration of Deputy Presidents, Vice Presidents and Executive Deans/Heads of Colleges in general.

### **Submission on behalf of the Department of Education and Science**

6.16 The submission on behalf of the Department of Education and Science acknowledged that there has been a major expansion and development in the university sector in recent years. However, it was stated that change is a necessary feature of all jobs and that staff in university grades must be flexible in order to allow a university to respond effectively to the demand for improvements in the provision of services. The Department suggested that the Review Body must consider the extent to which changes in the duties attaching to the posts to be examined are greater than what would be regarded as normal evolution of jobs at senior management level.

6.17 The Department considered that it was essential that the posts to be examined by the Review Body be evaluated by reference to the remuneration recommended in Report No. 42 of the Review Body for the normal duties of existing second tier posts of Registrars, Secretaries and Bursars.

6.18 The Department stated that the tenure of the posts under review varies with each Institution. It was indicated that, for example, the posts of Vice President and Executive Dean/Heads of College in DCU and UCC are short-term in nature and will normally be filled from within the College. The Department suggested that, in the circumstances, an allowance-based system of remuneration, as opposed to a composite salary for these posts, may be appropriate.

### **Approach to the determination of remuneration**

6.19 Submissions we received referred to changes in the role, functions and workload of the posts to be examined by us. We have commented on the general issue of change in paragraphs 2.2 to 2.6. As indicated in those paragraphs, we consider that the issue of change can best be addressed by evaluating jobs in their current form and assessing the appropriate level of remuneration by reference to the current demands of the jobs. An evaluation of the current demands of a job automatically captures the extent of change in the nature of the job. Accordingly, we commissioned an evaluation by the Hay Group of the university posts covered by the present review.

6.20 Submissions also referred to the growth in posts at senior levels in the universities and there was a suggestion that it was important to establish whether there was an overall increase in responsibility at senior management level rather than a redistribution of the existing workload. We agree that it is important that an assessment of this kind be made but this should be done before new posts are created. It is not part of our function to assess the extent to which particular posts which have been put in place are required and we would not be in a position to do this without a detailed organisational review which does not come within our remit. Our terms of reference are confined to an examination of the appropriate remuneration of posts by reference to the duties which are being performed.

6.21 We wish to comment also on the suggestion that, in addition to making recommendations on the specific posts covered by this review, the Review Body might outline a framework and/or criteria which would assist with the determination of remuneration of Deputy Presidents, Vice Presidents and Executive Deans/Heads of Colleges in general. Our examination has been confined to the posts covered by the terms of reference of this review and we make recommendations on what we regard as the appropriate remuneration for these posts. We cannot reasonably express definitive views on the appropriate remuneration for posts that have not been examined by us although we would expect that there would be a broad similarity between universities in duties assigned to posts with similar titles such as Deputy President, Vice President, Head of College or Executive Dean. In paragraphs 6.25 to 6.31 we describe the general principles we have applied in arriving at our recommendations on remuneration of the university posts in DCU and UCC which we

have examined as part of this review. It would seem to us that these principles should be of assistance in determining the remuneration of similar posts in other universities.

## **Conclusions**

6.22 As indicated, an evaluation was carried out on our behalf of all of the university posts covered by the present review. We considered that this was necessary in view of the variety of posts involved. The evaluation assisted us considerably in arriving at our conclusions.

6.23 In Report No. 42 we made recommendations on the remuneration of Presidents of universities, Registrars, Secretaries, Bursars and Professors. We considered that it was important to assess the appropriate remuneration of the posts covered by the present review relative to the other university posts covered by Report No. 42. Since posts covered by Report No. 42 were also evaluated on our behalf, the evaluation of the posts covered by the present review enabled us to compare the relative demands of the various university posts.

6.24 Based on the information available to us and our own conclusions, we adopted the general principles set out in the following paragraphs.

## **General Principles adopted**

6.25 Since the posts we have examined are generally of a fixed-term nature we consider that it is appropriate that the additional remuneration payable should be expressed as an allowance. We take the view that, as a general principle, the overall remuneration should equate to the salary of a Professor plus an allowance expressed as a monetary amount rather than a fixed percentage of salary. Where the holder of a post has a definitive grading other than Professor, we see no objection to expressing the allowance as an addition to the definitive grade held on the basis that the overall remuneration will be the same as that applicable to a person whose definitive grade is that of Professor.

6.26 We consider that an allowance granted for the kind of additional responsibilities associated with the posts we have examined should be pensionable subject to the normal conditions applied in the public service on the pensionability of allowances, including those relating to averaging. To avoid possible misunderstandings we wish to make it clear that it is our intention that the allowances we recommend should attract the final phase (with effect from 1 September 2008) of the increases due under the public service pay agreement associated with *Towards 2016* and all other general increases arising after the date of this report.

6.27 In the report on last year's general review (Report No. 42), we recommended two salary bands for the university posts of President, Registrar, Secretary and Bursar but we recommended a common salary rate for posts of Professor. We consider that a similar approach should be adopted towards the posts covered by this review. On this basis, we consider that there should be two bands, corresponding to the existing salary bands, for the overall remuneration of posts such as Deputy President and Vice President, which we regard as being closely associated with the top management posts of President, Registrar, Secretary and Bursar. We consider that there should be a common rate of remuneration for posts of Executive Dean/Head of College which we regard as being more closely related to posts of Professor.

6.28 We consider that the remuneration of the posts covered by this review must have regard to the remuneration structure we recommended in Report No.42. Accordingly, we had regard to the manner in which the demands of the posts compared to those of the posts of President, Registrar, Secretary, Bursar and Professor and the appropriate relative levels of remuneration. We were assisted considerably in this assessment by the evaluation of posts carried out on our behalf both in the present review and as part of Report No. 42.

6.29 In the light of the considerations mentioned in the previous paragraph, we formed the following views:

- the remuneration of Executive Deans/Heads of Colleges should be greater than the salary of Professors but less than the salaries of Registrars, Secretaries and Bursars;
- the remuneration of Vice Presidents should, in general, be comparable to that of Registrars, Secretaries and Bursars; and
- the remuneration of a Deputy President should be greater than that of Registrars, Secretaries and Bursars but not to a major extent.

6.30 These conclusions are based on the posts covered by the present review. We consider that the approach recommended should be taken in other universities where there are comparable posts with similar duties. However, the same conclusions might not be appropriate where there are significant variations in the duties associated with posts with similar titles. Furthermore, we consider that creation of additional posts such as Vice President in any university could lead to a dispersion of the duties at this level and thus reduce the level of responsibility of these posts. In such a situation, the allowances we recommend might not be justified.

6.31 We consider that the allowances we recommend for the posts we have examined in DCU and UCC should not be passed automatically to other posts. We

consider that these allowances should not be applied to other posts unless the Higher Education Authority, in consultation with the Department of Education and Science and the Department of Finance, is satisfied that the overall demands of the posts in question are comparable to the ones examined by the Review Body.

### **Recommendations**

**6.32** Having regard to the principles set out in the preceding paragraphs we recommend the remuneration shown below for the posts covered by the present review. The rates shown include the general increase of 2.5% payable with effect from 1 March 2008 under the public service pay agreement associated with *Towards 2016*. The existing and recommended rates shown relate to persons who make an employee contribution towards personal superannuation benefits equivalent to that introduced for established civil servants recruited since 6 April 1995. Amounts equivalent to 19/20<sup>ths</sup> of the recommended rates should be applied to persons who do not make an employee contribution towards personal superannuation benefits.

**6.33** While the increases resulting from Report No. 42 have not yet been applied to posts in universities, we have taken account of these increases in arriving at our recommendations.

### **Recommendations in relation to DCU**

The allowances recommended are expressed as additions to the salary of a Professor:

#### **Post**

##### **Deputy President**

We consider that the overall demands of this post are somewhat more demanding than those of the generality of Registrars/Secretaries/Bursars in a university in the Level II salary band. We recommend an allowance of **€15,000 p.a.**

##### **Vice President for Research**

We consider that the appropriate allowance is an amount equal to the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level II salary band. By reference to the salaries recommended in Report No. 42 of the Review Body, adjusted by the general increase applied with effect from 1 March 2008, an allowance calculated on this basis would amount to **€8,200 p.a.** on full implementation of the increases recommended in Report No. 42.

The allowance will be marginally higher pending full implementation of the increases in salary recommended in Report No. 42 as the recommended increases would bring

about a small narrowing of the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level II salary band. Application of these increases will, of course, result in an increase in overall remuneration for the post of Vice President for Research.

### **Executive Deans**

We recommend an allowance of **€5,000 p.a.**

### **Recommendations in relation to UCC**

#### **Registrar and Senior Vice President Academic**

We consider that this post is more demanding than that of other posts of Vice President. The post is currently in receipt of the salary of a Registrar. We consider that an allowance of **€10,000 p.a.** should be paid. For purposes of comparison with other allowances recommended in this report, this equates to an addition of €28,450 to the maximum of the salary scale for a Professor on full implementation of the increases recommended in Report No. 42.

#### **Other Vice Presidents**

We consider that a common rate of overall remuneration should apply to these posts. The allowance we recommend is expressed as an addition to the salary of a Professor.

We consider that the appropriate allowance is an amount equal to the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level I salary band. By reference to the salaries recommended in Report No. 42 of the Review Body, adjusted by the general increase applied with effect from 1 March 2008, an allowance calculated on this basis would amount to **€18,450 p.a.** on full implementation of the increases recommended in Report No. 42.

The allowance will be marginally higher pending full implementation of the increases in salary recommended in Report No. 42 as the recommended increases would bring about a small narrowing of the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level I salary band. Application of these increases will, of course, result in an increase in overall remuneration for the posts of Vice President.

#### **Heads of College**

We recommend an allowance of **€5,000 p.a.**

The existing remuneration of the Head of College of Medicine in UCC was determined on a personal basis and a “red circled” non-pensionable salary applies to

the present holder of the post. We assume that this arrangement will continue for the period of the current appointment.

6.34 Our general view is that where the remuneration currently payable to the university posts exceeds the amount now recommended the existing remuneration should be retained on a personal basis provided that the existing remuneration has been properly sanctioned in accordance with the Universities Act, 1997. If unsanctioned amounts are payable, these should be withdrawn and the remuneration now recommended should be applied.

6.35 The amounts recommended are based on full-time appointments. Where an appointment is not full-time, the amount payable should be determined on a pro-rata basis.

Tony O'Brien, Chairman  
Brian Hillery  
Vivienne Jupp  
Peter Malone

Tony Carberry, Acting Secretary

1 July 2008

## Appendix 1

### Current and Recommended Rates of Remuneration

The following tables show the current and recommended rates of remuneration and the percentage increases involved for the various posts covered by the review. Where relevant, the rates shown are based on a contributory pension scheme with terms approximating to the civil service superannuation scheme where an employee contribution towards personal superannuation benefits is being made equivalent to that introduced for established civil servants recruited since 6 April 1995 – see paragraphs 2.11 to 2.14 of the report.

For comparison purposes with rates shown in Report No. 42 of the Review Body dated 14 September 2007, it should be noted that the existing and recommended rates shown in this report include the third phase increase of 2.5% with effect from 1 March 2008 under the public service pay agreement associated with *Towards 2016*. The salary rates shown in Report No. 42 of the Review Body, did not, of course, include this increase.

#### The Labour Court

Post	Rate applying before Report No. 42 <sup>9</sup> €	Recommended Rate <sup>10</sup> €	% Increase
Chairman	173,650	198,000	14.0 <sup>11</sup>
Deputy Chairperson	128,172 – 134,369 – 140,573 – 146,772	135,300 – 141,450 – 148,113 – 154,775	5.5 <sup>12</sup> (increase at the maximum of the scale)
Ordinary Member	105,284	115,000	9.2 <sup>13</sup>

#### The Labour Relations Commission

Post	Rate applying before Report No. 42 <sup>9</sup> €	Recommended Rate <sup>10</sup> €	% Increase
Chief Executive	173,650	198,000	14.0 <sup>11</sup>

<sup>9</sup> For purposes of consistency the rate applying before last year's general review has been updated by reference to the general increase of 2.5% applicable with effect from 1 March 2008 under *Towards 2016*.

<sup>10</sup> 19/20ths of the recommended rate applies to persons who do not make an employee contribution in respect of personal superannuation benefits.

<sup>11</sup> The existing pay relationship for this post is with the civil service grade of Deputy Secretary for which an increase of 9.2% was recommended in Report No. 42. If a separate reference to the Review Body had not been made for this post the existing relationship with the grade of Deputy Secretary would have been maintained instead.

<sup>12</sup> The existing relationship for Deputy Chairpersons is with the civil service grade of Assistant Secretary for which an increase of 5.5% was recommended in Report No. 42. Therefore, Deputy Chairpersons will receive no addition to the increase arising from Report No. 42 on the basis of the existing relationship.

<sup>13</sup> If a reference had not been made to the Review Body in respect of Ordinary Members of the Labour Court, the increase of 1.1% recommended by the Public Service Benchmarking Body for the grade of Principal Officer in the civil service would also have been applicable to the Ordinary Members of the Labour Court instead of the increase now recommended.

### State Solicitors

<b>Band</b>	<b>Location</b>	<b>Current Personal Remuneration €</b>	<b>Recommended Personal Remuneration €</b>	<b>% Increase</b>
1	Cork City	91,534	103,982	13.6
2	Limerick City	86,149	97,747	13.5
3	Clare, Cork South East, Kerry, Louth, Meath, Waterford	79,688	87,628	10.0
4	Cork North East, Cork West, Donegal, Kildare North/Wicklow, Kildare South, Sligo	68,919	75,800	10.0
5	Cavan, Galway West, Mayo, Monaghan, Tipperary South, Tipperary North, Westmeath, Wexford	63,535	69,900	10.0
6	Carlow, Galway East, Kilkenny, Laois, Leitrim, Limerick (County), Longford, Offaly, Roscommon, Wicklow East.	61,381	67,500	10.0

## University Posts

The current salaries shown for the university posts are the salaries recommended in Report No. 42 of the Review Body updated to include the third phase increase of 2.5% with effect from 1 March 2008 under the public service pay agreement associated with *Towards 2016*. In the case of the Registrar and Senior Vice President, Academic in UCC, the salary shown is the salary recommended for Registrars, Secretaries and Bursars in universities in the Level I salary band. In all other cases the salary shown is the maximum of the salary scale recommended for Professors.

### Posts in DCU

#### Current rates

Post	Salary €	Allowance €	Total Remuneration (salary plus allowance) €
Deputy President	154,775	11,004	165,779
Vice President, for Research	154,775	8,270	163,045
Executive Dean, Faculty of Humanities and Social Science	154,775	4,000	158,775
Executive Dean, Business School	154,775	4,000	158,775
Executive Dean, Faculty of Computing and Engineering	154,775	4,000	158,775
Executive Dean, Faculty of Science and Health	154,775	4,000	158,775

**Posts in DCU  
Recommended allowances**

<b>Post</b>	<b>Current Salary</b>	<b>Recommended Allowance</b>	<b>Total Remuneration (salary plus allowance)</b>	<b>% Increase in Total Remuneration<sup>14</sup></b>
	€	€	€	
Deputy President	154,775	15,000	169,775	2.4
Vice President for Research	154,775	8,200 <sup>15</sup>	162,975	0.0
Executive Dean, Faculty of Humanities and Social Science	154,775	5,000	159,775	0.6
Executive Dean, Business School	154,775	5,000	159,775	0.6
Executive Dean, Faculty of Computing and Engineering	154,775	5,000	159,775	0.6
Executive Dean, Faculty of Science and Health	154,775	5,000	159,775	0.6

<sup>14</sup> Increases shown are in addition to increases in basic salary arising from recommendations in Report No. 42.

<sup>15</sup> The allowance should represent an amount equal to the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level II salary band

## Posts in UCC<sup>16</sup>

### Current rates

Post	Salary €	Allowance €	Total Remuneration (salary plus allowance) €
Registrar and Senior Vice President, Academic	173,225	None	173,225
Vice President, Operations	154,775	None	154,775
Vice President, External Relations and Development	154,775	20,873	175,648
Vice President for Research	154,775	14,241	169,016
Vice President, Teaching and Learning	154,775	None	154,775
Vice President, Student Experience	154,775	None	154,775
Head of College of Arts, Celtic Studies and Social Studies	154,775	11,655	166,430
Head of College of Science, Engineering and Food Science	154,775	11,655	166,430

Two other posts of Head of College are covered by the current review. However, as already indicated, a personal arrangement applies to the Acting Head College of Medicine and Health and the functions of the post of Head of the College of Business and Law are being carried out on a consultancy basis at present pending permanent filling of the post.

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<sup>16</sup> 19/20ths of the rates shown apply to persons who do not make an employee contribution in respect of personal superannuation benefits.

## Posts in UCC<sup>17</sup>

### Recommended allowances

Post	Current Salary	Recommended Allowance	Total Remuneration (salary plus allowance)	% Increase in Total Remuneration <sup>18</sup>
	€	€	€	
Registrar and Senior Vice-President, Academic	173,225	10,000	183,225	5.8
Vice President, Operations	154,775	18,450 <sup>19</sup>	173,225	11.9
Vice President, External Relations and Development	154,775	18,450 <sup>19</sup>	173,225	0.0
Vice President for Research	154,775	18,450 <sup>19</sup>	173,225	2.5
Vice President, Teaching and Learning	154,775	18,450 <sup>19</sup>	173,225	11.9
Vice President, Student Experience	154,775	18,450 <sup>19</sup>	173,225	11.9
Head of College of Arts, Celtic Studies and Social Studies	154,775	5,000	159,775	0.0
Head of College of Science, Engineering and Food Science	154,775	5,000	159,775	0.0

We consider that the total remuneration recommended for the Vice Presidents referred to above is also appropriate for the other posts of Vice President in UCC covered by our terms of reference. However, as already indicated, a personal arrangement applies to the Acting Head College of Medicine and Health and the functions of the post of Head of College of Business and Law are being carried out on a consultancy basis at present pending permanent filling of the post.

<sup>17</sup>19/20ths of the rates shown apply to persons who do not make an employee contribution in respect of personal superannuation benefits.

<sup>18</sup> Increases shown are in addition to increases in basic salary arising from recommendations in Report No. 42.

<sup>19</sup> The allowance should represent an amount equal to the difference between the maximum of the salary scale for a Professor and the salary of a Registrar/Secretary/Bursar in a university in the Level I salary band

## Appendix 2

### Submissions Received

The following groups made submissions to the Review Body and/or attended oral hearings

Chairman, Deputy Chairpersons and Ordinary Members of  
the Labour Court

Chief Executive, Labour Relations Commissions

Department of Education and Science

Department of Enterprise, Trade and Employment

Department of Finance

Office of the Director of Public Prosecutions

Dublin City University

Higher Education Authority

Irish Universities Association

State Solicitors Association

University College Cork

## Appendix 3

### Previous Reports of the Review Body

The following reports have been submitted to date by the Review Body:

Report No.	Report relating to remuneration of	Date of Report
1	Local Authority Engineers and County Accountants	26 September 1969
2	<b>First General Review</b> Civil servants, local authority and health board officers outside the scope of conciliation and arbitration schemes and chief executives of state-sponsored bodies, Members of the Oireachtas, Members of Government, etc., Judiciary	11 July 1972
3	Property Arbitrator	13 July 1973
4	Labour Court Chairman and Ordinary Members	29 January 1975
5	Commissioner ranks in the Garda Síochána	5 March 1975
6	Chief Executive of Radio Telefís Éireann	25 April 1975
7	Secretary of the Department of the Public Service	1 July 1975
8	Former Managing Director of Bord na Móna (anomaly claims)	28 November 1975
9	Chairman of Bord Iascaigh Mhara (anomaly claim)	10 December 1975
10	Director General of the Institute for Industrial Research and Standards	26 January 1976
11	Manager of the Irish National Stud Co. Ltd	28 September 1976
12	Managing Director of Nítrigin Éireann Teoranta	24 November 1976
13	County Registrars	11 February 1977
14	Secretary and Deputy Secretary, Department of Economic Planning and Development	1 May 1978
15	Chief Executive of Córas Tráchtála	25 July 1978
16	Chief Executive of the Agricultural Credit Corporation	14 November 1978
17	Certain higher civil service grades (interim increase)	25 May 1979
18	Groups covered by terms of reference for second general review other than civil servants (interim increase)	25 May 1979
19	Higher civil service grades not covered by Report No. 17 (interim increase)	25 May 1979

### Previous Reports of the Review Body

Report No.	Report relating to remuneration of	Date of Report
20	<b>Second General Review</b> Civil servants, local authority officers and health board officers outside the scope of conciliation and arbitration schemes, commissioner ranks in the Garda Síochána, Comptroller and Auditor General, chief executives of state-sponsored bodies, chief officers of harbour authorities, Members of the Oireachtas, Members of Government, etc., Judiciary	30 October 1979
21	State Solicitors	2 April 1980
22	Assistant Principals and Principals in the civil service (whether an inequity arose in their pay in the period 12 July 1976 to 25 June 1978)	28 May 1980
23	Property Arbitrator	23 July 1980
24	Chief Executive of Local Government Staff Negotiations Board	5 November 1980
25	University Presidents	21 October 1981
26	Directors of NIHEs, Limerick and Dublin, National College of Art and Design and Thomond College of Education	3 November 1981
27	Higher departmental and professional civil service grades	27 November 1981
28	Chief Executive of Bord Gáis Éireann	29 July 1982
29	Groups covered by terms of reference for third general review (interim report)	24 November 1986
30	<b>Third General Review</b> Civil servants, local authority officers and health board officers outside the scope of conciliation and arbitration schemes, commissioner ranks in the Garda Síochána, Comptroller and Auditor General, chief executives of state-sponsored bodies, chief officers of harbour authorities, Members of the Oireachtas, Members of Government, etc., Judiciary	30 November 1987
31	Ministerial Pensions	22 June 1988
32	Hospital Consultants	15 June 1990

### Previous Reports of the Review Body

Report No.	Report relating to remuneration of	Date of Report
33	Presidents of St. Patrick's College, Drumcondra and Mary Immaculate College, Limerick, and Principal, Church of Ireland College of Education	14 June 1989
34	Chief Executive of the Legal Aid Board	14 June 1989
35	<b>Fourth General Review</b> Part 1: Civil servants, local authority officers and health board officers outside the scope of conciliation and arbitration schemes, commissioner ranks in the Garda Síochána, Defence Forces officers of General rank, Comptroller and Auditor General, chief executives of state-sponsored bodies, chief officers of harbour authorities and the Judiciary	30 January 1992
	Part 2: Remuneration, superannuation and severance arrangements for Members of the Oireachtas and Members of Government, etc.	30 April 1992
36	Hospital Consultants	12 January 1996
37	<b>Fifth General Review</b> Civil servants, local authority officers and health board officers outside the scope of conciliation and arbitration schemes, commissioner ranks in the Garda Síochána, Defence Forces officers of General rank, Comptroller and Auditor General, chief executives of state-sponsored bodies, chief officers of harbour authorities, Members of the Oireachtas, Members of Government, etc., Judiciary and Hospital Consultants	20 December 1996
38	<b>Sixth General Review</b> Civil servants outside the scope of the conciliation and arbitration scheme, senior staff of local authorities and health boards, commissioner ranks in the Garda Síochána, Defence Forces officers of General rank, Comptroller and Auditor General, chief executives of non-commercial state-sponsored bodies, Members of the Oireachtas, Members of Government, etc. Judiciary, State Solicitors and Hospital Consultants	25 September 2000
39	Higher posts in the Third Level Education Sector	5 March 2001

### Previous Reports of the Review Body

Report No.	Report relating to remuneration of	Date of Report
40	Interim Report	27 June 2005
41	The remuneration of certain posts in the Health Service Executive	16 December 2005
42	<p><b>Seventh General Review</b></p> <p>Civil servants outside the scope of the conciliation and arbitration scheme, senior staff of local authorities and the HSE, commissioner ranks in the Garda Síochána, Defence Forces officers of General rank, Comptroller and Auditor General, chief executives of non-commercial state-sponsored bodies, Political Office Holders, The Judiciary, Regulators, Members of the Garda Síochána Ombudsman Commission, Deputy Chairperson and Ordinary members of An Bord Pleanála, Director of Public Prosecutions, Deputy Director and Chief Prosecution Solicitor, County Registrars, Directors of Public Health Medicine and Specialists in Public Health Medicine, Specialist Orthodontists, Prison Doctors, and Higher Posts in the Third Level Education Sector</p>	14 September 2007