

SPEAKING NOTE FOR DFP COMMITTEE 12 1 11

Chair, we should like to begin by thanking you and your Committee for your kind invitation to address you on the issue of the recent Equal Pay settlement for N.I. civil servants and its consequences for retired staff.

Let me introduce our team. Mike Duggan, General Secretary of the Civil Service Pensioners' Alliance who has come over from London to be with us today. Nixon Armstrong, NIPSA Retired Members, Sam Caul N.I.Branch of CSPA and I am Ivan Baxter, Secretary of the N.I.Branch of CSPA. Together we represent the Age Sector Platform, NIPSA Retired Members and our own organisation, CSPA, and we are speaking on behalf of our Members who lost out as a result of the conditions attached to the recent Equal Pay settlement.

By now I am sure that you will all be familiar with this issue. A fairly detailed Paper setting out our position was circulated to Members a few days ago. But to briefly recap, an agreement was reached between DFP and NIPSA which purported to settle a longstanding dispute about the value of certain Admin Grades, namely Administrative Assistants, Administrative Officers and Executive Officers Grade 2. NIPSA had argued for many years that the quality of work being undertaken by these grades was equivalent in value to certain technical grades which were being paid more, and that the salary scales of the Admin Grades should be adjusted accordingly. A number of staff had lodged claims with the Industrial Tribunal under Equal Pay Legislation in support of the Union's claim.

After, we understand, protracted negotiations (for we were not party to them and did not even know they were going on) DFP conceded the NIPSA contention and made an offer back-dated to 1 February 2003. This was accepted by the Union after holding a Ballot of the Grades affected. Compensation in lieu of arrears of pay was paid to serving staff last year.

The sting in the tale was that staff who had retired before 1 August 2008 were excluded from receiving their arrears on the grounds that because this was an Equal Pay settlement they would have to have lodged a claim with the Industrial Tribunal within six months of retiring, a condition that was clearly impossible for them to fulfil since the entire process had taken place behind closed doors until the offer was made public at the end of 2009. The Minister claims that because he was using Equal Pay Law as a Frame of Reference legally he has no obligation to the retired staff and therefore cannot consider them for arrears.

Our view is that the Minister was inconsistent in his use of the Equal Pay arrangements and this led directly to the unfair treatment afforded to our members.

Parliament put in place a process for dealing with Equal Pay issues. It involved making a claim to an Industrial Tribunal with supporting evidence, consideration by the Tribunal, usually with the help of expert advice, followed by a ruling. A number of staff had submitted claims to the Tribunal but the Minister choose to by-pass the Court system by conducting negotiations with the Union. Indeed, as part of the settlement claims to the Tribunal had to be withdrawn. And he authorised payment of compensation to all serving staff whether they had made a claim or not. This would appear to us to indicate that, by and large, this was virtually a normal negotiated settlement. Tribunals do not negotiate, Tribunals do not make offers to Unions which are then subjected to ballot. Tribunals do not make awards to people who have not lodged claims. And yet all of this happened using Equality Law as a Frame of Reference!

Among the people to lose out in this rather eccentric process were officers who did nothing wrong except retire at the wrong time. And these particular pensioners are in receipt of the lowest pensions of all civil service pensioners because of the Grades they occupied. And there are only about 460 of them as far as

we can judge, and because many of them would only qualify for modest compensation payments the sum involved would be relatively small.

I personally have over fifty years of experience of civil service pay deals. I joined the civil service in 1957 and I cannot remember any previous occasion when arrears were not paid to retired staff. After all they had earned it. This is a dreadful precedent and it reflects very badly on an Administration that has sought to convince pensioners that it has their interests at heart.

In the Assembly the Minister once said that opening this issue to consider retired staff would be like opening Pandora's Box. Well we don't think so. If you recall when Pandora's Box was opened all the evils of the day were released into the world, plagues, pestilence, famine, wars, disease, and so on. We do not believe that doing the right thing by a small number of pensioners could do anything but good, the very opposite of the Minister's analogy. The last thing in Pandora's Box was Hope. Our hope is that this Committee will pursue this issue with the Minister so that, in due course, our pensioners will receive the justice that they deserve.

In particular we would like to know

1. Why, when it became clear to the Department at the outset of this process, that recently retired staff would lose out, did they not look for a option to compensate the retired staff rather deny them? The Minister claims he is not legally obliged to pay them, but neither is he under any legal obligation not to, so it is simply a matter of his choice.
2. Why, when so many of these staff had given loyal service to the State right through the "Troubles", some in very difficult circumstances, did their welfare become such a

low priority in the Government's overall spending programme that money which they clearly earned, and nobody can deny that the money was earned, is now being with-held for what appears to be the flimsiest of reasons?

3. And lastly why, in an administration which claims to have the interests of older and vulnerable people at heart, are they not prepared to admit that these staff, now on very modest pensions, can least afford to lose this money, and do something about it?

In addition a Motion for debate by the Assembly has been submitted about this issue, It has been signed by Mr McNarry, UUP, Ms Lo, Alliance, and Mr McDonnell, SDLP. It would, we believe, be helpful if all five main parties supported this Motion. This is not a party political matter after all as it affects all communities.

Thank you for your patience