

Civil Service Conciliation and Arbitration Scheme

General Council Report 1400

(Meeting/s of 27 October 1999, 14 December 1999, 30 January 2002)

That the annual leave allowance of Clerical Officer be increased to 21 days after 5 years service.

1. The claim was presented by the Staff Side at the meeting of 27 October 1999. The CPSU, in support of their claim stated that the other recruitment grades of EO and AO recognise service by granting additional leave. The CPSU also highlighted the gender equality dimension to the claim both in relation to recruitment grades and the salary banding system.

2. The Official Side considered the issue in detail. The following matters were highlighted by the Official Side at the meeting of 14 December 1999:

Annual leave is calculated on a banding basis. There are six bands from below the Staff Officer salary maximum to the salary maximum of the Principal Officer. Clerical Officers were awarded 20 days in 1997/98 as a result of an adjudication finding in the restructuring process. This meant that Clerical Officers on 18 days went to 20 days and those on 19 days went to 20 days. The condition attached to the finding was that there could be no extra payroll costs and no extra claims. The Official Side stated that it was not aware of any developments to warrant further adjustment.

The Official Side also highlighted the potential cost involved in any concession of this claim due to the numbers in the Clerical Officer grade and the potential repercussive effects of any concession for other grades who would seek maintenance of existing leave differentials. The prohibition on "cost increasing" claims under Partnership 2000 was another factor in disallowing the claim.

The Official Side addressed the issue of possible indirect discrimination implications linked to a refusal of the claim and indicated their satisfaction that a refusal would hold up to scrutiny under Employment Equality legislation.

3. The Staff Side reiterated that officers in the Clerical Officer grade get no recognition for service. They highlighted the fact that there were a large number of females in the grade and would be seeking opinion under the

Employment Equality Act. They requested that the claim be re-examined.

4. The Official Side highlighted that the existing agreed system of calculating annual leave entitlements is logical, cohesive and works well. They also stated that the Employment Equality Act was not being breached but agreed however, to re-examine the claim in that context. They welcomed any legal advice held by the Staff Side which supported any suggestion that specific provisions of the Act were being contravened.

5. In February 2001 the Office of the Attorney General provided advice on the equality aspects of this claim. A copy of the advice was given to the Staff Side.

6. In January 2002, the Staff Side indicated that they wished to record disagreement. This disagreed report was adopted on 30 January 2002.

Agreed Report, recording disagreement.

This report was adopted on 30 January 2002