



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Ireland

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

National abbreviations:

FÁS	National Training and Employment Authority
DSP	Department of Social Protection
NMW	National Minimum Wage

*CHAPTER I. Adequacy of social security
benefits: income and poverty indicators and
standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3	€ 626.6	€ 635.9	€ 635.5	
At-risk-of-poverty threshold (50%, single person)	€ 577.8	€ 783.3	€ 794.9	€ 794.4	
At-risk-of-poverty rate - 50%, before social transfers	19.5%	26.4%	33.9%	33.6%	
At-risk-of-poverty rate - 50%, after social transfers	10.2%	11.2%	8.8%	7.3%	
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%	15.0%	9.0%	6.9%	
In-work poverty rate - 50% threshold	5.2%	3.3%	3.4%	2.7%	
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%	12.0%	7.0%	7.8%	
Aggregate replacement ratio	55%	46%	42%	37%	
Severe material deprivation (% of total population)	9.6%	5.1%	9.8%	9.9%	
Persistent at-risk-of-poverty rate - 50% threshold	5.2%				
Social protection expenditure as % of GDP	25.0%	17.2%	32.5%		
Gini coefficient before social transfers	36.1%	41.8%	46.0%	46.3%	
Gini coefficient after social transfers	30.5%	31.9%	29.9%	30.0%	

<u>National indicators</u>		
Minimum Essential Standard of Living	€ 1088.9	2014, Department of Social Protection, 2013, MISSOC
Supplementary Welfare Allowance	€ 806.0	
Minimum wage	€ 1461.9	
Minimum pension (non-contributory)	€ 949.0	2014, Department of Social and Family Affairs, 2012, Central Statistics Office
Average wage	€ 2985.8	

<u>Government Report under the ECSS submitted in 2015</u>				
Reference wage of unskilled worker	Gross amount: € 2815.3 (weekly rate € 622.9 multiplied by 4.52 weeks)			
Social Security branch	Standard beneficiary	St benefit amount	Total benefit	Gross RR
Part III Sickness benefit	Art. 66-4b, +family benefit	€ 1683.2	€ 1954.5	61.0%
Part IV Unemployment benefit	Art. 66-4b, +family benefit	€ 1683.2	€ 1954.5	61.0%
Part V Old-age benefit	Art. 66-4b, +wife's pension	€ 1041.0	€ 2081.9	70.0%
Part VI Employment injury benefit	Not ratified	-	-	-
Part VII Family benefit	Art. 66-4b, for 1 child	€ 130.0	€ 130.0	
Part VIII Maternity benefit	Not ratified	-	-	-
Part IX Invalidity benefit	Not ratified	-	-	
Part X Survivor's benefit	Art. 66-4b	€ 1144.0	€ 1415.2	45.0%

Fig. 1. Income and poverty- single person, 2013

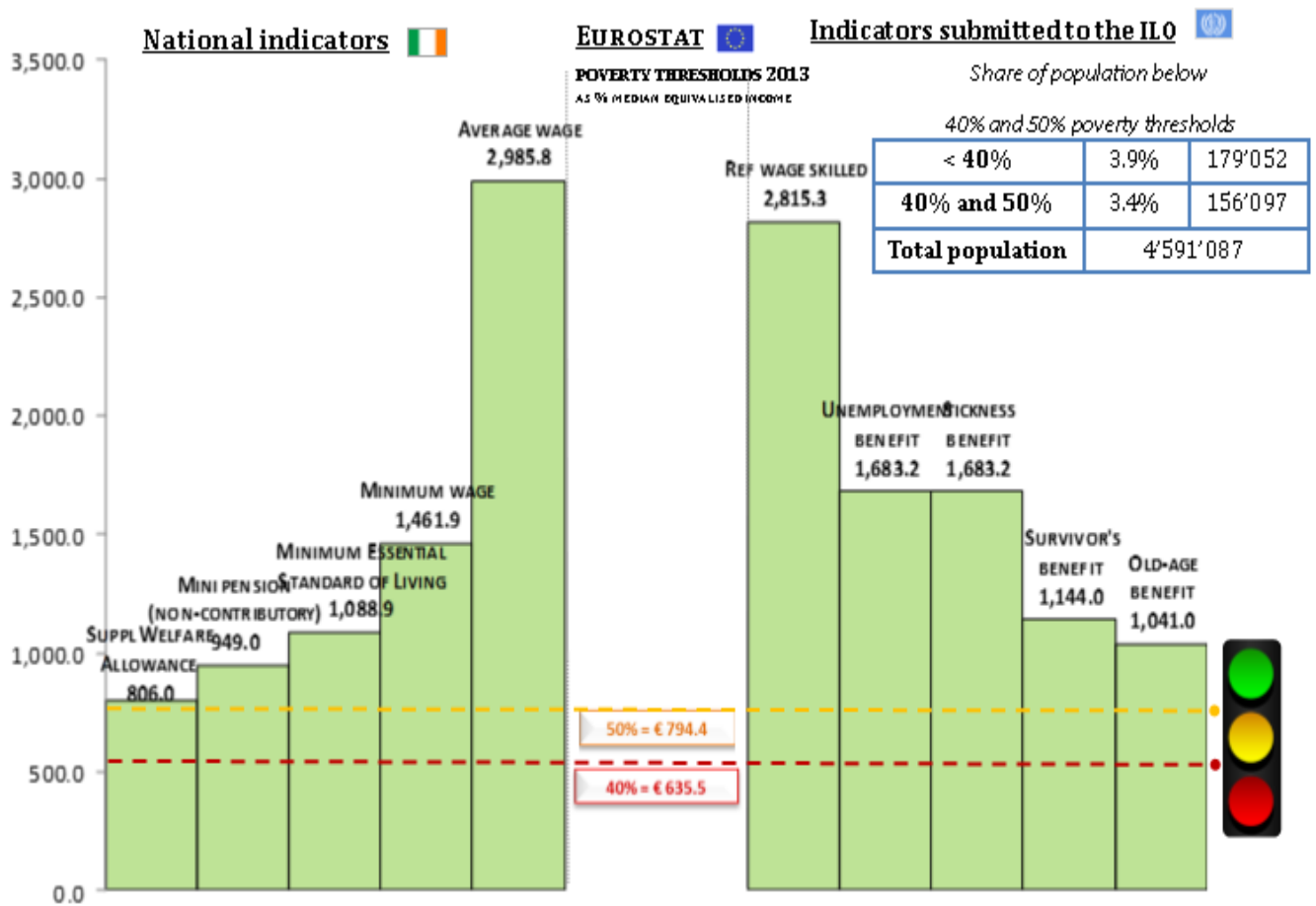


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%) by the most frequent employment status , 2013

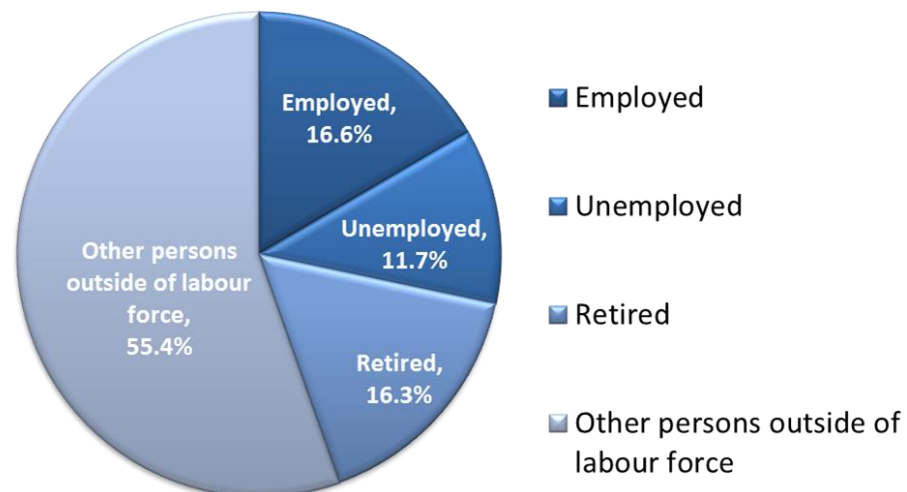
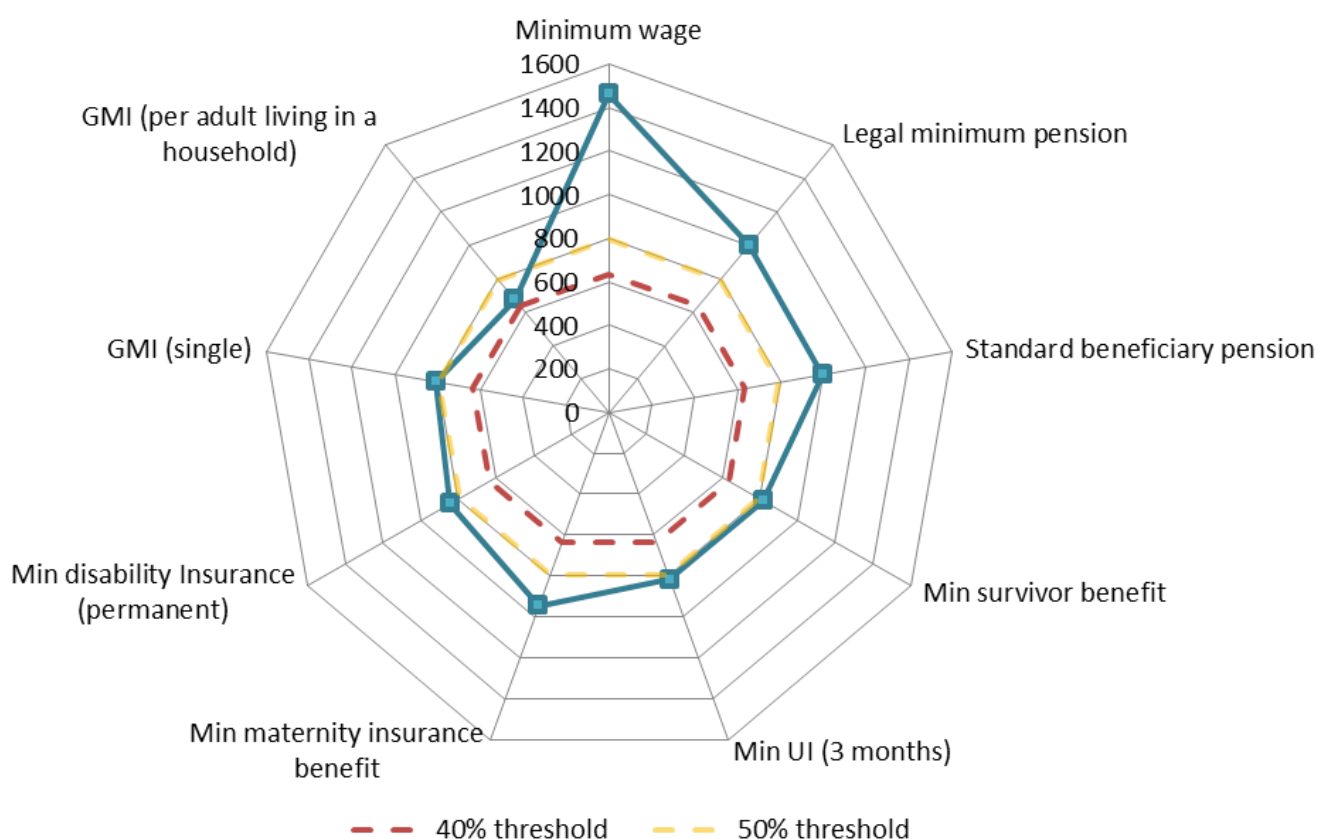


Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds, 2013



Benefits/payments	Amount per month	Sources
Minimum wage	€ 1461.9	Eurostat, 2013
Legal minimum pension	€ 1101.8	SSA 2012
Standard beneficiary pension	€ 998	Pension for average case worker, Government Report 2014
Average pension	-	MISSOC, 2014
Survivor benefit	€ 817.8	MISSOC, 2014
Unemployment insurance benefit (UI - 3 months)	€ 817.8	MISSOC, 2014
Maternity insurance benefit	€ 947.43	MISSOC, 2014
Disability Insurance (permanent)	€ 841.7	MISSOC, 2014
GMI (single)	€ 806.1	MISSOC, 2014
GMI (per adult living in a household)	€ 673.5	Government Report, 2014
At-risk-of-poverty threshold, 40%	€ 635.5	Eurostat, 2014
At-risk-of-poverty threshold, 50%	€ 794.4	Eurostat, 2014

Fig. 4. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile

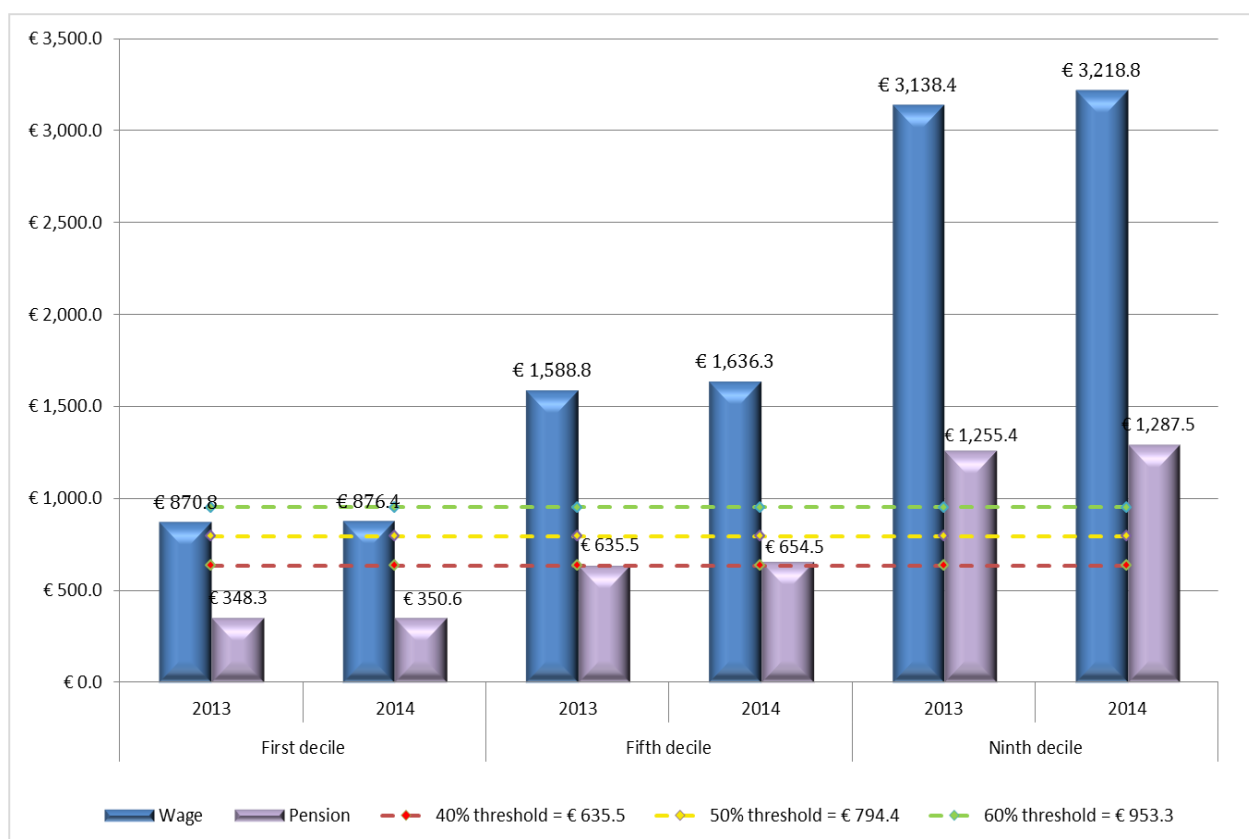


Fig. 5. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012

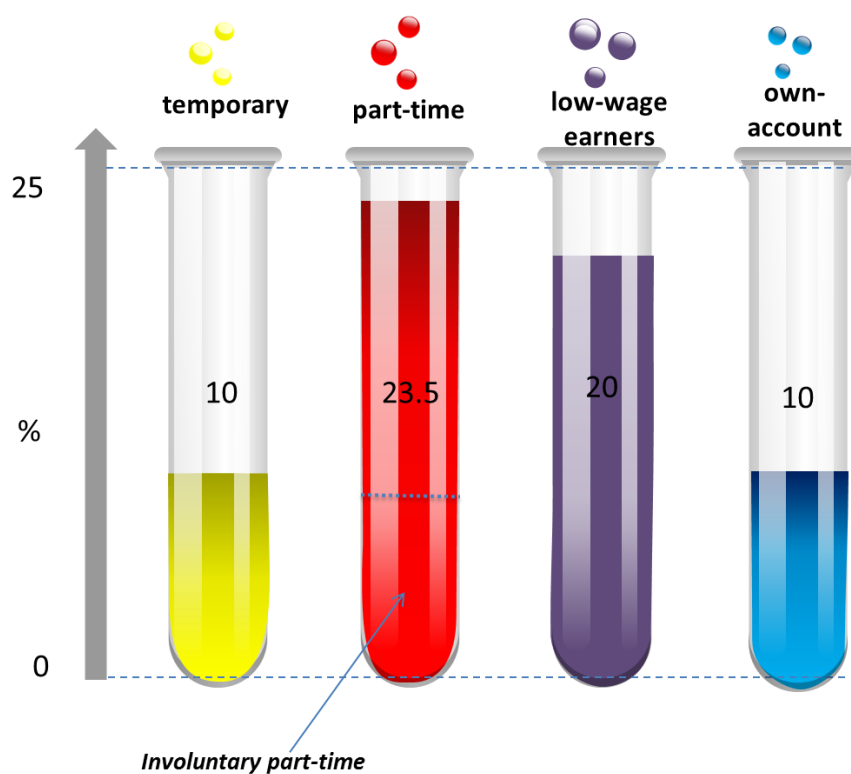
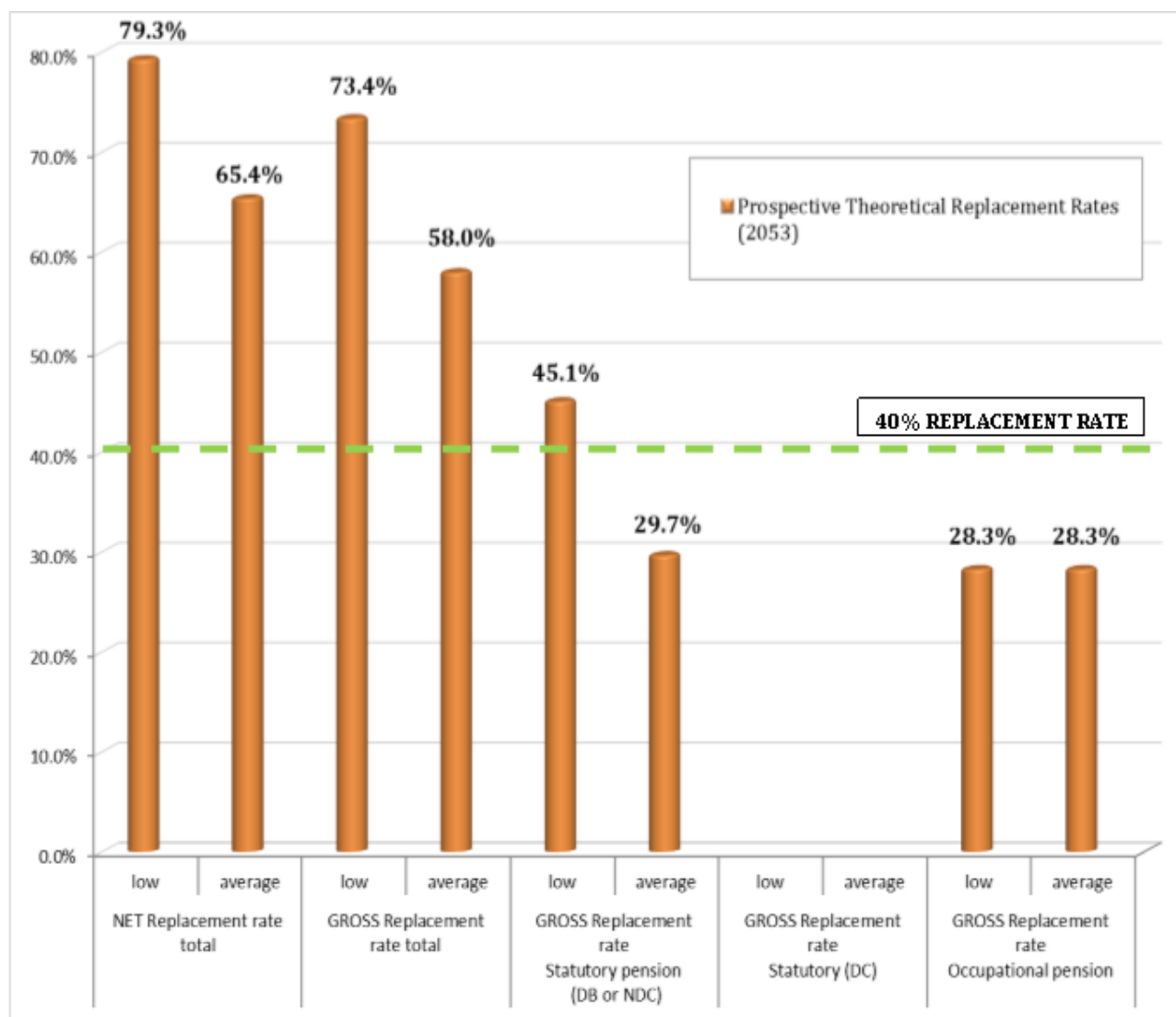


Fig. 6. Theoretical Replacement Rates for low and average wage earners, retiring in 2053 at statutory pension age (67) with 30 years of contributions between 2013 and 2053



**Male, 20 years work from age 25 - career break until 10 years prior to SPA - 10 years work.
10 years of career break in the middle of the career**

	NET Replacement rate total		GROSS Replacement rate total		GROSS Replacement rate Statutory pension (DB or NDC)		GROSS Replacement rate Statutory (DC)		GROSS Replacement rate Occupational pension	
	low	average	low	average	low	average	low	average	low	average
2053	79.3%	65.4%	73.4%	58.0%	45.1%	29.7%			28.3%	28.3%
2013	data not available									

Source: The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU, Volume I

Social security and reduction of poverty.

Extracts from the 2014 Government report on the European Code of Social Security.

The Department of Social Protection, which is responsible for the welfare component of the Budget, has prepared and published a social impact assessment of the main welfare and tax measures for 2014.

Social impact assessment is an evidence-based methodology to estimate the likely distributive effects of policy proposals on income and social inequality. Assessing the social consequences of budgetary policy is of particular importance in order to protect the most vulnerable in society and to monitor the crucial role of social transfers in preventing welfare and other recipients from falling into poverty. One of the purposes of the publication of this assessment is to inform public discourse generally about budgetary choices, and to contribute to the policy making process for Budget 2015.

The principal finding of the assessment was that the main welfare and tax measures impacting in 2014 have led to no significant change in the at-risk-of-poverty rate. This confirmed the ongoing strong poverty reduction effect of social transfers during the period of fiscal consolidation. The assessment also details the effect of the main measures by income groups (five quintiles ranked by equivalised income), by household composition and economic status. The 2014 measures are also compared with the measures introduced in 2013 and show a somewhat lower average loss in household income as well as a greater impact on the highest income group.

The full report is available on the Department's website.

<http://www.welfare.ie/en/downloads/SIABudget2014.pdf>

(b) *Deficit of the Social Insurance Fund.* The Committee thanks the Government for explaining the principal findings of an Actuarial Review of the Social Insurance Fund for the period 2010–66, noting that unless PRSI income increases and/or expenditure levels reduce, the 2011 deficit of the Fund of €1.5 billion will double to €3 billion by 2019 and the Exchequer subvention will need to more than treble by 2030. On the one side, with regard to PRSI income increases, a number of measures were already included in Budget 2013, such as the abolition of the weekly PRSI Free Allowance for employees and raising of the minimum contribution payable by the self-employed. On the other side, with regard to reducing the expenditure levels, the deterioration of the shortfall in the Fund will continue despite recent changes to social insurance funded schemes, including increases in the State Pension age and the more onerous eligibility criteria for the State Pension (Contributory) (SPC). The Committee fully understands the need to tackle the deficit of the Fund from both sides – increasing social insurance contributions as well as reducing the level of benefits. It wishes to remind, however, that the Code puts certain limits on how the countries could go about increasing contributions and reducing benefits. It requires in particular that the former measures should be done “in a manner which avoids hardship to persons of small means and takes into account the economic situations of the Contracting Party concerned and of the classes of persons protected” (Article 70(1) of the Code), while the latter measures should not be of a deliberately retrogressive nature and infringe on the acquired rights. Both types of measures shall be borne collectively and spread equitably among protected persons; they shall be decided and managed in consultation with the representatives of the persons protected as well as of the employers and of the public authorities through the established mechanisms of tripartite social dialogue

(Article 71(2)). ***With these considerations in mind, the Committee would like the Government to be asked to indicate measures taken or contemplated to reduce the deficit of the Social Insurance Fund in the short term and to return it on the sustainable financing footing in the long term.***

Response

The following measures were introduced in Budget 2013:

- The PRSI-free allowance of €127 per week available to employees who pay PRSI was abolished. This resulted in an additional weekly charge of €5.08 for employees with PRSI liability. This was estimated to generate additional income of €289m in a full year to the Social Insurance Fund
- Self-employed contributors with annual self-employed income over €5,000 pay Class S PRSI at a rate of 4%, subject to a minimum payment of €500 per annum – increased from €253. This was estimated to yield an additional €18m in a full year.
- Prior to Budget 2013, modified rate contributors (civil and public servants recruited prior to April 1995) were exempt from PRSI in respect of self-employed earned income (from a profession or trade) and any other unearned income. This exemption was abolished in Budget 2013. The full year additional yield to the Social Insurance Fund was estimated to be €12m.

The following measures were introduced in Budget 2014:

- The broadening of the income base on which PRSI is charged to include the additional unearned income of employees. This measure is expected to yield €14m to the Social Insurance Fund in 2014 and €20m in a full year.
- The restoration of the rate of employer PRSI applied to employees with weekly earnings of €356 or less to 8.5%. The lower employer PRSI rate of 4.25% was implemented in July 2011 to apply on a 2½ year time limited basis until the end of 2013. This measure is expected to yield €195m to the Social Insurance Fund in a full year.

Any further measures to address the projected deficit in the Social Insurance Fund will be considered in the context of the annual Budgetary process.

Social security and reduction of poverty. According to the previous report, Ireland uses three national indicators of poverty: (1) at-risk-of-poverty, using a threshold of 60 per cent of median equivalized income; (2) basic deprivation, defined as enforced lack of two or more items from the 11-item index of necessities, such as food, clothing, heating, as well as social activities; (3) consistent poverty, a measure of multiple poverty combining the at-risk-of-poverty and basic deprivation. In the period 2008–10, poverty had increased using all three national indicators: the at-risk-of-poverty increased from 14 to 15.8 per cent; basic deprivation grew from 11.8 to 22.5 per cent; and consistent poverty increased from 4.2 to 6.2 per cent. According to the 40th report, the increase in basic deprivation rates is not attributable to the discontinuation of welfare benefits but reflects a dis-improvement in living standards across all of society, not just among those on welfare. With regard to the at-risk-of-poverty indicator, its relation to the level of the minimum welfare rate (together with the fuel allowance) will depend on the specific policy decisions of the Government in relation to fiscal consolidation generally including any reductions in welfare expenditure. The Committee wishes to recall in this respect that maintaining the minimum welfare rate above the at-risk-of-poverty threshold represents the principal guarantee against the risk of beneficiaries sliding into basic deprivation and

consistent poverty and the welfare system failing to fulfil its main objective in this respect. ***Therefore, the Committee would like the Government to indicate measures taken or contemplated in the area of social welfare to achieve Ireland's national poverty target, which is to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020, from a 2010 baseline rate of 6.2 per cent.***

Response

Tackling poverty remains a fundamental aspiration of Irish society and the Government. The Government has re-affirmed its commitment to reducing poverty by revising and enhancing the national social target for poverty reduction, which aims to reduce consistent poverty to 4% by 2016 and to 2% or less by 2020.

It should be noted that the poverty target is not a welfare-specific target, but a 'national social target' which is linked to a wide range of targeted actions and interventions across diverse policy areas as set out in the *National Action Plan for Social Inclusion 2007-2016*, and is connected with national targets on employment and education, as outlined in the *National Reform Programme*. For instance, the new area-based childhood programme under the Department of Children and Youth Affairs provides investment in early interventions to improve the long-term outcomes for children and families living in areas of disadvantage. The *National Policy Framework for Children and Young People 2014-2020*, published in April 2014, includes a new child-specific poverty target, setting out a multi-dimensional approach to tackling child poverty and addressing child well-being.¹

It is recognised that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. In 2013, the Department of Social Protection spent over €20 billion in providing income support to 1.5 million recipients with a further 750,000 beneficiaries. New research from the Economic and Social Research Institute shows that welfare payments and other social transfers lifted almost 40% of the population out of at-risk-of-poverty in 2011, which equates to a reduction of 71% in the pre-social transfer poverty rate. Over time, the effectiveness of social transfers in lifting people out of poverty has increased from 53 per cent in 2004 to 71 per cent by 2011 (latest data available). As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. This reflects the continuation of substantial State investment in the social protection system, despite the constraints of the economic and fiscal crisis.

The Government has continued this redistributive policy in recent Budgets by maintaining the value of the main weekly social welfare payments, despite the requirements for significant welfare savings as part of fiscal consolidation under the Troika economic programme.

However, it is recognised that welfare policy must extend beyond income support to encourage people of working age to take-up employment. A key intervention is the enhancement of labour market activation under the *Pathways to Work* Strategy. The aim of the Strategy is to tackle long-term unemployment and to ensure economic recovery does not bypass jobless households. The centrepiece of the Strategy is Intreo, the integrated employment activation and supports service. The latest unemployment figures show a decrease in the seasonally adjusted unemployment rate from 13.3 per cent in the second quarter of 2013 to 11.6 per cent in the second quarter of 2014 – a sign of the steady progress being made. While the significance of these figures, particularly the reduction in long-term unemployment to 7.3 per cent in the first quarter of 2014, are welcome, the monitoring and implementation of the Strategy continues to be a crucial priority for Government.

¹The National Policy Framework for Children and Young People 2014-2020 is available at http://dcya.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

Other actions relate to the streamlining and restructuring of working age supports to assist those furthest from the labour market. For example, there has been a phased reduction in the age threshold of the youngest child of lone parents on the One-Parent Family Payment, to be replaced by a Jobseeker's Transition payment, a progressive scheme to assist lone parents on the pathway back to work, financial independence, and to prevent long-term dependency on welfare. The new scheme allows lone parents with older children to access labour market programmes to support their return to work, training or education, while recognising the particular difficulties they face, such as childcare.

The Department has also established an Advisory Group on Tax and Social Welfare to advise on cost-effective proposals for improving employment incentives and poverty outcomes for people of working age and their children.

Finally, the Department has identified household joblessness as an independent risk factor for poverty and social exclusion. Furthermore, jobless households account for two-thirds of the population in consistent poverty. A specific target will be set to reduce the population in jobless households in consistent poverty. A report is being prepared on possible actions to reduce the high percentage of the population in jobless households.

There remains a great challenge to meet the national social target for poverty reduction. The Government is committed to growing the economy and to creating new employment opportunities. At the same time, it is important that the most vulnerable in society, notably jobless households and children in poverty, are enabled to benefit from economic recovery through activation programmes and services.

Extracts from the 2015 Government report on the European Code of Social Security.

Concerning social security and the reduction of poverty:

a. the report states that tackling poverty remains a fundamental aspiration of Irish society and the Government, which aims to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020. However, the poverty target is not a welfare-specific target, but a “national social target” which is linked to a wide range of targeted actions and interventions across diverse policy areas as set out in the National Action Plan for Social Inclusion 2007–16, and is connected with national targets on employment and education, as outlined in the National Reform Programme. It is recognised that welfare policy must extend beyond income support to encourage people of working age to take up employment under the Pathways to Work Strategy providing the integrated employment activation and supports service (Intreo). The latest unemployment figures show a decrease in the seasonally adjusted unemployment rate from 13.3 per cent in the second quarter of 2013 to 11.6 per cent in the second quarter of 2014 – a sign of the steady progress being made. The Government considers it important that the most vulnerable in society, notably jobless households and children in poverty, are enabled to benefit from economic recovery through activation programmes and services. Jobless households account for two-thirds of the population in consistent poverty. The Department of Social Protection has identified household joblessness as an independent risk factor and a specific target for poverty and social exclusion. The Committee of Ministers welcomes the Department’s approach to integrating employment and social security policies in the fight against poverty and setting specific targets in this respect, such as that of decreasing household joblessness. As regards children in poverty, the National Policy Framework for Children and Young People 2014–20, published in April 2014, includes a new child-specific poverty target, setting out a multidimensional approach to tackling child poverty and addressing child well-being;

b. the Government recognises that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. According to the report, welfare payments and other social transfers lifted almost 40 per cent of the population above the at-risk-of-poverty threshold in 2011, which equates to a reduction of 71 per cent in the pre-social transfer poverty rate. As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. The Government has continued this redistributive policy in recent budgets by maintaining the value of the main weekly social welfare payments, despite the requirements for significant welfare savings as part of the consolidation under the economic programme of the International Monetary Fund, the European Commission and the European Central Bank. The Committee of Ministers notes the Government’s commitment to reduce poverty through labour market activation and redistributive policy and maintain the social welfare system, which is seen as a key mechanism in fighting poverty and one of the best performing systems of social transfers in the EU. It also notes that, notwithstanding these declarations, the budget restrictions for 2014 impose €290 million additional savings in social welfare programmes (€372 million for the full year), with the most important cuts affecting the Jobseeker’s Allowance and Activation, Maternity and Adoptive Benefit, and Illness Benefit. With regard to improving poverty outcomes for children, from January 2013 Child Benefit rates were reduced to €130 per month for the first, second and third children and, from January 2014, for the fourth and subsequent children, standardising the Child Benefit rate for all children to €130 per month. From January 2012, the age limit of the youngest child for One-Parent Family Payment (OFP) entitlement purposes is gradually being reduced from 18 to 7 years of age. The total amount of benefits granted for the maintenance of

children in Ireland reported by the Government under Part VII of the Code shrank by over €500 million from €2,729 million in 2009 to €2,210 million in 2013;

c. In the context of contracting social security spending, the Committee of Ministers observes that during the crisis period of 2009–12 all main poverty indicators have continued to grow, notwithstanding the fact that the at-risk-of-poverty threshold has significantly decreased. The Committee of Ministers is particularly concerned with the persistent growth since 2007 of the percentage of people facing material deprivation, which has doubled to approach 10 per cent of the population, and of those living at risk of poverty or social exclusion, which has grown by 7 per cent to reach 30 per cent of the population. These consistently negative trends might explain the fact that the report does not contain any statistical information on the evolution of poverty which prove that the Government has managed to stop the propagation of poverty and reversed the trends, be it only for one specially targeted category of the population;

Finds that law and practice in Ireland ensure the application of the Parts of the Code which have been accepted, subject to legislative changes with respect to conditions for entitlement to sickness and unemployment benefits and revision of the reference wage used in assessing the replacement level of benefits guaranteed by the Code;

IV. concerning social security and the reduction of poverty:

a. to indicate, in its next report, difficulties it is encountering and solutions it is taking in pursuing the targets of decreasing household joblessness and child poverty. Taking into account that the current economic crisis has revealed the deficit of such integrated multidimensional policies in Europe, the Government is asked to also highlight the progress it has made in linking welfare goals with other national policies;

Response

Ireland pursues an active inclusion approach to household joblessness, which is set out in the National Reform Programme 2014.² Further work is ongoing on this on foot of a country-specific recommendation from the European Commission. The 2014 CSR states: *Tackle low work intensity of households and address the poverty risk of children through tapered withdrawal of benefits and supplementary payments upon return to employment. Facilitate female labour market participation by improving access to more affordable and full-time childcare, particularly for low income families.* A subsequent 2015 CSR states: *Take steps to increase the work-intensity of households and to address the poverty risk of children by tapering the withdrawal of benefits and supplementary payments upon return to employment and through better access to affordable full-time childcare.* The policy response to this recommendation is reported in the *National Reform Programme 2015*.³

The Government child poverty target is set out within the National Policy Framework for Children and Young People 2014-2020, *Better Outcomes, Brighter Futures*. A priority action under this Framework is to implement a multi-dimensional approach to child poverty. This involves the Departments of Social Protection, Children and Youth Affairs, Education and Skills, and Health. There is extensive consultation with stakeholders in relation to the multi-dimensional approach. This includes the Advisory Council for the Framework and a joint seminar with the European Commission, to draw out the lessons of the Commission's 2013

²[http://www.taoiseach.gov.ie/eng/Work Of The Department/Economic International Northern Ireland /Economic/NRP/National Reform Programme 2014.pdf](http://www.taoiseach.gov.ie/eng/Work%20Of%20The%20Department/Economic%20International%20Northern%20Ireland/Economic/NRP/National%20Reform%20Programme%202014.pdf)

³[http://www.taoiseach.gov.ie/eng/Work Of The Department/Economic International Northern Ireland /Economic/NRP/Ireland s National Reform Programme 2015.pdf](http://www.taoiseach.gov.ie/eng/Work%20Of%20The%20Department/Economic%20International%20Northern%20Ireland/Economic/NRP/Ireland's%20National%20Reform%20Programme%202015.pdf)

Recommendation on 'Investing in children: Breaking the cycle of disadvantage'. Further information on the policy response to tackling child poverty is set out in the *National Reform Programme 2015*.

b. in the light of the above-mentioned figures, to explain in its next report the formula it has found for diminishing poverty by systematically reducing the volume of social transfers. The Government is asked to indicate in this respect what new cuts in benefits appear in the Budget 2015 and what categories of beneficiaries (in terms of age, gender, type of employment, type of household, etc.) will be affected the most;

Response

In 2014, the Department of Social Protection spent €19.8 billion on social protection. This represents only a slight reduction on welfare expenditure over the last number of years and is significantly ahead of expenditure in 2008, before the economic crisis. Central to the policy approach has been a commitment to maintain minimum welfare payments, which have been unchanged since 2011.

Table 1 Social Protection Expenditure 2005 to 2014

	Total social welfare expenditure	Social welfare expenditure as a % of GNP
2005	€12.2bn	8.8%
2006	€13.6bn	8.8%
2007	€15.5bn	9.5%
2008	€17.8bn	11.5%
2009	€20.5bn	15.3%
2010	€20.9bn	15.8%
2011	€21.0bn	16.0%
2012	€20.8bn	15.7%
2013	€20.3bn	14.7%
2014	€19.8bn	not available

Source: SILC, various years

Recent research from the Economic and Social Research Institute (ESRI) shows that social transfers have maintained their poverty reduction effectiveness and efficiency in Ireland in the face of the economic crisis and the requirement for significant welfare savings as part of fiscal consolidation under the EU-IMF economic programme.⁴

In Budget 2015, the Government provided an additional €198 million to help families and to support the most vulnerable. The Department of Social Protection has published the social impact assessment of the main welfare and tax measures for 2015, including the new water charges package.⁵ The principal finding of the assessment was that for the first time since the economic crisis, welfare and income tax policy will result in an increase in average household incomes of 0.7 per cent (equivalent of almost €6 per week). The measures will lead

⁴ http://www.socialinclusion.ie/SocialTransfersandPovertyAlleviation_000.html

⁵ <http://www.welfare.ie/en/Pages/SocialImpact2015.aspx>

to no significant change in the at-risk-of-poverty rate though the income threshold increased. This suggests that social transfers continue to perform strongly in reducing poverty.

Budget 2015 was the first Budget in recent years where there was scope for positive improvements in welfare supports such as increases in the weekly living alone allowance and monthly Child Benefit as already advised in this report. All existing welfare payments were fully maintained for 2015. There were no reductions in benefits in Budget 2015.

c. to provide national data in its next report, as well as the social impact assessment of the distributive effects on income and social inequality of the main welfare and tax measures for 2015 carried out by the Department of Social Protection and the cumulative impact of such measures adopted since 2012. The Government is asked to refer in this respect to the infographs in the above-mentioned “Technical Note” and update the statistical and legal information on which they are based.

Response

The Government publishes an annual Social Inclusion Monitor (SIM), to report officially on progress towards meeting the national social target for poverty reduction. The data source is the Central Statistics Office Survey on Income and Living Conditions (SILC), which is the Irish component of the EU Statistics on Income and Living Conditions. SIM 2013 was published at the Social Inclusion Forum on 25th March 2015. The Monitor and Summary document are available online at: <http://www.welfare.ie/en/Pages/Social-Inclusion-Monitor.aspx>.⁶

The key indicator for poverty in Ireland is consistent poverty which is the basis of the national social target for poverty reduction.⁷ At-risk-of-poverty and basic deprivation are its two component indicators. Figures 1 and 2 present an overview of poverty trends using these indicators. A medium-term perspective is also presented comparing the periods of economic boom (2005-2008) to economic crisis (2009-2013) – see Table 2.

Progress on the headline target

To reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020, from the 2010 baseline rate of 6.3 per cent.

Figure 1 shows the consistent poverty rate in 2013 was 8.2 per cent. While not a statistically significant change on the 2012 figure (7.7 per cent), the trend continued to dis-improve.⁸ This leaves a gap of 4.2 percentage points between the 2013 rate and the 2016 interim target. Numerically, 377,000 people were in consistent poverty in 2013.⁹

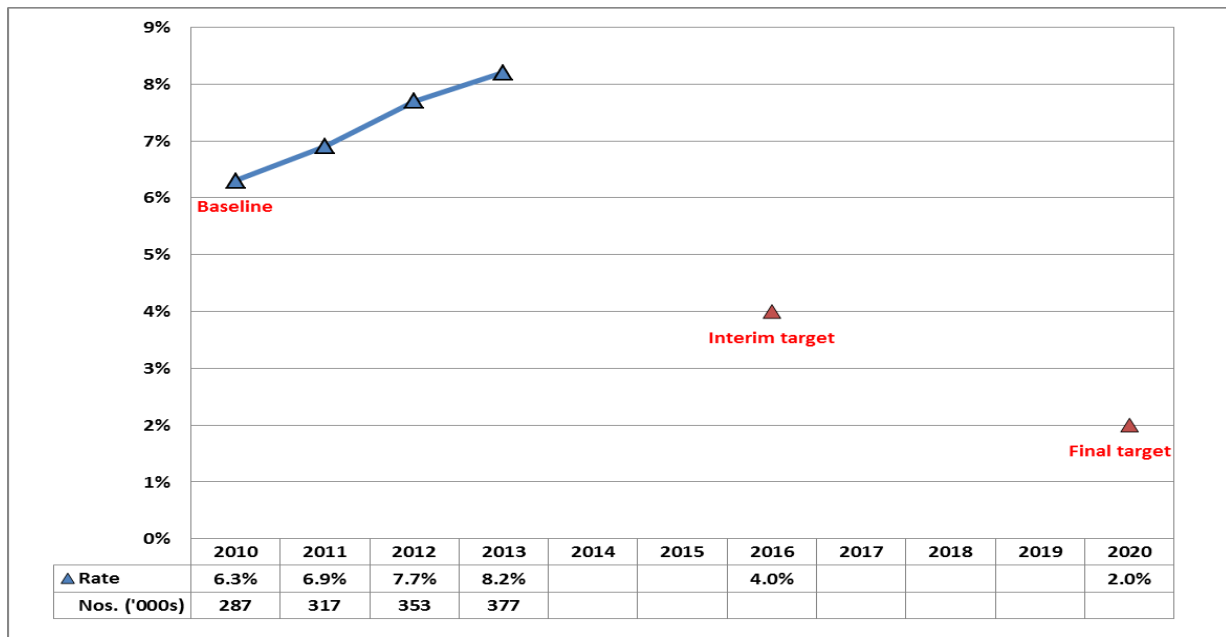
⁶ Poverty trends have not been quoted in previous reports as they were not specifically requested.

⁷ Eurostat indicators are not used to monitor key poverty trends at national level. The income and deprivation concepts used in Ireland are different to those used by Eurostat. Also, Ireland does not use the very low work intensity indicator.

⁸ Further analysis is required to determine if the changes between 2010 and 2013 are statistically significant.

⁹ This is based on a CSO population estimate of 4,593,125 in 2013.

Figure 1 Progress towards the national social target for poverty reduction



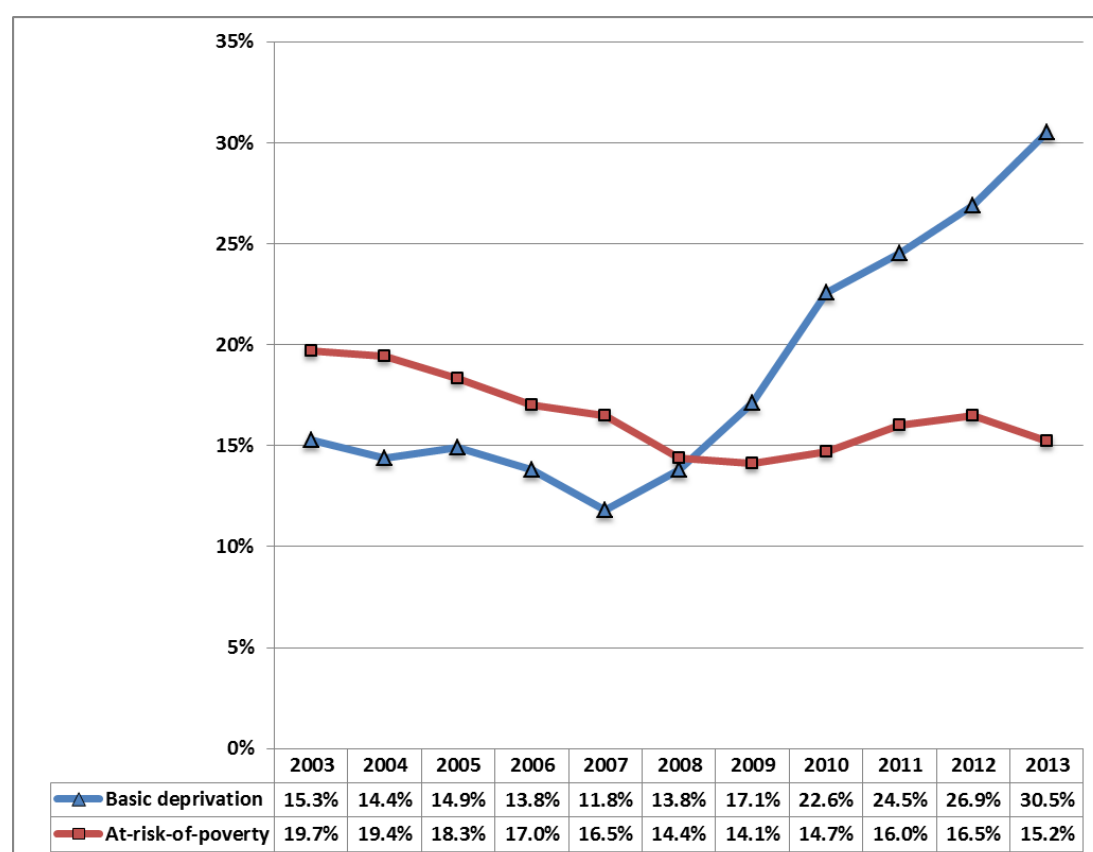
Source: SILC, various years

At-risk-of-poverty and basic deprivation

People are *at-risk-of-poverty* if their equivalised household income is below 60% of the median. People are in *basic deprivation* if they live in a household lacking 2 or more of 11 basic necessities.

In the period 2003 to 2007-2009, poverty fell by a significant amount. At-risk-of-poverty fell from 19.7 per cent to 14.1 per cent, and basic deprivation reduced from 15.3 per cent to 11.8 per cent. Poverty worsened with the onset of the economic crisis. The at-risk-of-poverty rate increased from 14.1 per cent to 16.5 per cent in 2012, before falling to 15.2 per cent in 2013. Meanwhile, basic deprivation grew from 11.8 per cent to 30.5 per cent.

Figure 2 Trends in at-risk-of-poverty and basic deprivation, 2003-2013



Source: SILC, various years

Medium-term perspective on the headline target and supporting indicators

Table 2 compares the changes in poverty rates across two time periods; economic growth (2005 to 2008) to economic crisis (2009 to 2013). This type of analysis contrasts with the trend analysis, which can focus on peaks and troughs. The time period analysis neutralises any oscillations or extremes giving a clear sense of the contrast between poverty rates in Ireland during contrasting periods in the economic cycle.

The Table shows there was an increase of 1.2 percentage points in consistent poverty over the two periods. Basic deprivation rose by 10.7 percentage points between the two periods. This shows the social impact of the economic crisis. In contrast, at-risk-of-poverty fell by 1.3 percentage points to 15.3 per cent.

Table 2 Medium-term perspective on the headline target and supporting indicators

	Average 2005 - 2008	Average 2009 - 2013	Difference
Consistent poverty	5.7%	6.9%	↑ 1.2 (pp)
Basic deprivation	13.6%	24.3%	↑ 10.7 (pp)
At-risk-of-poverty	16.6%	15.3%	↓ -1.3 (pp)

Source: SILC, various years

No analysis is available for the cumulative impact of Budgets 2012-2015.

CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
- [Fig. 2. Article 66: Type of social security schemes and method of benefit calculation](#)
- [Fig. 3. Article 67: Type of social security schemes and method of benefit calculation](#)
- [Extracts from the Government Reports \(2011-2015\) on the ECSS concerning the Reference Wage](#)
- [Table 1. Calculation of the reference wage under all options permitted by Articles 65-66 of the ECSS/C102](#)
- [Fig.4. Comparison of the reported reference wage to other wage indicators in Ireland](#)

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

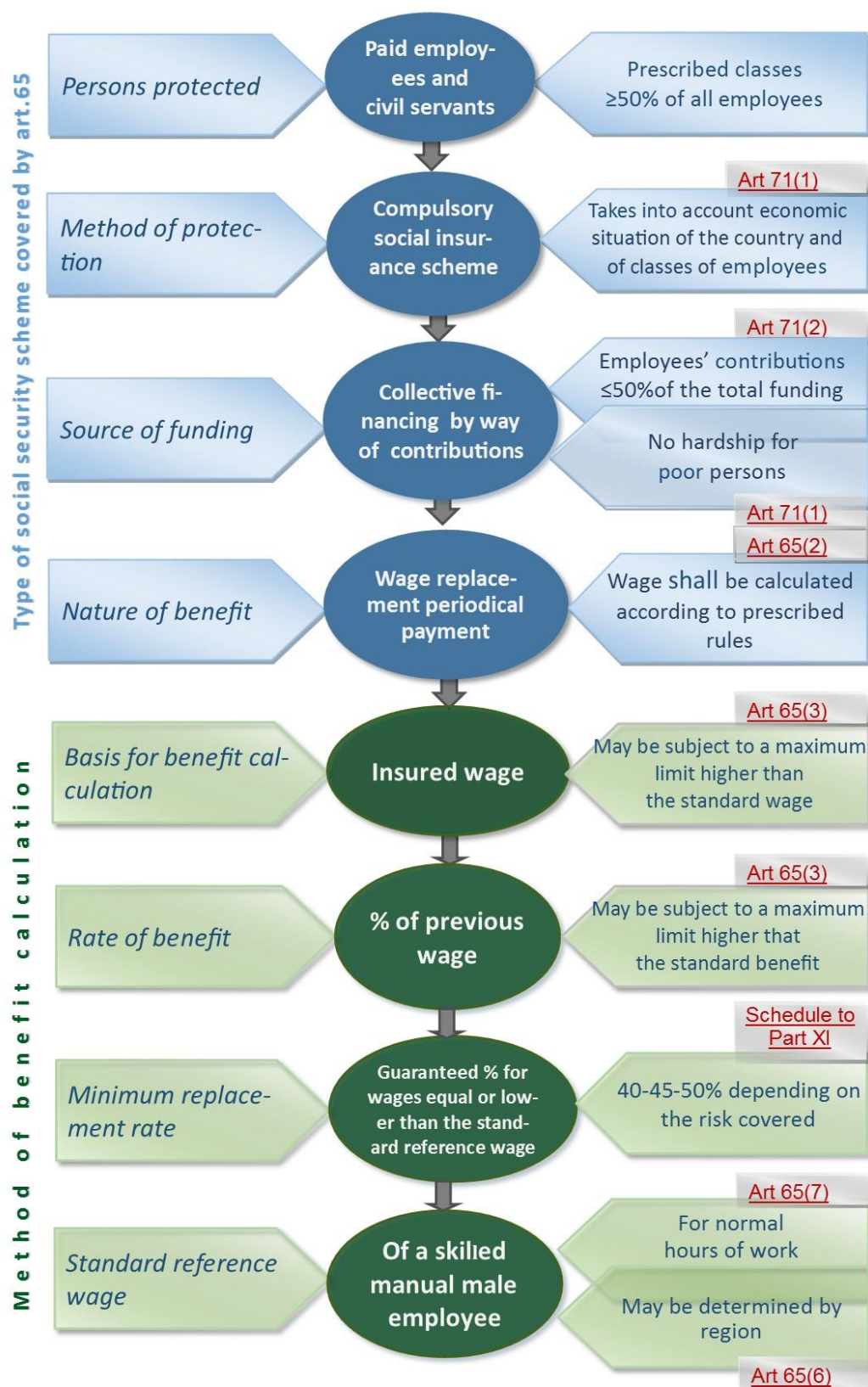


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

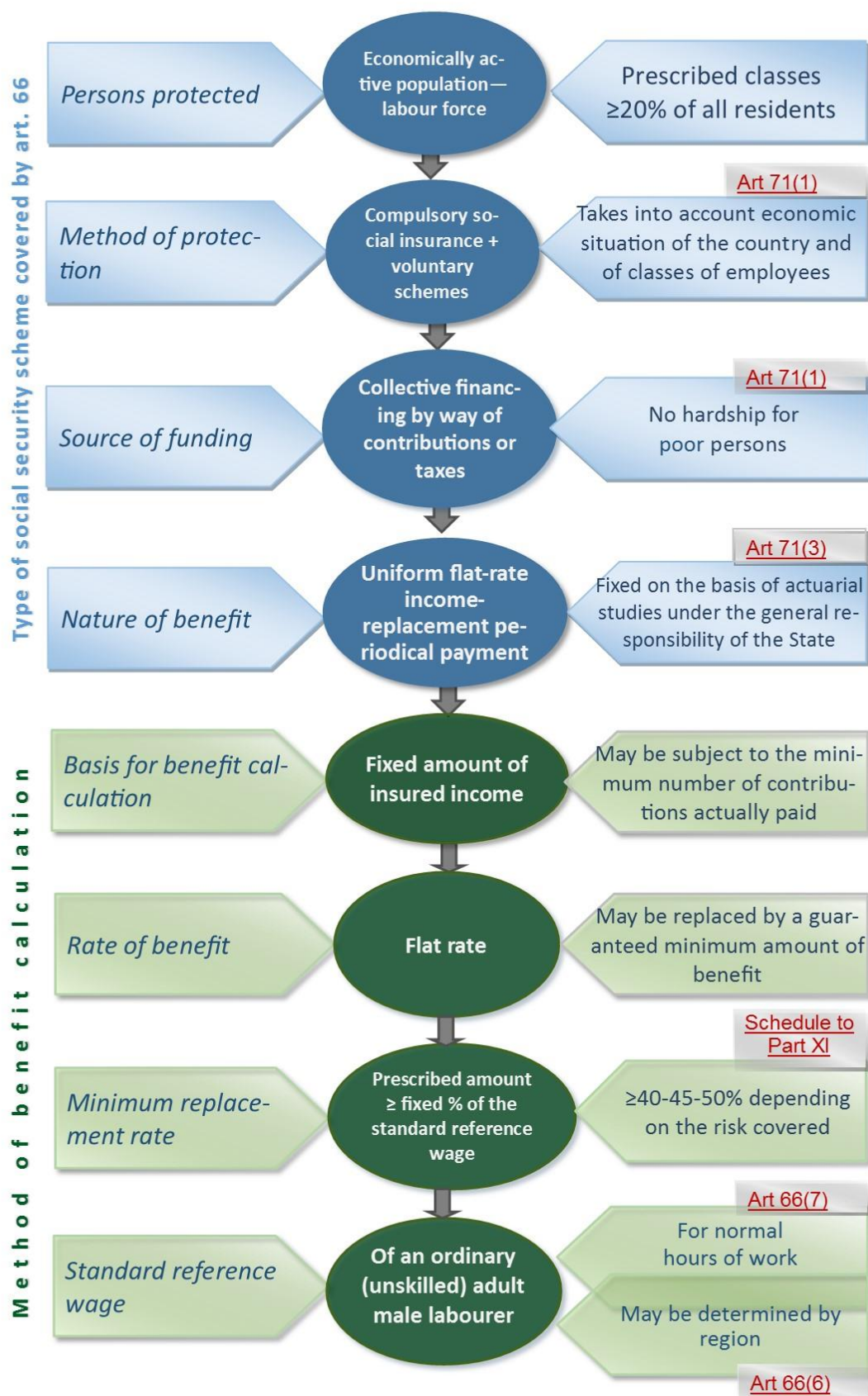
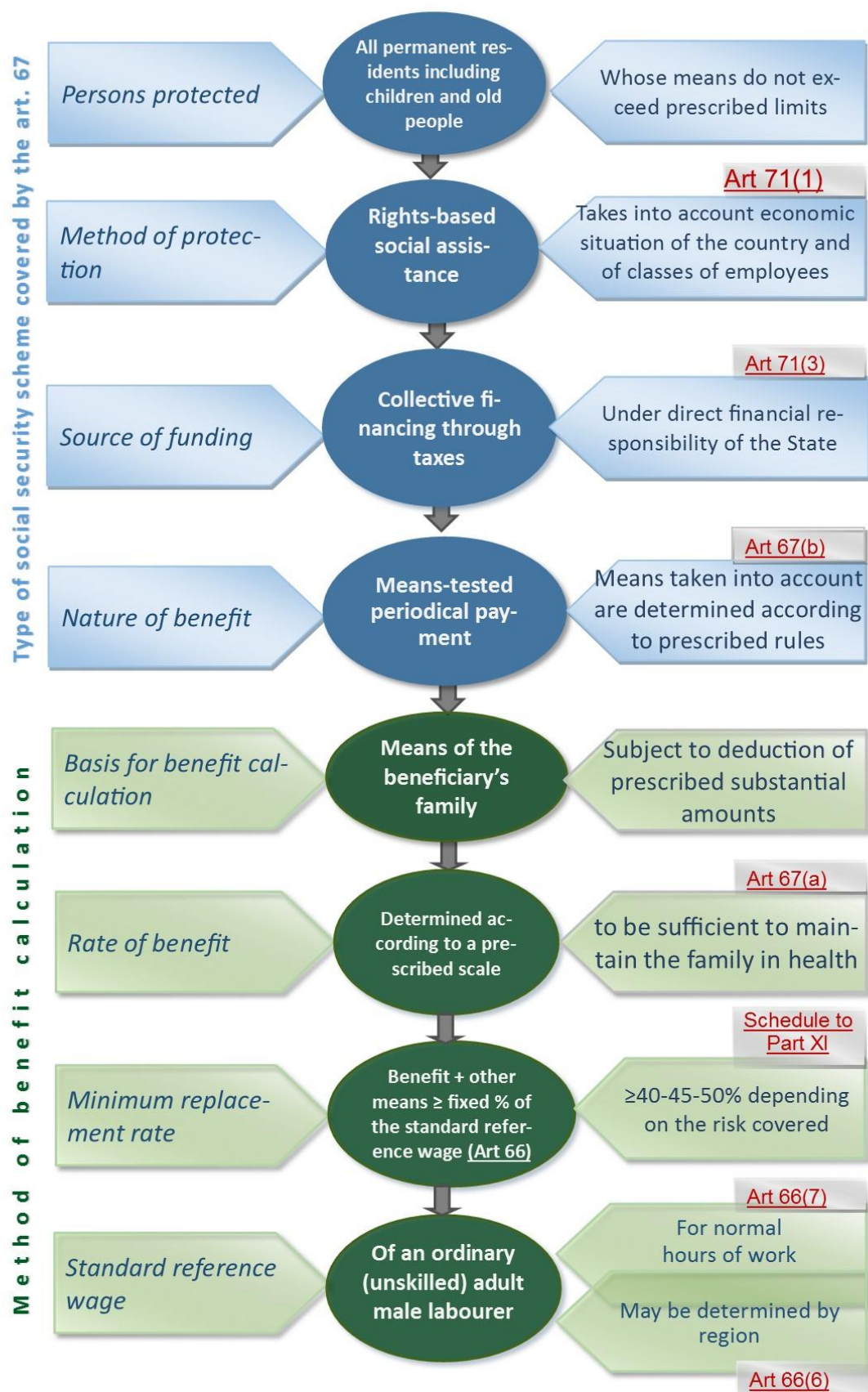


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation



Extracts from the Government Reports (2011-2015) on the ECSS concerning the Reference Wage

Reports of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015), pp. 64-65

Ireland has updated the methodology for collecting and presenting data on wages. The Irish Central Statistics Office (CSO) is scheduled to present data this year following a comprehensive project titled the 'Structure of Earnings Survey Administrative Data Project'. The Project is due to publish data for 2011 in the autumn and is scheduled to deliver 2012 and 2013 data towards the end of 2015 with 2014 data expected in early 2016. Data for subsequent years will be available annually thereafter. Data in relation to the gender breakdown for the main occupations which encompass the category of 'unskilled male worker' is due to be published in respect of the years 2011 to 2013 by the end of 2015. Once this information is available, the relevant reference wage will be used to align the statistics in future reports to the Committee, albeit with a two-year time lag arising.¹⁰ When the data is available from the CSO, it will be analysed with a view to ascertaining which of the two options in Article 66 is best supported by the data available for future reporting purposes.

Pending the availability of the relevant reference wage as outlined in the foregoing paragraph and noting the data provided by the Committee in its 'Technical Note', the data relating to Article 66 (4) b: a person deemed typical of unskilled labour (€2,699 per month), is used as the reference wage for the purposes of this report as an interim measure. As requested by the Committee, the replacement levels of benefits under the accepted Parts of the Code have been recalculated accordingly and included when reporting on the relevant Articles in this report.

Reports of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2013 - 30 June 2014), p. 48

The reference wage has been selected according to Article 66(4)(a)

In line with previous reports, the reference wage used is the average rate of pay for unskilled workers in the metals and engineering sector. The weekly rate of pay for April 2013 is €498.85.

*[498.85 euros *52.2 weeks / 12 months = 2170 euros per months]

Reports of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2012 - 30 June 2013), p. 45

¹⁰ For example, reference wage data for 2014 due for publication in early 2016 will be used in the 43rd report to the Governmental Committee in 2016.

In line with our previous reports, the reference wage used is the average rate of pay for unskilled workers in the metals and engineering sector. The rate of pay for April 2012 is €485.63.

*[485.63 euros *52.2 weeks / 12 months = 2112.5 euros per months]

Reports of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), p.6

The relevant wage for unskilled manual labourers in metals and engineering at April 2010 is €480.07. The figure for 2011 is not yet available and is unlikely to be published until at least September. However, it is expected that any change in rates is likely to be marginal.

*[480.07 euros *52.2 weeks / 12 months = 2088.3 euros per months]

Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹¹ - 2010	Government ¹²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ¹³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ¹⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	3295 euros ¹⁵	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	4332.5 euros ¹⁶ (full-time and part-time employees)	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	unskilled worker in metals / engineering 2088.3 euros ¹⁷ - 2011 (2010) 2112.5 euros ¹⁸ - 2012 2170 euros ¹⁹ - 2013 Male sex is not specified
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	2699 euros ²⁰	NEW report: €622.85 per week or €32.388 per annum Therefore, €2699 per month – be aware that this is a ref wage for 2010
Option 6	Art. 67 (a) rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules			

* Gross wages are used unless stated otherwise

¹¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

¹² Reference wage reported by the Government on the application of ECSS and C.102

¹³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

¹⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

¹⁵ Structure of earnings survey (SES)– Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

¹⁶ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

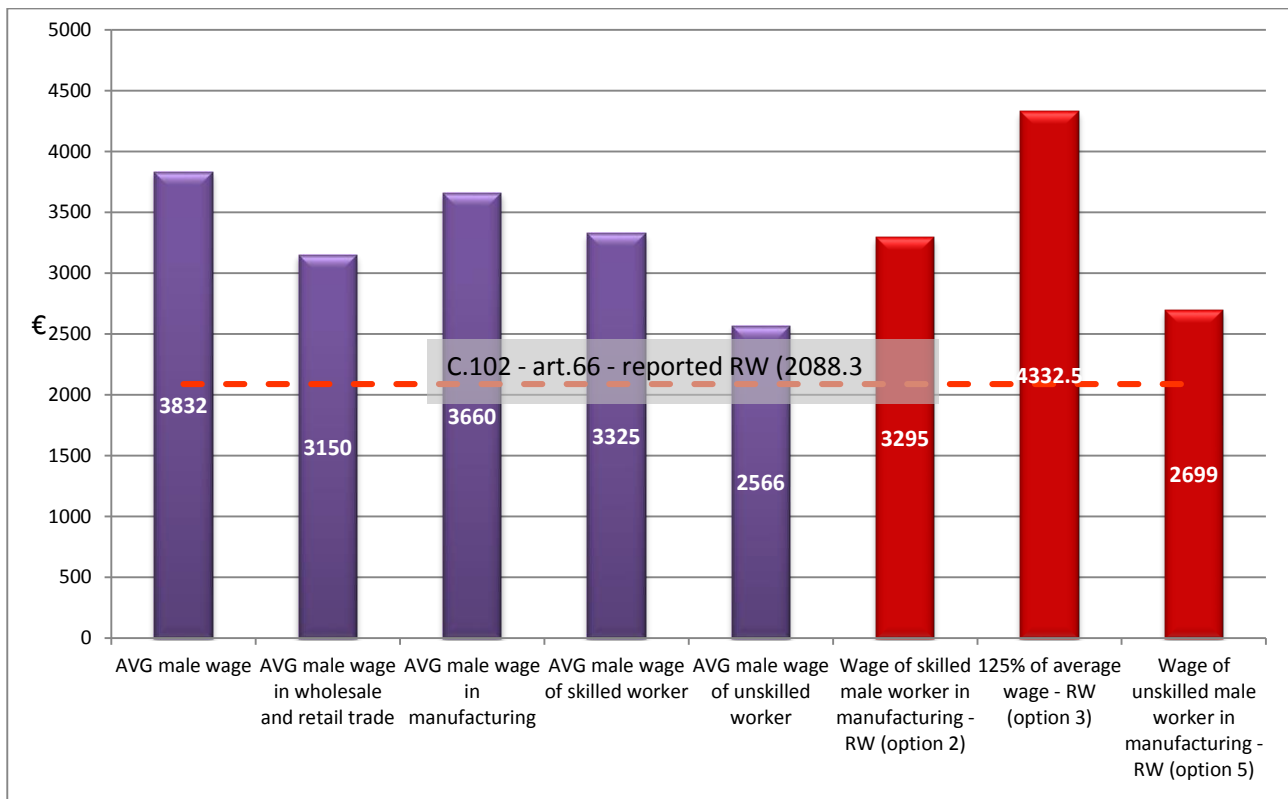
¹⁷ Report of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), p. 6

¹⁸ Report of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2012 - 30 June 2013), p. 45

¹⁹ Report of Ireland under Article 74 of the European Code of Social Security and its Protocol (1 July 2013 - 30 June 2014), p. 48

²⁰ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig 4. Comparison of the reported reference wage (option 4) to other wage indicators in Ireland, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (working time includes both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of Ireland under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2016](#)
- [Table 4. Up-to-date standards on which reports are due in 2017](#)
- [Next detailed report of Ireland under Article 74 of the ECSS. \(Extract from CEACR 2015 Conclusions\)](#)
- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
						27§1c					
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

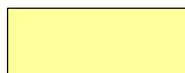


Social Security Standards in force for Ireland



Social Security Standards not in force

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10 §1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1 Art. 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11§1§2, 13		Art.1§1§3	Art.23	Art.3§1§2§3, 15§2	Art.16	Art.8§1	Art.15 §1§3		Art.4§1, 14§1	
	Art.11§3 😞				Art.3§4 😞	Art.27§1b 😞 Art.27§1c				Art.13, 14§3, 30	
	😞 Right to Social Security Art.12§1										
	Art.12§2§3										
	Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies



critical comments or non-compliance

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10 §1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1§2		Art.1§1§3	Art.23	Art.15§2	Art.16, 27§1b	Art.8§1	Art.15 §1§3		Art.4§1	
					Art.3					Art.13§1§2 §3, 14, 30	
					Right to Social Security Art.12§1						
	Art.12§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b	Art.8§1	Art.15 §1§3		Art.4§1	
						Art.27§1c				Art.13§1§2 §3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of Ireland under Article 74 of the ECSS

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle on the Code, in July–August 2016 the Government shall submit a detailed report covering the five-year period from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on Convention No. 102, in June–August 2016 the Government shall also submit a detailed report for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government's attention to the alignment of the reporting obligations under the Code and Convention No. 102 and to the similarity of the report forms on both instruments, the objective of which is to reduce the administrative workload and avoid duplication of reports. For this purpose, the report form on the Code expressly stipulates that, if a Government is bound by similar obligations as a result of having ratified ILO Convention No. 102, "it may communicate to the Council of Europe copies of the reports it submits to the International Labour Office on the implementation of this Convention". The Committee points out that this simplified procedure can be used next year to report on Parts III, IV and X of the Code, which are accepted by Ireland under both instruments. Conversely, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee in assessing the application of Convention No. 102.

Furthermore, by 31 October 2016, Ireland will also report on the application of the accepted provisions of the European Social Charter under the thematic group "Health, social security and social protection", which includes the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to benefit from social welfare services (Article 14), the right of elderly persons to social protection (Article 23) and the right to protection against poverty and social exclusion (Article 30). The Committee observes that these Articles of the Charter are directly related to many provisions of the Code and ILO social security Conventions and form a single legal space of the international social security law. Taking into account that the reference period for the report on the Charter (1 January 2012 to 31 December 2015) falls inside the reference periods for detailed reports on the Code and Convention No. 102, the Government is invited to coordinate the fulfilment of its compliance and reporting obligations under these interrelated international instruments in order to improve the quality and consistency of the information provided. Such coordination between responsible national agencies and government departments could be further extended to include reporting on social security provisions of the United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, Ireland's report on which is due in 2020.

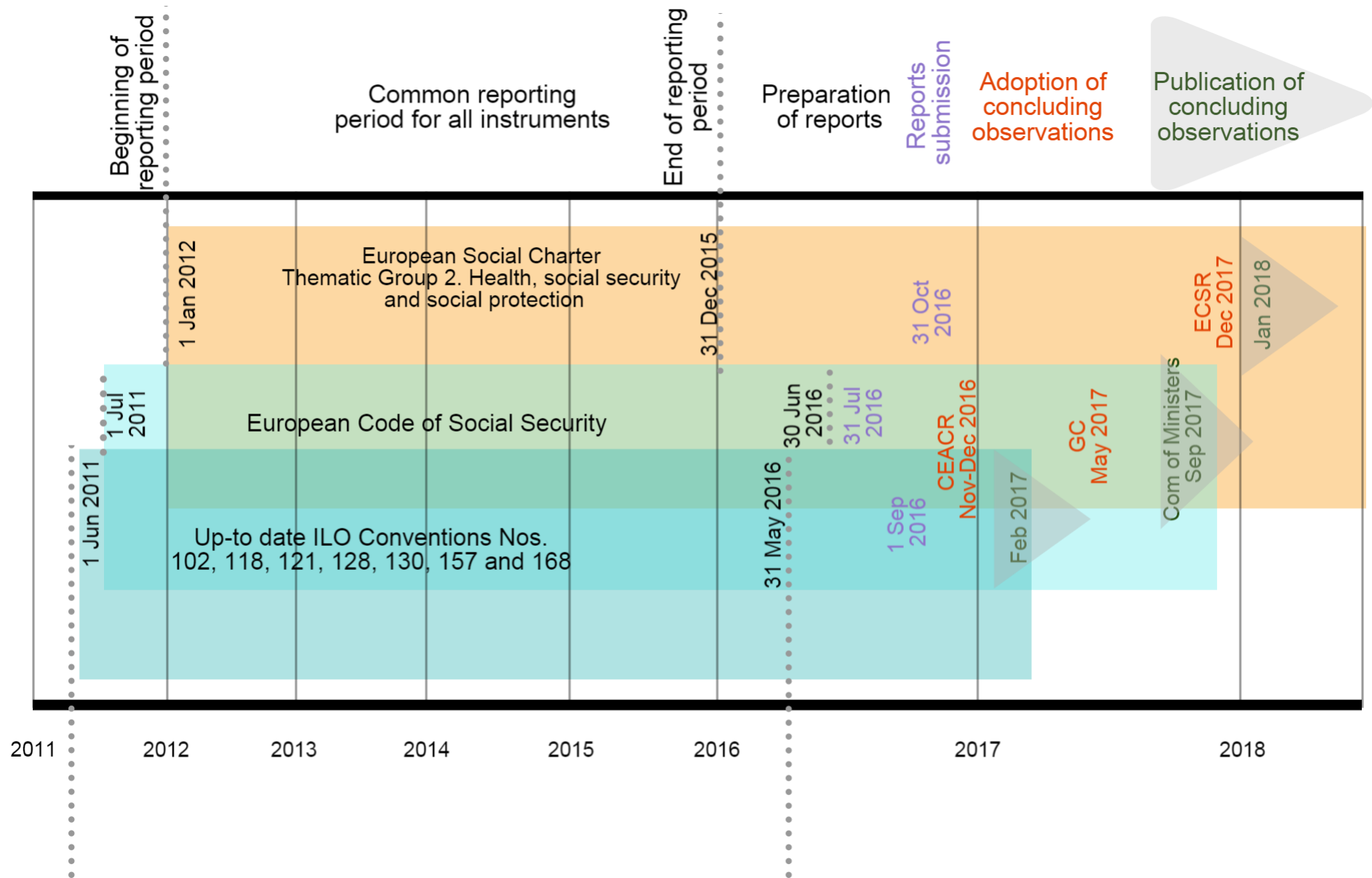
With regard to coordination of compliance obligations, the Committee recalls that, in formulating its country conclusions on the application of the Code, it takes account of the relevant observations made by other international supervisory bodies, such as the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights. To facilitate the integrated management of Ireland's obligations under the social security provisions of the main European and international treaties on social rights, the Committee refers the Government to the coordination tables and reporting timelines presented in the ILO technical note, together with the structured compilation of the comments made by their supervisory bodies. The Committee hopes that such a holistic vision of the legal commitments taken by the State will help the Government to apply the rights-based approach to fiscal consolidation policy and complement it by the legal consolidation of all international obligations binding Ireland to the full respect of social security rights.

Coordination of reporting between the ECSS and C102
Form for the annual report on the European Code of Social Security (as modified
by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



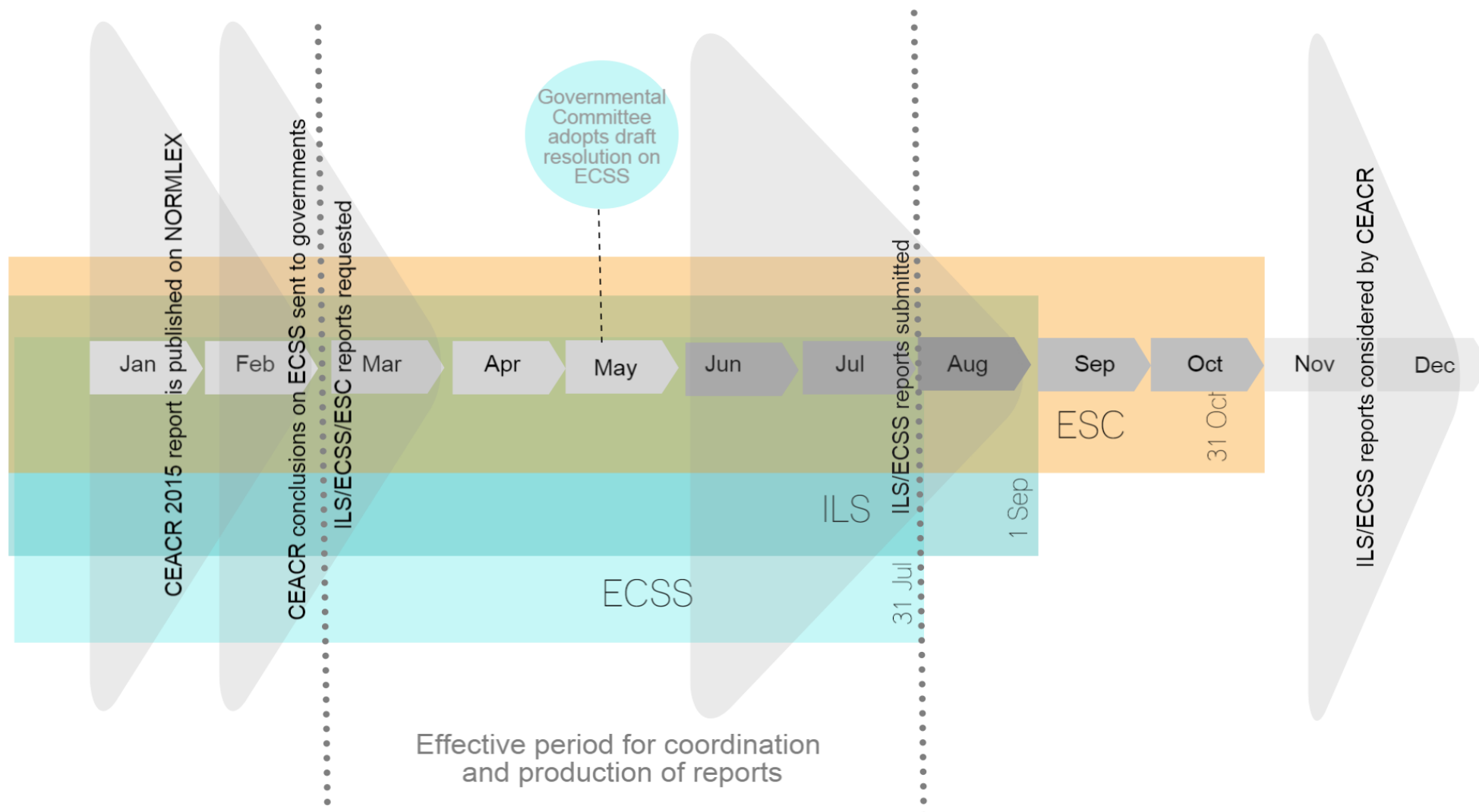


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Ireland](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [**United Nations**](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [**Council of Europe**](#)

- [European Social Charter](#)
- [European Code of Social Security](#)

3. [**International Labour Organization**](#)

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)

4. [**EU Country-Specific Recommendations: 2015**](#)

Table 1. In force international treaties on social rights ratified by Ireland

Body	International Treaty	Entry into force for Ireland	Next report due on
United Nations	ICESCR	8 Dec 1989	30 Jun 2020
	Convention on the Rights of the Child	28 Sep 1992	Submitted 02 Aug 2013, tbc in 2016
	Convention on the Elimination of All Forms of Discrimination against Women	23 Dec 1985	22 Jan 2007
	Convention on the Rights of People with Disabilities		
Council of Europe	European Code of Social Security	17 Feb 1972	1 Jul - 31 Aug 2016
	European Social Charter	4 Nov 2000	31 Oct 2015
International Labour Organization	Convention 102	17 Jun 1968	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121	9 Jun 1969	1 Jun - 1 Sep 2016
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183		
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

<i>Instrument</i>	<i>Supervisory body</i>	<i>Type of a State party report/Reporting cycle</i>	<i>Comments of the supervisory body</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2015

(the numeration of comments is kept in accordance to the original)

[*UN Office of the High Commissioner for Human Rights website link, Treaty bodies database*](#)

Maximum available resources

11. While noting the unprecedented economic and financial crisis that the State party went through and its exit from the bailout programme during the reporting period, the Committee notes with concern that, in spite of the social transfers made by the State party to mitigate the impact of austerity measures:

(a) The State party's response to the crisis has been disproportionately focused on instituting cuts to public expenditure in the areas of housing, social security, health care and education, without altering its tax regime;

(b) Many austerity measures have been adopted during and after the crisis without proper assessments of their impact on economic, social and cultural rights;

(c) The austerity measures, which continue to be applied, have had a significant adverse impact on the entire population, particularly on disadvantaged and marginalized individuals and groups, in enjoying their economic, social and cultural rights;

(d) No review has been carried out of such measures in a comprehensive and human rights-based manner since the State party's exit from the bailout programme.

The Committee recommends that the State party:

(a) Review, based on human rights standards, all the measures that have been taken in response to the economic and financial crisis and are still in place with a view to ensuring the enjoyment of economic, social and cultural rights. In this regard, it draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, in particular to the requirements that austerity policies must meet. The policies must be temporary, covering only the period of the crisis, and they must be necessary and proportionate. They must not result in discrimination and increased inequalities. They must comprise all possible measures, including tax measures, to ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected. They must also identify the minimum core content of the Covenant rights or a social protection floor and ensure the protection of this core content at all times;

(b) Ensure that austerity measures are gradually phased out and the effective protection of the rights under the Covenant is enhanced in line with the progress achieved in the post-crisis economy recovery;

(c) Consider reviewing its tax regime, with a view to increasing its revenues to restore the pre-crisis levels of public services and social benefits, in a transparent and participatory manner;

(d) Consider instituting human rights impact assessments in its policymaking process, particularly relating to Covenant rights.

Right to just and favourable conditions of work

17. While noting the publication of the National Minimum Wage (Low Pay Commission) Bill 2015, the Committee is concerned at the:

(a) Insufficient level of the minimum wage to ensure a decent living for workers and their families;

(b) Exemptions from the obligation to pay the statutory minimum wage even in cases of opposition from the majority of the workers, their representatives or the trade unions concerned;

(c) Inadequate working conditions of workers on zero-hour (or low-hour) contracts and their limited access to labour protection and social benefits as well as the lack of data on zero-hour contracts;

(d) Lack of guarantee of the compensatory rest for working on a Sunday in the Organisation of Working Time Act, 1997 (arts. 7 and 8).

Social security

20. The Committee is concerned at the large number of social welfare appeals owing to the lack of clear understanding and consistent application of the eligibility criteria. It is also concerned that a considerable number of initial decisions on these appeals have been revoked (art. 9).

Bearing in mind that social welfare benefits provide a social safety net to the most disadvantaged and marginalized, the Committee recommends that the State party clarify the eligibility criteria regarding social welfare benefits as well as their application so as to avoid a large number of appeals. It also recommends that initial decisions on social welfare appeals be made in a consistent and transparent manner and that appropriate training be provided to the public officers who make such decisions.

Maternity benefits and childcare services

23. The Committee is concerned that not all women workers are covered by the maternity benefits scheme and that paternity leave is not statutory. It is also concerned at the very high cost of childcare services provided by private actors and the lack of affordable public childcare services in the State party (art. 10).

The Committee recommends that the State party review the maternity benefits scheme with a view to ensuring that all women workers benefit from the scheme and expedite the enactment of the Family Leave Bill to ensure statutory entitlement to all family care-related leave, including paternity leave. It also recommends that the State party take all the necessary measures to meet the childcare needs of families, including through expanding affordable public childcare services.

Poverty

24. The Committee is concerned at the increase in the number of people living in consistent poverty or at risk of poverty, particularly among children, single-parent families, older persons, persons with disabilities, migrants, Travellers and Roma. It is also concerned at the lack of integration of economic, social and cultural rights into poverty reduction policies as well as at the absence of concrete policies addressing the specific needs of the groups affected (art. 11).

The Committee recommends that the State party step up its efforts to reduce poverty, paying special attention to disadvantaged and marginalized individuals and groups,

including through the adoption of poverty reduction programmes and strategies with concrete targets and a time frame for implementation. It also recommends that the State party integrate a human rights-based approach in all poverty reduction programmes and strategies, guaranteeing entitlements to individuals and ensuring accountability.

Health-care services

28. The Committee is concerned at the overall deterioration in health-care services due to significant budget cuts in public health in recent years and at the negative impact on access for disadvantaged and marginalized individuals and groups to adequate health care, in particular, the:

- (a) Widening disparity between people with and those without private health insurance in accessing medical services;
- (b) Delay in providing universal health services and community-based health services;
- (c) Lack of oversight of health-care services;
- (d) Poor health state of Travellers and Roma, particularly with regard to their life expectancy, which is 15 years shorter, and infant mortality, which is more than three times higher, than the general population (art. 12).

The Committee recommends that the State party take all the measures necessary to improve, in both qualitative and quantitative terms, its public health-care services, including by increasing public spending on health care, introducing a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients and expediting the introduction of a universal health services system and community-based health services. It also recommends that the State party strengthen the Health Information and Quality Authority to ensure quality health services and take effective measures without delay to reduce the disparity between Travellers and Roma and the general public in health and access to health services.

Convention on the Rights of the Child – Concluding observations 2008

No relevant information.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2005

[*UN OHCHR website link, Treaty bodies database*](#)

54. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, on protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such

legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention. It requests the State party to provide information about the impact of such measures in its next report.

392. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus on addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

393. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly. It further recommends that the State party consider allowing for the Homemaker's Scheme (1994) to be applied retroactively so as to benefit older women.

Convention on the Right of Persons with Disabilities – Concluding observations

No concluding observations available yet.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter. link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

As regards the employment and unemployment rates, Ireland performed worse than the EU-27 on average – the employment rate amounted to 60.0 % in 2010, a sharp decline from 69.2% in 2007.

The unemployment rate was also higher than that of the EU-27, with 13.7 % in 2010 against 9.7 % in the EU-27 on average. The youth unemployment rate was of 27.8 % in 2010, up from 8.9 % in 2007. As regards the long-term unemployment rate as a percentage of all unemployed persons, it amounted to 49.0 % in 2010, up from 29.6% in 2007.

The above statistical information shows a very different picture from the one in the last assessment of the situation (Conclusions 2006), where Ireland was going through record economic and employment growth, and its employment and unemployment levels were comparatively better than in other States Party on average. The Committee in particular notes the current sharp increase in the unemployment rate of young people and long-term unemployed persons, two particularly vulnerable groups.

Employment policy

The Committee notes from an OECD Working Paper that Irish performance on job search assistance has been ineffective. Around 25% of those persons eligible for assistance were never referred to FÁS for an activation interview, probably due to a mix of coordination failures and capacity constraints. Moreover, the working paper states that Irish spending on active labour market policies is heavily tilted towards job creation schemes, while there is evidence of their ineffectiveness as an activation tool. The Committee asks whether the outcome of measures provided by FÁS or the Education sector has been monitored, and more generally, how the effectiveness of labour market policies is evaluated.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Free placement services

The report indicates that the number of completely new job-seekers registered with the National Training and Employment Authority (FÁS) fell from 116,000 in 2009 to 97,000 in 2010. At the same time, a total of 118,000 persons were referred to FÁS by the Department of Social Protection (DSP), a 15% rise over the level in 2009. The report does not answer the question put in the previous conclusion concerning the number of placements made by the employment services. The Committee therefore asks that the next report specify the placement rate – i.e. the number of placements made by FÁS as a percentage of the total vacancies notified to FÁS. It also again asks for information on the market share of placements by FÁS and private employment agencies, indicating their respective total number of placements as a proportion of the total number of persons recruited on the labour market.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The Committee notes that the report submitted by Ireland does not contain any information on Article 3§1 of the Charter. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Safety and health regulations

The Committee notes that the report submitted by Ireland does not provide any information on Article 3§2 of the Charter. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Ireland under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion

Paragraph 3 - Enforcement of safety and health regulations

The Committee notes that the report submitted by Ireland does not provide any information on Article 3§3 of the Charter. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Ireland under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Paragraph 4 - Occupational health services

The Committee notes that the report submitted by Ireland does not provide any information on Article 3§4 of the Charter. The Committee refers to its previous conclusion (Conclusions 2009) where it deferred its conclusion pending receipt of information on:

- the impact of the Health and Safety Authority's Workplace Health and Well-being Strategy on the development of health services in small and micro enterprises;
- the proportion of enterprises equipped with medical services or sharing them;
- whether the public authorities envisage encouraging the full development of occupational health services by other means than statutory requirements or the aforementioned Strategy.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 3§4 of the Charter on the ground that it has not been established that the public authorities promote the progressive institution of occupational health services.

Paragraph 4 - Occupational health services – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Ireland in response to the conclusion that it had not been established that the public authorities promoted the progressive institution of occupational health services.

The Committee recalls that under Article 3§4 States must promote, in consultation with employers' and workers' organisations, the progressive development of occupational health services for all workers with essentially preventive and advisory functions. These services may be run jointly by several companies. The services must be efficient and should be able to identify, measure and prevent work-related stress, aggression and violence (see Statement of interpretation on Article 3§4, Conclusions 2013; also Conclusions 2003, Bulgaria). It further recalls that if occupational health services are not established for all enterprises, the authorities must develop a strategy, in consultation with employers' and employees' organisations, for that purpose. Thus, States "must take measures that allow it to achieve the objectives of the Charter within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources" (Conclusions 2003, Bulgaria, Conclusions 2009, Albania).

The Government states that there is no statutory requirement in Ireland on employers to provide access to occupational health services and there are no statutory plans to establish such services.

Larger organisations in both the public and private sectors may provide some occupational health services for employees. These services are provided on a full or part time basis depending on the number of employees and the employment sector. The services provided would include rehabilitation, absence management and health promotion.

Small and micro enterprises rarely provide occupational health services because of the cost. The 2008 Workplace Health and Wellbeing Strategy, produced by the Health and Safety Authority, recommended the development of a service delivery model that would support small and micro enterprises in implementing workplace health prevention, promotion and rehabilitation programmes including access to occupational health services. However, in recent years there has been no progress made in developing occupational health services for small and micro enterprises.

The Committee notes that the Government is not in a position to give an accurate estimate of the number of companies and the proportion of employees that still do not have access to occupational health services in 2013, but that "it is highly likely that the majority do not." It further notes that there is no plan in place by the Government, its agencies or private enterprise to improve the provision of such services for small and micro enterprises.

On this basis the Committee considers that the requirements of Article 3§4 of the Charter as outlined above are not met.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 3§4 of the Charter on the ground that there is no strategy to develop occupational health services for all workers.

Article 4 - Right to a fair remuneration – Conclusions 2014

Paragraph 1 - Decent remuneration

The Committee also points out that, although it may be acceptable to pay a lower minimum wage to younger workers, the reduction must be shown to further a legitimate aim and be proportionate to achieve that aim (General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece, Complaint No. 65/2011, decision on the merits of 23 May 2012, §60). It notes in the present case that the reduced rates of the net NMW applicable to adult workers on their first employment and to those following a course of study are below the minimum threshold. It therefore considers that the reduced NMW does not constitute a decent remuneration within the meaning of Article 4§1 of the Charter. It asks that the next report indicate the net amounts of the NMW and the average earnings and that, where necessary, it provides detailed and up to date information concerning direct taxation, social security contributions, the cost of living, and financial transfers or social security benefits linked to pay. The Committee takes note of the changes made to the wage-setting mechanism after the reference period as set out in the report. It asks that the next report provide information on the action taken in response to the Supreme Court decision of 9 May 2013. It also asks for information concerning the impact of the memorandums of understanding drawn up with the International Monetary Fund, the European Central Bank and the European Commission with regard to pay. It also asks for information on the practical application of exemptions from the obligation to pay the NMW provided for in section 41 of the National Minimum Wage Act. In the meantime it reserves its position on this issue. The Committee notes that the NMW is applicable in all branches of the private sector and asks that the next report provide information on the remuneration of civil servants, employees and workers in the public sector.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 4§1 of the Charter on the ground that the reduced national minimum wage applicable to adult workers on their first employment or following a course of studies is not sufficient to ensure a decent standard of living.

Article 8 - Right of employed women to protection of maternity – Conclusions 2011

Paragraph 1 - Maternity leave

Right to maternity leave

The Committee asks what legal safeguards exist to avoid any undue pressure from employers to shorten their maternity leave. It will also take into account whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women, and whether collective agreements offer additional protection. The general legal framework surrounding maternity (for instance, whether there is a parental leave system whereby either parents can take paid leave at the end of the maternity leave) will be taken into consideration.

Until it has all the relevant information, it reserves its position on the matter. The Committee asks whether the same regime applies to women employed in the public sector.

Right to maternity benefits

Maternity benefit is paid during the 26 weeks of maternity leave to all insured persons in employment or self-employment, including agricultural and domestic workers, with the exception of public servants who commenced employment before 1995, and who are entitled to full wages, and persons who are in state-sponsored employment training schemes, or whose employment is less than €38 per week and would not be dependent on this income.

The contribution conditions for employees are: (i) 39 weeks contributions paid in the 12-month period before the first day of maternity, or (ii) 39 weeks contributions paid since first starting to work and at least 39 weeks contributions paid or credited in the relevant tax year or in the year following the relevant tax year, or (iii) 26 weeks contributions paid in the relevant tax year or at least 26 weeks contributions paid in the tax year before the relevant tax year, or (iv) for selfemployed persons, 52 contributions paid in the last or second last contribution year or in the year after the relevant tax year. Periods of unemployment are taken into account for the calculation of the qualifying period.

The rate of benefits is 80% of earnings or self-employed income which the person received in the previous contribution year, subject to maximum and minimum rates - respectively €262 and €217.80 per week in January 2011, which are the only figures provided in the report. Extra payments are made for qualified persons (spouse or civil partner) or qualified children (being maintained by the person concerned). However, the Committee considers that the minimum and maximum rates for women who are not entitled to such extra payments are too low considering that the annual at-risk-of-poverty threshold in Ireland was €12 064 in 2009 (i.e. around €251 per week). The level of maternity benefit can therefore not be considered as adequate as it is manifestly too low.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 8§1 of the Charter on the grounds that the amount of maternity benefit is manifestly too low.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

The Committee notes that the Irish report does not contain any information on Article 11§1. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter. The Committee asks that this matter be duly addressed in the next report of Ireland.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

The Committee notes that the Irish report does not contain any information on Article 11§2. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter. The Committee asks that this matter be duly addressed in the next report of Ireland.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

Ireland has submitted no information on Article 11§3 in its report. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was not in conformity with the Charter on the ground that it had not been established that adequate measures were in place to prevent the risks arising from asbestos and that adequate measures were in place to prevent and reduce accidents. The Committee reiterates its previous finding of non-conformity.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 11§3 of the Charter on the grounds that:

- it has not been established that adequate measures are in place to prevent the risks arising from asbestos
- it has not been established that adequate measures are in place to prevent and reduce accidents.

Paragraph 3 - Prevention of diseases and accidents – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Ireland in response to the conclusion that it had not been established that adequate measures were in place to prevent the risks arising from asbestos and that adequate measures were in place to prevent and reduce accidents (Conclusions 2013, Ireland).

On the first point, the Committee recalls that Article 11 entails a policy that bans the use, production and sale of asbestos and products containing it (Conclusions XVII-2 (2005), Portugal). There must also be legislation requiring the owners of residential property and public buildings to search for any asbestos and where appropriate remove it, and placing obligations on enterprises concerning waste disposal (Conclusions XVII-2 (2005), Latvia).

The report states that the placing on the market, supply, use and further adaptation of asbestos fibres of all types, and of products containing asbestos fibres, is prohibited under the EU Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation. It further provides information on health and safety legislation governing the removal and disposal of asbestos and on the duties of owners of residential property (Safety, Health and Welfare at Work (Construction) Regulations 2013). The Waste Management Act transposing the EU Waste Framework Directive places the responsibility for asbestos waste management on the holder and/or the owner of any waste, including costs for removal and disposal.

The Committee considers that the situation is in conformity with the Charter in this respect.

As regards accidents the Committee recalls that States must take steps to prevent them. The main sorts of accident covered are road accidents, domestic accidents, accidents at school, accidents during leisure time, including those caused by animals (Conclusions 2005, Moldova). Accidents at work are examined from the standpoint of health and safety under Article 3 of the Charter.

The Committee notes that the Government provides information solely on accidents at work. However, as indicated the Committee examines such accidents under Article 3 and it refers to its most recent conclusions in respect of these provisions (Conclusions 2013, Ireland). As the

Government provides no information on the main sorts of accidents examined under Article 11 the Committee reiterates its conclusion that it has not been established that adequate measures were in place to prevent and reduce accidents.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 11§3 of the Charter on the ground that it has not been established that adequate measures were in place to prevent and reduce accidents (such as road accidents, domestic accidents, accidents at school and accidents during leisure time).

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Ireland has submitted no information on Article 12§1 in its report. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was not in conformity with the Charter on the grounds that the minimum levels of sickness, unemployment, survivor's, employment injury and invalidity benefits were inadequate. The Committee reiterates its previous finding of non-conformity.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 12§1 of the Charter on the grounds that the minimum levels of sickness, unemployment, survivor's, employment injury and invalidity benefits are inadequate.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee notes that the Irish report contains no information on Article 12§2. Ireland has ratified the European Code of Social Security on 16 February 1971 and accepted parts III-IV, VII and X of the Code. The Committee notes from Resolution CM/ResCSS(2012)20 of the Committee of Ministers on the application of the European Code of Social Security and its Protocol by Ireland (period from 1 July 2010 to 30 June 2011) that the law and practice in Ireland continue to give full effect to the four parts of the Code that have been accepted, subject to the revision of the length of the qualifying period for entitlement to the sickness and unemployment benefits.

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 12§2 of the Charter.

Paragraph 3 - Development of the social security system

The Committee notes that the Irish report does not contain any information on Article 12§3. The Committee refers to its previous conclusion (Conclusions 2009) where it held that the situation was in conformity with the Charter. The Committee asks that this matter be duly addressed in the next report of Ireland.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the level of assistance during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSOC the basic monthly minimum allowance paid to a single person amounted to €849 in 2010 and €806 in 2011. The report indicates on the other hand that the weekly rates were respectively €196 in 2010 and €188 in 2011 (i.e. monthly €784 and €752).
- Additional benefits: MISSOC indicates that a rent supplement scheme provides short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs. The level of support depends on location of the rented accommodation and family size. Other available allowances are the Mortgage interest supplement (short-term support to eligible people living in accommodation owned by the claimant, the level of support depends on the level of mortgage interest payable), the Fuel allowance (€20 per week, payable for 32 weeks per year), the Smokeless Fuel allowance (€3.90 per week for 32 weeks per year – it may be paid in addition to a Fuel allowance).
- Medical assistance: persons fully dependent on a non-contributory minimum have full eligibility for health services.
- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €828 in 2010 (MISSOC). According to another source (Social Justice Ireland), the estimation for 2011 would be €741.

In the light of the above data, the Committee considers that the level of social assistance is adequate.

Personal scope

With regard to the social assistance, in the light of the information presented, the Committee concluded that Ireland satisfied the requirements of the Charter as concerns the granting of social assistance to legally resident foreign nationals. As regards medical assistance, the Committee noted that any person "ordinarily resident" in Ireland (i.e. having resided or intending to reside at least one year) is entitled to full or limited eligibility for health services, and that Regional Health Boards have a discretion to provide medical treatment to those who do not qualify as "ordinarily resident". In this respect, the Committee asked how the Regional Health Boards exercise their powers in practice, whether guidance exists on this matter and whether any data exists as to the number of cases where medical assistance has been refused on the basis of a failure to satisfy the requirement to be ordinarily resident. The Committee also asked for information on the nature and extent of urgent medical care granted to persons who are not ordinarily resident. Furthermore, the Committee asked to be informed about the developments concerning the legislative work under way on eligibility for and entitlement to health and personal social services. In the absence of a reply to these questions, the Committee does not find it established that foreign nationals, legally resident in Ireland, have adequate access to medical assistance.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 13§1 of the Charter on the ground that it is not established that foreign nationals without resources, legally residing in Ireland, have adequate access to healthcare.

Paragraph 1 - Adequate assistance for every person in need – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Ireland in response to the conclusion that it had not been established that foreign nationals, legally resident in Ireland, have adequate access to medical assistance (Conclusions 2013).

The Committee recalls that foreigners who are nationals of States Parties and are lawfully resident or working regularly in the territory of another Party must enjoy an individual right to appropriate assistance on an equal footing with nationals (Statement of interpretation on Article 13, Conclusions XIII-4).

The Committee previously noted that the Health Service Executive (HSE) makes determinations on an individual's eligibility for health services on the basis of the person being "ordinarily resident" in Ireland and it raised a series of questions on the notion of being ordinarily resident (see Conclusions 2009 and Conclusions 2013).

The report first of all emphasises that Irish legislation relating to social assistance schemes does not contain any nationality conditions, and applies equally to nationals and non-nationals. It then explains that the condition of being ordinarily resident differs to the habitual residence condition applied in respect of social services. A foreign national should be regarded as ordinarily resident in Ireland if he/she satisfies the HSE that it is his/her intention to remain in Ireland for a minimum period of one year. Examples of the evidence which may be sought in this context include: proof of property purchase or rental, including evidence that the property in question is the applicant's principal residence; evidence of transfer of funds, bank accounts, pensions; work permits or visas, statements from employers, etc.

The report further states that no data exists as to the number of cases where medical assistance has been refused on the basis of a failure to satisfy the requirement to be ordinarily resident. In any event, according to the report refusals of medical assistance do not occur where there is a need as determined by a medical practitioner.

On this basis, the Committee considers that the situations as regards access to medical assistance is in conformity with the Charter. It asks, however, that the next report provide up-dated information on the discretion exercised by the local health manager, if necessary by collecting relevant data on an ad hoc basis. It also wishes to receive up-dated information on the nature and scope of the medical assistance provided to ordinarily resident foreigners in need.

The Committee finally takes note of the information in respect of foreigners not ordinarily resident, but lawfully present in the territory, and decides to examine it under Article 13§4.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Ireland is in conformity with Article 13§1 of the Charter as regards access to medical assistance.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee takes note of the information contained in the report submitted by Ireland. The report states that the receipt of social assistance does not diminish political or social rights in

any way. The Committee notes that in its previous conclusion it found the situation to be in conformity with Article 13§2 (Conclusions 2009).

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee takes note of the information contained in the report submitted by Ireland. The Committee notes that there have been no changes to the situation which it has previously found to be in conformity with the charter (Conclusions 2009).

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 13§3 of the Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

Organisation of the social services

In its previous conclusion, the Committee asked for information on specific services for children and young persons. The report does not reply to this request. The Committee therefore reiterates its question. Should the next report not provide the information requested, there will be nothing to establish that the situation is in conformity with Article 14§1.

Effective and equal access

In its two previous conclusions, the Committee had asked about updated information on the fees for social services. The report does not reply to this request. The Committee therefore concludes that the situation is not in conformity with the Charter on the ground that it has not been established that there is an effective and equal access to social welfare services.

The Committee asks that the next report indicate, whether nationals of other States Parties to the Charter lawfully resident or regularly working in Ireland have the same entitlement regarding access to social services as citizens from Ireland, and if not what restrictions are applied.

Quality of services

Despite the request of the Committee, no statistics are provided on the total amount of annual spending on social services nor the total number of staff of all the social welfare services staff. Given the lack of information on all these issues, the Committee concludes that the situation is not in conformity with the Charter on the ground that it has not been established that the quality of social welfare services meets users' needs. The Committee asks whether there is any legislation on personal data protection..

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 14§1 of the Charter on the grounds that it has not been established that:

- there is an effective and equal access to social welfare services;
- the quality of social welfare services meets users' needs.

Paragraph 1 - Promotion or provision of social services – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Ireland in response to the conclusion that it had not been established that there was an effective and equal access to social welfare services and that the quality of social welfare services met users' needs (Conclusions 2013, Ireland).

As regards effective and equal access to services the Committee recalls that the information specifically requested concerned up-dated information on the fees for social services. It further recalls that social services may be provided subject to fees, fixed or variable, but they must not be so high as to prevent effective access to these services. For persons lacking adequate financial resources in terms of Article 13§1 services should in any event be provided free of charge (Statement of interpretation on Article 14§1, Conclusions 2009).

As the Government provides no information on fees for social services, the Committee reiterates that it has not been established that the situation is in conformity on this point.

With respect to the quality of social welfare services, the Committee based its previous conclusion on the lack of information on the total amount of annual spending on social services and on the total number of social services staff. It recalls that social services must have resources matching their responsibilities and the changing needs of users, which entails, inter alia, that staff shall be qualified and in sufficient numbers (Conclusions 2005, France). While noting the information provided on spending on the Local Community Development Programme and on the Senior Alerts Scheme, it considers this only to be a partial answer to the request for spending information. Moreover, the Government provides no information on the number (and qualifications) of social services staff. The Committee therefore reiterates its conclusion that it has not been established that the situation is in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 14§1 of the Charter on the grounds that it has not been established that:

- there is an effective and equal access to social welfare services (fees);
- the quality of social welfare services meets users' needs (total spending and staff).

Paragraph 2 - Public participation in the establishment and maintenance of social services

In its last conclusion the Committee asked for the following information:

- information on the enactment of the draft legislation on charities and its content;
- the steps taken to foster user participation in the management of social welfare services;
- the monitoring of standards that apply to social welfare services' providers.

Given that the report contains no new information, the Committee concludes that the situation is not in conformity with the Charter on the ground that it has not been established that the quality of social services delivered by non state providers meets users' needs.

In the absence of information concerning the issue of discrimination, the Committee wishes to know whether and how the Government ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

The Committee concludes that the situation in Ireland is not in conformity with Article 14§2 of the Charter on the grounds that it has not been established that the quality of social services delivered by non state providers meets users' needs.

Paragraph 2 - Public participation in the establishment and maintenance of social services – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Ireland in response to the conclusion that it had not been established that measures were taken to encourage individuals and voluntary organisations to participate in the establishment and running of social welfare services (Conclusions 2013, Ireland).

The Committee recalls that Article 14§2 requires States to provide support for voluntary associations seeking to establish social welfare services (Conclusions 2005, Statement of Interpretation on Article 14§2). This does not imply a uniform model, and States may achieve this goal in different ways: they may promote the establishment of social services jointly run by public bodies, private concerns and voluntary associations, or may leave the provision of certain services entirely to the voluntary sector. The "individuals and voluntary or other organisations" referred to in paragraph 2 include the voluntary sector (non-governmental organisations and other associations), private individuals, and private firms. Moreover, in order to control the quality of services and ensure the rights of the users as well as the respect of human dignity and basic freedoms, an effective preventive and reparative supervisory system is required.

In its previous conclusions the Committee had specifically inquired into the steps taken to foster user participation in the management of social services, the monitoring of standards applicable to social services providers and the enactment of the legislation on charities. It had also requested information on the issue of discrimination in respect of social services provided by private sector actors.

The report explains that the Department of the Environment, Community & Local Government has lead responsibility for developing the relationship between the State and the Community and Voluntary Sector. This includes implementation of the White Paper on a Framework for Supporting Voluntary Activity and for developing the relationship between the State and the Community and Voluntary Sector. The White Paper committed the Government to provide a range of funding measures to support the Community and Voluntary Sector.

The Committee notes the information on funds allocated to 55 national organisations in the framework of the Scheme to Support National Organisations in the Community and Voluntary Sector. The scheme aims to provide multi-annual funding to national organisations towards core costs associated with the provision of services. The first scheme ran in the period 2008-2011, with the second scheme running until 30 June 2014. The current scheme commenced on 1 July 2014 and will run for a period of 2 years. Priority is given under this scheme to supporting national organisations which provide coalface services to disadvantaged target groups. It also notes the information on the Community Services Programme the purpose of which is to support non-governmental community businesses and social enterprises by funding local services and employment opportunities where public and private sector services are lacking, either through geographical or social isolation.

The Committee reiterates its question on user participation in the management of social services.

While noting the information on the Charities Regulatory Authority (CRA) which was established on 16 October 2014, under the terms of the Charities Act 2009, the Committee asks how the quality of the services delivered by the community and voluntary sector providers is monitored and what are the remedies available to users in case of shortcomings.

The Government does not reply to the question on how non-discrimination is ensured in respect of social services provided by the community and voluntary sector and the Committee therefore repeats the question.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Ireland is in conformity with Article 14§2 of the Charter as regards the measures taken to encourage individuals and voluntary organisations to participate in the establishment and running of social services.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Vocational training for persons with disabilities

The Committee recalls that under Article 10 of the Charter it regards vocational training as encompassing all types of higher education including university education. It considers that this interpretation applies, *mutatis mutandis*, to Article 15. According to the Equal Status Act 2000 non-discrimination is also guaranteed for higher education. In its previous conclusion (Conclusions 2007), the Committee asked for information in this respect. The report indicates that there are organisations which provide support for disabled students and teachers of students with disabilities in the Higher Education setting, such as the Association for Higher Education Access and Disability (AHEAD) which is an independent non-profit organisation. The Committee asks for further information on how non-discrimination is ensured in higher education, including the number of students with disabilities, reasonable accommodation measures, success rates, etc.

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 15§1 of the Charter.

Paragraph 2 - Employment of persons with disabilities

The Community Employment Programme is a temporary employment measure to provide work experience and training to disadvantaged persons. In 2009, 23% of total participants were persons with disabilities (5,386 persons). In 2010, they represented 19% of total participants, or 4,327. The report presents other measures to encourage and facilitate entry into the labour market such as a grant to cover the costs of an interpreter for job interviews, a grant for a personal reader for job-related reading for the blind or visually impaired, funding for disability awareness schemes in companies. The report states that sheltered employment in the Irish context is employment in an enterprise established specifically for the employment of people with disabilities and which is in receipt of designated funding from the Health Service Executive. It refers to employment under sheltered conditions where workers have a contract of employment, are covered by employment legislation and are in receipt of the minimum wage. The report states that, according to a recent survey, less than 200 persons were concerned by that type of employment. The Committee asks what the general rate of progression of disabled persons from sheltered employment to the open labour market. It also asks whether trade

unions are active in sheltered employment facilities, as well as information on the requirements set by legislation about the calculation of salary paid to persons working in sheltered employment where production is the main activity.

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 15§2 of the Charter.

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community

The Committee recalls that people with disabilities should have a voice in the design, implementation and review of such a policy (Conclusions 2003, Italy). The Committee notes that a Centre of Excellence in Universal Design was established in 2007 and that “universal design” refers to the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by people regardless of their age, size or disability. The Committee asks more information on the outreach of this Centre and whether people are involved in its work.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2011

Family benefits

The Committee notes that there have been no changes to the situation which it has previously found to be satisfactory (Conclusions 2006).

Vulnerable families

States' positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, including Roma families. The Committee consequently asks what measures are taken to ensure the economic protection of Roma families. Equal treatment of foreign nationals and stateless persons with regard to family benefits The Committee asks for a detailed explanation in the next report on the situation of nationals of other States Parties to the 1961 Charter and the Charter with regard to the award of family benefits so that it can assess whether equal treatment is guaranteed.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

In its previous conclusions (Conclusions 2006) the Committee asked that the next report contain detailed information on how the habitual residence condition and the criteria relevant to determining whether a person is habitually resident are applied in practice. The Committee asks to what extent this condition has excluded foreigners from receiving payment of family benefits (the number of persons who have been refused family benefits on the ground of not satisfying the habitual residence requirement).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Ireland is in conformity with Article 16 of the Charter.

Article 23 - Right of the elderly to social protection – Conclusions 2013

Legislative framework

The Committee considers that Irish legislation provides adequate guarantees to protect elderly persons against discrimination outside employment. Nevertheless, the Committee recalls that the Government has an obligation to provide the required information in every report. The Committee reiterates its question about other policy initiatives in this area. The Committee asks for information on the legal framework related to assisted decision making for the elderly, and, in particular, whether there are safeguards to prevent the arbitrary deprivation of autonomous decision making by elderly persons. In this respect, the Committee refers to its statement of interpretation in the General Introduction.

Adequate resources

According to MISSOC, two forms of contributory pension exist in Ireland. A State Pension (Transition) is payable at age 65 only provided the person is retired from insurable employment. State Pension (Contributory) is payable at age 66 to all persons satisfying the contribution conditions (retirement is not a condition for receipt of this pension). Recipients of the State Pension (Transition) automatically qualify for the State Pension (Contributory) on reaching age 66. The maximum amount of the State Pension (Transition) and (Contributory) is € 230.30 per week (€ 998/month). Minimum rates amount to € 225.80 per week for the State Pension (Transition) and € 115.20 per week for the State Pension (Contributory), that is € 978.46 and € 499,2 per month respectively.

The State Pension (Non-Contributory) is a means-tested payment for people aged 66 or over who do not qualify for State Pension (Transition) or State Pension (Contributory) based on their social insurance record. The maximum personal rate of State Pension (Non-Contributory) 23 applies if the person's weekly means are € 30 or less. A specific earnings disregard of €200 per week was introduced so that income from employment can be earned without losing pension entitlements (it does not apply to earnings from self-employment). The maximum amount of the pension for a single person (aged 66 and over) equalled € 949 per month in 2010 and 2011 (€ 992 for a single person aged over 80). According to the report, a person may switch from contributory old age pension (or from receipt of a qualified adult increase thereon) to the noncontributory pension if the non-contributory entitlement is higher. An extra allowance of € 7.70 per week is granted to a pensioner aged 66 or over who is living alone (Living Alone Allowance). In addition to a Free Travel Pass, recipients of this pension may also qualify for Fuel Allowance (€ 20/week), Electricity Allowance (€ 40/month), free T.V. Licence and Telephone Allowance (€ 26/month).

The poverty threshold, defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value, was estimated at € 828 in 2010 (no data for 2011). The Committee notes that the full old age pensions – both contributory and non contributory – are above the poverty line. Bearing in mind that a number of supplements are available, the Committee considers that the level of those benefits is adequate.

However, the Committee further notes from Eurostat that in 2010 and 2009, 3.7% of persons aged 65 and over received income falling below 40% of median equivalised income (compared to 2.8% in 2007, no data for 2011). The Committee therefore asks the Government to explain why this group of persons do not qualify for the minimum guarantees described above and requests information on what specific measures are taken to address their situation. Pending receipt of this information, the Committee reserves its opinion on this point.

Health care

In its previous conclusion the Committee recalled the importance of establishing health care programmes and services specifically aimed at the elderly. In particular, there should be mental health programmes for persons with dementia and related illnesses, adequate palliative care services and special training for individuals caring for elderly persons. The Committee asked for information on these matters but the report fails to address them. The Committee reiterates its questions and recalls that the Government has an obligation to provide the required information in every report

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment - Conclusions 2011

Paragraph 1 - Participation in working life

The Committee takes note of the information provided in the Irish report. It recalls that Ireland has not accepted to be bound by Article 27§1c of the Revised Charter.

Conditions of employment, social security

Implementing Article 27§1 may also require the adoption of measures concerning length and organisation of working time. Workers with family responsibilities should be allowed to work part time or to return to full employment (Conclusions 2005, Estonia). The Committee notes in this respect that the Labour Relations Commission has developed a Code of Practice on Access to Part-time Working. Section 8 of the Code states that the facility to change the existing hours of work of employees is a matter to be agreed between the employer and the employee, rather than a statutory entitlement. Best practice indicates that employers should treat such requests seriously and where possible explore with their employees if and how requests can be accommodated or how such transfers can be made. It is also mentioned that transposition of Council Directive

2010/18/EU implementing the revised Framework Agreement on parental leave will offer employees returning from parental leave the possibility to request changes to their working hours for a set period of time. Employers will have to consider and respond to such requests taking into account both their own needs and those of workers. The Committee asks if there are any other work conditions available to employees that may facilitate the reconciliation of working and private life, for example working from home.

The Committee points out that Article 27§1 requires State Parties to take account of the needs of workers with family responsibilities in terms of social security. It asks in this respect whether such workers are entitled to social security benefits under the different schemes, in particular health care, during periods of childcare leave.

The Committee notes from the report that when an individual is on parental leave, this period is not taken into account in the calculation of pension service. It recalls that under Article 27§1(b) States Parties undertake to ensure equal treatment of workers with family responsibilities as regards social security rights. This entails inter alia that periods of childcare leave shall be taken into account when determining the right to and the amount of pension. Noting therefore that periods of parental leave are not credited for pension scheme purposes, the situation is in breach of the Charter on this point.

Conclusion

The Committee concludes that the situation is not in conformity with Article 27§1 of the Charter on the ground that periods of parental leave are not taken into account in the calculation of pension.

Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013

Measuring poverty and social exclusion

The report states that despite this recent trend, poverty in Ireland is still below the levels pertaining in the early 2000s by between 2% and 4% on 2 out of the three national indicators. However, the basic deprivation rate is above the 2003 baseline rate by 7%. The Committee notes also from Eurostat that in 2010, 27.2% of population was at risk of poverty and social exclusion, above the average of the EU countries (23.4%).

Approach to combating poverty and social exclusion

The National Action Plan for Social Inclusion 2007 to 2016 was launched in February 2007. It sets out a wide ranging and comprehensive programme of action to tackle poverty and social exclusion. The original goal of the national action plan was to reduce the number of those experiencing consistent poverty to between 2% and 4% by 2012, with the aim of eliminating it by 2016, from a baseline rate of 7% in 2005. The Plan prioritises 12 high level goals and identifies some 150 targets across all policy areas, which are at the core of the strategic approach, aimed at making a decisive impact on poverty and building a more inclusive society over the coming years.

Monitoring and assessment

The Committee takes note of the functions of the Contact Committee which is in charge of liaising between the Government and representatives of organizations helping the poor and disadvantaged is engaged in monitoring of social exclusion.

Conclusion

The Committee concludes that the situation in Ireland is in conformity with Article 30 of the Charter.

European Code of Social Security

Resolution CM/ResCSS(2015)9 on the application of the European Code of Social Security by Ireland

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part III (Sickness benefit), Article 18 of the Code, Waiting period, the report states that, from January 2014, the number of waiting days for entitlement to Illness Benefit is increased from three days to six days, which is expected to result, in the Budget 2014, in a net expenditure reduction of €22 million;

II. concerning Part III (Sickness benefit), Article 17; and Part IV (Unemployment benefit), Article 23, Length of the qualifying period, that in its Resolution [CM/ResCSS\(2012\)20](#) on the application of the Code by Ireland, the Committee of Ministers asked the government to consider modifying the length of the qualifying period so that it would be long enough to preclude abuse, while remaining sufficiently short for not impeding access to the sickness and unemployment benefits of a minimum duration of at least 26 and 13 weeks, respectively. In reply, the government states that it remains Ireland's objective to be fully compliant with all Articles of the Code and the requests of the Committee of Ministers, which will continue to be considered in the ongoing programme of reforms of the Irish social security system. However, the extreme fiscal constraints faced by the Irish authorities, both in relation to the Exchequer position generally and, more specifically, in relation to the Social Insurance Fund (SIF) from which insurance-based benefits are paid, will persist in the years ahead, not least as a result of the demographic pressures arising from increased numbers of pensioners. The Committee of Ministers is fully aware of the financial constraints on the scale of welfare expenditure arising from the EU-IMF Programme of Financial Support for Ireland. It would nevertheless point out that States which have accepted the obligations under the Code have done so not least in order to establish additional collective international safeguards preventing any one of them from seeking solutions to fiscal problems by undermining minimum guarantees of social protection established by the Code;

The Committee of Ministers notes that Ireland contends that, while its social security arrangements are not technically in accordance with the relevant articles of the Code, the spirit of those articles is met by virtue of the comprehensive and inclusive nature of the overall system of income supports;

III. concerning Part XI (Standards to be complied with by periodical payments), Article 66, Reference wage:

a. the report indicates that the reference wage has been selected in accordance with Article 66(4)(a). Due to time lags in data, wages data are a year older than benefit data (for example, wages used in 2014 calculations refer to 2013);

b. the previous report indicated that the reference wage used is the average rate of pay for unskilled workers in the metals and engineering sector (€485.63 for April 2012, €498.85 in April 2014). The Committee of Ministers recalls that Article 66(4)(a) refers in that respect to unskilled male workers in the manufacture of machinery other than electrical machinery, which in the International Standard Industrial Classification of All Economic Activities (ISIC), Rev. 4, 2008, is mentioned under code 28. As ISIC does not contain the division of “metals and engineering sector”, the government should specify to which codes it wishes to refer. The average rate of pay should be calculated with respect to unskilled male workers;

c. that the Irish social security system provides a comprehensive structure of income supports through a combination of insurance-based and means-tested schemes;

d. that sections 5 and 6 of the Social Welfare and Pensions Act 2013 provide for the alignment of the minimum and maximum rates of Maternity and Adoptive Benefit to a standard rate of €230 per week for new claimants with effect from 6 January 2014;

IV. concerning social security and the reduction of poverty:

a. the report states that tackling poverty remains a fundamental aspiration of Irish society and the government, which aims to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020. However, the poverty target is not a welfare-specific target, but a “national social target” which is linked to a wide range of targeted actions and interventions across diverse policy areas as set out in the National Action Plan for Social Inclusion 2007-16, and is connected with national targets on employment and education, as outlined in the National Reform Programme. It is recognised that welfare policy must extend beyond income support to encourage people of working age to take up employment under the Pathways to Work Strategy providing the integrated employment activation and supports service (Intreo). The latest unemployment figures show a decrease in the seasonally adjusted unemployment rate from 13.3 per cent in the second quarter of 2013 to 11.6 per cent in the second quarter of 2014 – a sign of the steady progress being made. The government considers it important that the most vulnerable in society, notably jobless households and children in poverty, are enabled to benefit from economic recovery through activation programmes and services. Jobless households account for two-thirds of the population in consistent poverty. The Department of Social Protection has identified household joblessness as an independent risk factor and a specific target for poverty and social exclusion. The Committee of Ministers welcomes the Department’s approach to integrating employment and social security policies in the fight against poverty and setting specific targets in this respect, such as that of decreasing household joblessness. As regards children in poverty, the National Policy Framework for Children and Young People 2014-20, published in April 2014, includes a new child-specific poverty target, setting out a multidimensional approach to tackling child poverty and addressing child well-being;

b. the government recognises that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. According to the report, welfare payments and other social transfers lifted almost 40 per cent of the population above the at-risk-of-poverty threshold in 2011, which equates to a reduction of 71 per cent in the pre-social transfer poverty rate. As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. The government has continued this redistributive policy in recent budgets by maintaining the value of the main weekly social welfare payments, despite the requirements for significant welfare savings as part of the consolidation under the economic programme of the International Monetary Fund, the European Commission and the European Central Bank. The Committee of Ministers notes the

government's commitment to reduce poverty through labour market activation and redistributive policy and maintain the social welfare system, which is seen as a key mechanism in fighting poverty and one of the best performing systems of social transfers in the EU. It also notes that, notwithstanding these declarations, the budget restrictions for 2014 impose €290 million additional savings in social welfare programmes (€372 million for the full year), with the most important cuts affecting the Jobseeker's Allowance and Activation, Maternity and Adoptive Benefit, and Illness Benefit. With regard to improving poverty outcomes for children, from January 2013 Child Benefit rates were reduced to €130 per month for the first, second and third children and, from January 2014, for the fourth and subsequent children, standardising the Child Benefit rate for all children to €130 per month. From January 2012, the age limit of the youngest child for One-Parent Family Payment (OFP) entitlement purposes is gradually being reduced from 18 to 7 years of age. The total amount of benefits granted for the maintenance of children in Ireland reported by the government under Part VII of the Code shrank by over €500 million from €2,729 million in 2009 to €2,210 million in 2013;

c. in the context of contracting social security spending, the Committee of Ministers observes that during the crisis period of 2009-12, all main poverty indicators have continued to grow, notwithstanding the fact that the at-risk-of-poverty threshold has significantly decreased. The Committee of Ministers is particularly concerned with the persistent growth since 2007 of the percentage of people facing material deprivation, which has doubled to approach 10 per cent of the population, and of those living at risk of poverty or social exclusion, which has grown by 7 per cent to reach 30 per cent of the population. These consistently negative trends might explain the fact that the report does not contain any statistical information on the evolution of poverty which prove that the government has managed to stop the propagation of poverty and reversed the trends, be it only for one specially targeted category of the population;

Finds that law and practice in Ireland ensure the application of the Parts of the Code which have been accepted, subject to legislative changes with respect to conditions for entitlement to sickness and unemployment benefits and revision of the reference wage used in assessing the replacement level of benefits guaranteed by the Code;

Decides to invite the Government of Ireland:

I. concerning Part III (Sickness benefit), Article 18 of the Code, Waiting period:

a. to specify, in its next report, whether it has duly informed the Parliament of the incompatibility of the above-mentioned measure with the said provision of the Code and;

b. in order to once again comply with Article 18(1) of the Code, to reduce the duration of the waiting period for the Illness benefit to the first three days of suspension of earnings authorised by the Code;

II. concerning Part III (Sickness benefit), Article 17; and Part IV (Unemployment benefit), Article 23, Length of the qualifying period, not to seek solutions to its financial problems by departing from commonly agreed minimum European standards of social security, be it through increasing the duration of the waiting period for the Illness benefit by three additional days or that of the qualifying period for the Illness and the Jobseeker's Benefits by more than a year;

III. concerning Part XI (Standards to be complied with by periodical payments), Article 66, Reference wage:

a. pointing out that Article 66(2) expressly requires the data concerning the reference wage, the benefit and any family allowances to be calculated on the same time basis (for 2013 for

example), to align the statistics given in its future reports for the same reference period for which all data are available;

b. in view of the above explanations, to specify in its next report which option ((a) or (b) in Article 66) is selected, and to review the corresponding methodology used for determining the reference wage in the light of the more detailed information contained in the above-mentioned "Technical note", transmitted to the government, which sets out and calculates for Ireland all the options allowed by the Code for determining the reference wage on the same time basis (2010) for which complete, comparable Eurostat data are available. The government is requested to update the statistics used in the "Technical note" indicating the precise source of the data to be used for future reference. Taking into account that the reference wage calculated on the basis of Eurostat data appears to be much higher than the wage taken in the report, the government is requested to recalculate, in the next detailed report, the replacement level of benefits under accepted Parts of the Code using the revised reference wage;

c. taking into account that certain benefits include means-tested elements, to explain in its next report, why recourse is made to Article 66 of the Code, under which the calculations should be based on the minimum amounts of benefits or uniform flat-rate amounts not subject to means test, and not Article 67, under which the calculations should be based on the maximum amounts of benefits subject to means test;

d. taking into account the above example of fusion of the minimum and maximum benefit rates into one, to explain in its next report the conditions under which the minimum and maximum benefits are payable, and to specify their amounts under all accepted Parts of the Code;

IV. concerning social security and the reduction of poverty:

a. to indicate, in its next report, difficulties it is encountering and solutions it is taking in pursuing the targets of decreasing household joblessness and child poverty. Taking into account that the current economic crisis has revealed the deficit of such integrated multidimensional policies in Europe, the government is asked to also highlight the progress it has made in linking welfare goals with other national policies;

b. in the light of the above-mentioned figures, to explain in its next report the formula it has found for diminishing poverty by systematically reducing the volume of social transfers. The government is asked to indicate in this respect what new cuts in benefits appear in the budget 2015 and what categories of beneficiaries (in terms of age, gender, type of employment, type of household, etc.) will be affected the most;

c. to provide national data in its next report, as well as the social impact assessment of the distributive effects on income and social inequality of the main welfare and tax measures for 2015 carried out by the Department of Social Protection and the cumulative impact of such measures adopted since 2012. The government is asked to refer in this respect to the infographs in the above-mentioned "Technical note" and update the statistical and legal information on which they are based.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Ireland

As a result of its examination, the Committee finds that law and practice in Ireland continue to give full effect to Parts V, VII and X of the Code but do not fulfil the obligations under Parts III and IV because of establishing stricter conditions of entitlement to sickness and unemployment benefits.

Part III (Sickness benefit), Articles 17 and 18(1). Length of the qualifying and waiting periods. Part IV (Unemployment benefit), Article 23. Length of the qualifying period. In its Resolution CM/ResCSS(2015) on the application of the European Code of Social Security by Ireland, the Committee of Ministers invited the Government not to seek solutions to its financial problems by departing from commonly agreed minimum European standards of social security, be it through increasing the duration of the waiting period for the Illness Benefit by three additional days, contrary to *Article 18(1)* of the Code, or through increasing the qualifying period for the Illness and the Jobseeker's Benefits by more than a year, contrary to *Articles 17 and 23* of the Code.

In response, the Government states that it is not in a position to reduce the waiting period at this time due to the requirement for significant welfare savings as part of fiscal consolidation under the EU-IMF economic programme and the continuing requirement to address the deficit. Ireland will continue to face fiscal constraints into the future and must remain within the agreed EU deficit targets in the coming years. In the context of scarce resources, the Irish Government will continue to make pragmatic budgetary decisions with regard to state expenditure and the welfare of citizens. One of the areas where savings were made in Budget 2014 was in Illness Benefit where the waiting period was increased to six days. Concerning the fact that this measure was adopted in disregard of Ireland's international obligations under the Code, the Government states that the members of the Dáil (Irish Parliament) were briefed on the necessity of the measure and took this decision in the knowledge that many employers provide work sick pay schemes which maintain sick employees' wages for a period of time. For those employees who do not have such a scheme and where the individual is experiencing financial need there is recourse to the means-tested supplementary welfare allowance scheme.

The Committee observes that for the period when workers' wages are maintained by the work sick pay scheme provided by the employer, there is no need to pay an Illness Benefit under Part III of the Code because it covers only cases of incapacity for work involving suspension of earnings. ***Consequently, the Committee asks the Government to limit the application of the six day waiting period only to employees covered by the work sick pay schemes and to restore the three day waiting period for other categories of insured persons.*** Furthermore, social insurance benefits protecting employees are designed by the Code so as to provide sufficient replacement income without the need to resort to means-tested social assistance benefits. By this logic, the duration of the waiting period, when the benefit is not paid, is reduced to the minimum, while the means-tested benefits which, as suggested by the Government, could help the worker live through longer waiting or qualifying periods, are not taken into account by Parts III and IV of the Code for the purpose of protecting employees against the contingencies of sickness and unemployment. The Committee is therefore bound to repeat that the present parameters of the waiting period for the Illness Benefit (six days instead of three) and of the qualifying periods for the Illness and Jobseeker's Benefits (two years instead of 12 months) do not agree with the above logic of the Code, not least because they were

introduced exclusively for the reasons of reducing the cost of these schemes and the deficit of the Social Insurance Fund.

Concerning the Government's repeated statements alleging the country's morose future of severe fiscal constraints and welfare savings to abide by EU deficit targets, the Committee notes the one confirming Ireland's objective to be fully compliant with all Articles of the Code and the recommendations of the Committee of Ministers, and the Government's intention to reconsider the waiting and qualifying conditions for the sickness and unemployment schemes in the context of the ongoing review and reform of Ireland's social welfare system. ***The Committee, however, would like the Government to be more precise in stating its intentions taking into account that until now it has been reconsidering these parameters only in the sense of reducing the number of claimants and the costs involved.*** The Committee wants to underscore in this respect that the parameters of the benefits guaranteed by the Code were not set with the objective of minimizing the expenses of the schemes in conditions of budget deficit, but were designed so as to give maximum social effectiveness to the minimum protections established by the Code. From this point of view, a good policy of exiting out of the fiscal consolidation era would consist in gradually bringing the social security schemes back to their normal pre-crisis internationally agreed parameters. ***Having repeatedly concluded on the full application by Ireland of all accepted Parts of the Code until 2012, the Committee strongly believes that the country can reinstate compliance subject to the strict time-bound commitments of the State mirroring those it has taken before the international creditors for reducing welfare spending. Considering that "welfare targets" of the EU-IMF Programme of Financial Support for Ireland are far from being accomplished, the Government should be asked to keep compliance with the downgraded parameters of the Code under constant review by applying the rights-based approach to fiscal consolidation.*** A good practice in line with this approach would be to include, as part of the Government's deliberations on Budget 2016, alongside the proposed measures of economy affecting the social security rights protected by the Code, a clear explanatory note reminding the members of the Government and the Parliament of Ireland's legal obligations under the Code and related international treaties.

Part IV (Unemployment benefit) of the Code in relation to Article 68(f). The Committee recalls that the Department of Social and Family Affairs issued a circular of 11 April 2008 drawing the attention of the deciding officers to the amendment made in the guidelines on the application of disqualifications, the purpose of which was to ensure that in a situation where a person loses a job through misconduct she/he would not suffer a further penalty of disqualification for receiving a jobseeker's payment if the conduct, though blameable and giving sufficient grounds for dismissal, was not wilful. ***Please provide the most recent copy of the said guidelines, indicating the provision ensuring, in line with Article 68(f) of the Code, that the misconduct of the person concerned may be punishable by the suspension of benefit only if such misconduct was wilful and has directly caused the contingency in question. Please provide examples of the decisions referring to this provision.***

Part V (Old-age benefit), Article 26. Pension age. The report states that the State Pension (Contributory) is payable at pension age of 66 years, which will rise to 67 by 2021 and to 68 by 2028. Please supply statistical data showing that the number and the working ability of elderly persons in Ireland complies with the corresponding requirements of *Article 26(2) of the Code* and of *Convention No. 102*, demonstrating in particular that increased life expectancy is accompanied by longer life expectancy in good health for persons over 65 years of age. In this respect the European Council Recommendation of 14 July 2015 on the 2015 National Reform

Programme of Ireland, pointed out that the country's "health system needs deeper structural reforms to contain expected cost increases and maintain favourable health outcomes in the face of an ageing population". ***Please explain what measures have been taken in line with this Recommendation to maintain favourable health outcomes for the ageing population in the face of the cost containment policies in the health-care system.***

Part XI (Standards to be complied with by periodical payments), Article 66. Reference wage. With regard to the calculation of the rate of benefits, the report indicates that *Article 66* is the most appropriate basis for the calculations taking into account that Illness Benefit, Jobseeker's Benefit, State Pension (Contributory), and Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension, are contributory in nature, not subject to a means test and paid as standard flat-rate amounts. The maximum rates are payable on the basis of the full social insurance contribution record; reduced rates are paid for incomplete contribution record. For Illness Benefit and Jobseeker's Benefit the standard rates are also graduated according to the person's earnings in the relevant tax year. To align the contributions and earnings year for determining entitlement to these benefits, the relevant tax year is the second last complete tax year before the year in which the claim to benefit is made. The relevant tax year is taken as the time basis for the calculation of the reference wage, the benefit and the family allowances in accordance with *Article 66(2)* of the Code, which means that, in future reports, these calculations will be made with the time lag of two years: in the 2016 report the aligned data on the reference wage, benefits and family allowance will be given for 2014.

With regard to the choice of option (a) or (b) in paragraph 4 of *Article 66* for determining the reference wage of an ordinary adult male labourer, the report indicates that Ireland has updated the methodology for collecting data on wages under the "Structure of Earnings Survey Administrative Data Project". The Irish Central Statistics Office (CSO) is scheduled to present data for 2012 and 2013 towards the end of 2015, with 2014 data expected in early 2016. Data for subsequent years will be available annually thereafter. Data in relation to the gender breakdown for the main occupations, which encompass the category of "unskilled male worker", is due to be published by the end of 2015. The data produced by the CSO will be analysed to decide which of the two options in *Article 66(4)* is best supported for future reporting purposes. Pending this decision, the replacement levels of benefits under the accepted Parts of the Code were recalculated on the basis of the reference wage suggested in the ILO technical note for a person deemed typical of unskilled labour (€2,699 per month, Eurostat Structure of Earnings Survey 2010) under option (b) of paragraph 4 of *Article 66*.

While noting that these calculations show that replacement rates of Irish benefits surpass the minimum levels prescribed by the accepted Parts of the Code, the Committee asks the Government to include in its next report the following information:

- CSO data on wages produced under the abovementioned Project for the years 2010–14 (and 2015, if available) with gender breakdown for the main occupations, which encompass the category of "unskilled male worker" as well as the category of "skilled male worker" for comparison purposes. Please explain the methodology used by the CSO for collecting and presenting data on wages and provide online access to the relevant databases. Please note that, in accordance with *Article 66(7)* of the Code, the wage of an ordinary adult male labourer shall be determined on the basis of the average gross monthly rates of wages for normal hours of work, excluding overtime and including cost-of-living allowances if any.

- The Government’s decision on which option (a) or (b) of paragraph 4 of *Article 66* of the Code will henceforth be used for determining the reference wage of an unskilled male worker and the explanation of the method used to determine the categories of skilled and unskilled male workers by reference to the corresponding occupations (see International Standard Classification of Occupations, groups 7 and 9).
- Statistical data on the rates of the reference wage, benefits and family allowances aligned for the time base year of 2014, indicating the precise source of the data for future reference.
- Calculations of the replacement rates of the benefits for the standard beneficiaries under accepted Parts of the Code for 2014.

Article 66(8). Adjustment of benefits to the cost of living. The report indicates that section 33 of the Pensions Act, 1990, as amended, provides that the Minister for Social Protection shall, in respect of each revaluation year, make regulations specifying the percentage which shall determine the amount by which a preserved pension benefit is to be increased in that year. This increase shall be the lesser of the percentage that equals the increase in the general level of consumer prices during that year, calculated by the Minister as she sees fit, or 4 per cent. As statistics released by the CSO state that the 2014 average annual percentage increase in the consumer price index was 0.2 per cent, the Occupational Pension Schemes (Revaluation) Regulations 2015 determine that there will be a 0.2 per cent increase in the revaluation of preserved benefits for 2014 (S.I. No. 43 of 2015). With regard to the revaluation of other benefits, the Committee notes that for several years the maximum personal rate of Illness Benefit, Jobseeker’s Benefit, State Pension (Contributory), Widow’s/Widower’s (Contributory) Pension and Qualified Adult Allowance remained unchanged. ***The Committee asks the Government to explain the criteria and the methods used to determine the annual adjustment of the rates of the benefits in payment, so as to allow the recovery of their purchasing power, and the reasons for the apparent suspension of the revaluation mechanisms in conditions of fiscal consolidation. The Committee expects the Government’s next detailed report to contain full explanations and statistics on the adjustment of benefits for the period 2011–16 requested in the report form on the Code under Title VI of Article 65.***

Adequacy of social security benefits. The Committee notes that the report contains extensive information concerning trends in poverty indicators, progress towards the national targets for poverty reduction, social impact assessment of fiscal consolidation measures, minimum amounts of benefits and measures to tackle household joblessness and child poverty. The Government recognises that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. In 2013, social transfers reduced the at-risk-of-poverty rate from 38.4 to 15.2 per cent, lifting almost a quarter of the population out of income poverty. This is equivalent to a poverty reduction effect of 69.5 per cent, as compared to 67.2 per cent in 2012. As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. The Government has continued this redistributive policy in recent budgets by maintaining the value of the main weekly social welfare payments, despite the requirement for significant welfare savings as part of fiscal consolidation under the EU-IMF economic programme and the continuing requirement to address the deficit. Budget 2015 was the first budget in recent years where there was scope for positive improvements in welfare supports such as increases in the weekly living alone allowance and monthly child benefit. All existing welfare payments were fully maintained for 2015 and there were no reductions in benefits. The Department of Social Protection has published the social impact assessment of the main welfare and tax measures for 2015, which

showed that, for the first time since the economic crisis, welfare and income tax policy will result in an increase in average household incomes of 0.7 per cent (equivalent of almost €6 per week).

The Committee notes that the Government has succeeded – for the first time in recent years – to stop reduction of benefits and social expenditures in Budget 2015 and has even provided an additional €198 million to support families and the most vulnerable. It also notes that the Government's redistributive policy is effective in lifting large groups of the population out of income poverty. The Committee sees these positive developments as a precondition of returning the national social security system to its pre-crisis parameters and improving the adequacy of benefits served by it. In view of the complexity of the income and poverty indicators, the Committee requested the ILO to structure and analyse the information provided by the States parties to the Code on the dynamics of poverty, identify gaps in available data and reflect the findings in the country technical notes attached to the Committee's conclusions. ***The Committee invites the Government to fill in the data gaps in its next detailed report, which shall also include statistics on social security coverage, amount of the reference wage and calculations of the replacement rate of benefits.*** The Committee will examine the question of the adequacy of social benefits on the basis of this comprehensive information.

Article 74. Next detailed report on the Code. (See above under Chapter III)

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) Ireland (*Ratification: 1968*)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes the Government's report on the Convention received in September 2012, which contains a reply to the direct request of 2006. It also notes that the 39th annual report on the application of the European Code of Social Security replies to the questions raised by the Committee in the direct request of 2011.

Part III (Sickness benefit), Article 17; and Part IV (Unemployment benefit), Article 23. Length of the qualifying period. In its 2011 direct request the Committee observed that, in comparison with other European countries, a two-year qualifying period for sickness and unemployment benefits was excessive and asked the Government to consider modifying the length of the qualifying period so that it would be long enough to preclude abuse, while remaining sufficiently short for not impeding access to the sickness and unemployment benefits of a minimum duration of at least 26 and 13 weeks, respectively.

In reply, the Government highlights the significant differences that exist between the Irish social welfare system and the systems in other European countries: Irish rates of social insurance contributions, which are fully reckonable for all benefits and pensions, are among the lowest in the OECD, while in return a typical employed contributor can expect to receive over his lifetime three times what he contributes to the social insurance fund. Accordingly, the Government feels that the qualifying conditions as they stand strike a reasonable balance between access to benefits and the contribution required from insured persons. Nevertheless, the Government agrees to reconsider the qualifying conditions for the sickness and unemployment benefit schemes in the context of the on-going review and reform of Ireland's social welfare system. In this connection, the Committee would like to emphasize that though the Irish scheme may have established a proper balance between the qualifying conditions and the subsequent duration of the benefit, the present design of the sickness and unemployment benefits results in obstructing access of the persons protected to the *minimum* benefits guaranteed by the Convention. ***The Committee would like the Government to keep this consideration in mind in reforming the Irish social welfare system.***

Part XII (Common provisions), Article 71(3). General responsibility of the State for the due provision of benefits. (a) *Reductions and discontinuation of benefits*. The 39th report on the Code recalls that Ireland is engaged in a multi-annual programme to reduce its structural deficit and to put public finances on a sustainable footing. This is seen as a requirement for future economic stability and growth, as well as being a prerequisite for maintaining and developing the social protection system. Even allowing for the adjustments which have already taken place there is still a €16 billion shortfall in Government finances. Social welfare expenditure is a major component of overall Government expenditure accounting for some €21 billion, or 40 per cent of all current expenditure in 2012. Accordingly, it cannot be immune when it comes to overall budget adjustments. In 2012 the Government was aiming for an adjustment of €3.8 billion through a combination of tax increases and reductions in day to day spending. The contribution to be made to this target by the social welfare budget is €0.475 billion or just over 2 per cent of

overall expenditure. The Government has committed to maintaining the personal rates of benefits at their current level and this was achieved in the 2012 Budget. In excess of 50 per cent of the savings envisaged for the social welfare budget this year are to come from five areas: changes to the rebate employers receive on redundancy payments, a reduction in the period covered by the winter fuel allowance from 32 to 26 weeks, changes to some Child Benefit rates, adjustments to the Rent and Mortgage Interest Supplement Scheme, and adjustments to the amount of earnings allowed under the One-Parent Family Payment scheme. The balance of the savings required will be achieved through small changes across a variety of other schemes. Even allowing for the reductions in rates which did take place, the improvement in the position of welfare recipients achieved during the period of unprecedented growth in social welfare payments before the crisis has to a large extent been maintained.

The Committee notes the changes to the social welfare code arising from the EU/IMF Programme of Financial Support for Ireland detailed in the Government's report on the Code. It observes that the changes introduced by the Social Welfare Act 2011 and the Social Welfare and Pensions Act 2012 continue the trend to reduction or abolition of a number of social benefits. Cuts in various benefits are effected throughout the system with a unique view to achieve the required volume of overall reduction in expenditures on social welfare. ***Taking into account that the objectives to reduce public finances set under the EU/IMF Programme of Financial Support for Ireland are far from being accomplished, the Committee would like the Government to state when it expects to stop the trend to downsizing Ireland's social welfare system, what new cuts in benefits are foreseen in the 2013 Budget, and whether it has fixed for itself any threshold precluding any further reduction of social expenditures.***

(b) *Deficit of the Social Insurance Fund.* According to the 39th report on the Code, the operating deficit of the Social Insurance Fund over the period 2008 to 2011, inclusive, was very close to €7 billion. Estimates for 2012 provide for a deficit of nearly €1.82 billion. Significant Exchequer subvention will be required to meet on-going expenditure requirements in the absence of reductions in expenditure levels or increases in PRSI income. In this respect, the Committee notes that the Actuarial review of the Fund was due to be published in 2012. ***It would like the Government to explain the main findings and recommendations of the review in its next report and to indicate measures taken to provide appropriate subvention to support the SIF in the short term and to return it on the sustainable financing footing in the long term.***

Social security and reduction of poverty. (a) *National indicators of poverty.* According to the 39th report on the Code, Ireland uses three national indicators of poverty: (1) at-risk-of-poverty, using a threshold of 60 per cent of median equivalized income; (2) basic deprivation, defined as enforced lack of two or more items from the 11 item index of necessities such as food, clothing, heating, as well as social activities; (3) consistent poverty, a measure of multiple poverty combining at-risk-of-poverty and basic deprivation. This last indicator is used to set Ireland's national poverty target which is to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020, from a 2010 baseline rate of 6.2 per cent. This equates to 200,000 people. With respect to the dynamics of poverty, the report indicates that while in the period 2003 to 2007–08 poverty fell by a significant amount, since the onset of the economic recession in 2008 it has increased using all three national indicators: at-risk-of-poverty increased from 14 to 15.8 per cent; basic deprivation grew from 11.8 to 22.5 per cent; consistent poverty increased from 4.2 to 6.2 per cent. Compared to 2003, poverty in Ireland is still below the levels pertaining in the early 2000s on two of the three national indicators. However, the basic deprivation rate is above the 2003 baseline rate by seven percentage points. ***The Committee would like the Government to explain the discontinuation of which***

social welfare benefits has contributed to the sharp increase of basic deprivation in the country and the adoption of what measures may help to reverse this trend.

(b) *Minimum welfare rate.* The report further indicates that, over the period 2003 to 2010, the minimum welfare rate as a proportion of the at-risk-of-poverty threshold increased from 71 per cent to 95 per cent. Including fuel allowance which is a means tested household payment, the minimum welfare rate increased from 75 per cent to 100 per cent. The improvement in the minimum welfare rate as a proportion of the at-risk-of-poverty threshold was primarily due to increases in welfare rates and child benefit in the 2000s. However, in 2010, the minimum welfare rate was reduced to €196 per week and to €186 in 2011. There was no reduction in 2012. Data on the at-risk-of-poverty threshold for 2011 and 2012 are not available. The Committee notes with concern that in the period 2008–10 the number of persons finding themselves at risk of poverty increased from 14 to 15.8 per cent. It cannot but emphasize that maintaining the minimum welfare rate above the at-risk-of-poverty threshold represents the principal guarantee against the risk of the beneficiaries sliding into basic deprivation and consistent poverty and the welfare system failing to fulfil its main objective. ***The Committee trusts therefore that the Government will be able to show in its next report on the basis of the available statistical data that the minimum welfare rate together with the fuel allowance was being kept equal or above the at-risk-of-poverty threshold in each year since 2010 when it first attained this threshold.***

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Ireland and delivering a Council opinion the 2015 Stability Programme of Ireland (2015/C 272/12), (18.08.2015, C 272/42, *Official Journal of the European Union*).

[Official Website of the European Commission](#)

(9) Tax reforms have contributed to the fiscal adjustment, but there is further scope to reduce distortions, improve the efficiency of the tax system and raise its growth and environmental friendliness. Property taxation has been turned into a recurrent tax, but the base is still relatively narrow as certain non-residential properties remain outside the tax net. Labour taxation lacks simplicity due to complex social contributions. The tax bases for consumption and environment taxes are limited by reduced rates and exemptions. Zero and reduced rates for value-added tax make it less efficient than the EU average and there seems to be no systematic evaluation of such tax expenditures. There is scope to improve the effectiveness of environmental tax instruments and remove environmentally harmful subsidies. Recent changes to tax residency rules are welcome, even if their effect may take time to assess. Major reforms to the fiscal framework have been undertaken in recent years. New rules and procedures, in particular the medium-term expenditure framework, are expected to provide a safeguard against pro-cyclical fiscal policy and are crucial for fiscal sustainability. However, under current rules, the Government has considerable discretion to change expenditure ceilings beyond pre-defined contingencies, which weakens medium-term budgetary plans.

(10) Public expenditure on healthcare is comparatively high even though population health status indicators are generally no better than in the rest of the EU. Efficiency gains have been achieved in recent years. However, the health system needs deeper structural reforms to

contain expected cost increases and maintain favourable health outcomes in the face of an ageing population. Ireland aims to introduce a single-tier universal health insurance scheme in the medium term and is implementing reforms under the Future Health strategy. Intermediate steps are being pursued in the introduction of universal health insurance to address some of the pressing challenges and improve cost-effectiveness. Effectively rolling out e-health tools, activity-based funding and improved prescription practices have significant potential to increase cost-effectiveness. At the same time, the potential remains to reduce public spending on pharmaceuticals, in particular patented medicines, which is well above the EU average.

(11) Ireland has one of the highest proportions of people living in 'low work-intensity' households in the Union. This generates serious social challenges and raises the risk of child poverty. As low work-intensity is particularly severe among single-parent households, the proportion of children living in households with low work-intensity is nearly three times the EU average. Some progress has been made in addressing pockets of inactivity traps by altering the operation of some welfare payments. Nevertheless, access to full-time childcare remains limited and expensive, which is a barrier to female and single-parent participation in the labour market.

(14) The situation in the labour market has improved since 2013, with renewed job creation in the private sector and a steady fall in unemployment. Nevertheless, the unemployment rate is still high and long-term unemployment remains a serious concern. The risk exists that some cyclical unemployment could become structural as skills mismatches have emerged with the rebalancing of the economy. Youth unemployment is still much higher than in the pre-crisis period. Activation reforms have made significant progress in recent years, but some concerns remain about the effectiveness of existing activation policies and training programmes, and of the ability of employment services to deliver on the scale required. The recently launched Job Path initiative is a positive development; its effectiveness will need to be tested. In the past, the further education and training system has been ineffective in providing the type of skills that the rebalanced economy needs, and reforms have started only recently.

HEREBY RECOMMENDS that Ireland take action in 2015 and 2016 to:

2. Take measures to increase the cost-effectiveness of the healthcare system, including by reducing spending on patented medicines and gradually implementing adequate prescription practices. Roll out activity-based funding throughout the public hospital system.

3. Take steps to increase the work-intensity of households and to address the poverty risk of children by tapering the withdrawal of benefits and supplementary payments upon return to employment and through better access to affordable full-time childcare.