



**Appointment as Chairperson and Members to the Board of the Low Pay Commission**

**Closing Date: 15:00 on Friday 18<sup>th</sup> of June 2021**

**State Boards Division  
Public Appointments Service  
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stateboards.ie operates under the auspices of the Public Appointments Service and is committed to a policy of equal opportunity.

The Public Appointments Service (PAS), established under statute in 2004, provides an independent shared service in recruitment, assessment and selection to organisations across the Civil and Public Services. PAS also has responsibility for providing an open, accessible, rigorous and transparent system to support Ministers in making appointments to State Boards. Our dedicated website, [www.stateboards.ie](http://www.stateboards.ie), is the channel through which the PAS advertises vacancies on State Boards. It is also the means through which accomplished, experienced and qualified people, including people who might not previously have been identified as available for appointment, can then apply to be considered for particular vacancies.

## Membership of State Boards

High standards of corporate governance in all State Agencies, whether in the commercial or non-commercial sphere, are critical to ensuring a positive contribution to the State's overall social and economic development.

Members of State Boards are appointed to act on behalf of the citizen to oversee the running of the affairs of state bodies. State bodies must serve the interests of the taxpayer, pursue value for money in their endeavours (including managing risk appropriately), and act transparently as public entities. Members of State Boards, and the relevant management team, are accountable for the proper management of the organisation.

Board members should act on a fully informed basis, in good faith, with due diligence and care, and in the best interest of the State body, subject to the objectives set by Government. In that regard and in accordance with 13.2 of the Guidelines on Appointments to State Boards, "it is advisable that no member of a State Board should serve more than two full terms of appointment or should hold appointments to more than two State Boards."

The [Code of Practice for the Governance of State Bodies 2016](#) (the Code) provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies.

In order to be an effective contributor on a State Board it is recommended that members should:

- bring independent and objective scrutiny to the oversight of the organisation;
- be prepared to be challenging when necessary while being supportive to the delivery of organisational strategy and objectives;
- be equipped to offer considered advice on the basis of sound judgement and experience;
- be prepared to make a time commitment to their work commensurate with their role.

## Appointment as Chairperson and Members to the Board of the Low Pay Commission

<b>Location:</b>	Dublin
<b>Number of Vacancies:</b>	6
<b>Remuneration:</b>	Chair €20,520 p.a; €11,970 p.a. Ordinary Member,.
<b>Time Requirements:</b>	10 to 12 mostly half day meetings per annum, (up to 15 days per annum in total would be required which includes preparatory work). Sub committees may form as the need arises.

Candidates' attention is also drawn to the provisions of the Code in relation to Audit and Risk Committee membership which can be found [here](#).

### 1. Background

Established under the National Minimum Wage (Low Pay Commission) Act, 2015, the primary remit of the Low Pay Commission (LPC) is, on an annual basis, to recommend levels for the minimum wage rates that will help as many low-paid workers as possible without any significant adverse impact on employment or the economy. The advice the LPC offers the government to achieve this is required to be made using an evidence-based approach, with a range of criteria to be examined specified in the establishing legislation.

Alongside examining the National Minimum Wage (NMW), the Commission may also examine matters related generally to the functions of the Commission under the Act, at the request of the Minister. Related matters are notified to the Commission by the end of February each year for inclusion in the Commission's work programme.

#### Membership of the Commission

The Commission comprises eight members and an independent Chairperson:

- Three are members who have an understanding of the interests of employers, particularly small to medium-sized employers and those operating in traditionally low pay sectors, and who possess a good knowledge and understanding of the particular issues faced by Irish businesses, particularly in relation to labour costs, and competitiveness.
- Three are members who have an understanding of the interests of employees, particularly the impact of living on the minimum wage and the sectors where low pay and minimum wage workers are concentrated.
- Two members who have particular knowledge or expertise in relation to economics, labour market economics, statistics, and employment law, as well as proven competence in analysing and evaluating economic research and statistical analysis.

### 2. Functions of the Board

The Low Pay Commission was established under the National Minimum Wage (Low Pay Commission) Act 2015. The primary remit of the Commission is to make annual

recommendations to Government on the appropriate rate of the National Minimum Wage using an evidence-based approach.

The minimum wage was established in 2000 at £4.40 (€5.58). Since that year it has risen to €10.20 as of 1 January 2021.

In every year since its founding in 2015, the Low Pay Commission has recommended an increase in the minimum wage and this recommendation has always been accepted and implemented by the Government. This has resulted in an increase in the minimum wage of €1.55 over six years.

#### Remit of the Low Pay Commission

Under the legislation establishing the Low Pay Commission, the National Minimum Wage (Low Pay Commission) Act 2015, the duty of the Commission is determined as being to:

“... make recommendations to the Minister regarding the national minimum hourly rate of pay that—

- (a) is designed to assist as many low paid workers as is reasonably practicable,
- (b) is set at a rate that is both fair and sustainable,
- (c) where adjustment is appropriate, is adjusted incrementally, and
- (d) time, is progressively increased, without creating significant adverse consequences for employment or competitiveness.”

The Commission is obliged to consider 11 specific issues in coming to a decision on a recommendation. These are set out in Article 7.10C.(3) of the Act. The Commission must consider changes during the relevant period in:

- (i) earnings,
- (ii) currency exchange rates,
- (iii) income distribution,
- (iv) unemployment,
- (v) employment,
- (vi) productivity.

It also must have regard to:

- (vii) international comparisons, particularly with Great Britain and Northern Ireland,
- (viii) the need for job creation,

and the likely effect that any proposed change to the minimum wage might have on:

- (ix) levels of employment and unemployment,
- (x) the cost of living, and

(xi) national competitiveness.

Current Composition of the Board:

<b>Name</b>	<b>First Appointed</b>	<b>Reappointed</b>	<b>Expiry Date</b>	<b>Position type</b>	<b>Basis of appointment</b>
Caroline Fahey	03/01/2019		02/01/2022	Board Member	PAS Process
Donal de Buitléir (Dr.)	16/07/2015	16/07/2018	15/07/2021	Chair	Ministerial
Fionnuala Ní Bhrógáin	18/02/2021		16/07/2021	Board Member	Temporary Ministerial
Frank Walsh (Assoc Prof)	03/01/2019		02/01/2022	Board Member	Ministerial
Mary Mosse	16/07/2015	16/07/2018	15/07/2021	Board Member	PAS process
Michael Taft	18/02/2021		16/07/2021	Board Member	Temporary Ministerial
Sinéad Mullins	03/01/2019		02/01/2022	Board Member	PAS Process
Tom Noonan	16/07/2015	16/07/2018	15/07/2021	Board Member	PAS process
Vincent Jennings	16/07/2015	16/07/2018	15/07/2021	Board Member	PAS process

### 3. Person Specification

The Minister for Enterprise Trade and Employment is seeking to appoint up to six suitably qualified candidates for the Board of the Low Pay Commission.

It is proposed to appoint

- (a) one independent Chairperson,
- (b) 2 members having experience representative of employers,
- (c) 2 members having experience representative of workers, and
- (d) 1 advisory member with a particular knowledge or expertise in this area.

#### Chairperson:

Candidate's attention is drawn to the general details of the role of Chairperson as set out on page 19 of the Code which can be found [here](#). The Principle states:-

- The Chairperson is responsible for leadership of the Board and ensuring its effectiveness on all aspects of its role.
- The Chairperson should display high standards of integrity and probity and set expectations regarding culture, values, and behaviours for the State body and for the tone of discussions at Board level.

The Chairperson will:

- provide leadership and strategic direction,

- lead the Commission in making informed and fair recommendations and decisions,
- deliver the Commission's recommendations and agenda, ensuring issues are brought forward in a timely manner for effective resolution,
- act as an advocate for the Commission's recommendations, representing the Commission to the public, media and other stakeholders,
- assess and manage Commission Members' performance.

Candidates must demonstrate in their application evidence of:

- proven ability in building consensus and effective communication,
- proven ability in influencing a wide range of stakeholders,
- an ability to lead strategically in a high-profile environment,
- demonstrable understanding or the ability to grasp issues surrounding the National Minimum Wage and the Living Wage and the effects on the workforce and the labour market and the ability to understand the impact on businesses and business competitiveness,
- an ability to analyse complex issues, including financial and economic information; to reach balanced and independent judgements on them; and
- a capacity to work in a sensitive area sometimes under the pressure of close public scrutiny.

Please note upon the proposal of their candidacy, it will be a requirement for the candidate to make themselves available to the Joint Oireachtas Committee on Enterprise, Trade and Employment to discuss the approach they will take to their role as Chair and their views about the future contribution of the Low Pay Commission.

### **Ordinary members**

Candidate's attention is drawn to the provisions of the Code in relation to the role of a Board member, where the principle states: -

- Each State body should be headed by an effective Board which is collectively responsible for the long-term sustainability of the body.
- Non-executive Board members should bring an independent judgement to bear on issues of strategy, performance resources, key appointments and standard of conduct.

Details on the role of Board Members can be found in Section 3 of the Code which can be found [here](#).

## **Essential:**

Candidates must demonstrate in their application relevant expertise, at an appropriately senior level, under one of the following areas: -

### **(a) Members having experience representative of employers:**

- Should have significant experience of working in business or on behalf of business particularly in businesses where the national minimum wage is relevant or in a small to medium sized enterprise

#### **and**

- experience which demonstrates an understanding of the specific issues faced by Irish businesses, particularly in relation to labour costs and competitiveness

### **(b) Members having experience representative of workers:**

- Should have experience which demonstrates a deep understanding of the interests of low-paid workers

#### **and**

- experience of working on behalf of workers' interests or representing workers, particularly low-paid workers

#### **or**

- a proven track record in an advocacy or representational role on behalf of the low paid

### **(c) Advisory member must have:**

- proven competence in analysing and evaluating economic research and statistical analysis,

#### **and**

- demonstrable professional experience in relation to some or all of the following;

- Economics
- Labour Market economies
- Statistics,
- Employment law

The members of the Low Pay Commission will be appointed by the Minister for a period of three years and receive a warrant of appointment.

## **Desirable**

- Have excellent communication skills, both oral and written, and be able to express themselves clearly and succinctly,
- Have excellent analytical skills, a commitment to an evidence-based approach and an ability to make important and objective decisions within fixed timeframes, and

- Be able to work as part of a team and with a small secretariat and have a proven track record of collaborative working.

In order to qualify for appointment a person must not have any legal impediment or conflicts of interest likely to interfere with his/her ability to assume the role Chairperson of the Board. Please give careful consideration to the possibility of any potential conflict of interest that may exist and address this in your cover letter. The Assessment Panel may decide, based on the perceived level of conflict, not to forward your name for consideration.

The Minister shall have regard to the desirability for gender balance, diversity and inclusion on the Board as the Minister considers appropriate and determines from time to time when making appointments, in line with the updated Code.

#### **4. Term of Appointment**

Appointments to the Board will be for an initial period of 3 years with an option to extend the term of engagement for a second term of up to 3 years, subject to:

- The membership of any member of the Board may be terminated by the Minister at any time, on the basis of reasons as set out in Article 3, Schedule 2 of the National Minimum Wage (Low Pay Commission) Act 2015.
- A member of the Board may resign his or her membership of the Board by notice in writing sent or given to the Minister, and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Minister, whichever is the later.
- Members of the Board shall, subject to the provisions of this Schedule, hold office upon such terms and conditions as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time determine.
- The roles and responsibilities of Board Members are described in the Code of Practice for the Governance of State Bodies 2016 which is available here [Code of Practice for the Governance of State Bodies](#).
- A board member shall cease to be a member of the board if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, elected to the European Parliament, or becomes a member of a local authority.

#### **5. Submitting your Application**

Before submitting your application, please review the self-assessment questionnaire which can be found [here](#). This questionnaire is designed to help you in considering whether to submit an application - you are not required to submit the questionnaire as part of the application process.

Having considered the general suitability criteria for membership of a State Board, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet.

Your submission should be made via the following link [www.stateboards.ie](http://www.stateboards.ie) together with your **Curriculum Vitae** and a **cover letter** (see Appendix 1 of this booklet for help with the online process).

### IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Authority position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which are presented to you as part of our online application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this State Board. **Please only include information that is directly relevant to the particular role for which you are applying.**

If you have any questions regarding the application process please email [info@stateboards.ie](mailto:info@stateboards.ie).

## 6. Assessment Process

An Assessment Panel (the "Panel") will be convened by PAS to consider and assess the applications received by PAS. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet,
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
  - Consideration of the written applications; and/or
  - Meeting/conference call; and/or
  - Referee checks; and/or
  - Any other selection or verification method deemed appropriate (this may include PAS requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications),
- arrive at a shortlist of the most suitably qualified candidates (based on the information provided by the candidate) to be sent forward for consideration by the Minister.

Please note that the Public Appointments Service will not be responsible for any expenses incurred by candidates as part of our selection process.

## **7. Confidentiality**

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.

## **8. Data Protection**

The Data Protection Act 2018 provides that the processing of personal data shall be lawful where such processing is necessary for the performance of a statutory function of a controller. PAS is mandated by statute under the Public Service Management (Recruitment and Appointments) Act, 2004 to act as the centralised assessment and selection body for the civil service and to carry out all the procedures necessary to undertake the recruitment, assessment and selection of suitable candidates for appointment. By submitting your personal data (including your name, address, contact details and details of your education and work history contained in your curriculum vitae and cover letter) via publicjobs.ie, you acknowledge that such data may be used by the Public Appointments Service and disclosed to and used by client departments, in connection with its statutory roles to assist and advise relevant Ministers in relation to appointments to the boards of State bodies. The information contained in your publicjobs profile is yours to manage, amend, update or delete as appropriate. For more detailed information on our Data Protection Policy, please see our [Code of Practice for the Protection of Personal Data in the Public Appointments Service](#).

If your application is assessed and you are considered to be suitable for appointment your c.v. and cover letter (and any additional supplementary information requested as part of the application process), will be forwarded to the State Board Liaison Officer in the relevant Department. Once it obtains your personal data, the Department will act as data controller of such data and will retain it for up to one year following the appointment/s. Unless you request the withdrawal of your application such data may be used in considering your suitability for other similar vacancies/roles that arise for a period of up to one year for this Board.

## APPENDIX 1

### Submitting your application:

In order to submit your application, you should take the following steps:

1. Go to [www.stateboards.ie](http://www.stateboards.ie).
2. On the bar at the top of the page click on "Available Appointments".
3. This brings you to a page with all our advertised vacancies. Select whichever position you would like to apply for (you are welcome to apply for more than one position if you wish).
4. On the relevant page please click on the "apply for position" button at the bottom of the page
5. This will bring you to a page on [www.publicjobs.ie](http://www.publicjobs.ie) and, if you already have a publicjobs.ie account, will prompt you for your username and password. If you do not have an account you will be asked to create one.
6. Once you input your details you will be brought to a page where there is a prompt in the middle of the page which says "apply here". Click on the link to the online application form beside it.
7. A form will appear on your screen, some of the text boxes will be populated with information from your publicjobs.ie profile (Name, address etc.). You will need to complete the rest of the fields and enter your name and the date at the bottom of the form. Click on "continue".
8. You will then be brought to a screen where you should upload your CV and Cover Letter. These are required documents and your application cannot be processed without them. Once you have selected these and uploaded them, please click on the "submit" button at the bottom of the page.
9. You will receive an e-mail confirmation (to the address listed in your publicjobs.ie profile) to confirm that your application has been submitted.

You must confirm that you do not have any conflicts of interest or legal impediment which would be likely to interfere with your ability to play a full part on the Board. You must also confirm that you can make yourself available to attend meetings and to carry out the duties of a Board member.