

CSNA NEWS



JOHN PAUL LONERGAN
National President, CSNA

PRESIDENT'S OPINION

SMEs urgently need temporary financial support package

This government needs to understand the very serious pressures that all small and medium-sized businesses are encountering and must resolve to immediately put in place a series of measures designed to provide badly needed relief to the sector.

We need a temporary financial support package that will give immediate assistance by way of a suspension of commercial rates, a number of measures specifically designed to acknowledge the importance of energy in our business, including making provisions for inclusion in schemes from which we are currently excluded, and the application of a rebate or refund scheme to reduce the effect that community-based retailers are experiencing with increases of over 200% in the cost of energy.

The CSNA will seek the assistance of other representative bodies with similar concerns to join the call to action.



Clear policies and procedures are essential regarding the viewing and processing of CCTV footage

CSNA NEWS

CCTV: Be very careful how you use it

The Court of Appeal delivered what is expected to be the final adjudication on what appeared, at first instance, to be a relatively minor disciplinary infringement infraction regarding the upbraiding of an employee for taking unauthorised breaks over three separate periods in his place of employment (a hospice). Management had been advised in 2015 by gardai to try to identify the perpetrator of some graffiti that had terrorist overtones. CCTV notices in the buildings made staff and visitors aware that their images were recorded for the purposes of health and safety and crime prevention. The hospice CCTV policy states that the purpose of the system is "to prevent crime and promote staff security".

When management reviewed the images recorded in the area in which the graffiti had been written, they noticed that an employee had entered the room on numerous occasions for what they considered unauthorised breaks. There was never a suggestion that he had vandalised the property. This led to a disciplinary sanction against the employee.

The employee made a complaint to the Data Protection Commission (DPC) which rejected the complaint as it was of the view that the



Clear policies and procedures are essential regarding the viewing and processing of CCTV footage

processing of the data (the employee's images) in relation to the security concerns was legitimate. They said that as there wasn't any downloading of the data, the viewing was necessary and did not go beyond its stated purpose. The employee unsuccessfully appealed to the Circuit Court and then appealed to the High Court, which found against the DPC's decision on the ground that "the collection of the CCTV footage was for the express and exclusive purpose of security and was used (permissible) for that

purpose, but was also used for a distinct and separate purpose, i.e. disciplinary proceedings. This was no longer a security-based investigation and the Circuit Court was in error. The images were therefore used for a different purpose than the one for which the data was originally collected.

The DPC appealed to the Court of Appeal which made reference in a critical fashion, to "the costs involved in all of these appeals are very substantial and entirely disproportionate to the issue concerned where there is no obvious necessity for such a multiplicity of appeals".

The COA agreed with the High Court - there was no problem viewing the images when investigating a possible security issue, but the fact that the image of a person was captured in a "non-security issue" matter, and that the person was the subject of a disciplinary complaint based on what had been seen, was a breach of that person's understanding of his consent to have his image recorded and watched.

Takeaway for employers

This highlights the need for clear policies and procedures. Further processing of personal data is not automatically unlawful. However, it is more likely to be so where further processing is not related to the original purpose, was not expected by the subjects, may have negative consequences and there are no safeguards to ensure fair and transparent processing.

CSNA NEWS

CSNA Executive members announced for 2022 – 2023

The CSNA National AGM held on 9 June 2022, re-appointed John Paul Loneragan as president and Gus O'Hara as vice president of the association.

The National Executive 2022 – 2023 is as follows:

- **Vincent Jennings** - CEO
- **Peter Gaughan** - Balla, Castlebar, Co. Mayo
- **Joe Mannion** - Daybreak, Clondalkin, Co. Dublin
- **Derek Moran** - Eurospar, Drogheda, Co. Louth
- **Brian Kelly** - Spar, Newcastle, Co. Dublin
- **Joe Tierney** - Newsagents, Navan, Co. Meath
- **Emma George** - Centra, Dublin
- **Sara Orme** - Daybreak, Delvin, Co. Westmeath



CSNA National Executive 2022 – 2023

IF YOU WISH TO JOIN THE CSNA,
PLEASE CONTACT THE ASSOCIATION ON 045 535050



CSNA NEWS

Department conducts public consultation on phase-in of Living Wage

The Department of Enterprise, Trade and Employment has published a document inviting the views of stakeholders on the proposed phased introduction of a Living Wage from 2023.

The Low Pay Commission was requested to make recommendations based on the Programme for Government commitment to "progress to a living wage over the lifetime of the government".

Submissions are now invited

during the six-week consultation period from 15 June to 27 July.

The CSNA will be making a detailed response on behalf of our members but would also encourage individual members to consider making their own submission.

It would also be very useful for members concerned about this proposal, or any specific aspects of the timing, methodology, etc that they contact us and make us aware of them.



Submissions are invited during the six-week consultation period from 15 June to 27 July

CSNA NEWS

Department announces details of 'Latte Levy' to retailers

At a recent briefing given by officials from Minister Eamonn Ryan's Department of the Environment, Climate and Communications on the 'Latte Levy', the following provisions were disclosed:

- The levy will apply to "hot beverage single-use cups only in 2022".
- The levy will be 20 cents.
- There will be a public education and awareness campaign.
- It is payable by the person selling the goods/products.
- The implementation date is 1 December 2022.
- Not applicable at wholesale level, payable at point of sale.



1st December 2022 is the planned implementation date for the so-called 'Latte Levy'

- Revenue are the collectors of the levy – identical arrangements as plastic bag levy (annual filing allowed only if they pay less than €1,000 in total over four consecutive quarters).

CSNA TIP OF THE MONTH

Scams continue to catch untrained staff

The first time we heard of this con-trick was over 40 years ago – the conman removes all cigarettes from the packet by opening the pack and replaces them with something of similar weight and volume. He returns the packet to the staff member who has just served him (having taken the doctored replacement from his pocket), claiming he wants a different brand. Two for the price of one! This scam works because as far as the sales assistant is concerned, it is a perfectly legitimate request, never suspecting for a moment they are being conned!

Beware: Make all staff aware of the need to be vigilant and look for signs of disturbed packaging.



Ensure all staff know to look for signs of disturbed packaging on returned cigarette packs

CSNA NEWS

WRC determination illustrates importance of clearly setting out Sunday premium in staff contracts

Members reading the account of an Irish Examiner report of a WRC determination on Sunday premium pay should note the importance of having, clearly and explicitly, the rate of pay noted in staff contracts when the employee is scheduled to work a part of their week on a Sunday.

You can specify a composite rate, (you are permitted to fix a uniform rate) or you can put a rate of premium (expressed either as a percentage or a flat rate in euros) payment that will be

enjoyed by the employee.

If you do not specifically set out how the legally entitled premium is to be calculated, the WRC will presume that the rate of pay set out in the contract is the rate that a premium shall be applied; at a level that far exceeds what is the norm for our sector.

Remember: If you pay a composite rate, the contract must state it is a composite rate. If you pay a separate premium, make sure the contract says this. ■



Whether you pay a composite rate or a separate premium for working on Sundays, this must be explicitly stated in your staff contracts