

## Key points of the Haddington Road proposals and of the FEMPI Act 2013

Education sector talks under the auspices of the Labour Relations Commission (LRC), were held in late May 2013. The talks resulted in issue, by the LRC, of the proposed Haddington Road Agreement. This represents a final offer from Government to unions to enter a collective agreement.

On 5<sup>th</sup> of June 2013, the Oireachtas enacted the Financial Emergency Measures in the Public Interest (FEMPI) Act 2013. With effect from 1<sup>st</sup> of July 2013, this Act cut the pay of all public servants and froze the increments of public servants not covered by a collective agreement. The FEMPI Act also provides (under section 2B) that the relevant Minister can set or amend terms and conditions so as to reduce remuneration or increase the working hours of public servants.

**The following is a comparison of the key differences between the Haddington Road Proposals and those not covered by a collective agreement under the FEMPI Act 2013. In some areas, a list of possible scenarios under the FEMPI Act is also set out.**

Haddington Road	<u>FEMPI</u>
<b>Pay cuts</b> Members earning €65k-€80k, will have a 5.5% cut on earnings up to €80k subject to a floor of €65k. Additional earnings between €80,000 and €150,000 will be reduced by 8%. Earnings between €150,000 and €185,000 will be reduced by 9%. Any earnings over €185,000 will be reduced by 10%. There will be an offset to account for the abolition of the Supervision and Substitution allowance to prevent a 'double hit' (*example set out below).	<b>Pay cuts</b> The same pay cuts as set out under Haddington Road will apply. There is no offset for S&S.
<b>Pay restoration</b> Pay for those earning between 65k and 100k will be restored in full by 1 January 2018. Restoration will occur in two equal phases on 1 April 2017 and on 1 January 2018.	<b>Pay restoration</b> Restoration of the pay cuts is not provided for.
<b>Increments</b> Those earning less than €35k will receive their next increment on their normal incremental date and then wait 15 months for the following increment (i.e. a 3 month delay). Subsequent increments will be paid at 12 month intervals. Those earning €35k-65k will receive the next increment on their normal incremental date and each of the following 2 increments will be paid at 15 month intervals (i.e. two 3 month delays). Subsequent increments will be paid at 12 month intervals.	<b>Increments</b> Increments are frozen for all staff irrespective of salary levels for three years from July 1, 2013.

<p>Those earning €65k-100k will receive the next increment on their normal incremental date and each of the following 2 increments will be paid at 18 month intervals (i.e. two 6 month delays). Subsequent increments will be paid at 12 month intervals.</p> <p>Increments are frozen for three years from July 1, 2013 for those earning over €100,000.</p>	
<p><b>New entrant salary scales</b></p> <p>There will be an improvement in new entrant salary scales at second and third level. New entrant refers to those who entered teaching/lecturing from January 1, 2011. (See new entrant salary scale at second level. The new scales for third level have not been finalised.)</p>	<p><b>New entrant salary scales</b></p> <p>There is no provision to improve the salary scales for new entrants.</p>
<p><b>Supervision and Substitution</b></p> <p>Payment for S&amp;S is discontinued. Participation is compulsory for all. The 37 hours per annum requirement will be increased to 43. For new entrants from February 2012, the S&amp;S liability will be reduced from 49 to 43 hours per annum. Teachers will be required to indicate availability for substitution for 5 classes per week. The maximum (combined) S&amp;S that can be required will be 3 hours per week, subject to a maximum of annual total of 43 hours. In recognition of the loss of the S&amp;S pensionable allowance, a gross payment of €1592 will be applied to the incremental scale for teachers. This will be applied in two equal moieties; €796 in the school year 2016/17 and €796 in the school year 2017/18.</p>	<p><b>Supervision and Substitution</b></p> <p>FEMPI is silent on S&amp;S so:</p> <p>(a) The current arrangements (i.e. S&amp;S scheme as operated in the 2012/13 school year) will continue to operate - with a 37 hour per annum requirement and payment of €1,769 p.a. for teachers employed before February 2012 and 49 hour per annum requirement and payment of €1,569 for new entrants after February 2012, subject to a 1 and half hour per week maximum.</p> <p><b><i>If teachers opt out of S&amp;S under the 'current arrangements' they lose the entitlement to pensionability of S&amp;S allowance and will not be in a position to regain it.</i></b></p> <p>(b) The Minister may introduce a Ministerial Order making S&amp;S a contractual obligation for all teachers or to introduce other arrangements. <i>(Section 2B of the FEMPI Act 2013 provides that the relevant Minister can set or amend terms and conditions so as to reduce remuneration (other than core salary) or increase working hours of public servants.)</i></p> <p>(c) If TUI engages in industrial action and directs members to withdraw from S&amp;S, with school closures a possibility, this would be construed as strike action. Members would lose salary payments for any school closure days.</p>
<p><b>33 'Croke Park' hours &amp; flex hours</b></p> <p>These hours will continue to be worked because Haddington Road commits teachers and lecturers to cooperate with "reform measures</p>	<p><b>33 'Croke Park' hours &amp; flex hours</b></p> <p>FEMPI is silent on these hours and if the Haddington Road Agreement does not apply, the commitment to perform these hours falls.</p>

advanced under the framework of the Public Service Agreement”.	<p>However, the Minister could introduce a Ministerial Order under Section 2 B of FEMPI to increase the working hours for teachers and lecturers.</p> <p>As part of a campaign of industrial action, TUI may direct members to withdraw from these hours. In such circumstances, the Minister may respond by introducing a Ministerial Order to make the extra 33 hours and the flex hours contractual. Therefore, the industrial action involving withdrawal from these hours could have an impact on take home pay if withdrawal was construed as strike action.</p>
<p><b>Extra hours at third level</b></p> <p>The 78 hours per annum will be fully absorbed or dealt with by being applied towards evening weighting (which will be reduced from 1.5 to 1.25) and church holidays. There will be no individual counting and there will be no residue either individually or collectively. The hours cannot be accumulated or deployed for any other purpose.</p>	<p><b>Extra hours at third level</b></p> <p>FEMPI is silent on the extra 78 hours so:</p> <ul style="list-style-type: none"> <li>(a) Members have no commitment to extra hours unless the Minister introduces revised arrangements.</li> <li>(b) The Minister may introduce a Ministerial Order, permitted under Section 2B of FEMPI, to increase the working hours of third level members.</li> </ul>
<p><b>Exam marking fee</b></p> <p>The examination marking fee will be reduced to 75% of current rates.</p>	<p><b>Exam marking fee</b></p> <p>FEMPI is silent on the rate for exam marking fees so:</p> <ul style="list-style-type: none"> <li>(a) The current payment rate may continue.</li> <li>(b) The Minister could introduce a Ministerial Order to reduce this payment.</li> </ul>
<p><b>Extra hours for members on 35 hours</b></p> <p>Members with a working week of 35 hours or less will increase to a minimum of a 37 hour week.</p>	<p><b>Extra hours for members on 35 hours</b></p> <p>FEMPI is silent on the issue of extra working hours so:</p> <ul style="list-style-type: none"> <li>(a) Members will not be obliged to work the extra hours unless the Minister introduces revised arrangements.</li> <li>(b) The Minister introduces a Ministerial Order, permitted under Section 2B of FEMPI, to increase the working hours for these members.</li> </ul>
<p><b>Fixed-term / Part-time Employment</b></p> <p>An Expert Group(s) on fixed term / part-time employment at second and third level will be established to enhance the situation for fixed term and part-time teachers and lecturers. This will include reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 school year. There will be early application of the granting of CIDs for those entering their fourth year in September 2013.</p>	<p><b>Fixed-term / Part-time Employment</b></p> <p>FEMPI is silent on fixed term and part time teachers/lecturers.</p> <p>The qualification period for the granting of a CID will remain at 4 years.</p>

<b>Hourly Paid Assistant / Associate Lecturers</b> A process will be put in place for the phased conversion of HPALs/Associate lecturers to pro-rata Assistant Lecturers. This process will in the first instance establish and agree those posts which are appropriate to be converted and thereafter such posts will be converted over a period of 3 years commencing in or before the academic year 2014/15.	<b>Hourly Paid Assistant / Associate Lecturers</b> FEMPI is silent on the conversion of Hourly paid Assistant Lecturers/ Associate Lecturers to Pro-rata Assistant Lecturers.
<b>Supplementary panel for Permanent positions</b> A supplementary panel for permanent positions will be established for teachers who have had sustained periods of employment with more than one school/ETB over an extended period of time.	<b>Supplementary panel for Permanent positions</b> FEMPI is silent on the establishment of a Supplementary Panel.
<b>Job security</b> Job security commitments for permanent staff / staff with CIDs are reaffirmed in the Haddington Road Proposals. This includes protection against compulsory redundancy for these staff.	<b>Job security</b> The commitments to job security and no compulsory redundancies under the Public Service Agreement would no longer apply. Therefore, permanent staff / staff with CIDs could be made compulsorily redundant.
<b>Redeployment</b> At second level, guideline redeployment distance will be set at 50km from the current work location or the home address, whichever is the shorter commute.	<b>Redeployment</b> There is no redeployment scheme under FEMPI. Therefore, in circumstances where there are surplus staff, members could be made compulsorily redundant.
<b>Headcount reductions</b> The parties accept that additional working hours and related productivity measures have the potential to facilitate further reductions in staff numbers over the course of the Agreement. Commitments to no compulsory redundancies for permanent / CID staff remain in place.	<b>Headcount reductions</b> FEMPI is silent on headcount reduction in the public sector. However, under FEMPI there is no protection against compulsory redundancies for permanent / CID staff. Therefore, permanent staff could be vulnerable to compulsory redundancy as a result of increases in the PTR at second level, the Employment Control Framework at third level or budgetary cuts.
<b>Performance management</b> The parties accept that further steps are needed to strengthen performance management systems and procedures in place across the Public Service.	<b>Performance management</b> FEMPI is silent on performance management.
<b>Posts of Responsibility</b> Alleviation of the moratorium on posts of responsibility will be applied to the full extent allowed under CL53/2011.	<b>Posts of Responsibility</b> FEMPI is silent on the alleviation of the moratorium on posts of responsibility.
<b>Industrial action</b> Parties to the proposed Agreement will not take industrial action on matters covered by the Agreement for the lifetime of the Agreement.	<b>Industrial action</b> TUI members are currently being balloted on industrial action, up to and including strike action, which may be taken in the event that members reject the proposed Haddington Road

	Agreement and in response to cuts in pay and/or worsening of working conditions imposed by Government (through the FEMPI Act or otherwise)
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\* Example of the S&S offset

Current Gross Salary: €70,406 (including S&S payment)

Less S & S Payment: €1,769

New Gross after loss of S & S: €68,637

A 5.5% pay cut on €68,637 = €3,775

However, as the annual S & S payment of €1,769 has already been lost, this reduces the pay cut element to €2,006 (i.e. €3,775 -€1,769)

Post Pay Cut Gross Salary = €66,631 (€68,637 - €2,006)

The total loss for this teacher is €3,775, inclusive of the loss of S&S

*(Example based on teacher on point 25 of pre-2011 common basic scale with a pass HDip and honours Degree, a B post and receiving the S&S allowance).*