A Word from the President

TUI is balloting third level members in the Institutes of Technology (IoTs) on the redeployment process for academic staff in the IoTs. This redeployment process was negotiated with the assistance of the Labour Relations Commission (LRC).

The TUI Executive Committee is recommending that members vote yes to accept the redeployment process. The TUI Executive believes that this redeployment process will ensure that members at third level maintain the employment security commitments contained in the Public Service Agreements. Furthermore, the sector specific process is tailored to the IoT sector and is therefore more beneficial for TUI members than the alternative public sector wide redeployment scheme. The default redeployment process which currently applies to public servants under the agreements is the Public Appointments Service (PAS) scheme.

Members should be cognisant of the fact that redeployment was a core commitment for all public servants under the terms of the 'Croke Park Agreement' and that this continued under the 'Haddington Road Agreement'. Therefore, in accepting the 'Croke Park Agreement' and its successor the 'Haddington Road Agreement', TUI members, along with members of all other public service unions, have committed to the principle of redeployment. Under these agreements, guarantees on security of employment are dependent on cooperation with redeployment.

In the education sector, TUI secured the right to negotiate a sector specific redeployment scheme for its third level members in IoTs (in a similar manner a redeployment scheme for second level was also concluded). The negotiation of sectoral schemes was done in order to provide an alternative to the default (PAS) redeployment scheme which would better utilise teachers'/lecturers' frontline skills.

At third level the negotiations took place over a number of years and were attended by TUI Area Representatives from third level. The negotiations concluded in January 2014 with a set of redeployment arrangements for academic staff in the IoTs. These are more beneficial and appropriate for TUI members than the default PAS scheme.

Along with the Executive, I would urge all members at third level to vote yes to accept the redeployment process negotiated by TUI. If members reject this process it is likely that the general public service redeployment scheme (PAS scheme) will be imposed on members. Alternatively, it is possible that the commitments to security of employment contained in both Public Service Agreements, which are contingent on members' cooperation with redeployment, will no longer apply to TUI members.

Gerard. P Craughwell.

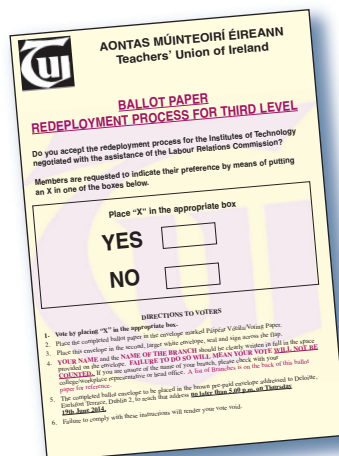## Ballot on redeployment process for the Institutes of Technology

What you are being asked to decide

You are being asked to decide whether to accept the redeployment process for the Institutes of Technology which was negotiated with the assistance of the Labour Relations Commission.

Ballot papers issue from TUI Head Office on Monday, 9th June and are due for return to the auditors Deloitte by 5pm on **Thursday 19th June** using the reply paid envelope.
Please post by **midday on Wednesday 18th June at the latest to ensure your ballot arrives on time.**

All TUI members in IoTs are being balloted on the redeployment process and are encouraged to exercise their right to vote.

DRAFT BALLOT PAPER

The Executive Committee of TUI is recommending that members VOTE YES to accept the redeployment process for the Institutes of Technology.

TUI members balloted to accept the 'Croke Park Agreement' and the 'Haddington Road Agreement' and are therefore signed up to the redeployment provisions contained in the agreements. In such circumstances, the Executive Committee has approved the sectoral redeployment scheme for the IOTs as the best that can be secured for TUI members. In particular, the scheme is a better option for TUI members than the general public service redeployment scheme operated by the Public Appointments Service (the PAS scheme) and is preferable to any process that may be introduced without input from TUI. The Executive is also of the view that the scheme ensures continued protection from compulsory redundancy for TUI members on permanent contracts and contracts of indefinite duration (CIDs).

Background

Under the terms of the original Public Service Agreement 2010-2014 (the 'Croke Park Agreement'), redeployment was established as a provision for all public servants. According to the agreement, "the process of redeployment is necessary to sustain the commitment to job security within the Public Service". The redeployment provision, in common with other provisions of the agreement, continued as a provision under the Public Service Stability Agreement 2013-2016 (the 'Haddington Road Agreement'). The redeployment scheme in the IoT sector is therefore part of a wider commitment on redeployment, signed up to by all unions who agreed to the Public Service Agreements.

Under paragraph 1.6 of the Public Service Agreement 2010-2014, the Government gave a "commitment that compulsory redundancy will not apply within the Public Service, save where existing exit provisions apply". However, it further stated that this commitment on job security was "subject to compliance with the terms of this Agreement and, in particular, to the agreed flexibility on redeployment being delivered". Paragraph 1.7 stated that parties to the agreement "have agreed appropriate arrangements to redeploy staff within and across each sector of the Public Service". This committed all parties to the Agreement to cooperating with redeployment in the public sector. Therefore, all TUI members, including members in IoTs, have been covered by redeployment since they balloted to accept the first Public Service Agreement in 2011. The default scheme for redeployment is the Public Appointments Service (PAS) scheme, under the terms of which a public servant may be redeployed to another public service employer.

During the negotiation of the Public Service Agreement 2010-2014, it was agreed that efforts should be made to agree sectoral schemes which would be more suitable to particular sectors and which could provide union members with a more appropriate alternative to the default scheme. The alternative to sectoral agreements on redeployment would be a default to the PAS scheme. In the IoT sector, parties committed to agreeing "redeployment schemes for academic, administrative, technical and support staff across the Institutes and between Institutes and the wider Public Service".

The TUI document, 'PSA 2010-2014 Outcome of Discussions', published in January 2011 and circulated to all members stated: "Redeployment issues for lecturing grades will be dealt with in further discussions between the parties." In addition, the 'TUI News Ballot Special' published in March 2011 outlined that a redeployment process would be negotiated for the IoT sector, stating: "Details yet to be negotiated but in line with teachers' and general public service schemes". When members balloted to accept the Public Service Agreement 2010-2014, TUI began the process of negotiating a redeployment process as per the terms of the Public Service Agreement. These negotiations began in August 2011 and were attended by TUI Executive members and officials representing third level.

In September 2013, TUI members voted to accept the Public Service Stability Agreement 2013-2016 (the 'Haddington Road Agreement'). Paragraphs 1.9 and 1.10 of this agreement state that it "builds on the measures set out in the Public Service Agreement 2010-2014". Furthermore, "the parties agree to continue to work within the framework of the Public Service Agreement and reaffirm the overall commitments provided within it". This included the provisions on redeployment.

In January 2014, negotiation of the 'Redeployment Process for Academic Staff in the Institutes of Technology' was concluded. TUI recorded its agreement to the redeployment process at the Institute of Technology Industrial Relations (IoT IR) Forum on 2nd April 2014.

Why are we balloting?

The Executive Committee of TUI is balloting all third level members in IoTs on the Redeployment Process, following an emergency motion passed at Congress 2014.

The motion stated:
"Congress instructs the Executive Committee that the required ballot be held on the specific Redeployment Scheme, at an early date, in accordance with Congress instructions, and further instructs the Executive Committee that every effort be made to complete the ballot by the 20th June 2014."

Redeployment arrangements for academic staff in Institutes of Technology

Key Characteristics of the Scheme

The key characteristics of the redeployment arrangements for IoT academic staff are set out below. The full text of the document is available for download on the TUI website and on the TUI members' portal.

The redeployment process applies to all permanent staff / staff with contracts of indefinite duration (CIDs) including staff at the grades of College Teacher, Lecturer Scale I, Lecturer Scale II, Assistant Lecturer/Lecturer, Senior Lecturer I (Teaching), Senior Lecturer II and Senior Lecturer III.
The scheme guarantees security of employment and continuity of employment for these staff.

Redeployment Process

The redeployment process is based on a step-by-step process outlined below. Where possible surplus lecturing staff will, in the first instance, be absorbed through re-assignment within their own Institute before redeployment applies.

Reassignment within Institute
In the first instance, staff who are deemed surplus will be re-assigned within their own Institute. This means they can be transferred to another post, academic or otherwise, within their Institute and may, where appropriate, be temporarily re-assigned. Where appropriate, re-training will be provided to facilitate staff being re-assigned to other areas within the Institute.

Re-assignment will occur before there is recourse to redeployment, except in circumstances where a staff member, by agreement, opts for redeployment to another Institute.

Redeployment
Where re-assignment options have been exhausted, redeployment will occur in the following order as necessary:
1. Redeployment to another Institute
2. Redeployment within the education sector, including universities
3. Redeployment to another public service employer, outside the education sector.

Please note, redeployment out of the education sector is the final option after reassignment and other redeployment options have been exhausted. Furthermore, to the greatest extent possible, efforts will be made to redeploy a surplus member of staff to a vacancy in another Institute having regard to the course needs of the institute and the individual's qualifications and previous experience.

In circumstances where staff are reassigned or redeployed to different grades they will retain their basic pay and pension terms (other than where staff move to lower grades on a voluntary basis).

Surplus staff

Under the scheme, a surplus situation arises where an Institute has an excess of staff over its annual employment ceiling under the Employment Control Framework (ECF). This could occur due to courses or programmes being discontinued or scaled down, for example.

Geographical limits

Redeployment may only occur within a maximum radius of 45km of the staff member's current institute or the individual's place of residence, should they request this.

Appeals process

It is open to staff members to appeal their redeployment where he/she considers that the agreed process and procedures have not been complied with.

Vote Yes?

TUI members have already balloted to accept a redeployment scheme for third level by voting to accept both the Public Service Agreement 2010-2014 (the 'Croke Park Agreement') and the Public Service Stability Agreement 2013-2016 (the 'Haddington Road Agreement').

The default core redeployment scheme, in the event of there being no agreed sectoral scheme is the Public Appointment Services (PAS) scheme. Under the terms of the PAS redeployment scheme, a public servant may be redeployed to another public service employer, not necessarily connected with one's original employment. A vote to reject the sectoral redeployment process would likely result in the application of the default redeployment scheme to TUI members.

The sector specific redeployment scheme concluded by TUI is the best that can be secured through negotiation. It is preferable to any scheme that may be used without input from TUI, including the default PAS scheme.

The commitments to job security for third level members with permanent or CID contracts, contained in the Public Service Agreement, are contingent on members' cooperation with redeployment. Therefore, if members reject the redeployment scheme for the IoT sector, the commitments on job security may no longer apply to TUI members and this raises the possibility of compulsory redundancy for members in vulnerable positions.

Voting yes will ensure security of employment and continuity of employment for TUI members with permanent or CID contracts.

Given that the negotiation of this scheme has taken place over a period of three and a half years (beginning in August 2011 and concluding in January 2014), it is highly unlikely that the management side will reopen talks or be open to any renegotiation of the scheme. As such, this is the final opportunity for TUI members to have access to a redeployment process tailored for their sector and concluded with input from TUI.

Under the redeployment process for the IoT sector, redeployment out of the education sector is the very last option. As a first option, members can be reassigned within their own Institute to a role they are qualified for and for which they have expertise, or for a role which they can be up-skilled or trained into. If reassignment is not possible, redeployment will firstly take place within the IoT sector, then within the education sector and finally within the wider public service.

There is an appeals mechanism set out in the redeployment process for the IoT sector.

Vote No?

Management will renegotiate if members reject the redeployment process for the IoTs. The management side regularly insists that it is presenting a final offer and that no further negotiation is possible, while the contrary has often proven to be the case.

If members vote no and this is followed by a refusal by the management side to negotiate further, then any redeployment efforts by IoT managements can be resisted on a case-by-case basis.

If members vote no and this is followed by a refusal by the management side to negotiate further, then a situation will be created that only cross-sectoral redeployment will be possible for TUI members in IoTs. This is a direct contradiction of Haddington Road's requirement of "best fit" redeployment and creates a clear need for further negotiation.

The LRC scheme allows removal from the lecturing profession, either by reassignment in one's own institute or redeployment out of one's own institute. The word "cross-sectoral" in the Haddington Road Agreement is not defined and should not be assumed to include removal from one's profession.

Under the LRC scheme, the arbitrary and unfair Employment Control Framework will create "surplus" situations leading to enforced permanent removal from the lecturing profession.

Under the LRC scheme, a temporary downturn in demand for a course could result in a staff member being reassigned or redeployed.

Under the LRC scheme, the 'flex' hours could be used to result in a "surplus" situation and lead to a staff member being reassigned or redeployed.

The LRC scheme provides no protection against manipulation by managements to create "surplus" situations in particular areas. This is particularly worrying in the context of significant restructuring of the sector.

The appeal process in the LRC scheme is wholly inadequate and cannot address management decisions which unintentionally create "surpluses" in particular areas, deliberate manipulation to create "surpluses" in particular areas and/or temporary downturns in activity leading to enforced permanent removal from the lecturing profession.