TUI Industrial Action - Emails, Calls and Personal Devices

Frequently Asked Questions for Members in Technological Universities and Institutes of Technology.

1. **First published 2nd October 2026.**
2. **Amended by derogation Q23 5th October 2026.**
3. **Amended for clarity 5pm 8th October 2026.**
4. **Updated to provide clarity on 'contracted hours' 1pm 9th October 2026.**

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IMPORTANT NOTE:

In the normal course of events, where there is no industrial action directive in place, members cannot be required to use their own personal devices for work purposes. Devices for work purposes should be provided by the employer. Use of one's own device creates a risk for members that they will be in breach of the GDPR provisions even if that breach is unintended. This is not a risk that members are required to carry or should carry.

Regarding work-related communication, members have a general right to disconnect. This means that other than in exceptional circumstances relating to critical incidents, child protection or other statutory requirements, members cannot be compelled to respond to work-related emails, texts or other messages outside of their normal working hours including weekends.

Members can of course use their own phone or personal device, where necessary, to notify management that they cannot attend work due to sick leave, force majeure leave, bereavement leave or other leave, and to confirm their return to work following leave. This is a limited exception to the prohibition on using personal devices for work purposes and applies only to necessary communication about the member's own absence or return. It does not require members to monitor or respond to other work-related communications.

1. There is now an industrial action directive regarding emails, calls and personal devices - what is it?

Members are directed:

- not to answer or respond to work-related emails, phone calls, text messages or other communications outside their working hours[1]* (see questions 12-15);
- not to answer or respond to work-related emails, calls or messages before classes commence in the morning, during break periods or during free periods in the academic day; and
- not to use their personal phones, laptops, tablets or other personal devices for work purposes.

Members should continue to carry out their normal duties during their contracted working hours, subject to the terms of the industrial action.

Non-cooperation with emails and calls outside working hours

2. What does "outside contracted working hours" mean?

The communication restrictions below are subject to Questions 12–15.

Members should not engage with work-related communications outside their contracted working hours. For the purposes of this directive, references to "contracted working hours" mean timetabled contact hours and other normal non-contact hours for lecturers and contracted working hours for other grades.

This means lecturers should not respond to work emails, calls or messages outside their contracted working hours.

Members must not use the time immediately before classes commence, break periods or free periods during the day to answer emails, return calls or respond to work-related messages. For example, during lunch breaks.

3. Can I read a work email outside my contracted working hours if I do not respond?

No. Members should not engage with work-related email outside their contracted working hours.[1]

Members should not deal with emails before classes commence in the morning, during breaks or during free periods. For example, during lunch breaks.

4. Does this directive also apply at weekends?

Yes, where the weekend falls outside your applicable working hours. If your contracted working hours include weekend work (as is the case for a limited number of lecturer), the out-of-hours restriction applies outside those hours, subject to Questions 12–15.

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[1] * The restrictions on out-of-hours communications are subject to the limited exceptions set out in Questions 12–15

5. What if I receive a call from my line manager or another colleague outside my contracted working hours?

Subject to the exceptions in Questions 12-15, you should not respond to or make a work-related call outside your contracted working hours.

You should also not use break periods, free periods or the period before classes commence in the morning to return or make work-related calls. For example, during lunch breaks.

6. What about WhatsApp groups or text messages?

Members should never use personal WhatsApp accounts (or similar message provider), personal mobile numbers, text messages or similar personal messaging services for work-related purposes subject to the limited exceptions set out in Questions 13–15 and 20.

Members must not respond to work-related WhatsApp (or similar message provider) messages or texts before classes commence, during break periods, during free periods or outside their contracted working hours. For example, during lunch break.

If a workplace currently relies on WhatsApp or personal messaging for routine communication, management must put an appropriate employer-provided communication system in place.

7. What about communication with students?

The same principles apply.

Members should never use personal phone numbers, personal email accounts or personal devices for work-related communication with students.

Members should not respond to such communications outside their contracted working hours, before classes commence in the morning, during break periods or during free periods.

Work-related communication should take place through employer-provided systems in accordance with the directive.

8. What if management sends an email outside of my contracted working hours?

Members should not monitor or respond to work emails outside their contracted working hours, subject to the exceptions in Questions 12–15.

9. Can I schedule an email written during my contracted working hours to issue outside my contracted hours?

No. Emails should be sent during contracted working hours only.

10. When must I avoid dealing with emails and other electronic communications?

Members should not send emails, answer emails, return calls or respond to messages:

- before classes commence in the morning;
- during morning or afternoon breaks;
- during lunch breaks;
- during free periods; or
- outside their contracted working hours.

Members should prioritise their core teaching, learning and other timetabled duties.

11. What should I do if management tells me that I must answer emails or calls outside my contracted working hours, during breaks or free periods?

Do not enter into an individual dispute or agreement with management.

Refer to the TUI directive and immediately contact your TUI Representative, Branch Officer, Area Representative and/or Official for advice.

12. I work in management, for example as a Head of Department. When can I use my work phone after academic hours?

In addition to the exceptions in Questions 13 – 15, under this directive, you may use your employer-provided phone after normal working hours hours only where necessary to fulfil a statutory obligation that cannot lawfully be deferred until your next working period. This includes statutory child protection reporting or responding to a statutory Tusla request for assistance or communications with the emergency services and/or An Garda Síochána i.e. where the circumstances require action without delay. Any use must be limited to the communication necessary to fulfil that obligation. Routine management, staffing and administrative matters do not qualify.

13. May I use my work phone or email outside contracted working hours to notify management that I cannot attend work or that I am returning from leave?

Yes. The directive permits you to use your work or personal phone or email to notify management of your absence due to sick leave, force majeure leave, bereavement leave or other leave, and to confirm your return to work following leave.

This exception is limited to necessary communication about your own absence or return. It does not require you to monitor or respond to other work-related communications outside contracted working hours.

14. May I contact the Designated Liaison Person (DLP) or equivalent role, about a child protection concern outside contracted working hours?

Yes. The directive does not prevent you from reporting a child protection concern to the DLP or, where the DLP is unavailable, the Deputy DLP, in accordance with the TU/IOT child protection procedures. Reporting to the DLP does not replace your personal statutory obligation, as a mandated person, to report to Tusla where the threshold for a mandated report is met. You must not delay a required report because of the directive.

This exception is limited to necessary child protection communications. It does not require routine monitoring of work calls, messages or emails outside contracted working hours.

15. May I make or respond to a call about a critical incident outside contracted working hours?

Yes, where the communication is urgently necessary to protect life or safety, or to fulfil a statutory obligation that cannot lawfully wait until your next working period.

This exception is limited to the immediate response required. It does not extend to routine administration or follow-up work simply because it relates to a critical incident, and it does not require you to keep your work phone switched on or routinely monitor communications outside contracted working hours.

16. How will I let others know that I am not responding to work emails owing to industrial action?

Members should set up an out-of-office reply as follows:

Thank you for your email.

I am participating in TUI industrial action and, in accordance with the union's directive, will not read or respond to work-related emails outside my contracted working hours.

I will attend to your email during my contracted working hours.

17. Can TUI members in Technological Universities/Institute of Technology management positions use electronic communications, including phones and emails, to process payroll and ensure that all members (including learners/apprentices) receive their pay?

Yes. TUI members in senior TU/IOT management positions may use phones, emails and other electronic communications where necessary to process payroll (including the processing of learner and apprentice payment, where relevant) and ensure that all persons receive their correct pay on time. This activity is exempt from the industrial action directive.

Using Personal Devices for Work Purposes

18. Should I remove my work email from my personal phone?

Members should never use a personal device for work purposes, including to access work email subject to the limited exceptions set out in Questions 13–15 and 20.

TUI is aware, however, that some members currently use or are expected to use their own phones, laptops or other devices for work purposes.

Where this has become established practice, it should cease. Moreover, members must cease using their personal devices for work purposes in accordance with the directive.

Members must remove or disable work email, work notifications and other work-related applications from their personal devices where necessary to comply with the directive.

19. Can management require me to install an app on my personal phone?

No. Members cannot be required to install or use work-related applications on their personal phones or other personal devices. Members should not put at risk the protections conferred by the GDPR.

Where an application, software programme or device is necessary to carry out work, the employer should provide appropriate equipment and access.

20. What if I currently use my personal laptop, phone or tablet for work?

During the industrial action, members must cease using personal phones, laptops, tablets or other personally owned devices for work purposes, except in the limited circumstances described in this answer. Personal devices can be used to notify the employer of your own absence or return to work.

Using personally owned devices significantly increases the risk that members would be in breach of the GDPR provisions even if unintentionally.

TUI recognises that some members have routinely used their own devices for work purposes.

The fact that this has happened in practice does not mean that members should be expected or required to provide their own equipment for work.

Where no employer-provided device is available, members may use a personal device for the minimum communication necessary to make an urgent safeguarding report or respond to an immediate risk to life or safety. The directive must not delay that communication.

21. What if I use my personal laptop to prepare lessons or other work?

Members should not use a personally owned laptop, tablet, phone or other device for work purposes.

Work that requires electronic equipment should be carried out using equipment provided by the employer.

22. Can I use my work laptop at home?

The prohibition on devices relates specifically to personal devices.

However, the separate instruction on communications still applies. Members should not use an employer-provided device to answer emails, calls or messages outside their contracted working hours.

Members should also not use such devices to deal with work-related communications before classes commence in the morning, during break periods or during free periods.

23. Can I use my personal device for multi-factor authentication?

Yes. You may use your own personal device for multi-factor authentication.

This is an interim measure, and members should advise management that an alternative multi-factor authentication process must be put in place as soon as possible.