

## **Motions of Consequence**

### **1. Health**

Congress notes

- that the members of the TUI look forward to the re-opening of schools, centres, colleges, institutes and universities to all staff and students as soon as that can be done safely and
- the Union's consistent, reasonable and principled view that its advice to members will at all points be informed by and in compliance with the advice of the public health authorities
- the duty of the Union to protect the best interests of members, having regard to their right to a safe workplace, including when working remotely
- the duty of care of members to their students

In this context Congress notes

- the continuing risk associated with Covid-19 according to the public health authorities
- the current requirements under public health authority advice and government decision in relation to physical distancing in workplaces
- the right of workers under the relevant protocols to have Lead Worker Representatives in place, selected by those whom they represent and as set out in the ICTU guidelines
- the pre-existing right of workers under the "Safety, Health and Welfare at Work Act 2005" to select and appoint a "Safety Representative").
- the obligation on employers to provide appropriate training in a timely manner to all employees in relation to safe return to the workplace and other related matters
- the deficits in terms of physical infrastructure and facilities of education sector workplaces
- uneven and inadequate access to broadband and appropriate digital learning resources available to members and students
- that current cleaning and hygiene regimes (and resourcing therefor) are insufficient to support a safe return to those workplaces
- the substantial number of staff members and students who have underlying health issues that significantly increase the level of risk they would face upon return to the workplace

Congress therefore demands that

- any Government/ Department of Education and Skills/Employer decisions or protocols in relation to return to workplaces, including those in respect of social distancing, must be based upon and adhere to the advice of the national public health authorities
- any such decisions must prioritise the health and safety of both staff members and students
- prior to and framing any such decisions, there must be full, meaningful and structured consultation and discussion at national level with the TUI and other relevant parties
- shaped by this consultation and discussion, national guidance must issue and must inform discussion and implementation of such decisions at local, institutional, employer and/or sectoral level (as relevant)
- the necessary level of resources (including PPE, where appropriate) be made available to schools, colleges and centres

Congress also instructs the Executive Committee to initiate a campaign of action and, if necessary, ballot members for industrial action, at institutional, employer, sectoral, regional or national level, as

appropriate, in the event that return to workplaces is demanded in a manner and/or at a time that is considered not to be consistent with the advice of the public health authorities or that places at risk the health and safety of members and/or of their students.

## **2. Workload and IR**

Congress notes that

- TUI members have been working throughout the period since closure of schools/colleges/centres on 12<sup>th</sup> March
- teaching and learning in a remote environment has been and continues to be very challenging for members and their students, respectively
- members of the Union have demonstrated their commitment in maintaining their service (including but not confined to emergency remote teaching) to students
- workload has increased significantly as a consequence
- the TUI secured a specific agreement (covering each sector) that the arrangements put in place to deal with the Covid-19 emergency do not constitute a precedent and will not be repeated in ordinary times
- in each sector, exceptional arrangements were put in place by members in order to ensure that students could complete their programmes of study and have access to the appropriate accreditation or certification, including changes to assessment procedures in the FET and third level sectors and the development and implementation of a calculated grades system at second level.

Congress is concerned that, notwithstanding commitments received by the Union that no precedent will be established, some employers are seeking to

- normalise and embed these exceptional and once-off arrangements, including the associated increases in workload
- frustrate the Union's legitimate and reasonable pre-existing claims, such as the claim at Third Level, in respect of on-line learning
- change terms and conditions of members by importing—inappropriately and without agreement—elements of the emergency arrangements
- impose a regime of online assessments in order to reduce costs
- move permanently and without agreement to a greatly increased reliance on online delivery and working from home
- unilaterally impose calendar or timetable arrangements that breach the terms of existing agreements and/or circulars
- combine classes, increase class size and thereby both increase the workload of some members and reduce or eliminate the working hours of others
- assign additional administrative and compliance duties to members

Congress rejects such opportunistic manipulation of the goodwill of TUI members and exploitation of the public health crisis. Congress instructs the Executive Committee to protect members against such exploitation by

- demanding and negotiating a sustainable workload model, to include an interim arrangement (if necessary) for the coming year

- negotiating the necessary resources (not least ICT resources) to support both that model and the high quality education provided to our students
- instigating an effective campaign of action wherever instances of opportunism or exploitation by employers occur and, in this regard, if necessary, balloting members for industrial action, at institutional, employer, sectoral, regional or national level, as appropriate
- pursuing the Union's existing claims with vigour.

### **3. Programmes of Study/Curriculum/Syllabi**

Recognising that restrictions imposed in response to the Covid-19 health crisis have meant that some elements of certain programmes of study/curriculum/syllabi could not be completed for particular cohorts of students, Congress instructs the Executive Committee to engage with the appropriate statutory authorities, awarding bodies and/or management authorities with a view to having appropriate adjustments made to the programmes/curriculum and/or related assessments so that students are not unfairly and adversely affected by circumstances that are beyond their control and that the necessary resourcing is provided to support any such adjustments. Furthermore, such adjustments must respect fully members' existing terms and conditions of employment.

Congress also instructs the Executive Committee to demand of Government and the relevant agencies that the educational inequalities that have been starkly illustrated and exacerbated by the digital divide (as it has affected particular cohorts of students during the period of school/college/centre closure) be addressed as a matter of urgency and the requisite resources provided towards that end.