



Ballot on HPAL Conversion Process - Phase 2 Proposal Vote 'YES' to accept the proposal

A Word From The President

The Protection of Employees (Part-Time Work) Act 2001 implemented European Directive 97/81/EC and includes provisions to prevent part-time workers being treated in a less favourable manner than comparable full-time workers in respect of terms and conditions of employment. The Act requires the proportionate provision of certain conditions of employment to part-time workers, e.g. a part-time worker on half the weekly hours of a full-time comparator (on the same point of the salary scale) should receive half the pay. This is called the application of "pro-rata" conditions. The Act regulates part-time work, it does not impede it. Importantly the Act does not oblige employers to create additional working hours for any employee and it explicitly recognises that employment can be seasonal. For the duration of his/her employment, the pro-rata part-time employee enjoys the terms and conditions of the full-time comparator. Where this is reflected in a part-time contract, it does not undermine or alter the full-time contract.



TUI PRESIDENT, SEAMUS LAHART

One of the few positive aspects of the Haddington Road Agreement (HRA) of 2013 was the establishment of a process to convert Hourly Paid Assistant Lecturers (HPALs) to pro-rata terms. HPALs are the worst paid and most vulnerable TUI members at third level. They have no access to leave

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HPAL Conversion Process – Phase 2 Proposal

The Haddington Road Agreement put in place a process for the phased conversion of Hourly Paid Assistant Lecturers/Associate Lecturers to pro-rata Assistant Lecturers. Phase 1 of this process set out the qualification and availability requirements for conversion which continue to apply. This document relates only and is ringfenced to the arrangements necessary for that process for the currently employed Hourly Paid Assistant Lecturers (HPALS) and Associate Lecturers described below.

The parties agree that year-long academic contracts are the norm for employment in the Technological Higher Education Sector and that almost all lecturing staff will continue to be employed on such terms. In a small number of individual cases in semesterised Institutes of Technology an unbalanced working pattern has developed for HPAL/Associate Lecturers in certain disciplines. This includes instances where HPAL/Associate Lecturers are employed for one semester only in academic years and instances where there is a significant difference for some HPAL/Associate Lecturers in their number of lecturing hours per week between the two semesters.

The parties agree that the arrangements arising from this phase of the HPAL Conversion process will not have any implication outside of the very limited circumstances in which the issue of unbalanced semesters has been identified and will not lead to new instances of such unbalanced academic working. Locally and nationally the parties remain committed to year-long academic contracts as the norm. It is acknowledged that individual lecturers aspire to full-time work and Institutes will endeavour to meet these aspirations subject to available hours and business needs and in accordance with the agreed augmentation arrangements set out in Circular 41/2016. If there are instances of significant levels of unbalanced academic work, local discussions will take place on the issue.

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arrangements taken for granted by most (e.g. sick leave, maternity leave, parental leave). In addition, they have no access to a range of benefits including an incremental scale, they have no pension rights and they receive minimal payment during the summer. In some IoTs, they are called “Associate Lecturers”.

Conversion to pro-rata terms will entitle our colleagues to the leave arrangements and pension rights enjoyed by full-time lecturing staff. It will allow their weekly lecturing hours to be increased year-by-year as additional hours become available under the Cush process. It will establish them on a proper career path. It will give them proper professional status. Crucially, it will allow them to move up the incremental scale and eventually to progress to the Lecturer scale.

- Under the HRA it was agreed there would be three phases to the conversion. The only phase of the process with finalised arrangements to date is Phase 1, dealing with core-funded HPALs who were employed for the academic year and whose contract hours were similar from one semester to the next.
- Phase 2 deals with core-funded HPALs employed in one semester or whose hours vary from one semester to another
- Phase 3 will deal with all other cases, including the necessary discussion as to when it is appropriate for HPALs to be employed in the first place.

If this Phase 2 proposal is accepted, the relevant TUI members will be granted significantly better outcomes than would be available under the law that governs part-time work. Those currently lecturing in one semester will be converted to a six-month pro-rata contract, while the proposal also sets out a clear, agreed mechanism for those with six-month contracts and unbalanced contracts to achieve wholtime, year-long Assistant Lecturer contracts as work becomes available.

TUI will continue to oppose the use of any inappropriate contracts that would seek to undermine the employment of full-time Assistant Lecturers.

Having considered in detail the arrangements for Phase 2 of the Conversion Process for HPALs, the Executive Committee is recommending that members vote ‘YES’ to accept the proposal.

Please ensure that you cast your vote so that your voice is heard.



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This agreement does not change any existing arrangement or agreement for the employment of pro-rata lecturers and only relates to the conversion process.

Conversion Arrangements for HPAL/Associate Lecturers with employment for one semester only

- Six month contract – 1 September to 28 February or 1 January to 30 June (depending on which semester)
- Contract of Indefinite Duration possible based on single semester contract i.e. entitled to be employed for that semester every year
- Hours of pro-rata contract based on application of already agreed arrangements for full-year
- Entitlement to avail of extra hours that become available in accordance with already agreed augmentation arrangements in accordance with paragraph 3 of Circular 41/2016. This may mean hours in other semester or added hours to existing contract.
- Where extra hours are in other semester, arrangements as below will apply where the hours vary

Conversion Arrangements for HPAL/Associate Lecturers with hours that vary from one semester to another

- Year-long Contract on a variable hours basis
- Contract of Indefinite Duration possible in accordance with circular letters.
- Hours of pro-rata based on application of already agreed arrangements
- To meet existing needs of Institute, personal-to-holder arrangement to preserve variability contained in CID
- Entitlement to avail of extra hours that become available in accordance with already agreed augmentation arrangements in accordance with paragraph 3 of Circular 41/2016.

What are you being asked?

You are being asked if you accept the proposal in relation to Phase 2 of the Conversion Process for Hourly Paid Assistant Lecturers (HPALs).

What is the TUI Executive Committee recommending?

The TUI Executive Committee is recommending that you vote 'YES' to accept the proposal.

When will the ballot take place?

Ballot papers will be posted on Tuesday, 26th March 2019. Completed ballot papers must be returned (in the envelopes provided) to the Union's auditors, **Deloitte, by 5pm on Thursday, 11th April 2019.** (To ensure that completed ballot papers reach Deloitte by the closing date, they should be posted by Tuesday, 9th April at the latest).

Reasons to accept the proposal by voting 'YES'

1. The proposal grants TUI members significantly better outcomes than would be available under the law which regulates part-time work.
2. Included in the proposal is that HPALs currently lecturing in one semester only will be converted to a six-month pro-rata contract. This establishes a useful precedent for TUI. Without this proposal there is a danger that shorter contracts may become the norm in such a circumstance.
3. The proposal includes provision for contracts to be augmented with additional hours in either semester under the Cush process. This provides a clear agreed mechanism for those converted to six-month contracts and unbalanced contracts to achieve whole-time, year-long Assistant Lecturer contracts as work becomes available.
4. If this proposal is not agreed, then the disputes resolution mechanism of the PSSA national agreement (which involves binding arbitration) will be initiated. This is likely to result in, at best, the same outcome as this proposal, but could quite possibly produce a worse outcome.
5. If this proposal is not agreed, then progress on the conversion process will be delayed further with no likely improvement in the eventual outcome, but the certainty of further irrecoverable losses in earnings for our most vulnerable colleagues.
6. A 'YES' vote will bring Phase 2 of the Conversion Process to a conclusion allowing the final phase (Phase 3) to commence, which will make it possible to remove the type of casualisation that inappropriate use of HPALs has caused. It will also, very importantly, identify the circumstances when it is not appropriate to employ HPALs.
7. A 'YES' vote does not remove or weaken TUI opposition to inappropriate use of six-month contracts. Any inappropriate contract that is offered can be opposed by TUI if there is no valid reason for it.
8. Management sometimes seeks to justify the refusal of a pro-rata contract on the basis that the HPAL is not performing the full range of duties of a full-time comparator. The current proposal, if approved in the ballot, will remove this significant obstacle to the great benefit of members.

Reasons to reject the proposal by voting 'NO'

1. It would be preferable to have contracts of at least one year's duration offered in all circumstances.
2. The nationally agreed lecturing contracts limit the variation in class contact hours from one semester to another (within the range +2/-2 from the weekly norm). While not threatening the weekly norm, this proposal involves a greater degree of variation where this reflects the current work pattern of the HPAL.
3. Some managements may try to exploit the arrangement set out in this proposal and move to offering six-month (or shorter) contracts on a regular basis.
4. Individual cases can be taken for HPALs who believe they are entitled to pro-rata contracts; a WRC adjudication process is available and would not necessarily lead to the types of contracts on offer in this proposal.
5. There is a risk that the acceptance of the arrangement set out in the proposal could lead to greater casualisation rather than less casualisation.
6. If the proposal is accepted, discussions under Phase 3 could result in HPALs becoming the accepted model of employment in certain circumstances.
7. If the proposal is accepted, the implementation of the arrangements in good faith by management cannot be assumed.
8. Lecturers with a six month contract will not have a sustainable livelihood from their lecturing work.



AONTAS MÚNTEOIRÍ ÉIREANN
Teachers' Union of Ireland

**Ballot on Phase 2 of the Conversion Process
for Hourly Paid Assistant Lecturers (HPALs)**

Do you accept the proposed arrangements in relation to Phase 2
of the Conversion Process for Hourly Paid Assistant Lecturers
(HPALs)?

Place "X" in the appropriate box

YES

NO

DIRECTIONS TO VOTERS

1. **Vote by placing "X" in the appropriate box.**
2. Place the completed ballot paper in the envelope marked Páipéar ~~Voting Paper~~.
3. Place this envelope in the second, larger white envelope, seal and sign across the flap.
4. **YOUR NAME** and the **NAME OF THE BRANCH** should be clearly written in full in the space provided on the envelope. **FAILURE TO DO SO WILL MEAN YOUR VOTE WILL NOT BE COUNTED.** If you are unsure of the name of your branch, please check with your college/workplace representative or head office. **A list of Branches is on the back of this ballot paper for reference.**
5. The completed ballot envelope to be placed in the brown pre-paid envelope addressed to Deloitte, Earlsfort Terrace, Dublin 2, to reach that address **no later than Thursday, 11th April 2019.**
6. **Failure to comply with these instructions will render your vote void.**

**SAMPLE
BALLOT PAPER**

***TUI's Executive Committee
recommends that you
vote 'YES' to accept the proposal***