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# news

## BALLOT SPECIAL

TEACHERS' UNION OF IRELAND / AONTAS MÚINTEOIRÍ ÉIREANN

## **Vote 'NO' to reject proposed Public Service Stability Agreement 2018-2020 (the extension of the Lansdowne Road Agreement)**

### **A Word from the President**

Dear Colleagues,

The Executive Committee of the TUI is recommending that you reject the proposed Public Service Stability Agreement 2018-2020 (the extension of the Lansdowne Road Agreement) by voting 'NO' in the current ballot. The proposed agreement would have the effect both of extending the Lansdowne Road Agreement from September 2018 to December 2020 and of varying some of its terms.

Regrettably, the proposed agreement does not address the discriminatory pay rates imposed on those who have entered our profession since 1st January 2011 other than to proffer a review to be conducted during 2018. Any concrete measures to establish pay parity that might emerge from the review would not take effect until after the expiry of the agreement as no funding is set aside by the agreement for implementation of such measures. Therefore, the effect of acceptance of the agreement would be to delay further, until 2020 at the earliest, elimination of a blatant and intolerable discrimination that is undermining morale in our schools, institutes and centres.

TUI Annual Congress 2017 reiterated the clear position of the Union that pay parity is a moral imperative that must be addressed as a matter of urgency. With this in mind, the Executive Committee is asking you to reject the proposed agreement on the basis, primarily, of its failure to deliver a fair and sustainable resolution of the pay parity issue.

Let us remember what is at stake here - and it is substantial. Those appointed on or after the 1st January 2011 were put on a pay scale that was 2 points longer than the 2010 pay scale. In addition, the value of every point of scale was cut by 10% as was the value of qualifications allowances. Moreover, in the case

of teachers, all were started on the 1st point of this longer, lower scale - there was no incremental credit for pre-service training.

A further cut was imposed on those who entered teaching on or after 1st February 2012 as, with effect from that date, the allowances in respect of required academic qualifications (the Primary Degree allowance/Master's allowance and the Higher Diploma in Education/Professional Master of Education allowance) were abolished.

From the outset, the TUI has strenuously opposed these cuts and has campaigned for pay parity based on the 2010 pay rates. We have made significant progress but we have not yet bridged the gap.

The Haddington Road Agreement (HRA) provided for adjustment to the scales applicable to new and recent entrants to the public service (including teaching) and also restored the value of qualifications allowances for those appointed in 2011. In September 2016, the TUI negotiated the incorporation of the value of the Honours Primary Degree allowance into an adjusted salary scale for all those appointed since January 2011. The first half of this adjustment was made on 1st January 2017 and the second half is due on 1st January 2018.

In October 2016, the Union lodged a claim at the Teachers' Conciliation Council for payment of the HDip/PME allowance to those appointed on or after 1st February 2012.

For members of the TUI in the Assistant Lecturer, Youthreach Resource Person, Youthreach Co-ordinator, Community Education Facilitator, Adult Education Officer, Adult Education Guidance Counsellor and other (new entrant) grades, the principal remaining difference has to do with the longer scale imposed on those who were appointed

on or after 1st January 2011. The adverse effect of the longer scale on lifelong earnings is significant.

In most other respects, the Public Service Stability Agreement 2018-2020 very closely resembles its predecessor, the LRA.

Paragraphs 7 and 8 closely mirror paragraphs 3.2 and 4 of the LRA and could be invoked to prevent unions from taking industrial action over a wide range of issues covered by the proposed agreement.

In regard to the education sector, under the heading of "Delivering Greater Productivity", paragraph 2.3.1. of the proposed agreement involves an updating of paragraph 3.2 of the LRA to include the Department of Education and Skills Action Plan for Education 2016-2019 and underpinning strategies and developments. The Union would have concern about some of the more aspirational and under-resourced elements of the Action Plan.

At third level and in respect of further and adult education the TUI made significant progress through the mechanism of the DES/TUI Agreement, May 2016. While elements of that agreement have been fully implemented, the implementation of others has been unacceptably delayed. Industrial action may become necessary to clear the logjam and secure full implementation of the remaining elements of the May agreement. If so, the TUI will not be inhibited in taking such action by any provision of the proposed agreement. In particular, the Union has demanded urgent progress on the third level workload review and, specifically, the redesignation of the second 'flex' hour.

The proposed Public Service Stability Agreement 2018-2020 requires continued commitment to delivery of the additional hours

imposed under previous agreements. While unions argued strongly for the abolition of these hours, Government was adamant that they would have to remain in place. This is clearly a source of concern to all public servants, including the members of the TUI.

The agreement also has significant implications in terms of superannuation/pension. Following the advice of the Public Service Pay Commission, the proposed agreement provides for conversion of a proportion of the existing Pension Related Deduction (PRD) (introduced under the Financial Emergency Measures in the Public Interest Act 2009 / FEMPI 2009) into an Additional Superannuation Contribution (ASC). This new contribution is in addition to the existing superannuation contribution (6.5%) made by public servants at present and will apply to pensionable remuneration from 1st January 2019.

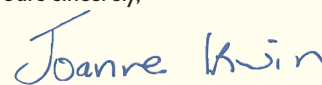
Colleagues, the Public Services Committee (PSC) of the Irish Congress of Trade Unions will meet on 18th September to decide whether or not to accept the proposed agreement. The decision will be made on the basis of an overall majority of the weighted votes of public sector unions, following the individual ballot of its members by each of those unions.

It may be that an overall majority will vote for acceptance of the proposed agreement. The long-standing position of the TUI is that the Union will not consider itself to be bound by the majority vote at the Public Services Committee but will retain the sovereign right to determine whether or not to abide by that decision.

Colleagues, the TUI's central concern has not been met by the terms of the proposed agreement. The Executive Committee considers this to be a compelling reason to

vote to reject this agreement and has issued its recommendation to members accordingly. Our colleagues in the INTO have already voted to reject the agreement, for broadly similar reasons. Clearly, we need to retain the ability and flexibility to press home our campaign for pay parity. For this reason, we are conducting a second, simultaneous ballot in which you are asked to provide a mandate for industrial action on issues (particularly the issue of pay inequality) as directed by the Executive Committee. The Executive urges you to vote 'YES' in this ballot for industrial action. The Union will, of course, be strategic in how this mandate is exercised and will seek to make best use of the time immediately following the ballot to make progress.

Yours sincerely,



Joanne Irwin  
President

## Background

Talks between representatives of Government Departments, led by the Department of Public Expenditure and Reform (DPER) and the unions representing public sector workers took place between 22nd May and 8th June, 2017. The talks were facilitated by the Workplace Relations Commission and resulted in the publication of the proposed Public Service Stability Agreement 2018-2020 which is, in effect, an extension of the Public Service Stability Agreement 2013-2018 (the Lansdowne Road Agreement). The full text of the agreement has already issued in hard copy to all members and is available on the TUI website ([www.tui.ie](http://www.tui.ie)).

Having considered the terms of the proposed agreement, the Executive Committee of the TUI, meeting on 8th June, 2017, decided to recommend its rejection.

Some unions have already balloted on the agreement and others are conducting ballots at the present time. A meeting of the Public Services Committee (PSC) of the ICTU is scheduled for 18th September 2017, and, by a majority vote of affiliated unions, under a weighted voting system, the PSC will determine at that meeting whether or not to accept the proposed agreement.

## What are you being asked?

You are being asked if you accept the proposed Public Service Stability Agreement 2018-2020 (an extension of the Lansdowne Road Agreement) – Ballot 1.

You are also being asked to provide a mandate for industrial action, in the event that members reject the proposed agreement – Ballot 2.

## What is the TUI Executive Committee recommending?

The TUI Executive Committee recommends that you vote 'NO' in Ballot 1, thereby rejecting the proposed Public Service Stability Agreement 2018-2020 and that you vote 'YES' in Ballot 2 to provide a mandate for industrial action.

## Why is the Executive Committee recommending that you reject the proposed agreement by voting 'NO'?

The Executive Committee has considered the text of the agreement and has

identified a number of concerns including, in particular,

- The failure of the agreement to provide a fair and sustainable resolution of the pay inequality that adversely affects those appointed on or after 1st January 2011 and the continuation of which is regarded as unacceptable by TUI.
- The inadequacy of the proposed pay increases (5.75%) given the economic recovery which has now been evident for some time.
- The continuation of requirements that arose under previous agreements in respect of additional hours and the Government's reform agenda.

## When will the ballot take place?

Ballot papers will be posted from TUI Head Office on Monday, August 28th, 2017. Completed ballot papers must be returned (in the envelopes provided) to the Union's auditors, Deloitte, by 5pm on Thursday, September 14th, 2017. (To ensure that completed ballots reach Deloitte by the closing date, they should be posted by Tuesday, September 12th, 2017, at the latest)

## What pay increases do the proposals offer?

They provide for a number of increases in annualised salaries over the period of the agreement. It was clarified that, in the context of the proposed agreement, 'annualised salaries' is inclusive of any allowances.

The increases are as follows:

- 1 January 2018 – 1%
- 1 October 2018 – 1%
- 1 January 2019 – 1% on salaries up to €30,000
- 1 September 2019 – 1.75%
- 1 January 2020 – 0.5% on salaries up to €32,000
- 1 October 2020 – 2%

This will represent a 5.75% increase over three years for TUI members.

## What do the proposals in relation to pension provide for?

A proportion of the Pension Related Deduction (PRD) will become an 'Additional Superannuation Contribution'. Section 6.1.3. of the agreement sets out the adjustments for those who are members of the pre-2013 pension schemes.

Section 6.1.3. also separately sets out the adjustments for those who are members of the Single (career average) Public Service Pension Scheme.

The proposed increase in the threshold will bring new and recent entrants out of the FEMPI legislation quicker than other members.

However, it should also be noted that some members will remain affected by FEMPI when the proposed agreement expires at the end of 2020. It is anticipated that new legislation will be introduced to address this anomaly.

## If the proposed agreement is rejected by the members of TUI but is accepted by the aggregate vote of member unions of the ICTU Public Services Committee, what will happen?

It is longstanding TUI policy that it will not be bound by an aggregate vote of affiliated unions of the ICTU Public Services Committee (PSC) in matters that affect terms and conditions. The TUI will, as it has previously done, make a sovereign decision in respect of whether or not to consider itself covered by the agreement if it is accepted by an aggregate vote of affiliated unions of the PSC.

**Completed ballot papers  
must be returned to  
auditors Deloitte  
by 5pm,  
Thursday, 14th September**

**BALLOT PAPER 1**

**Vote 'NO' -  
Reject the  
proposed  
Public Service  
Stability  
Agreement  
2018-2020**

# osals provide for?

## ***If TUI members reject the proposed agreement, what status does the existing Lansdowne Road Agreement have?***

The Lansdowne Road Agreement expires in September 2018. Since acceptance by the TUI of the DES/TUI Agreement, May 2016, members of the TUI have been covered by the Lansdowne Road Agreement (LRA).

Members have fully abided by and continue to discharge the commitments entered into under the terms of the LRA. Therefore, it is the Union's clear position that the protections and pay adjustments provided for in the LRA should continue to apply until expiry of the agreement.

It is possible that the Government could consider the LRA to be overtaken by the proposed Public Service Stability Agreement 2018-2020. It is worth noting that (up to end June 2016) during the period of overlap between the LRA and its predecessor agreement, the HRA, Government considered the TUI to be covered by a collective agreement, provided that the Union did not repudiate the LRA.

## ***What pay adjustments are due under the remainder of the Lansdowne Road Agreement?***

- 1st September, 2017 - €796 (that being the second half of the gross payment of €1,592) will be applied to each point of the incremental scale for teachers, in recognition of the withdrawal of the S&S pensionable allowance. As this payment (of €796) is added to scale it becomes immediately pensionable.
- 1st January, 2018 – Full restoration of the pay cuts applied under the HRA for those earning between €65,000 and €100,000 (NB – this is the second phase of the restoration, the first phase having taken place on 1st April, 2017).
- 1st January, 2018 – Incorporation into scale of the second half of the value of the Honours Primary Degree allowance for those appointed on or after 1st February, 2012 (NB – the first half of the allowance was incorporated into scale on 1st January, 2017). The restoration of the value of the Honours Primary Degree allowance was secured through direct negotiation between the TUI and the Departments of Education and Skills and Public Expenditure and Reform. The agreement of September 2016 sets out the details. (These negotiations were facilitated by the fact that the TUI was covered by the LRA).

## ***If TUI members reject the proposed Public Service Stability Agreement 2018-2020, will they get the pay adjustments due under the HRA/LRA, i.e. pay restoration for those earning over €65,000 and the second half of the Primary Honours Degree allowance (incorporated into scale)?***

Yes. Members of TUI are covered by the LRA and continue to abide by its terms. Provided the Union does not repudiate the LRA or the Public Service Stability Agreement 2018-2020, members remain entitled to the pay adjustments that are outstanding and continuation of the protections that the agreements provide.

BALLOT PAPER 2

**Vote 'YES' -  
to engage in  
campaign of  
industrial  
action to  
secure  
resolution of  
key issues**

## Reasons to reject the proposed agreement by voting 'NO'

- The proposed agreement extends the Lansdowne Road Agreement (LRA) until the end of December 2020, thus retaining, for example, the additional hours of working time imposed under the CPA and HRA and continued by the LRA. These include the two additional hours per week for various grades in further and adult education, the 'flex' hours (one redesignated and the other yet to be redesignated) worked by lecturers in Institutes of Technology and the 33 Croke Park hours at second level.
- The proposed agreement fails to provide a fair and sustainable resolution of the unacceptable discrimination against those appointed on or after 1st January 2011 in respect of pay rates.
- Under Section 4 ("New Entrants") of the proposed agreement, an examination of issues would take place during 2018 but there would be no concrete measures in terms of pay increases before expiry of the agreement in December 2020. The agreement, therefore, provides only an assurance of delay and provides no assurance of resolution. This is unacceptable. The TUI requires an end to pay inequality.
- The increases in salary provided for under the terms of the agreement are inadequate, particularly given the sustained nature of the economic recovery and the increase in living costs.
- Paragraph 2.3 of the proposed agreement extends and updates the commitments set out in paragraphs 3.1 to 3.5 of the Lansdowne Road Agreement (LRA). This means an ongoing commitment to "effective engagement" with the Government's reform agenda. In the education sector, the areas in respect of which effective engagement would be required are the Action Plan for Education 2016-2019 and underpinning strategies and developments including the Further Education and Training Strategy; Curricular Reform within Schools; Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020; the National Skills Strategy to 2025; the National Strategy for Higher Education to 2030 and the National Strategy to improve Literacy and Numeracy 2011-2020.
- As with the LRA, the proposed agreement (Paragraph 7.1.2) would oblige unions "to co-operate with the implementation of change pending the outcome of the industrial relations process conducted in a timely fashion."
- The Union would be obliged to commit to an arbitration process that is binding and final. Moreover, disputes on matters covered by the proposed agreement that cannot be resolved between the parties would have to be referred to that process (i.e. the WRC/Labour Court or to the relevant Conciliation and Arbitration machinery) after four weeks. Under the LRA, six weeks was allowed.
- All forms of industrial action would be precluded in respect of any matters covered by the proposed agreement
- The proposed agreement does not rescind the FEMPI legislation and does not contain any commitment by government to rescind that legislation. Rather, it includes what are described in Paragraph 5.1.1 as "a fiscally sustainable programme of public service pay measures" ... "as part of the progressive ongoing reduction of the impact on the remuneration and other terms and conditions of all public servants of the FEMPI Acts."
- The punitive, coercive provisions of the FEMPI legislation remain in place.

## Reasons to accept the proposed agreement by voting 'YES'

- The proposed agreement provides for actual increases in pay – not merely restoration of pay cuts. These increases are broadly in line with average increases in the private sector.
- Rejection of the proposed agreement by TUI, if followed by repudiation, would cause members to lose out on these pay increases.
- If rejection of the proposed agreement by TUI were to be followed by repudiation, and if the government were to consider the Lansdowne Road Agreement to have been overtaken by the Public Service Stability Agreement 2018 – 2020, the outstanding measures (restoration of pay cuts for those earning over €65,000 and the incorporation of the honours primary degree allowance into scale for those appointed since 2011) that are due to be paid with effect from 1st January 2018 could be threatened. Acceptance of the proposed agreement, on the other hand, would guarantee payment.
- If members are not covered by the proposed agreement or if the TUI were to repudiate the agreement, protections, such as that against compulsory redundancy, could be removed.
- If the proposed agreement is accepted by a majority of public service unions, it will be very difficult to secure any change to its terms.
- While the proposed agreement does not secure a resolution of the pay inequality issue, it provides a review mechanism that the TUI can use to advance the campaign for pay parity. If other unions are involved in the review and the TUI is not, the best interests of members will not be well served.
- There is a further significant unwinding of the FEMPI legislation. The proposed agreement will result in the vast majority of public servants, including members of the TUI, being removed from the constraints imposed under FEMPI.



**AONTAS MÚINTEOIRÍ ÉIREANN**  
Teachers' Union of Ireland

**BALLOT PAPER 1**

Do you accept the proposed Public Service Stability Agreement 2018 – 2020 (the extension to the Lansdowne Road Agreement)?

Place "X" in the appropriate box

YES

NO

**SAMPLE BALLOT PAPER**

**DIRECTIONS TO VOTERS**

1. Vote by placing "X" in the appropriate box.
2. Place the completed ballot paper in the envelope marked Páipéar Vótála/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 school/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, Deloitte House, Earlsfort Terrace, Dublin 2, to reach that address **no later than 5.00 p.m. on Thursday, 14th September 2017.**
6. Failure to comply with these instructions will render your vote void.

**Ballot Paper 1**  
**Vote 'NO' -**  
**Reject the**  
**proposed Public**  
**Service Stability**  
**Agreement**  
**2018-2020**

**Ballot Paper 2**  
**Vote 'YES' -**  
**to engage in**  
**campaign of**  
**industrial action**  
**to secure**  
**resolution of**  
**key issues**



**AONTAS MÚINTEOIRÍ ÉIREANN**  
Teachers' Union of Ireland

**BALLOT PAPER 2**

In the event that TUI members vote to reject the proposed Public Service Stability Agreement 2018 – 2020 (the extension to the Lansdowne Road Agreement) and in order to secure a fair and sustainable resolution of issues (in particular pay inequality), are you willing to engage in a campaign encompassing a range of industrial action (e.g. work to rule, non-cooperation, withdrawal from various initiatives), up to and including strike action, as directed by the Executive Committee?

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 Vótála/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 school/college/workplace representative or head office. **A list of Branches is on the back of this ballot paper for reference.**
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