**Strike Action by ASTI- FAQs**

**When is the ASTI on Strike?**

The ASTI has announced seven days of industrial action on the following days:

* Thursday, October 27
* Tuesday, November 8
* Wednesday, November 16
* Thursday, November 24
* Tuesday, November 29
* Tuesday, December 6
* Wednesday, December 7

**Are TUI members on strike on those dates?**

No.

**Why is the TUI not on strike?**

Because the TUI began its campaign for pay parity much earlier than the ASTI and, as a result of this approach, is much further down the road to achieving the goal. Moreover, the union is engaged in ongoing discussions that are bringing a succession of issues of importance to members to resolution.

**What is the TUI’s strategy in the campaign for pay parity?**

The TUI identified two clear and necessary phases in the campaign to bring all teachers to full pay parity, based on the pre-2011 pay rates.

The first phase is to bring the pay of teachers first appointed on or after 1st February 2012 into alignment with the pay of those appointed in the period 1st January 2011 to 31st January 2012, inclusive. This is necessary because of the unilateral and unfair decision of government not to pay qualifications allowances to anybody appointed on or after 1st February 2012. Only a small number of public service grades – most notably teachers – was affected by this decision. Therefore, in relative terms, the cost of remedy is modest.

The second phase is to bring all those appointed since 1st January 2011 into alignment with colleagues appointed before that date. This is necessary because of the 10% pay cut that applied to all public servants appointed since that date. Because all are affected, the cost of remedy, in relative terms, is high.

The TUI’s strategic campaign to secure pay equality was activated in January 2016. The campaign, which is ongoing, has already yielded some very important advances.

In January 2016, members – in ballots - gave us a mandate to take action, including strike action. By using this mandate in February 2016 – when members of the union were still covered by the HRA – the TUI got a commitment from the then Minister for Education and Skills to meaningful engagement in relation to pay parity and a range of other issues of key importance to members at Second Level, in Further and Adult Education and at Third Level. TUI Annual Congress 2016 endorsed this strategic approach.

The first phase of the talks/engagement resulted in the DES/TUI Agreement of May 2016 which was approved by members in a national ballot. That agreement provided both tangible gains and a commitment to further talks and further gains.

Acceptance of that agreement also meant that, upon expiry of the HRA at the end of June 2016, members of the TUI were covered by the LRA. This cover provided the TUI with the opportunity to use a precedent (in the arrangement reached for firefighters) to get the value of the Honours Degree Allowance built into the pay of teachers first appointed on or after 1st February 2012 – see the document agreed on 16th September 2016 for details. This will substantially narrow the pay gap between those teachers and their colleagues appointed in the period from 1st January 2011 to 31st January 2012.

However, it does not fully close the gap, which is why the TUI clearly signalled that the next target to be secured is restoration of the “H. Dip.” Allowance. The Union has already sought this restoration at the Teachers’ Conciliation Council.

In addition, the TUI has succeeded in securing a mandatory sequence for filling new posts/hours so that existing part-time teachers will get those hours/posts in the first instance. This is a major advance that will reduce part-time work and income poverty in teaching. The Union has also secured DES confirmation that 95% of teacher allocation can be filled on a permanent basis. This dispels the myth that initial appointment cannot be on a permanent basis. The mandatory sequence and the other improvements are set out in Circular Letter 59/2016 which took effect on 31st August 2016 and which should be required reading for every teacher.

**Has TUI balloted its members on pay inequality?**

Yes. TUI balloted all members in December 2015 (Third Level) and January 2016 (Second Level, Adult and Further Education and Youthreach) on issues of critical importance to TUI – including pay inequality. This gave TUI a mandate to engage in industrial action. Members at Third Level engaged in strike action on 3rd February 2016. A day of strike action by all other sectors, scheduled for 24th February 2016, was postponed when the government offered meaningful engagement. This engagement led to the DES/TUI Agreement, May 2016 (which was accepted by members in a separate national ballot). Acceptance of the May agreement also meant that TUI members were covered by the Lansdowne Road Agreement (LRA), following expiry of the HRA.

Under the LRA, the TUI (in conjunction with the INTO) has engaged in a campaign to restore pay parity. The union is engaged in a strategic sequence of processes in this regard and has succeeded in securing the restoration of the Primary Honours Degree Allowance to those who entered the profession post 1st February 2012. Very importantly, the TUI has also secured a mandatory schedule for the filing of posts/hours (CL 59/2016 – see above) that will ensure that existing part time teachers have first call on such hours. This is of major significant in our campaign against casualisation and income poverty.

The TUI is vigorously and strategically pursuing the restoration of the H. Dip Allowance to those who entered teaching since 5th December 2011 (when by Budget decision, government capped the value of qualifications allowances at the value of the Honours Primary Degree allowance). The allowance could not be incorporated into a common scale for primary and post-primary teachers because, in the main, it is not payable to primary teachers. The document agreed on 16th September 2016 makes clear reference to the fact that the Union had raised and is pursuing the claim through available mechanisms. Since then, the Union has brought the matter to the Teachers’ Conciliation Council.

The document agreed on 16th September 2016 also notes that that the Public Service Pay Commission will have a role in relation to new entrant pay – that is, the pay of those appointed on or after 1st January 2011. Under the auspices of the Public Service Pay Commission and, necessarily, in conjunction with other public service unions, the TUI is campaigning for full restoration of pay for those appointed on or after 1st January 2011. That is the second phase.

**Does the TUI have a mandate for industrial action, should the process of negotiation fail?**

Yes. The mandate provided by the ballots in January and February 2016 is live.

The mandate is currently being exercised in the talks that are continuing under the terms of the DES/TUI Agreement, May 2016. The TUI is actively engaged in robust, constructive discussions with the DES on a range of issues, including second level issues and issues in further and higher education.

**Am I required to be available for work on the days when ASTI is engaged in strike action?**

Yes, you are required to be available for work in order to be paid for the days in question.

**When will I know if my school will open or close?**

Boards of Management/ ETBs /Employers will decide, in respect of each individual school, whether it will be open or closed on the days of industrial action (which includes both strike action and withdrawal of S&S). Your BoM/ETB/employer will inform you if your school will be open or closed.

**How do I make my employer aware that I am available for work if my school is closed?**

Arrangements will be put in place that will enable TUI members identify themselves as being available for work to ensure that they are paid for the days in question. Each workplace representative should consult with management to ensure that the appropriate arrangement is in place. The TUI will post updated information in this regard on the Union’s website, as soon as such information becomes available.

**If my school is open and there is a picket what should I do? Can TUI instruct members not to pass a picket?**

Under the Industrial Relations Act, 1990, TUI cannot instruct its members not to pass a picket line placed by another union. To do so would be illegal.

It is standard trade union practice and procedure, that members of unions which are not engaged in strike action may pass a picket.

However, TUI understands that members may be reluctant to pass pickets placed by their colleagues.

**If I choose not to cross a picket line, what will happen?**

You would be deemed to be engaging in unofficial industrial action and would not be covered by the immunities provided in Industrial Relations Act, 1990.

There are potential consequences of this, such as:

1. You will not be paid.
2. Disciplinary action could ensue. However, the union will support any member who does not pass a picket should disciplinary action be threatened or taken against them.

**Can I join my ASTI colleagues on the picket line?**

As explained above, TUI members are not engaged in strike action. TUI members should not join a picket. Materials (banners, placards, umbrellas) or items of clothing bearing the TUI logo must not be used on the picket line of another union.

**I work in a school where there is a small number of ASTI members. Will there be a picket at my workplace?**

Yes. We are advised by ASTI that there will be.

**I work in a school where there are no ASTI members. Will my school be open?**

Yes, and you should turn up for work as normal.

**I work in a school where there are no ASTI members. Will there be an ASTI picket on my workplace?**

No - under the Industrial Relations Act, 1990, members of a union engaged in strike action are only permitted to picket their own workplace. If there are no ASTI members in your workplace, any picket placed there will be illegal.

**My school will not be open during the strike days. Will I be paid?**

Yes. TUI members are not on strike. TUI members must however inform management (through the appropriate mechanism that is to be put in place by management) that they are available for work on those days.

**If there is a picket on my school, how long will that picket last?**

Picketing usually commences 30 minutes before the normal opening time of the school and remains in place until normal school closing time. However, please check with your ASTI colleagues for guidelines issued by their union.

**I work in a dual union school and will be available for work on the strike days. Is there any advice?**

TUI members must not undertake any duties that would normally be undertaken by an ASTI colleague who is involved in dispute action.

**I’m a part-time teacher and have been offered extra hours on the strike days to fill in for members of ASTI. Can I accept?**

No. TUI members must not undertake any duties that would normally be undertaken by an ASTI colleague who is involved in dispute action.

**My school has an event or school trip which is already planned for one of the strike days. What happens?**

If there are no ASTI members in your workplace the event or school trip can take place as planned.

For dual union schools the protocols that were used at the time of the Junior Cycle Strike will again apply:

* If the school trip begins and ends within the 24 hours of the strike day, ASTI members are prohibited from participating.
* If the school trip extends beyond the 24-hour period, either because it commences on the day before or because it concludes after the strike day, members of the union engaged in strike action (i.e. ASTI members) are not prohibited from participating and can participate in the trip.

If an ASTI member had been scheduled to be involved in an event/trip that occurs within the strike day, a TUI member cannot take her/his place, as this would amount to undertaking the work of a colleague who is involved in dispute action.

# Specific Advice for Principals/Deputy Principals

**Can Board of Management meetings go ahead on strike days?**

In the case of dual union schools, teachers who are Staff Representatives on Boards of Management should seek a deferral of any board meeting scheduled for a strike day. If the meeting is not deferred, the Principal Teacher should attend if s/he is a TUI member.

**I am a TUI member and a deputy principal. The principal is an ASTI member and is on strike. Can I undertake her/his duties?**

No. You cannot undertake the duties of an ASTI member.

**What if the school is closed and the principal is an ASTI member and is on strike? What should I do as Deputy Principal if a parent insists on leaving her/his child at the school?**

Parents need to be advised in advance that the school will not be open to receive students and the school should accordingly not receive students or establish the duty of care.

**I am the Principal of a school that hosts night classes. May I open the school to allow those teaching the class to enter?**

TUI members are not on strike and therefore if it is your normal duty to open the school for night classes you may continue to do so. You may not, however, undertake the work normally undertaken by an ASTI colleague in dispute. ASTI has directed its members not to open the school to host night classes, noting that the strike lasts for 24 hours

**Can school management employ qualified and registered teachers or PME students from outside the school to carry out certain S&S duties if there is a small number of ASTI members in the school?**

Employers have been given permission to recruit External Supervisors. A PME student may apply. However, if s/he is a member of TUI then s/he may not undertake the work of ASTI members in dispute.

**As Principal of a dual union school do I have to be involved in the process of selection, appointment, induction and training of these new external supervisors?**

TUI has advised the management bodies that it is not the work of our members to select, appoint induct and/or train external supervisors. TUI has also informed the management bodies that to ask our members would increase their workload in a manner that is not agreed. The TUI will represent any member or group of members who requires representation in the event of an imposition of additional workload. Principal teachers who are TUI members should advise their BOMs that to be asked to engage in such activity would increase their workload.

**Am I indemnified as Principal (of a C&C school, ETB school or Voluntary Secondary school) if a person appointed as an external supervisor is negligent or incompetent in carrying out the role?**

In such an instance vicarious liability rests with the employer - that is, a Board of Management in the case of a C&C school/Voluntary Secondary school or an ETB in the case of an ETB school. Members who are principal teachers are advised to ascertain that this is the clear understanding of the employer, in advance of the employer recruiting External Supervisors. The union will also seek this assurance at national level from relevant representative bodies.