



# news

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## Towards 2016 Ballot

Welcome To Teaching • New Student Behaviour Support Measures Announced

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by the Teachers Union of Ireland,  
Aontas Muinteoiri Eireann,  
73 Orwell Road,  
Rathgar,  
Dublin 6

T: 01 - 4922588  
F: 01 - 4922953  
E: tui@tui.ie  
W: www.tui.ie

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TUI SPECIAL CONGRESS, BURLINGTON HOTEL, 26/06/06

# A Word From The President

TIM O'MEARA, PRESIDENT


**Tim O'Meara,**

 President [president@tui.ie](mailto:president@tui.ie)
**Don Ryan,**

Vice-President

**Jim Dorney,**

 General Secretary [jdorney@tui.ie](mailto:jdorney@tui.ie)
**Peter MacMenamin,**

 Deputy General Secretary [pmacmenamin@tui.ie](mailto:pmacmenamin@tui.ie)
**Declan Glynn,**

 Assistant General Secretary [dglynn@tui.ie](mailto:dglynn@tui.ie)
**Annette Dolan,**

 Assistant General Secretary [adolan@tui.ie](mailto:adolan@tui.ie)
**John MacGabhann,**

 Assistant General Secretary [jmacgabhann@tui.ie](mailto:jmacgabhann@tui.ie)
**Bernie Judge,**

 Education & Research Officer [bjudge@tui.ie](mailto:bjudge@tui.ie)
**Hilary O' Byrne,**

 Administrative Officer [hobyrne@tui.ie](mailto:hobyrne@tui.ie)
**Conor Griffin,**

 Press & Information Officer [cgriffin@tui.ie](mailto:cgriffin@tui.ie)


I would like to take this opportunity to welcome every TUI member back after the summer break and hope that this academic year is a fruitful and rewarding one.

Irish teachers and lecturers do an excellent job. Research done by the OECD shows that Irish students outperform their counterparts in most other OECD countries. This is all the more remarkable when we then see that Irish funding on education is so far behind these countries. In the recent OECD Report "Education At a Glance" Ireland is currently positioned 29 out of 30 OECD countries in terms of Government spending per second level student. This is the case despite the fact that the Irish economy continues to enjoy unprecedented growth. With a general election on the horizon, we will be campaigning with our sister unions, for a quantum leap in funding for education as a whole. The fate of the much hyped information or knowledge economy depends on it.

Irish teachers' and lecturers' salaries as a proportion of national income are steadily declining. They are now in a lowly 18th place out of 30 OECD countries. Fortunately, this is one of the key criteria for determining pay under benchmarking. TUI has submitted a strong case to the Benchmarking body with a view to a remedy. The status of teachers and lecturers in Irish society must be restored to its rightful place.

TUI has also made written submissions to the Benchmarking body on behalf of AEOs and Youthreach Co-ordinators and Resource Persons. In our submission on behalf of Youthreach Co-ordinators we have sought that they should receive remuneration equivalent to that of Post Primary Principals. In respect of Youthreach Resource Persons we have sought that they be placed on the Common Basic Scale and receive the qualification allowances of Post Primary Teachers.

TUI members have voted by a large majority to reject the "Towards 2016" agreement. In a postal ballot, 75% of the members voted to reject it. Members, I believe, rejected it because of work overload. They do not want further erosion of conditions of service and increased productivity for, at best, a cost of living pay rise. Members are very worried about open-ended commitments to modernization, flexibility and ongoing legislative change without any corresponding commitment to the provision of the necessary resources.

Successive TUI Congresses have stated that we must not concede productivity for a cost of living award. However the ICTU as a whole accepted the recent national agreement "Towards 2016" by a significant majority. TUI members continue to be angry at the failure of the ICTU to implement its own policy of respecting the right of individual unions to negotiate and decide on changes to their conditions of service. The TUI Executive will decide on how to proceed in the light of these facts.

TUI continues to lead the way on improvements in the pay and conditions of service of part-time teachers. Circular letter 124/2006 outlines the progress made in Phase Two of the discussions. Further Education is an Irish education success story. TUI will continue its campaign for the

appropriate administrative structures, support staff and the resources necessary for the continued development of this expanding sector.

I am well aware of the problems experienced by teachers in the classroom today. The rights of students who wish to learn and of the teacher to teach them are being subordinated to the rights of the disruptive student. In this regard the TUI welcomes the announcement by Minister Hanafin to amend Section 29 of the Education Act. This represents a small but important step in redressing the balance between the rights and responsibilities of students in second level schools. We expect further consultation on this issue.

This is a significant coup for the TUI. Once again, we would like to thank those members who greatly assisted our campaign on the issue by completing a 'moment in time' survey on student disruption.

We know that stress level on teachers and lecturers is increasing. Stress arises when the demands on the person exceed their capacity to meet them. We are being asked to modernise, implement legislative change and curricular change, and cope with more students with special learning needs and all without the necessary resources being put in place. The task of teaching and lecturing is becoming increasingly difficult and in some cases impossible.

The long overdue establishment of an employee assistance service for Irish teachers was also announced over the summer. This provision is vital, and it is essential that the Department launch an information campaign to ensure that all teachers and lecturers are fully aware of the services now available to them. We will be monitoring the effectiveness of this scheme.

The teaching profession is the last sector of the public service to get an employee assistance scheme and we would also anticipate that all teachers represented by TUI, such as those working in Youthreach, VTOS, Adult, Traveller Education and retired members are covered by this scheme.

I would like to thank branch officers and school representatives for their dedication and tireless service to the members. It is reassuring at a time, when there is a decrease in volunteerism that we still have people in the union who are prepared to give so generously of their time and expertise for the benefit of us all. We see in other market-driven economies a drop in union membership with a corresponding drop in the living standards of workers. We must not allow the "race to the bottom" that has happened in these countries to happen here. We are going through challenging times. However, this is not the time to lose our nerve or allow apathy to win out. We have to face the challenges and threats ahead with unity of purpose and determination. I would encourage all members to play an active role in the union in whatever way they can. The challenge for all of us is to revitalise members' involvement in the union. With this in mind it is important that all new teaching staff be approached and recruited into membership of the TUI.

I wish you all the best in the coming academic year.

# TUI Rejects Towards 2016 Ballot



TUI DELEGATES AT ICTU SPECIAL DELEGATES CONFERENCE 05/09/06

**After a special congress in June which unanimously decided to recommend rejection of the Towards 2016 deal and a subsequent postal ballot, the TUI membership rejected the Towards 2016 ballot by a margin of 75% to 25%.**

Speaking at the ICTU conference on the issue in Jury's Hotel on September 5th, Jim Dorney, TUI General Secretary outlined the union's position.

"The special delegate conference unanimously recommended that we reject the agreement, and in the subsequent ballot (which concluded only last night), of those that voted, 75% voted to oppose the agreement and 25% voted in favour of its adoption.

I would like to explain to you why our members voted against the agreement.

They did so because of their perception:

- That for a pay increase of 10% over 27 months, effectively a cost of living increase, too much was expected of them in return in terms of changes in work practices and conditions.
- They did so because the agreement does not provide us with adequate opportunity to deal with matters of concern to us through the restriction on lodging pay increasing claims.
- They did so because even the increases provided for under the terms of the agreement can and will be denied us if we do not meet the changes demanded by the employers, through the elaborate performance verification process in the public service.
- They did so because actions taken by the Union in protection of our conditions of service can and did lead to threats to stop pay increases. This happened to teachers on 3 occasions during the last agreement.

In a booming economy, would it not be reasonable for us to expect that our pay should be inflation proofed at a minimum and that further demands be met through discussions directly between the parties and on terms agreed with them. The agreement does not provide for this. Teachers are in the



JIM DORNEY



TUI DELEGATES AT SPECIAL DELEGATES CONFERENCE



ICTU GENERAL SECRETARY DAVID BEGGS



TUI DELEGATES

front line in dealing with social change within our society. Day in and day out, our members must adopt and accommodate to the new challenges – increased disciplinary problems reflecting the changed nature of society, influx of foreign nationals to schools with no English, changing curricula to accommodate to the changing demands of students and problems of drug abuse within schools. I could go on.

We are prepared to meet and do meet these changes, demanding as they are. They are part of our world. What we find difficult to deal with is another layer of bureaucratic demands being imposed on us through national agreement, very often without adequate resources to deal with them and for modest rewards.

We do accept that the national agreement “Towards 2016” has made significant advances in addressing the problems in the areas of employment rights, which were and are under threat. We know how hard the concessions in this area were achieved. We equally recognise that in the education area there are concessions in terms of the provision of additional teachers, additional places for students and commitments to address problems arising from the large expansion of the Post Leaving and Adult Education areas.

We note, however, that on the social side the agreement runs for 10 years, making it difficult to assess if the concessions made will be adequate to meet the real needs over that period. On balance we think not.

The approach adopted in this agreement is effectively one of the carrot and the stick. Unfortunately the stick has been given greater emphasis than the carrot.

Taking the agreement in the overall, our members believe that the agreement is unduly restrictive. It imposes change in a coercive manner without allowing the Union sufficient flexibility to address our individual concerns.

It is for these reasons that the 13 delegates from our Union will be voting to reject the agreement.”



<b>TOWARDS 2016 – TUI Ballot Results</b>		
<b>National Pay Agreement</b>		
<b>Total Entitled to Vote per TUI Schedule</b>	<b>12,968</b>	<b>%</b>
Total Poll	4,269	97.21
Spoiled Votes	(119)	2.79
Total Valid Poll	4,150	100
<b>Result of the Count</b>		
<b>Decision</b>	<b>Count Result</b>	<b>%</b>
Yes	1,051	25.33
No	3,099	74.67
Total	4,150	100

# Behaviour Support Service & Section 29 Amendment Vindicate TUI Position

Over the summer months, Education Minister Mary Hanafin announced details of her intention to bring forward legislation to amend the Section 29 Appeals Process. Preliminary details of the new behaviour support service were also announced.

TUI Assistant General Secretary Declan Glynn welcomed the Minister's intention to amend Section 29, but stipulated some conditions any such amendments must contain. "Since its inception, this flawed section of the 1998 Education Act has ensured that the rights of the disruptive student are elevated above all others in the school community. It is high time that the educational rights of the other students in the school, and not just the disruptive student, are recognised – we have called for this since the Act's introduction.

However, there are areas on which we would like more clarification: it is our strong belief that the appeals panel should include serving teachers; pupils should not be reinstated solely on technicalities or procedural grounds and appeals panels should be required to have regard to the overall interests of other students and teachers in considering reinstatements.

Crucially, appeals panels should not normally recommend reinstatement of pupils in cases which involve violence or threats of violence against pupils or staff. It is essential that the Bill, or the Ministerial Guidelines which will parallel it, makes this clear.

Finally, unless the forthcoming Guidelines to schools on Codes of Behaviour from the National Education Welfare Board expressly recognise the legitimacy of short-term suspension and permanent exclusion,

used with discretion, and within a hierarchy of sanctions and a system of support for improving misbehaviour, then having a more balanced appeal process will be neither here nor there.

Other than in the altogether rare case of zealous, premature and reactionary resort to suspension or expulsion, schools do not seek to exclude pupils permanently without ample reasons and good grounds. Schools treat their pupils with fairness. They offer every opportunity to pupils who continually rip up the school rule book, and their parents, to put things to right. It is only when their repeated entreaties and encouragement is rejected, or in one-off cases of gross and outrageous behaviour, that they are left with no other option. But, until today, schools have not felt that they enjoyed a reasonable prospect of support to sustain a fair regime of simple rules for good behaviour and learning.

The Minister also outlined some detail of the National Behaviour Support Service (NBSS). Its work will be carried out by a team of 19 persons, headed up by Mary Keane as National Co-ordinator. Mary Keane is Principal of St. Dominic's College, Cabra in Dublin and has been involved in many aspects of educational development at school, community and national level. Mary will be supported by four Assistant Co-ordinators and a team of nine Regional Development Officers. In addition a number

of Psychologists will be appointed to these new teams. Advertisements seeking to recruit 20 suitably qualified personnel as Associate Regional Development Officers are appearing in national media this week.

Minister Hanafin said "the formal establishment of this new National Behaviour Support Service was among the recommendations of the "Report of the Task Force on Student Behaviour in Second Level Schools" which I published in March of this year. This support service will form part of an overall coherent national framework of support for schools in the area of student behaviour.

Declan Glynn cautiously welcomed the service, highlighting the Union's understanding of what a Behaviour Support Service should be.

"TUI looks forward to real support for students whose persistent disruptive behaviour deprives themselves of the opportunity to progress in their schoolwork at a pace which could fulfil their potential. We look forward to a greatly enhanced education experience both for the small number of continually disruptive pupils in second level schools and for pupils whose experience of school is not in any way problematic but whose progress is frequently impeded by the misbehaviour of their classmates.

"This is a wait-and-see situation for us. We are not convinced that the Behaviour Support Service will bring into Irish schools the specialist external expertise which is at the heart of the function of such services in other countries. We are informed that the Irish service will "diagnose" and "identify measures and changes which need to be put in place to bring about a real and sustained improvement in student behaviour".



L-R DECLAN GLYNN, (ASSISTANT GENERAL SECRETARY, TUI) MR SANDY FOWLER (EDUCATIONAL INSTITUTE OF SCOTLAND), MS BERNIE RUANE (EXECUTIVE COMMITTEE MEMBER, TUI). PICTURED AT TUI CONFERENCE ON SCHOOL DISCIPLINE, BURLINGTON HOTEL, DUBLIN, 22/2/06

*(continued from page 6)*

We say that such measures should not be about the tweaking of policy and practice solely at the level of the school and within school. Behaviour support should not be solely about issues of classroom management, the quality of school leadership, whether schools have established parents' and pupils' councils – and other functional, school-based processes and structures. It must also be about linking schools into an all-encompassing external social, clinical and educational support network; it should be about operationalising multi-agency working, establishing protocols with agencies so that services are provided on demand, and providing schools with direct access to services.

An evaluation of the U.K Behaviour Education Support Team service (BEST), undertaken by the National Foundation for Educational Research on behalf of the Department for Education and Skills in 2005 found that the multi-agency composition of teams, including representation from the three main statutory services – education, (mental) health and social care – is “fundamental” to the concept and effectiveness of BEST. The omission from the Irish service of cross-agency personnel looks to be a potentially fatal flaw. Certainly, it flies full in the face of established best

practice. Successful BESTs were found to have developed interventions which operated at several levels including those of the individual child, the family, the school, and the community forging links between them. Given the narrowness of focus, we perceive, of the role of the Irish Behaviour Support Service, it is difficult to be confident that the service can, to take only one example, provide intensive support to individual children and families on a case-management basis. Should it turn out to be the case, it is our view that schools will not enthuse about a service that is narrow and shallow.

There are other problems. We see it as inevitable that the Behaviour Support Service will have to be augmented and extended because it will only provide a service to a tiny fraction of the school-going population. It is important to remember that the service will benefit initially just 50 of our 750 schools. Arising from that problem is the highly problematic intention to invite schools to ‘put their hands up’ and identify their schools as schools which have a serious discipline problem, in order to trigger availing of the Support Service. Many a school with a problem will ‘keep stum’ if this is to be the basis for making the service available to them. This has to thought through, we believe. We take these to be ‘teething problems’

only, for we support fully the establishment of the Behaviour Support Service and the establishment in schools, on the recommendation of the service, it would seem, of Support Classrooms. We are heartened that our demand that Support Classrooms be established has been heeded. Support Classrooms are about giving a better individualised learning opportunity to pupils who need it most and offering them a curriculum and experience in schools tailored to meet their needs. Labelling Support Classrooms as ‘sin bins’ only degrades and stigmatises this vital service. We look forward, we trust, to the Department of Education and Science sitting down and agreeing with us the educational objectives which underpin Support Classrooms as well as the practical and logistical issues which attach to their establishment. We are encouraged, too, to know, that additional staff will be provided, if necessary for the establishment of Support Classrooms. We say that Support Classrooms cannot be established without additional subject teachers, Learning Support teachers and Guidance Counsellors, helped by an accessible educational psychological service. We expect to see additional staff in our schools to allow this to happen.

We believe Minister Hanafin deserves very great credit for these interventions, all of which follow from the establishment, by her, of the Task Force on Student Behaviour in Second Level Schools. Tentative first steps have been taken and we are sure that more is to follow, for it is surely evident that the problem of student behaviour, which besets all post-primary schools, cannot be addressed in a short-term, superficial, bit-here, bit-there way. Whereas her predecessors showed disdain or indifference to the issue, Minister Hanafin has shown she knows better. At a time of great wealth, we look forward to deeper and broader interventions from her and the implementation of many other of the recommendations of her Task Force, which to date, she has not gone near. We are sure that more is to come”.

# Bernie Judge – TUI’s Education & Research Officer

Bernie Judge joined the Teachers’ Union of Ireland in July as Education and Research Officer. Bernie began her teaching career as part-time teacher in the 1980s working with Traveller and Youth Employment Initiatives and the Prison Education Service. Later she secured a full-time teaching position with the City of Dublin VEC and was involved in teaching the full spectrum of students under the junior and senior cycle programmes, post leaving cert students and had a special interest in working with adult returners under VTOS. During this Bernie was an active member of the Dublin City Post Primary Branch, TUI and was actively involved in highlighting the employment issues facing part-time teachers. Later she served as branch officer and became a member of the TUI Equality Council. She also represented the TUI on numerous committees.

In the mid 1990s Bernie made a career change to work, on a secondment basis with Local Development Initiatives working at local (Finglas and Cabra area, Dublin) and national level. The activity she was involved in spanned all levels of education from early education to third level and included childcare and youth issues.

At local level she worked closely with the management and teachers in schools and the community to develop initiatives aimed at addressing educational disadvantage. At national level she had the dual role of supporting local based staff and drawing together the policy lessons emerging from local experience in order to influence national and European policy.



BERNIE JUDGE, EDUCATION AND RESEARCH OFFICER

In 2001 Bernie was offered the post of Co-ordinator of Further Education Development, with the Further Education Section of the Department of Education and Science. Under this post she had particular responsibility for the implementation of the Back to Education Initiative (Part-time Programme), aspects of community education and liaison with FETAC in respect of the new processes and procedures that are proposed for delivering further education programmes.

Bernie’s broad experience and long involvement in practice and policy issues provides a strong base for her new role as Education and Research Officer where she will be involved in a range of education matters including curriculum and assessment, state examinations, special education needs, qualifications, teacher induction, quality assurance in further education.

## Diary/Handbook Correction

On page 80 of this year’s diary/handbook, an extra point was erroneously placed on the Common Basic Scale. The correct scale is set out below. Apologies for any confusion caused.

### TEACHERS’ COMMON BASIC SCALE wef 01/06/06

1	€29,534
2	€30,580
3	€31,626
4	€32,677
5	€34,304
6	€35,360
7	€36,415
8	€39,069
9	€40,395
10	€41,980
11	€43,557
12	€45,146
13	€46,474
14	€48,232
15	€48,232
16	€48,232
17	€50,657
18	€50,657
19	€50,657
20	€50,657
21	€53,862
22	€53,862
23	€53,862
24	€53,862
25	€57,403



### Tour de Force

Dundrum College art students, Teddy Mahago, Philippe Senouci and Irene Eliadze really caught the eye of Luas Commuters and the Dundrum community this summer. Designing and painting a large scale public hoarding, which celebrates the new location of the legendary Joe Daly Cycle shop, was the final part of their FETAC Level 5 Art, Craft, Design award.

The student’s proposal was successful in a design competition which was outlined to the students by the internationally acclaimed artist, and past pupil, Francis Tansey. Two of the students have progressed to NCAD, while the other has chosen Dun Laoghaire.

# Institute News

## Institutes of Technology Favour University Experience Over Industry Experience

A sorry turn of events at the Institute of Technology Industrial Relations Forum has led to the only possible conclusion that Institutes prefer University experience to experience in industry. Despite long standing belief to the contrary and claimed by Institutes to favour those persons with experience in business and industry for lecturing positions the proof of the situation is different. TUI discovered an anomaly whereby an Assistant Lecturer being recruited to an Institute of Technology with University experience could have that University experience taken into account in the necessary five years required for progression to the grade of Lecturer. A person recruited to the same post and with the same qualifications and number of years experience cannot count their industrial experience towards their progression time

and thus will progress to the lecturer grade a number of years later.

This anomaly was raised by the Union in discussions which led to an agreement for the progression of Assistant Lecturers, however the Union was told during those discussions that as the purpose of the discussions was to provide an interpretation of the PCW it was not possible to bring about a change in the PCW and the matter should be raised directly at the IR Forum where it could then be addressed.

The Union accepted the logic of this position and lodged the following claim at the IR Forum.

The text of claim was:

**“That industrial and other services (including second level teaching) be recognised for the purposes of Assistant Lecturer progression.”**

The claim was lodged and was moved by

the Union at the Forum meeting on the 14th February 2006. At that meeting the management side indicated that it would respond at the next meeting. The next meeting took place on the 18th May 2006. At this meeting the Union’s claim for parity between industrial and university experience was rejected out of hand without discussion or without any form of an offer being made to the Union to seek to remove the anomaly.

The anomaly continues therefore whereby two people with similar qualifications and with similar amounts of experience one in university one in industry starting on the same salary point they will progress to the lecturer grade at a very different time, the ex university employee being significantly favoured.

The claim therefore that Institutes of Technology favour industrial experience is nothing more than talk and to use the old cliché “they are not prepared to put their money where their mouth is”.

## Four Claims Rejected at IR Forum

The recent meeting of the industrial relations forum has created something of a record by rejecting no less than four claims made by the TUI within a period of about 40 minutes. The first claim rejected was in relation to removing an anomaly between experience gained in university and that gained in industry. This is referred to above.

The second claim was as follows:

**That a specified number of years lecturing experience would equate to Post Graduate qualification for the purposes of the requirement for appointment to Senior Lecturer I (Teaching) positions.**

This claim seeks to introduce an equation between experience gained doing the job with paper qualifications for the purposes of applying for an SL1 positions. It must be remembered that SL1 positions were introduced as promotion opportunities.

The rejection of this claim by the official side must be seen as a rejection of those long serving members of the Union who assisted in the build up of the Institutes.

The next claim to be rejected related to an anomaly between pensionability while on job sharing as opposed to being on career break, which the union sought to rectify. If a lecturer goes on career break they can pay the full superannuation cost including the employers contribution, a total of 18.5%. This will render the year on career break fully reckonable for superannuation purposes.

If however a teacher or lecturer goes on job share the arrangement is that a year on job share counts for half a year for superannuation purposes. The Union claimed that a facility should exist whereby a teacher or lecturer if they chose could have the full period reckoned for superannuation purposes by the payment of the full amount for the remaining half of the job share.

This claim was rejected by the official side on the basis that a similar claim had been made elsewhere in the public service some years ago and had also been rejected. No rationale was given nor was it explained why it is acceptable to purchase service while on career break but is not acceptable to purchase half a service while on job share.

The fourth claim rejected was one seeking to remove the long serving grievance of the loss of pensionability of days on which members were on strike.

The text of the claim is:

**Claim for recognition for pension purposes of days lost by T.U.I. members during dispute action.**

This issue was claimed at both the teachers Conciliation Council and at the Institute of Technology IR Forum and has been rejected at both. The rejection is to be considered by the Executive Committee.



NATFHE CONFERENCE 2006

## UK Higher Education Unions Merge

June 1st 2006 saw the inauguration in the UK (including Northern Ireland) of the University and College Union. This Union is formed by the amalgamation of The National Association of Teachers of Further and Higher Education NATFHE and the Association of University Teachers AUT.

The two unions together have some 120,000 members and claim to be the largest higher education union in the world.

The final conference of NATFHE was attended by then Vice President, Tim O'Meara and DGS, Peter MacMenamin and the fraternal greetings of TUI were conveyed both to the NATFHE conference and to the new union, UCU.

In addition to merging the two unions had been involved in a joint campaign for a pay rise. Within days of the merger an improved offer was made by the employers body and on foot of that offer the industrial action which had been carried out jointly by the two unions was withdrawn. Industrial action in this case took the effect of the non submission of examinations.

## Apprenticeship Summer Courses

The Union was approached by the Department of Education and Science in late Spring 2006 with a request to cooperate with the running of apprentices summer courses in a limited number of areas, the reason being that there continues to be a back log of apprentices in some trades. This matter was considered by the Executive and in doing so it considered the advice given by the CAC on this matter. The CAC took the view that the Institutes, with the concurrence of the Department of Education and Science, continued despite the opposition of the TUI, to offer some temporary – three year contracts to Assistant Lecturers in the trades area. This practice continues despite the opposition of the TUI and despite the fact that no such temporary three-year contract has been agreed with TUI. The reason offered by the Department of Education and Science for the three-year contracts is that it cannot guarantee the future of the particular trades in the colleges concerned. The CAC considered this response together with the request by the Department for cooperation

with apprentices summer courses and it took the view that if it allowed for cooperation with the summer courses it could very well end up ensuring the non employment of the very temporary assistant lecturers which the union is concerned about. The CAC therefore advised until such time as a commitment was given by the Department and by Institutes of Technology that there would be no further three year temporary contracts offered and that contracts would in future be permanent contracts, that there would be no cooperation with the summer courses.

The response of the Department of Education and Science was extraordinary. The reaction was very negative and a suggestion was made that the Union might be engaging in industrial action and as such could be in breach of Sustaining Progress! This apparently because the union has refused to cooperate with what at all times was seen as a voluntary activity and what was at all times seen as a concession by the Union to allow the summer apprenticeship courses originally done at the request of the Department of Education and Science at a time when the

apprenticeship system was under serious pressure and was done in the interest of the students and of the system of apprenticeship.

There is no question that the union is engaging in Industrial Action on this issue.

In addition to this the Department of Education and Science wrote in the terms set out below in the letter from Philip Marron, Ass Principal Officer, Department of Education and Science to the DGS. Not alone did the Department write to the Union in these terms which is of course its right but the Department then saw fit to send its letter which had been sent to TUI Head Office, personally addressed to the Deputy General Secretary, to each Institute with a request that the letter be circulated as widely as possible. This was done without affording the Union the courtesy of advising that it wished to circulate the letter, there was no cc on the letter indicating that it was being sent to each Institute and this extraordinary action of the Department has generated very bad feeling within the group of apprentice teachers and amongst others.

## Union Wins Incremental Credit Cases For Cork Lecturers

The Union took a case on behalf of three Assistant Lecturers in Cork IT to the Rights Commissioner under the provisions of the Part Time Act. The Union's case was that the members concerned were being adversely treated by comparison with whole time colleagues on the grounds of their Part Time status in that they were denied incremental credit. The Union was able to point to other members within the Institute with very similar qualifications who had progressed to the top of the Lecturer scale. The Rights Commissioner found for the three individuals and granted them increments for each year of their service as a Part Time employee with Cork IT notwithstanding their lack of what is now currently regarded as being the minimum qualification required for appointment as Assistant Lecturer.

The result of the case was a significant break through for the Union in addressing the issue of long serving members of the Union who continue to be employed on the first point of a scale and who are not awarded increments, despite carrying out the same job as other comparators within the same Institute and in this particular case despite holding almost identical qualifications. In addition to awarding the members concerned increments on a year for year basis for each year of their service they are also to receive retrospective payment for these increments back to six months prior to the lodging of the case with the Rights Commissioner as is provided for in the Part Time Work Act.

The employer, Cork Institute of Technology, appealed the decision of the Rights Commissioner to the Labour Court and the hearing was set for the Labour Court on the 11th July. At the door of the Court the employer withdrew the appeal against the Rights Commissioner's decision in a settlement with the Union and agreed to pay all of the retrospection as awarded by the Rights Commissioner and to place the members concerned on the appropriate point of the scale together with additional compensation as part of the agreement which now amounts to €5,000 each all to be paid within four weeks of the date of the hearing.

In withdrawing the appeal against the Rights Commissioner decision, the effect

Philip Marron  
College Section,  
Department of Education and Science,  
Marlborough St, Dublin 1

16 March 2006



### Re: Apprenticeship Summer Courses

Dear Philip

I am writing in connection with the request by the Department of Education and Science to the Union to cooperate with the running of apprentice courses during the summer of this year.

The Executive Committee at a recent meeting considered this matter and a decision has been taken in this regard. In coming to the decision the Executive Committee has taken into consideration the persistent determination of the Department of Education and Science and of Institutes of Technology at the behest of the Department to employ lecturing staff in the trades' area on three-year contracts. The stated reason for such three-year contracts has been an inability to be sure as to the future numbers of apprentices. The introduction of such three-year contracts has been opposed by the Union on a number of occasions and this opposition has been advised both to your Department and to the Institutes. Nonetheless notwithstanding this opposition three year contracts continue. It is the view of the Executive that cooperation with the summer courses will have an effect such as to ensure the early termination of the contract of employment of the members of the Union who are employed on such three year contracts in that the summer courses will reduce the supply of apprentices which will in turn ensure that there is no employment for the members in question on such contracts. Accordingly because of the above situation the Executive Committee has decided that it will not on this occasion cooperate with the summer courses and will be instructing the Branches in all of the Institutes of Technology accordingly.

It is a matter of regret that this decision had to be taken but the responsibility for it must be seen to lie with the employer for persistently continuing to use a form of employment which has not been agreed with this Union.

Yours sincerely

**Peter MacMenamin**  
Deputy General Secretary

in law of this is that the decision of the Rights Commissioner stands. Branches and members who might be in similar situations are advised to study the decision of the Rights Commissioner which is on the TUI website. The decisions may have an effect on other persons in a similar situation i.e. persons employed on a Fixed Term basis be that Part Time or Whole Time and who have a level of qualifications similar to other persons lecturing within either the same Institute or another Institute and who are carrying out a similar job.

It is important to note that this judgement does not remove the need for qualifications

nor does it in any way indicate that TUI supports a lack of qualifications. The policy of TUI is that anybody teaching at either second or third level should be fully qualified on entry to the job, however the Union policy is equally emphatic that once a person has been employed by a college and that employment has been continued i.e. the contract renewed then the Union will support the person in obtaining their legal rights and thus in preventing the exploitation of persons in such situation. In this way the Union is seeking to remove any financial incentive which a college might have to employ less than fully qualified members of academic staff by its insistence that they be paid the full rate for the job.

# Notices

## ECO-UNESCO's Young Environmentalist Awards 2007, Sponsored by ENFO

The Young Environmentalist Awards (YEA) is an all island environmental awards programme for young people between the ages of 12 and 18. The awards honour young people who protect, conserve and enhance our environment, making a difference in the lives of others locally and globally. The YEA is run by ECO-UNESCO - Ireland's environmental education and youth organisation.

The Awards are open to all young people in teams of between 2 - 25, in schools, youth groups, youth clubs or community groups.

### IMPORTANT DATES

Registration Of Project Outline  
**24th November 2006**

Closing Date For Completed Projects  
**23rd February 2007**

Show Casing And Awards Ceremony  
**May 2007**

You can request or download a YEA Training Manual with step by step instructions to help carry out an environmental project go to: [www.ecounesco.ie](http://www.ecounesco.ie)

ECO-UNESCO runs three core programmes - the Environmental Youth Programme, which includes activities, workshops and ECO clubs for young people, the Education and Training Programme including training



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for trainers, youth environmental training. FETAC accredited modules in Sustainable Development - This course develops an awareness of the interactions between society, economics and the environment in the context of a sustainable planet and a module in Personal Effectiveness through Environmental Education - this module focuses on promoting the values, skills and relationships necessary to safeguard and improve the environment. In addition ECO-UNESCO produces publications and education resources. ECO-UNESCO is affiliated to the World Federation of UNESCO Clubs, Centres and Associations (W.F.U.C.A).

For further information and support contact: YEA Coordinator, ECO-UNESCO, 26 Clare St., Dublin 2.  
YEA Hotline: 01 662 5491  
E-mail: [yea@ecounesco.ie](mailto:yea@ecounesco.ie)

### AIB Philspeaks

The University Philosophical Society of Trinity College invites Schools to participate in the AIB Philspeaks Public Speaking Programme. This programme provides students with the skills to structure a logical, informative or persuasive argument, as well as those needed to deliver an entertaining speech.

Last year over 500 students attended our workshops where no previous public speaking experience is required

of participants. Students take part in four intensive group workshops after which they will be presented with a certificate in public speaking. There will also be a workshop for teachers. There is a competitive aspect too with many prizes including a scholarship to Hong Kong up for grabs.

Applications open from September 4th - October 20th. To get involved email [gearoid@tcdphil.com](mailto:gearoid@tcdphil.com) or phone 085-7134417.

### Study Guide For Ag Science Students

Agri Aware, in conjunction with Irish Agricultural Science Teachers Association (IASTA) and the Irish Farmers' Journal, are launching a new study aid for Leaving Certificate Agricultural Science students. Each week, Agricultural Science teachers will address various curriculum topics. Along with material relevant to the Agricultural Science curriculum, young graduates who have chosen a career in the agricultural and food industry will be featured. These features will prove a valuable study aid for students and teachers and will run on a weekly basis from the 19 September 2006 to 2 June 2007.

Further information can be found on [www.agriaware.ie](http://www.agriaware.ie). If you would like a copy of the classroom poster, please email [info@agriaware.ie](mailto:info@agriaware.ie) or phone 01 4601103.



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# World Teachers Day

## What is it?

On October 5 each year, teachers' organisations worldwide mobilise to ensure that the needs of future generations are taken into consideration.

UNESCO inaugurated October 5 as World Teachers' Day in 1994 to commemorate the joint signing of the UNESCO/ILO Recommendation concerning the Status of Teachers on 5 October 1966. World Teachers' Day also highlights the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel adopted in 1997.

According to UNESCO, World Teachers' Day represents a significant token of the awareness, understanding and appreciation displayed for the vital contribution that teachers make to education and development. Education International strongly believes that this Teachers' Day should be internationally recognized and celebrated around the world. EI also believes that, on this anniversary date, the principles of the 1966 and 1997 Recommendations should be considered for implementation in all nations.

Over 100 countries observe World Teachers' Day. The efforts of Education International and its 348 member organisations have contributed to this widely spread recognition. Every year, EI launches a public awareness campaign to highlight the contributions of the teaching profession.

## Why celebrate it?

World Teachers' Day provides the opportunity to draw public attention to the role of teachers worldwide and their importance in society.

On 5 October 1966, the world's teachers made a giant step forward. A Special Intergovernmental Conference adopted the UNESCO/ILO Recommendation

concerning the Status of Teachers, which, for the first time ever, gave teachers throughout the world an instrument that defines their responsibilities and asserts their rights. In adopting this Recommendation, governments unanimously recognized the importance for every society of having competent, qualified and motivated teachers.

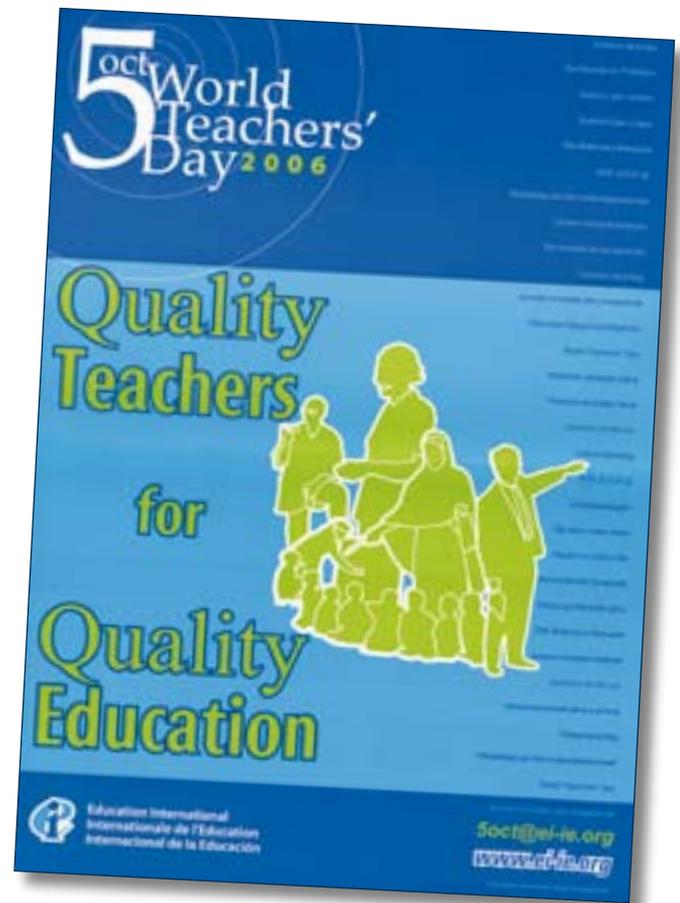
### Quality Teachers For Quality Education

UNESCO and the ILO have noted the importance of quality teachers in providing quality education to children and in this way working towards sustainable development. "Through their daily work, teachers make a tremendous contribution to sustainable development by building its human foundation - developing a child's capacity and desire to learn" (UNESCO/ILO, 2005).

The 'quality' theme, launched initially in 2004, covers a wide range of issues of crucial importance to both teachers and learners worldwide. In this context, World Teachers' Day provides the perfect opportunity for teacher unions and education supporters to lobby their governments to release the necessary financial and human resources for a true quality education for all.

### Campaigning For Better Conditions

In many countries across the world, teaching and learning conditions in school are poor and on a downward spiral. Classrooms are too large e.g. the Global Monitoring Report 2006 shows that in Mali, Rwanda and Malawi average class sizes are 55 or above.



Salaries remain low and teaching is often cited as an increasingly unpopular career option. In spite of teacher shortages, trained teachers remain unemployed, e.g. in Zambia. Equal rights for women teachers are overlooked. Teachers fail to receive proper training on issues such as how to protect themselves and their students from HIV infection. Finally many teachers are the victims of serious human rights violations, often at the hands of their own state, to mention just a few, in Columbia, Ethiopia and Nepal.

World Teachers' Day gives the teacher the opportunity to campaign for vital change in these areas. Likewise it is important to treat the day as a celebration of the complex and important work done by teachers all year round.

# TUI Recruitment Drive

This September, as new teaching staff start in our third level Institutes, Vocational Schools, Community Colleges, Community and Comprehensive Schools, VTOS, Youthreach and Traveller Training Centres, TUI is, as ever, engaged in a major recruitment drive.

To this end, recruitment posters and wallets have been despatched to all representatives, and additional copies are available from TUI head office.

All new teaching staff, be they permanent or temporary, part-time or wholetime, should be approached immediately by TUI representatives. Teachers/lecturers who did not join the union in previous years should be approached again to encourage them to join.

The approach to recruitment of potential new members should be one of welcome

and assistance and should point out the benefits of the Union particularly in terms of job security, job protection and improved salaries and conditions.

Other benefits should also be mentioned such as the highly competitive Car Insurance Scheme, the Income Continuance Plan, the TUI Credit Union and the Union's Provident Fund which provides assistance with medical expenses.

Details of these and other schemes are included in the recruitment material along with an application form, Deduction at Source form and Credit Union application form.

The forms are also downloadable from TUI's website [www.tui.ie](http://www.tui.ie)



## Membership Details

### Have we got your Union Membership details correct?

- Has your union membership status changed? (e.g. from Part-Time to Permanent Whole Time, from Permanent Whole Time to Job-Share or have your part-time hours increased)
- Have you transferred from one employer to another?
- Have you just returned from a Career Break, Leave of Absence or any unpaid leave?

If the answer is "yes" to any of the above questions, please ensure that you complete a new Deduction at Source (DAS) form immediately and send it to:

Dara Blighe, Membership Secretary,  
TUI, 73 Orwell Road, Rathgar, Dublin 6.

DAS forms are available on the TUI website – [www.tui.ie](http://www.tui.ie)  
They are also available from your School/College Representative, from Head Office or in this issue of TUI News.

Please complete a new DAS form to avoid falling into arrears

Help keep our data base up to date – keep us informed!

## Standardised School Year

### School Year 2006/07 – From Circular Letter M21/04

#### October 2006 Mid-term Break

All schools will close from 30th October to 3rd November 2006 inclusive.

#### Christmas 2006

All schools will close on 22nd December 2006 which will be the final day of the school term. All schools will re-open on 8th January 2007.

#### February 2007 Mid-term Break

Post-Primary schools will close from 19th to 23rd February 2007 inclusive. Primary schools will close from 22nd to 23rd February 2007 inclusive.

#### Easter 2007

All schools will close on 30th March 2007 which will be the final day of the school term. All schools will re-open on 16th April 2007.



# welcome to second level teaching

You are most welcome to the teaching profession and to our public sector schools and centres. We wish you the very best in what we are sure will be a long, eventful and fulfilling career.

Always bear in mind that the work you do is of fundamental importance to society. In an increasingly complex world you will provide the instruction, guidance and - more often than some bilious commentators would have you believe - the inspiration that will sustain young people as they proceed into adulthood.

As you begin your career, the TUI would like to offer some practical advice based on the experience of our members over several years.

## Employer

- All teaching positions with public sector employers, other than casual short-notice positions, are filled following advertisement in the national press and competitive interview.
- Your employer is either the Vocational Education Committee or, in the case of teachers in Community and Comprehensive schools, the Board of Management.
- In the case of a VEC, appointment is to the “scheme” (normally defined by county) which means that one may be assigned to any Vocational School or Community College within the scheme and may, in subsequent years and subject to protocols agreed with the union, be transferred within the scheme.
- Community and Comprehensive schools are stand-alone employers.

## Qualifications - General

- You need absolute clarity about your qualifications. What are you qualified to teach? Are you recognised by your employer and/or the Department of Education and Science as a fully qualified teacher who is eligible for appointment to a permanent wholtime teaching position in your subject/specialism?

## Qualifications – Second Level sector

- To be qualified as a second level teacher in the vocational sector you must hold a recognised degree (or equivalent) in at least one of the subjects on the Leaving Certificate programme. A document known as Memo V7 details the specific requirements. Currently, a Higher Diploma in Education is not a requirement for recognition as a qualified teacher in the vocational sector.
- In Community and Comprehensive Schools you require either an appropriate degree (or equivalent) and the Higher Diploma in Education (or equivalent) or an appropriate degree that includes a training in teaching qualification to be recognised as fully qualified and eligible for appointment as a permanent wholtime teacher.
- Generally speaking, subjects taken in final year degree examinations may be taught to Leaving Certificate level while those taken in earlier years of the degree course may be taught to Junior Certificate level.

## Qualifications – Further Education Sector

- To be fully qualified for a teaching position in the Further Education/Post-Leaving Certificate area, in Youthreach Centres, Traveller Training Centres or in the Prison Service, you must hold a qualification that satisfies either the terms of Memo V7 or the terms of Department of Education and Science Circular Letter 32/92.
- Both Memo V7 and CL32/92 can be downloaded from the TUI website.

## Contracts/Written Statements

- All part time teachers have contracts whether written or not. The Industrial Relations Act, 1990, specifies that contracts of employment may be “expressed or implied, oral or in writing.”
- The Terms of Employment (Information) Act, 1994, stipulates that employees who have been employed for more than one month and who are normally expected to work at least 8 hours per week are entitled to a written statement regarding their employment contract or relationship.
- Employers are required to provide employees with a written statement of particulars of the employee’s terms of employment within 2 months of the date of commencement of employment.

- A written statement should contain:
  - the name of both you and your employer
  - the address of your employer
  - the place of work
  - the job title or a description of the nature of the work
  - the date of commencement of employment
  - the nature of the contract
  - the rate of pay, method of calculation and frequency of payment
  - the hours of work
  - the entitlements to paid leave
  - the period of notice required
  - reference to any collective agreement affecting the terms of the contract
  - details of relevant disciplinary procedures
- Any change in the contract must be notified to you within one month of the change having taken place.
- Disputes regarding any aspect of a contract of employment can be dealt with directly with your employer with the assistance of TUI, where required.
- Your employer must provide with every wage packet a written statement of gross wages and the nature and amount of any deduction made from that gross amount.

### Contracts and Salary - Permanent Wholetime Teachers

- By definition, a permanent wholetime teacher is deemed to be fully qualified.
- In your first year of service as a permanent wholetime teacher you will be placed on the third incremental point of the Common Basic Scale if you hold the Higher Diploma in Education (or an alternative, recognised training in teaching qualification) and on the second incremental point if you don't. Your salary comprises the appropriate point of the CBS plus the qualifications allowances to which you are entitled. Two qualifications allowances can be held – typically, for a primary degree and the Higher Diploma in Education.

### Contracts and Salary - Part-time Teachers: Pro-rata Contracted

- If you are a fully qualified part-time teacher (i.e. with fewer than 22 teaching hours per week) and have been engaged to teach for a specified number of hours per week over the course of the full school year (with a start date not later than 1st November) you are entitled to a pro-rata contract.



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- This is a written, fixed-term, contract of employment and must be signed.
- The standard contract is appended to Circular Letters PPT 19/03 (Community and Comprehensive schools) and PPT 20/03 (VECs) which can be downloaded from the TUI website.
- To be entitled to a pro-rata contract you must have been appointed following a formal selection process. This process involves advertisement of the position in the national press and competitive interview by a properly constituted interview board.
- If your appointment was not subject to a formal selection process you are not entitled to a pro-rata contract.
- If you otherwise satisfy the conditions for award of a pro-rata contract (i.e. if you are qualified and have specified hours over the course of the school year) but have not been appointed following a formal selection process, you should contact your TUI School Representative and, assisted by her/him, ask your employer to advertise the position and make an appointment following a formal selection process. There is the risk in this that you might not be appointed but the cost to you of not pursuing the matter is considerable.
- If, before 1st November, additional teaching hours are added to your weekly timetable – as sometimes happens after the commencement of the school year when a school's timetable eventually "settles" - your contract is augmented to take account of those hours.
- Any further hours – undertaken on an occasional basis - that are worked by a pro-rata contracted teacher during the school year will be paid at an hourly rate calculated by dividing the sum of your point on the CBS and your qualifications allowances by 735 (i.e. the number of teaching hours in the school year of a permanent wholetime teacher).
- Having a pro-rata contract means that you are entitled to a salary for the full school year. For this purpose the school year runs from the date of commencement of your contract to 31st August, inclusive. The commencement date must fall within the period from 1st September to 31st October, inclusive.

- Your salary for the school year is based on your hours as a proportion of the wholetime hours (22). To calculate your salary, you apply that proportion to the sum of your point of the CBS plus your qualifications allowances.

**Example:** Annual Salary of (a) a Permanent Wholetime Teacher and (b) a Pro-rata Contracted Teacher, in their first year of service:

Status	Wholetime	Pro-rata
Hours	22	15
CBS – 3rd Point	€31,626	
Degree (Hons)	€4690	
H.Dip (Pass)	€563	
(a) Annual Salary	<b>€36,879</b>	$(€36,879 \div 22) \times 15$
(b) Annual Salary		<b>€24,169</b>

- Full salary details - inclusive of the increase payable from 1st June 2006 under the terms of the national agreement, Sustaining Progress - are available on [www.tui.ie](http://www.tui.ie)

### Contracts and Salary - Non-casual Part-time Teaching Contract

- A fully qualified part-time teacher who is employed to teach for a period in excess of 150 hours during the school year but for less than the course of a full school year is classified as a “non-casual part-time teacher” and is entitled to a non-casual part-time teaching contract.
- As such a teacher, you will be paid at an hourly rate calculated by dividing the sum of your point on the CBS and your qualifications allowances by 735 (i.e. the number of teaching hours in the school year).
- If you are employed to replace a teacher on maternity leave or extended sick leave you may fall within this category.

### Contracts and Salary - Casual Part-time Teaching Contract

- A fully qualified teacher who is not employed on a Pro-rata Contract or on a Non-casual Teaching Contract is regarded as working on a casual basis for the first 150 hours worked in the school year.
- The current fixed hourly rate of payment for these hours is €43.84.
- If, as such a teacher, you work for more than 150 hours in the school year each additional hour in excess of 150 will be paid at an hourly rate calculated by dividing the sum of your point on the CBS and your qualifications allowances by 735 (i.e. the number of teaching hours in the school year).
- This type of contract applies in cases in which the work arises only on an intermittent basis and where the employer may reasonably expect that the hours worked will not exceed 150 in the course of the school year.

### Permanency

- It is a policy of the TUI to seek permanent wholetime teaching contacts for the greatest possible proportion of the teaching force. Currently, VECs and Community and Comprehensive Schools are entitled to appoint up to 95% of their teaching allocation on a permanent wholetime basis. The 5% leeway means, in practice, that every year vacancies arise for part-time positions. Customarily, a significant number of new entrants to the profession will first secure these positions, as opposed to permanent posts. The legitimate expectation of such teachers, however, is that temporary and/or part-time experience will significantly improve their chances of subsequent permanent appointment.

### Contracts of Indefinite Duration

- A Pro-rata contract is a fixed-term contract.
- The Protection of Employees (Fixed-term Work) Act 2003 offers certain protections to employees who have completed successive fixed-term contracts.
- Sections 8 and 9 of the Act provide as follows:
  - 8 (1): Where an employee is employed on a fixed-term contract the fixed-term employee shall be informed in writing as soon as practicable by the employer of the objective condition determining the contract whether it is –
    - arriving at a specific date,
    - completing a specific task, or
    - the occurrence of a specific event.
  - 8 (2): Where an employer proposes to renew a fixed-term contract, the fixed-term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration, at the latest by the date of the renewal.
  - 9 (1): Subject to subsection (4), where on or after the passing of this Act a fixed-term employee completes or has completed his or her third year of continuous employment with his or her employer or associated employer, his or her fixed-term contract may be renewed by that employer on only one occasion and any such renewal shall be for a fixed term of no longer than one year.
  - 9 (2): Subject to subsection (4), where after the passing of this Act a fixed-term employee is employed by his or her employer or associated employer on two or more continuous fixed-term contracts and the date of the first such contract is subsequent to the date on which this Act is passed, the aggregate duration of such contracts shall not exceed 4 years.
  - 9 (3): Where any term of a fixed-term contract purports to contravene subsection (1) or (2) that term shall have no effect and the contract concerned shall be deemed to be a contract of indefinite duration.



9 (4): Subsections (1) to (3) shall not apply to the renewal of a contract of employment for a fixed term where there are objective grounds justifying such a renewal.

## Your School and You

### Collegiality

- Make sure that you maintain close contact with your teaching colleagues. Teaching can be very isolating and you can quickly, and mistakenly, conclude either that your style and methods are entirely right or entirely wrong. Don't confuse appropriate professional autonomy with raising the drawbridge. Remain open to professional discourse. The quality of your teaching will be significantly enriched if you continue to be a learner.
- Involve yourself fully in the life of the school community. Contribute to school planning and decision-making processes and to co-curricular activities. Your reward will be a greater sense of belonging to a vibrant learning community.

### School Structures and Procedures

- There are particular members of the teaching staff with whom you will have regular contact. These include the Deputy Principal, Year Heads, the Guidance Counsellor and the Head of the subject department. Get to know them and don't be shy about seeking their advice.
- Under legislation (and because it makes sense) every school is required to have a code of behaviour. Be conversant with it and apply the procedures it sets out consistently and fairly.

### Professional Standards

- Ensure that you are in command of your subject and well prepared and you can legitimately insist upon the highest standard from each student that s/he is capable of reaching. It is central to our educational philosophy in TUI that every student, irrespective of background, has an entitlement to a high quality, publicly funded education. As individual teachers we should be guided by this public service ethos.
- Be aware of public policy as expressed in legislation, particularly education legislation.
- Be accountable. The TUI supports the principle of appropriate public accountability of schools through elected public representatives and agencies such as the inspectorate of the Department of Education and Science.
- Make sure that you respect the rights and personal integrity of your students. The idea of being "firm but fair" may have become clichéd but it still has considerable merit. It is especially important to maintain a critical professional distance from your students.



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- Maintain clear, objective records. These may relate to student progress and conduct, other aspects of classroom management matters, contacts with parents, issues relating to your employment, formal discussions with school management and other relevant matters.

### Your Rights And Duties As A Teacher

- You are entitled to the support of your employer in your efforts to ensure that students receive an education of the highest quality. In that regard, you are entitled to a healthy and safe workplace marked by respect for human dignity and the absence of bullying or intimidation. The principles of equity, equality and inclusivity should inform school practice.
- Your employer, your colleagues, your students and their parents/guardians are entitled to your respect, loyalty and best professional service. The principles of equity, equality and inclusivity should also inform your practice.
- You are on probation for your first year. If the school management has any difficulty with the quality of your work, it is obliged to bring it to your attention and offer appropriate advice. If you are not advised of any difficulty you are entitled to assume that there is none and that you will be probated.

### Your Union – Teachers' Union of Ireland

- Join the union and actively shape your professional environment, both locally and nationally. You will quickly become au fait with the pressing issues of the hour (and the arcane rituals of union activists!). Research has consistently shown that disaffection with and disengagement from one's work are most pronounced where employees are least involved in decision-making processes.



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- Find out who the TUI school representative, school committee members, Branch Officers and Area Representative are. Get to know them. The same applies to the union/ teacher representatives on the VEC and/or the Board of Management. Avail of the earliest opportunity to attend a meeting of your local Branch of the TUI.
- Use your TUI Diary – your conditions of service and the range of union services are more fully explained.
- There are certain conditions of service that are regarded by the union as so important as to require the protection of directives. These conditions relate to the maxima that apply to class contact hours, class size (i.e. student numbers) and the number of days in the school year. As a member of the TUI you are obliged to abide by these directives – there is no discretion in the matter.
- The directives should be displayed on the TUI Noticeboard in the school and can be downloaded from the TUI website.

### In Case of Difficulty

- If you encounter a difficulty with your employer, address it at the earliest opportunity. In this as in other matters, keep the issue and the personality separate. Informal resolution of difficulties is desirable, provided the rights of all parties are respected. If informal resolution is not possible, approach the TUI school representative and process the issue through the agreed grievance procedures for your sector. The procedures are set out in the TUI Diary and may be downloaded from the union website.

### Keeping Professionally Fit

Finally, avoid letting the intellectual and professional grass grow under your feet. Involve yourself in reflective practice and professional development from the outset. In this regard, you might consider joining the relevant subject associations.

You should also avail of in-service and professional development opportunities. These are provided by a wide variety of agencies and institutions, including the Second Level Support Service, the Special Education Support Service, the Education Centres and the teacher unions.

The Teaching Council, at present in its infancy, is quite likely to set a premium on continuing professional development. The TUI is campaigning for a continuum of professional development that will sustain excellence throughout one's teaching career.

As public servants, we must be to the fore in insisting upon and maintaining the highest quality in our public education.

**Go n-éirí go geal libh.**

# Book Review

## **In the Wake of the Bagger** **By Jack Harte**

Scotus Press, 190pp.  
€9.95

In the Wake of the Bagger signposts an impressive debut by Jack Harte as a novelist, capping a successful career as a gifted short story writer. Commissioned by the Sligo County Council, the novel consists of twin interlacing narratives; one from the perspective of adolescence centring on the 50's the other pre-occupied with the contemporary, from an adult stance.

The interplay of two periods in the subject's biography is paralleled by the narrative of two places - the idyllic experience of Sligo and, in stark contrast, the grim reality of the Midlands, resulting in enduring, divided loyalties and eventually a unifying quest for his formative roots.

In the Wake of the Bagger is a harrowing record of growing up in an era when child labour was the norm. Forced to leave an impoverished Killeenduff Robbie Dowd's family join the turf-rush to Ballyclare to work for Bord na Mona - the post war life-line for a subsisting rural Ireland.

For Robbie, fresh from his childhood paradise, hell, on a Dickensian scale, awaits him in the guise of back-breaking toil rendered all the more painful by fearsome gangsters "screaming curses" at their charges treated like Gulag inmates.

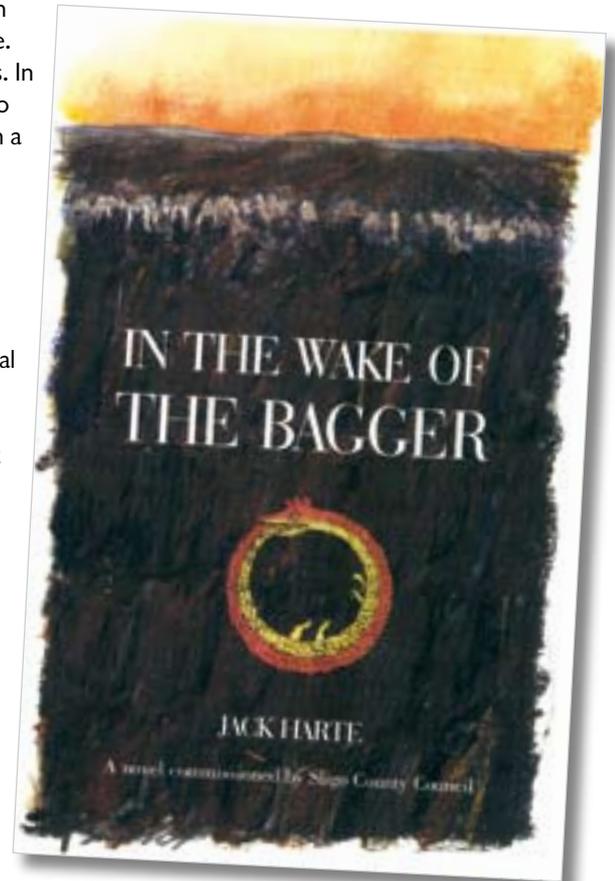
Survival, in this context, left no room for self-pity and little time for leisure. Hardship and want were his masters. In his father's words - "They pay you to work and not cock your backside on a fence and talk to your neighbour."

A prolonged, heroic strike resulting in justice for the workers is one of the few lights at the end of a very dark tunnel fraught for Robbie with many vicissitudes, among them sexual abuse by a teacher, his unrequited, 'paralysis'- inducing love for Hazel, the burial, in secrecy, in a Protestant cemetery of his unchristened sister, denied a Catholic resting place.

Accompanying him like his shadow on his chequered journey are his supportive memories and yearnings for Killeenduff, "inside him like the effigy at the core of a Russian doll". A place that has effectively ceased to exist save as a vibrant memory. The crucible of his inner self with a worthwhile story to tell.

Life in an industrialised Ballyclare, if deprived and myth-starved, has its support systems that help the hero, now brimming with academic promise on his way.

Adaptable and indomitable he will emerge against all the odds from this crushing sub-culture, where Stephen Dedalus would



have died a thousand deaths and very likely perished, a rare sensibility and a blossoming poet. Talent will out.

A gem of a book that demands to be read and flagged up for its imaginative plotting, authentic characterization and colloquially colourful dialogue. Another publishing triumph for Scotus Press.

Jack Harte, a former Principal of Lucan Community College, is now retired.

By Frank O Carroll  
(author of Accordion Music a collection of short stories).

Hardship and want were his masters.  
In his father's words - "They pay you to work  
and not cock your backside on a fence and  
talk to your neighbour."

# Ruaidhrí O Tuathail – An Appreciation

Cúis mhór bróin agus cailliúint tubaisteach dá chlann, dá chómhobrithe agus dá lucht aitheantais in gcoitinne abea bás Ruaidhrí Uí Thuathail. Fear uasal den scoth abea Ruaidhrí agus bhí cion agus meas ag óg agus aosta air.

It was with a deep sense of shock and an acute feeling of personal loss that family, friends and colleagues learned of the sad and untimely death of Ruaidhrí O Tuathail. Ruaidhrí was a true gentleman, a reliable neighbour, a dedicated teacher and a highly respected scholar. Above all he was a very dedicated family man.

On qualifying with an Honours Degree and A.T.O from UCG in 1967, Ruaidhrí commenced his teaching career in Dublin in Finglas Vocational School, where he spent two years. On leaving Dublin Ruaidhrí taught for one year in Tuam Vocational School before moving to the Technical School, Fr. Griffin Road, Galway, where he taught until his death.

As a teacher Ruaidhrí was a true professional who regarded the welfare of his pupils as a high priority. He always endeavoured to instil in them a deep sense of respect for others, particularly the underprivileged, and a high regard for the more admirable qualities of mankind. Consequently he endeared himself greatly to his students who held him in very high esteem.

Ruaidhrí had a great 'grá' for the Gaeilge and for the Gaelic culture and values. He was a fluent Irish speaker and over the years had many articles printed in different periodicals in addition to having three books of poetry published – as Gaeilge. He frequently contributed to programmes on Radio Na Gaeltachta and performed with no little distinction on the stage of Taibhdhearc na Gaillimhe in quite a few of their productions.

Throughout his teaching career, he was a very active T.U.I member and served for many years as the school Rep. He was Area Rep on a number of occasions and he was also a

member of the National Executive of T.U.I. Another aspect of Ruaidhrí's life was his involvement in An Forsa Cosanta Aitiúil where he served for 42 years having reached the rank of Commandant. In the course of his service he won many All - Ireland awards for marksmanship – both individual and team awards. He earned the distinction of being the first reservist to be sent on a United Nations mission to the Lebanon, a duty he fulfilled with his customary professionalism and efficiency. As a mark of appreciation for his services to his country his burial ceremony was conducted with the appropriate full military honours.

He was deeply involved in the activities of his local community in An Lochán Beag where he was chairperson of the Board of Management of the primary school and he also performed many duties for his local parish church.

As a true friend and colleague of many years Ruaidhrí had very few equals. He was a genuine confidant who could always be relied on for a humane and logical assessment of a situation and for reasoned and practical advice. He could not tolerate insincerity or double dealing and never hesitated to voice his criticism of same when the occasion demanded – a quality for which he was highly regarded and respected by those who knew him best.

Above all else Ruaidhrí was a passionate family man who put the welfare of his wife Bríd and their five children, Mairéad, Rory óg, Orla, Cathal and Cian, before everything else. He would not embark on any new venture without prior consultation with Bríd and between them every effort was made to provide nothing but the best for their family.

He was very proud of the family's achievements and experienced great joy in sharing in their individual successes. He never tired of the antics of his grandson and frequent companion Eimhin and an event that gave him immense satisfaction was the birth of his second grandchild Feidhlim Ruaidhrí,



RU Aidhrí Uí Thuathail

just three weeks before his death. His caring qualities were not just confined to his wife and children as he was also very solicitous for the needs of his parents and his aunt and uncle in his final years.

Ruaidhrí bore his illness with great dignity and fortitude and his attitude was positive to the end. He was a man of deep faith who placed his trust in God at all times. His death has left a great void in the lives of his many friends but particularly so in the case of his grieving wife Bríd, his five children, two grandchildren, his sister Maureen and brother Steven and all their extended families. It is to them that we extend our sincere sympathy at this sad time and pray that God will give them the strength to bear their great burden – a burden that is lightened by the consolation that a noble soul has reaped its just reward.

Faoi bhrat Mhuire go raibh a anam uasal agus go dtuga Dia sólas dóibh siúd ata fágtha ina dhiadh.

S Ó hÉ.



# membership application form

Teachers Union of Ireland, 73 Orwell Road, Rathgar, Dublin 6.  
t: 01 492 2588 f: 01 492 2953 e: tui@tui.ie

## personal details

Surname \_\_\_\_\_ First Name(s) \_\_\_\_\_

Male  Female

School / Institute (name & address / department) \_\_\_\_\_  
\_\_\_\_\_

Home Address \_\_\_\_\_  
\_\_\_\_\_

Date of Birth \_\_\_\_\_ Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

PPS Number \_\_\_\_\_

Qualifications \_\_\_\_\_ Grade (e.g. Class III teacher; LI, etc) \_\_\_\_\_

Degree Subjects Taught \_\_\_\_\_

Subjects Taught \_\_\_\_\_

Date of Appointment \_\_\_\_\_

Staff / Payroll Number \_\_\_\_\_

## whole time teacher / lecturer only

Is your present post your first whole time appointment? Yes  No

Is your appointment? PWT  TWT  Job-share

## part-time teacher / lecturer only

Please indicate the number of regular timetabled hours  hrs

Are you employed directly by the School/College? Yes  No

## union membership

Are you at present, or have you previously been a member of the TUI or any other Union?  
Yes  No

If "Yes", please state name of Union/Branch/Place of Employment \_\_\_\_\_  
\_\_\_\_\_

## new members

I hereby apply for membership of the Teachers' Union of Ireland and, if accepted, agree to be bound by the Rules of the Union no in force and as may be amended.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Staff / Payroll Number \_\_\_\_\_

**Note:** 1. Once all sections of the application form are fully completed, please forward to: **Membership Section, TUI Head Office, 73 Orwell Road, Rathgar, Dublin 6.**  
2. Please return a fully completed DAS form with your application form. DAS forms are available from your school / college representative, TUI Head Office or [www.tui.ie](http://www.tui.ie)

## office use only

New Member  Number \_\_\_\_\_

Existing Member  Branch \_\_\_\_\_



# deduction at source authorisation form

Teachers Union of Ireland, 73 Orwell Road, Rathgar, Dublin 6.  
t: 01 492 2588 f: 01 492 2953 e: tui@tui.ie

## personal details

Surname in English \_\_\_\_\_ Surname in Irish \_\_\_\_\_

Surname before Marriage \_\_\_\_\_ First Name(s) \_\_\_\_\_

Home Address \_\_\_\_\_

PPS Number \_\_\_\_\_

School / Institute (name & address) \_\_\_\_\_

TUI Branch \_\_\_\_\_

## employment status (please tick as appropriate)

PWT  TWT  \* Part-time  Job-share

\*Part-time - please indicate the number of regular timetabled hours

## deductions

Payroll Number									
TUI Subscription									
TUI Credit Union									

## authorisation

I hereby authorise

VEC \_\_\_\_\_ VEC

IT's \_\_\_\_\_ Institute of Technology

\*\*C&C \_\_\_\_\_ TUI to authorise the Department of Education and Science

to deduct monthly from my salary, until further notice, the Union subscription appropriate to my employment status at any time as a teacher / lecturer\*, to be paid to the TUI on my behalf, together with the amount shown in respect of the TUI Credit Union (if applicable). The amount of subscription to be determined by Annual Congress.

Signature \_\_\_\_\_ Date \_\_\_\_\_

\* This authorises the Employer to alter my Union Subscription from Part-time to TWT or PWT as appropriate.  
\* With effect from July 2006 the Dept. of Education and Science are not accepting DAS forms and have requested that TUI hold the original forms on behalf of members.

## office use only

New Member  Number \_\_\_\_\_

Existing Member  Branch \_\_\_\_\_

# Retired Members Association News

Well Dora has proved her magic touch again; the days spent in Killarney were the sunniest for the whole month of May. As you can guess our Conference/AGM was a great success a beautiful hotel wonderful weather excellent tours and delicious meals.

You can see from the photograph we had a reunion of retired Domestic Science teachers at our Conference.

Our AGM resulted in some changes of officers Moya Curry has replaced Paddy Byrne as Chairman and Colm McCole has replaced John Ahern as Treasurer. Congratulations to Moya and Colm. Moya is the first female Chairman of RMA, and a former Vice President of TUI so she is no stranger to taking decisions and directing the Association into the future. We are grateful to Paddy Byrne who directed the Association

for the last three years and to John Ahern who looked after our finances for many years they both deserve a rest.

The AGM also saw a change in our membership fee it has gone up from €16 to €20. This was proposed from the floor of the AGM and was not proposed by the committee, it received a unanimous vote.

Some of you will already have received your new TUI Diary they are being sent to all who renew their subscription. So as Colm receives your filled out form a Diary will be sent to you. We are trying to establish a new database of members the present one includes some who have passed away and some who have not renewed their subscription for years. You should have received the renewal form by now but if

you did not contact Colm or me and we will send you out a form. If you have received your form I would urge you to complete it and return it to Colm McCole, Lackanash, Trim, Co. Meath. Phone 046-9431547.

Our next outing is to Westport, some of you will have received notice of this already if you have not and are interested please contact Dora or me and we will send you the information – Dora Weafer Phone 01-2880123. The dates are from Sunday 1st October until Friday 6th October. The hotel is the Hotel Westport; cost €329.00 per person sharing or €409.00 for a single room, tours are being arranged.

You may find it easier to e-mail me instead of phoning my e-mail is [Conville@iol.ie](mailto:Conville@iol.ie)

**Christy Conville, Secretary RMA**

## OECD Statistics ‘Shameful’ in Light of Economic Boom

The latest OECD Education At a Glance report shows that there has been no progress made in terms of Ireland’s poor international standing with regard to investment in education. TUI has described the situation as ‘shameful’ for the Government.

Speaking on the day the figures were launched, Tim O Meara, President, TUI said:

**“The Government can attempt to spin the findings of this report, but the singularly most important finding shows that Ireland comes 29th out of 30 countries in a list of annual expenditure per second level student relative to the country’s GDP per capita.**

Statistics do not lie, and these latest figures reveal that Ireland is languishing deep in the ‘relegation zone’ of a list of OECD countries in terms of funding. Serious questions need to be asked as to why funding for education has been allowed to stagnate despite our continuing economic boom.

This stark statistic is nothing short of shameful for the Government, showing as it does that while education continues to be neglected, despite the periodic echoing of hollow sentiments about levelling the playing field for all children of the nation.

Ireland is also positioned well below the average in terms of annual expenditure per student, another statistic that belies our nation’s economic health.

The report endorses the wonderful work being carried out by our schools despite the economic neglect, and praises the high and consistent performance levels.

Once again, the study affirms that completion of secondary education significantly increases employment rates for the relevant age cohort, and this should be a timely reminder to any student that completion of the Leaving Certificate programme has never been of more importance.

Significantly, the report states that Irish parents can be less concerned about school choice in order to enhance their children’s performance, and can be confident of high and consistent performance standards across schools in the entire education system. ”

# Protection of Part-time Workers Act 2003 Phase 2 Discussions

Further agreement has been reached on a number of issues associated with the implementation of the Protection of Employees (Fixed-Term Work) Act 2003. The provisions of the agreement are set out in Circular Letter 124/2006.

## Continuation Of Transitional Arrangements

The transitional agreement, outlined in C/L PPT 14/05 dealt with qualified teachers with more than 4 years successive service as at 1st September 2005. The agreement is now being extended to include teachers on fixed term contracts with 4 or more years successive teaching service between the periods of 1st September 2005 and the 1st September 2006 inclusive. The agreement provides that an employer shall issue a contract of indefinite duration to any teacher who has not excluded by reason of one or more of the following :

- (i) S/He is not deemed to be qualified for the post; or
- (ii) the post will not be viable within a reasonable period and that such a ground was set out as an objective ground in writing in the previous contract; or
- (iii) the teacher is covering for a post holder on an approved scheme of absence; or
- (iv) there are formal written disciplinary charges of a significant nature against an individual on grounds of misconduct or other serious disciplinary offences.

The exclusions at (ii) and (iii) above shall not apply where the teacher has not received a written contract setting out objective grounds since September 2002.

The hours of the Contract of Indefinite Duration will be the hours for which the teacher is engaged on a fixed-term contract in the school/academic year prior to the issuing of a Contract of Indefinite Duration.

## Clarification In Relation To Qualifications Issue

A teacher who has more than four years successive teaching service between the periods 1st September 2005 and 1st September 2006 inclusive and

- (i) obtained the requisite qualifications at some period during the aforementioned four year time frame and
- (ii) is otherwise eligible for a Contract of Indefinite Duration under the Terms of the Transition Agreement

shall be deemed to be qualified, if s/he is fully qualified under the criteria applicable to the post in the relevant sector, and may be offered a Contract of Indefinite Duration.

## Adjudication System

There is an adjudication system in place as set out in C/L 50/06. Appeals against decisions made under the terms of the circular letter must be made within four weeks of the date of notification of the decision by the Board of Management/VEC to refuse a C.I.D, or six working weeks after the date of issue of circular 124/2006, whichever is the later.

## Mechanism For Future Recruitment Of Fixed-term Personnel

Circular letter 124/2006 sets out the mechanism for the future recruitment of Fixed-Term personnel for vacancies for more than 22 weeks duration.

The circular letter also provides that written contracts of employment shall be issued to all temporary (Fixed-Term) teachers as soon as practical after their appointment.

## Access To Permanent Vacancies In Existing Employment

This circular letter( 124/2006) provides that fixed term teachers must be notified of the existence of a permanent vacancy.

## Conditions Of Employment For Fixed-term Teachers

Conditions of employment of the fixed-term teacher during the period of his/her contract are subject to the principle of no less favourable treatment. Circular letter 124/2006 states that in relation to in-service training, post-graduate training, career breaks, job-sharing, sick-leave, compassionate leave, parental leave, paternity leave, force majeure leave, careers leave and brief absences, the fixed-term teacher shall have the same entitlement to such leave as a comparable permanent teacher within the same sector.

In relation to maternity leave a fixed-term teacher shall have the same entitlement to maternity leave and, while on maternity leave which occurs during the term of their contract, shall have the same entitlement to pay as a comparable permanent teacher within the same sector. Where the contract under which the teacher is employed expires and is not renewed and the employment ceases, the entitlement to paid maternity leave also ceases. Where the contract under which the teacher was employed is renewed by a successive contract a dismissal shall not be affected and maternity pay shall continue to be paid until the cessation of maternity pay under the maternity leave scheme or the expiry of the successive contract, whichever is the sooner.

## Mechanism For The Alignment Of Post And Available Personnel

Circular letter 124/2006 outlines the mechanism for the alignment of posts and available personnel. The circular letter provides that any school authority which proposes to issue a Contract of Indefinite Duration in excess of its approved allocation to have the teacher's salary paid from public funds must seek the approval of Post-Primary Teacher Allocation section for an increased allocation. This approval will be forthcoming where the terms of the Fixed-Term Workers Act 2003 have been fully complied with.

# Dismissals In Galway Mayo Institute Of Technology

The legal advice received by both sides was consistent and indicated clearly that the individuals concerned had rights under unfair dismissals legislation.

A new low in industrial relations was reached during the summer with what the Union believes to be the illegal termination of contract of three TUI members.

The members concerned were working in the Nursing section in GMIT Castlebar. They had been recruited in January 2005 on a Fixed Term Contract basis and their contracts had been renewed from the 1st September 2005 for a further year. The Institute then sought to advertise their positions at the grade of Lecturer. The members concerned applied for the positions and were unsuccessful at which point the matter was brought to the attention of the TUI.

TUI met with the management in GMIT and put the view to the management that the positions should not have been advertised as there were no vacancies, the jobs were held at the time by the three members of TUI and until such time as those three members had their contracts terminated (in law a dismissal) that there was no vacancy to be filled. Both sides agreed to obtain legal advice in regard to the position and to discuss the matter subsequently.

The legal advice received by both sides was consistent and indicated clearly that the individuals concerned had rights under unfair dismissals legislation and it was clearly

explained to the Institute that the Employment Appeals Tribunal was likely to deem any such dismissal to be an unfair dismissal.

In the full knowledge of this situation GMIT proceeded to fill the disputed positions and to terminate the employment of the TUI members concerned. In addition to formally filling the positions the Institute also wrote to the individuals confirming their appointment.

It is the view of the Union that this action by GMIT represents a significant worsening of industrial relations within the Institute concerned in that despite a meeting and an agreed course of action emanating from that meeting the Institute went ahead and in the light of legal advice that it was probably acting contrary to legislation the Institute proceeded to dismiss the members concerned. This appalling situation is being considered by both the Branch and by the Executive Committee. The individuals concerned have been supported to the extent that they can be and the issue will be pursued.

