**To: Second Level Branch Officers and Workplace Representatives**

 **Executive Committee (for information)**

2nd November 2016

**Path to Pay Parity and Job Security**

**Progress made, campaign continues**

Dear Colleague,

We write to set out the progress that the TUI has made to date in our campaign for pay parity. The Union is committed to the elimination of the discriminatory pay scales that have been imposed on teachers who entered the profession on or after 1 January 2011. Our campaign and commitment will continue until this objective is achieved.

**What cuts were inflicted on new entrants?**

1st January 2011 Government cut salary and allowances of all new entrants to the public service, including teachers, by 10%. Moreover, all new entrants start on the first point of the relevant salary scale. Teachers had previously started on the 3rd point, in recognition of a four-year, unpaid training period.

5th December 2011 As a measure in Budget 2012, the total value of qualifications allowances was capped at the value of the honours primary degree (as cut, with effect from 1st January 2011, to €4,426 - from €4,918)

1st February 2012 Qualifications allowances were abolished for those entering the profession on or after 1st February 2012.

These cuts resulted in there being, in effect, **four different pay rates** for teachers, with attendant unfair and discriminatory differentials, as follows –

* The first pay rate – let us call it the base rate, for the purposes of the comparison – applies to a teacher appointed before 1st January 2011. That teacher, with an honours primary degree and an honours H. Dip., appointed on 31st December 2010 (starting on 3rd point of the 01/01/2010 salary scale) was paid €39,991
* The second pay rate applies to a teacher appointed in the period from 1st January 2011 to 4th December 2011, inclusive. That teacher, with an honours primary degree and an honours H. Dip., appointed on 1st January 2011 (starting on 1st point of the 01/01/2011 scale) was paid 14% less than her/his colleague with the same qualifications appointed on 31st December 2010.
* The third pay rate applies to a teacher appointed in the period from 5th December 2011 to 31st January 2012, inclusive. That teacher, with an honours primary degree and an honours H. Dip., appointed on 20th December 2011 (starting on 1st point of the 01/01/2011 scale and with qualifications allowances capped at the value of the honours primary degree allowance) was paid 17% less than her/his colleague with the same qualifications appointed on 31st December 2010.
* The fourth pay rate applies to a teacher appointed on or after 1st February 2012. That teacher, also with an honours primary degree and an honours H. Dip. or PME, appointed on 1st February 2012 (on the 1st point of the 01/02/2012 scale, with no qualifications allowances) was paid 23% less than her/his colleague with the same qualifications appointed on 31st December 2010.

These cuts were devastating for the teachers concerned and for the profession. The TUI opposed them, set full pay parity as the first priority of the Union and has campaigned relentlessly and strategically since then for parity.

Members have given a clear and decisive mandate for that campaign both at TUI Annual Congress and in ballot.

In pursuit of full pay parity, the TUI has taken every opportunity to make progress. We have secured successive improvements in pay for those appointed since January 2011 and we have secured additional posts/hours and a means of ensuring that they are offered in the first instance to existing teachers on part-time hours. Moreover, we have done so while protecting new and recent entrants against penalty, loss of pay and/or loss of their posts.

For example, we used the six months from January to June 2016 strategically. We made significant progress before expiry of the HRA and, thereby, ensured that members of the union were not exposed to an increment freeze or withdrawal of the provisions for early award of a CID that flowed from the Ward report.

**What has TUI achieved?**

***Haddington Road Agreement (HRA) - 2012-2014***

July & Nov 2013 In the negotiations that led to the Haddington Road Agreement (2013), the teacher unions secured improved pay scales for both the post 1st January 2011 and post 1st February 2012 entrants. These improved scales took effect from 1st November 2013 and made a start in narrowing the pay gap between those appointed on or after 1st January 2011 and those appointed before that date. See Circular Letter 53/2014.

The 10% cut to the qualifications allowances of teachers who entered the profession between 1st January 2011 and 1st February 2012 was reversed. The degree allowance was restored to €4918 and the H. Dip.\* allowance to €1,236; i.e. the pre-2011 values.

*(\*This is applicable to those in receipt of the H. Dip. allowance – that is, those appointed before 5 December 2011.)*

The qualifying period for permanency (by way of a Contract of Indefinite Duration - CID) for teachers was reduced from 4 years to 3 years.

The Expert Group on Fixed-Term and Part-Time Employment in Primary and Second Level Education in Ireland was established as a result of a provision secured by the teacher unions in the HRA agreement. Its report – the Ward Report – issued in September 2014. Its recommendations were implemented by Circular Letter 24/2015 and took effect from commencement of the 2015/16 school year. This reduced the qualifying period for a CID from 3 years to 2 years and the qualification period for an enhanced CID from 4 years to one year.

***Junior Cycle (2015)***

September 2015 The agreement on Junior Cycle Reform - Joint Statement on Principles and Implementation and its Appendix - accepted in a ballot of members in September 2015, guarantees a reduction of 22 hours in the annual class contact time for each full-time teacher, by way of inclusion of a timetabled 40-minute period per week of ‘professional time’, within the 22-hour weekly maximum. This guaranteed entitlement to professional time will be provided on a pro-rata basis to teachers in part-time posts.

Therefore, from September 2017, a full-time teacher will have a weekly maximum of 21 hours, 20 minutes of class contact and a guaranteed 40 minutes of professional time. This will create 550 new Whole-Time Equivalent (WTE) teaching posts. Budget 2017 provides funding for these new posts. Under CL 59/2016 – negotiated by the TUI under the terms of the DES/TUI Agreement, May 2016 - these posts/hours must be offered in the first instance to existing part-time teachers.

An additional, paid substitution fund (not S&S) was provided for “professional hours” in 2015/16 (for teachers of English) and in 2016/17 (for teachers of English, Science and Business), creating additional paid hours for part-time teachers.

***TUI/DES Agreement, May 2016***

November 2015 The TUI Executive Committee sanctioned a ballot on a range of issues not covered by the Lansdowne Road Agreement (LRA) including, in particular, new entrant pay, pay parity and casualisation of the profession.

Dec 2015/Jan 2016 TUI members voted overwhelmingly (89% to 11%) to engage in a campaign, encompassing a range of industrial action, up to and including strike action in order to “secure a fair and sustainable resolution” of issues, the first of them being pay inequality and casualisation - “the precarious employment status, income poverty and associated exploitation of many education staff”. This mandate (which is still live) was used to secure discussions that resulted in the DES/TUI Agreement, May 2016.

February 2016 TUI’s Third Level members took strike action on 3rd February 2016 and a date for action at Second Level was set for 24th February 2016 (days before the general election). TUI deferred this planned strike action when the Minister agreed to a meaningful engagement on the key issues.

May 2016 Following three months of intensive talks, the DES/TUI Agreement, May 2016 was reached and was put to a national ballot of members. Members voted to accept the “Agreement”. Acceptance of the agreement also meant that, upon expiry of the Haddington Road Agreement (HRA) on 30th June, TUI members were covered by the Lansdowne Road Agreement (LRA).

**Casualisation/Job security**

July 2016 Following acceptance of the DES/TUI Agreement, May 2016, teachers who are TUI members continue to have an entitlement to a CID after 2 years (as provided for in the recommendations of the Ward report and CL 24/2015) as opposed to 4 years, as provided for in legislation: Protection of Employees (Fixed-Term Work) Act 2003.

July/August 2016 Arising from the DES/TUI Agreement, May 2016, the TUI negotiated with the DES to address the scourge of casualisation, and - in particular - low income caused by low, part-time hours on fixed-term contracts. We got Circular Letter 59/16.

As a result of the TUI’s efforts, all posts/hours that become available, with effect from 31 August 2016, must be offered to existing part-time teachers before any such posts/hours can be advertised. There is a mandatory sequence to be followed and employers must comply with it.

 CL59/2016 will also apply to the new teaching positions that will be created to cater for the sharp increase in student numbers, thus ensuring that these posts/hours go to existing part-time teachers, in the first instance.

 The Circular Letter also confirms that initial appointment to posts/hours can be on a permanent basis for up to 95% of a school’s/scheme’s teacher allocation. Where entitlement to a CID or enhancement of a CID arises, permanency can exceed 95% of the allocation. This Circular - negotiated by the TUI - is a hugely significant breakthrough in the campaign against casualisation and will deliver ongoing benefit in real, money terms to teachers currently in part-time, fixed-term positions – many of them young teachers appointed in recent years.

**Pay Parity/Pay Restoration**

September 2016 Within the context of being covered by the LRA and utilising the precedent established by the arrangement agreed for Firefighters, the TUI (and INTO) secured an agreement on 16th September to incorporate the value of the honours primary degree allowance (€4,918) into a revised salary scale for all those first appointed on or after 1st January 2011. Half of this adjustment will be made on 1st January 2017, with the remaining half to be made on 1st January 2018. This will provide substantial benefit in pay terms to those appointed on or after 1st February 2012 and is a further significant, necessary step on the path to full pay parity.

**LRA Provisions**

September 2016 Under the LRA, the first half (€796) of the Supervision and Substitution allowance was added to each point of teachers’ salary scales on 1st September 2016.

September 2017 The second half of this allowance (€796) will be added to the salary scales on 1st September 2017. This €1,592, when added to scale gives a value of €37.02 (gross) to each hour of a teacher’s Supervision and Substitution commitment. This total payment (€1,592) will represent between 3% and 5% of the annual gross pay of a teacher.

In addition, a €1,000 flat rate pay increase will apply to all scales up to €65,000 (exclusive of allowances) on 1st September 2017.

**The Campaign Continues - next steps to full pay parity**

The TUI campaign continues. It will continue until we achieve full pay parity.

Our strategy, endorsed by members in January and again in May 2016 in national ballots, has been to have and to use a mandate to secure robust negotiations and, through those negotiations, to make steady progress. We have utilised every opportunity in accordance with our mandated strategy and have made real, measurable, regular progress in our campaign for pay parity and against casualisation. Simultaneously, we have also made real, tangible progress on other fronts – in relation to Further and Adult Education and Third Level issues.

We, in TUI devised and deployed our strategy early, almost a year ago. We have used the mandate given by members to good - and continuing - effect. We have secured much and, through our ongoing campaign, we are confident that we will secure more – most especially, pay parity.

Sept/Oct 2016 The document agreed on 16th September 2016 references TUI’s intention to secure payment of the H. Dip. allowance for those who entered the profession on or after 5th December 2011. This is required to establish parity (in respect of the treatment of the qualifications necessary to be a teacher) as between those employed from 1st January 2011 to 4th December 2011, inclusive, and those employed on or after 5th December 2011.

TUI raised this key issue in our negotiations with the Department of Education and Skills and the Department of Public Expenditure and Reform. The Departments held the view that it could not be dealt with in the context of incorporation of allowances into the pay scale, as the teachers’ pay scale is common both to primary and post-primary teachers and incorporation of allowances could extend only to the (degree) allowance that is common to both sectors. The H. Dip. allowance relates to a professional training-in-teaching qualification that is required at post-primary but not at primary level. Therefore, the TUI is pursuing this allowance through other available mechanisms and has already brought the claim to the Teachers’ Conciliation Council.

November 2016 The remaining over-arching issue of returning those (including teachers) who entered the public service on or after 1st January 2011 to full pay parity with those who entered before that date will go to the Public Service Pay Commission. The DES and DPER have committed to this in the agreement reached with the TUI and INTO on 16th September. The principle that pay parity must be restored has long since been espoused by the ICTU and acknowledged by government. Some considerable time ago the TUI sought and secured the support of ICTU to prioritise this issue. What remain to be determined are the timing and methodology of establishing pay parity, the when and how.

Achieving **parity of pay based on pre 2011 rates** affects the entire public service and can most effectively be addressed by a common approach with the other public sector unions, through the Public Service Pay Commission which is due to submit a report to Government in the second quarter of 2017. We will continue to press for a vigorous, unified campaign in this regard that will deliver pay parity as quickly as possible.

We will provide branches and members with regular updates on the progress of our ongoing negotiations with the Department regarding the issues covered by the DES/TUI Agreement, May 2016 and the document of the 16th September.

Yours sincerely,



Joanne Irwin John MacGabhann

President General Secretary